

ORDINANCE NO. 2022-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT AMENDMENTS TO CHAPTER 1 DIVISION II OF THE 2022 CALIFORNIA BUILDING CODE DESIGNATED AS THE NEWPORT BEACH ADMINISTRATIVE CODE; TO ADOPT THE 2022 CALIFORNIA HISTORICAL CODE; THE 2022 CALIFORNIA EXISTING BUILDING CODE; THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2022 CALIFORNIA ENERGY CODE; TO ADOPT WITH LOCAL AMENDMENTS THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2022 EDITION OF THE 2022 CALIFORNIA BUILDING CODE; THE 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2022 CALIFORNIA ELECTRICAL CODE; THE 2022 CALIFORNIA MECHANICAL CODE; AND THE 2022 CALIFORNIA PLUMBING CODE; TO ADOPT WITH LOCAL AMENDMENTS THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE; AND TO AMEND CHAPTERS 15.19 ELECTRICAL VEHICLE CHARGING AND 15.50 FLOODPLAIN MANAGEMENT

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California ("State");

WHEREAS, pursuant to Health & Safety Code Sections 17922 and 18935, the State of California Building Standards Commission ("BSC") has approved the adoption of new model codes relating to design and construction for the protection of life and property;

WHEREAS, the 2022 Edition of the California Building Standards Code (“CBC”) is based on the 2021 International Building Code. The CBC published by the BSC in Title 24, Part 1; Part 2 Volume I & II; Part 2.5, Part 3, Part 4, Part 5, Part 6, Part 8, Part 10, and Part 11 are mandated to be enforced on January 1, 2023. In order to include our local amendments and enhance life safety and property protection, the City must complete its adoption process thirty (30) days prior to January 1, 2023. The adoption of the code into the City Municipal Code provides for an orderly administration of the codes by City Building and Fire officials;

WHEREAS, local jurisdictions may amend the CBC as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 15 (Buildings and Construction) of the Newport Beach Municipal Code (NBMC);

WHEREAS, to aid in efficiency and clarity, portions of Title 15 (Buildings and Construction) are amended in their entirety as indicated in this ordinance and replaced with each of these modifications to the CBC that are correlated with the findings in Resolution No. 2022-__ adopted by the City Council of the City of Newport Beach on November 15, 2022. When approved, the ordinance and accompanying resolution will be forwarded to the BSC in compliance with the above mentioned code sections;

WHEREAS, the various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Administrative Code;

WHEREAS, all prior references to the former Newport Beach Administrative Code shall be construed to apply to the corresponding provisions of the Newport Beach Administrative Code contained herein;

WHEREAS, the City is a charter city, governed by a charter adopted by the citizens of the City;

WHEREAS, Article XI, Section 5 of the Constitution of the State authorizes charter cities to enact ordinances with respect to their municipal affairs;

WHEREAS, the City participates in the Nation Flood Insurance Program (NFIP) with Federal Emergency Management Agency to reduce flooding from storm events and wave run-up by retention and/or percolation;

WHEREAS, the City makes efforts to improve water quality of Newport Bay, and Environmentally Sensitive Receiving Waters by reducing runoff from irrigation overspray, roof drains, patio and deck drains, and natural watercourses which then convey pollutants such as pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue and other pollutants into surface waters;

WHEREAS, the City reviewed the grading and drainage requirements from the Federal Emergency Management Agency with the NBMC Section 15.10.120 to ensure consistency and continued compliance with the NFIP; and

WHEREAS, the 2022 CBC is similar to the 2019 version; the attached ordinance contains similar provisions as adopted by the City Council in 2019. Staff has taken the opportunity to review existing amendments in detail and some modifications are recommended.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Chapter 15.02 (Administrative Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.02
ADMINISTRATIVE CODE

Sections:

- 15.02.010 Adoption of the Administrative Code.
- 15.02.020 Amendment to Section 101.1.
- 15.02.030 Amendment to Section 101.4.3.
- 15.02.040 Amendment to Section 101.4.4.
- 15.02.050 Amendment to Section 102.6.
- 15.02.060 Addition of Section 102.7.
- 15.02.070 Amendment to Section 103.1.
- 15.02.080 Amendment to Section 105.2.
- 15.02.085 Addition of Section 105.3.1.1.
- 15.02.090 Amendment to Section 105.3.2.

- 15.02.095 Addition of Sections 105.3.3, 105.3.4, and 105.3.5.
- 15.02.100 Amendment to Section 105.5.
- 15.02.110 Amendment to Section 109.4.
- 15.02.120 Addition of Section 117.

Section 15.02.010 Adoption of the Administrative Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section Chapter 1 Division II of the 2022 Edition of the California Building Code as published by the International Code Council.

The various parts of this chapter, including additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Administrative Code. A copy of the 2022 California Building Code printed in code book form shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 15.02.020 Amendment to Section 101.1.

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Newport Beach Administrative Code, hereinafter referred to as “this code.”

Section 15.02.030 Amendment to Section 101.4.3.

Section 101.4.3 is amended to read as follows:

Section 101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 15.02.040 Amendment to Section 101.4.4.

Section 101.4.4 is amended to read as follows:

Section 101.4.4 Property maintenance. The provisions of the 2021 International Property Maintenance Code shall be adopted as the Newport Beach Property

Maintenance Code and shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Section 15.02.050 Amendment to Section 102.6.

Section 102.6 is amended to read as follows:

Section 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the California Existing Building Code, the International Property Maintenance Code, California Building Code, the California Residential Code, or the California Fire Code, or as deemed necessary by the Chief Building Official.

Section 15.02.060 Added Section 102.7.

Section 102.7 is added to read as follows:

Section 102.7 Remodel or renovation. If the valuation of the permit for the remodel or renovation of a building is equal to or exceeds 50 percent of the market value of such building, then the entire building shall comply with the Code provisions for new construction.

Exceptions:

1. This provision does not apply for permit valuations less than \$320,700;
2. The Chief Building Official is authorized to accept less than the requirements for new construction if substantial conformance to the requirements is found and the protection of life and property are maintained.

Section 15.02.070 Amendment to Section 103.1.

Section 103.1 is amended to read as follows:

Section 103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Chief Building

Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 15.02.080 Amendment to Section 105.2.

Subsection 2 of the portion entitled "Building" in Section 105.2 is amended to read as follows:

2. Masonry or concrete fences not over 3.5 feet (1066.8 mm) high above lowest adjacent grade and not within 3 feet of the property line, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade except when used as a pool barrier.

Subsection 9 of the portion entitled "Building" in Section 105.2 is amended to read as follows:

9. Prefabricated swimming pools or hot tubs spas accessory to a Group R-3 occupancy, or water features, containing less than 18 inches of water depth, do not exceed 5,000 gallons and are installed entirely above ground; unless otherwise required by other provisions of the code.

Section 15.02.085 Addition of Section 105.3.1.1.

Section 105.3.1.1 is added as follows:

Section 105.3.1.1 Demolition permits. Prior to issuance of a demolition permit for complete demolition of a structure, the permittee shall certify that a City franchised solid waste enterprise shall be used for the handling, removal and disposal of all construction and demolition waste. A demolition permit deposit, set by Resolution of the City Council, shall be paid at the time of submitting the demolition permit application and the Demolition Contractor Certification and Deposit Form. Said deposit shall be returned to the permittee, minus administrative fees set by Resolution of the City Council, at the conclusion of the demolition project, upon the submittal of documentation that a franchised solid waste enterprise was used to handle, remove and dispose of all demolition wastes. The demolition permit deposit shall be forfeited in its entirety if a franchised solid waste enterprise is not used to handle, remove and dispose of all demolition wastes.

If the Building Official finds that the work described in an application for a demolition permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 109 have been paid and that a franchised solid waste enterprise is being used, the building official shall issue a permit therefore to the applicant. Prior to any demolition activities authorized by the permit, the permittee shall notify the Public Works Department no less than twenty-four hours or more than seventy-two hours in advance of its intent to commence demolition and provide the name of the franchised solid waste enterprise that will conduct the demolition activities. Any hauling or disposal of demolition and construction wastes by other than the identified franchised solid waste enterprise shall subject the project to suspension of work as authorized in this code.

Section 15.02.090 Amendment to Section 105.3.2.

Section 105.3.2 is amended to read as follows:

Section 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Chief Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 15.02.095 Addition of Sections 105.3.3, 105.3.4, and 105.3.5.

Section 105.3.3 is added to read as follows:

Section 105.3.3 Time limit on permitted construction.

For any one-unit or two-unit dwelling for which a tentative and final tract map is not required, the maximum allowable time to complete construction for any work that requires a building permit including, but not limited to, any construction, reconstruction, rehabilitation, renovation, addition(s), modification(s), improvement(s), or alteration(s), shall be limited to three (3) years, unless an extension is granted in accordance with Section 105.3.4.

For building permits issued on or after June 1, 2019, the time limit to complete construction shall begin on the date of issuance of the first or original building permit. For building permits issued prior to June 1, 2019, the time limit to complete construction shall be three (3) years from June 1, 2019.

Final inspection and approval of the construction work by the City shall mark the date of construction completion for purposes of Section 15.02.095. Time limits set forth herein shall not be extended by issuance of a subsequent building permit(s) for the same project.

Section 105.3.4 is added to read as follows:

Section 105.3.4 Extension of time limit to complete construction.

The maximum allowable time to complete construction, as set forth in Section 105.3.3, may be extended as follows:

1. Application for Extension to Building Official.

a) A property owner, or authorized agent of the property owner, may request an extension by filing with the Building Official, in writing and on a form provided by the Building Official, an application for extension which sets forth: (i) the address of the project site; (ii) the name of the applicant and property owner; (iii) when the first or original building permit was issued; (iv) the length of time extension requested, which shall not be greater than three hundred and sixty-five (365) calendar days; (v) how many previous extensions have been granted; (vi) the basis for the requested extension; (vii) the new end project date if the application is approved; (viii) a brief description of the improvements that are the subject of the application; and (ix) any other information requested by the City.

b) Unless authorized by the Building Official in writing, an application for extension shall be submitted no later than forty-five (45) calendar days prior to the expiration of the building permit. The application for extension to the Building Official shall be accompanied the fee set forth in the City's master fee schedule.

c) Within forty-five (45) days of a request for extension, the Building Official may ministerially grant, conditionally grant or deny a request for extension for a period not to exceed three hundred sixty-five (365) calendar days. The Building Official shall only grant an extension if he/she determines adequate progress has been

made towards completion of construction and the request for extension is necessary for its completion. The decision of the Building Official shall be final and non-appealable.

2. Application for Additional Extension(s).

a) If construction of the project has not been completed within the timeframe authorized by the Building Official, a property owner, or authorized agent of the property owner, may request an additional extension by filing with the City Clerk, in writing and on a form provided by the City Clerk, an application for extension which sets forth: (i) the address of the project site; (ii) the name of the applicant and property owner; (iii) when the first or original building permit was issued; (iv) the length of time extension requested, which shall not be greater than one hundred and eighty (180) calendar days; (v) how many previous extensions have been granted; (vi) the basis for the requested extension; (vii) the new end project date if the application is approved; (viii) a brief description of the improvements that are the subject of the application; and (ix) any other information requested by the City.

b) Unless authorized by the Building Official in writing, an application for extension shall be submitted no later than forty-five (45) calendar days prior to the expiration of the building permit.

c) An application for extension filed with the City Clerk shall be accompanied by a hearing and noticing fee identified in the City's master fee schedule.

3. Scheduling and Noticing.

a) For an application for an additional extension set forth in subsection (2), a Hearing Officer, designated by the City Manager, shall hear and decide whether a second application for extension, or third application for extension, shall be granted, conditionally granted, or denied. The City Council shall hear and decide whether any additional application for extension shall be granted, conditionally granted, or denied. The applicable hearing body shall be referred to herein as the "review authority."

b) For any application for extension to be heard by a Hearing Officer, the City Manager shall appoint a Hearing Officer with the requisite qualifications and experience to consider the application for extension. The Hearing Officer shall not

be a City employee and the employment, performance evaluation, compensation, and benefits of the Hearing Officer, if any, shall not be conditioned, either directly or indirectly, upon the outcome of any decision by the Hearing Officer.

Within seven (7) calendar days of the City Clerk's receipt of an application for extension, the City Manager or his/her designee shall notify the applicant of the name of the Hearing Officer in accordance with Section 1.08.080. If the applicant wishes to challenge the designated Hearing Officer, the applicant shall have seven (7) calendar days from the date of service of the notice to submit to the City Manager a request, in writing, to disqualify the Hearing Officer, which sets forth the basis for disqualification. A Hearing Officer may only be disqualified for: (i) bias; (ii) prejudice; (iii) a conflict of interest; or (iv) a reason for which a judge may be disqualified after a showing of good cause under the laws of the State of California.

The City Manager will review any request for disqualification and make a decision as to whether a Hearing Officer shall be disqualified. The City Manager's decision shall be final. If the City Manager disqualifies a Hearing Officer, the City Manager shall designate a new Hearing Officer in accordance with the procedures in this subsection.

c) The applicant shall be notified of the time and place set for the hearing of the application, in accordance with Section 1.08.080, at least ten (10) calendar days prior to the date of the hearing. All hearings on an application to be heard by the review authority shall be noticed in the following manner:

(i) Mailed to property owners within three hundred (300) feet of the project site that is the subject of the application, at least ten (10) calendar days in advance of the hearing. The notice shall contain: the address of the project site; the length of time extension requested; the new end project date if the application is approved; the name of the applicant and property owner; a brief description of the improvements; the date, time, and place of the hearing; and a statement informing the person they have the ability to attend the hearing and provide comments; and

(ii) Posted by the applicant at the project site, that is the subject of the application, at least ten (10) calendar days before the scheduled hearing. The size, location and number of sign(s) shall be posted as determined by the City Manager or his/her designee. The applicant shall be responsible

for maintaining the sign(s) in a satisfactory condition and shall remove all sign(s) within twenty-four (24) hours following the conclusion of the hearing.

The failure of any person or entity to receive notice given in compliance with this subsection shall not invalidate the actions of the applicable review authority.

4. Conduct of Hearing.

a) A hearing shall be held at the date, time, and place for which notice was given.

b) The review authority shall only consider evidence and testimony, presented by the applicant or any other interested person, relevant to whether: (i) special circumstances warrant an extension of time; (ii) the failure to meet the time limit was caused by circumstances beyond the property owner's, applicant's or their contractor's control; and (iii) any approval should contain conditions to ensure timely completion of the project in a manner that limits impacts on surrounding property owners. Any documents submitted by City staff shall constitute prima facie evidence of the respective facts contained in those documents.

c) The review authority may grant, or conditionally grant, up to a one hundred and eighty (180) calendar day extension, per application for extension, if it finds special circumstances warrant an extension of time or the failure to meet the time limit was caused by circumstances beyond the property owner's, applicant's or their contractor's control. If the review authority makes the findings to grant an extension, the review authority shall consider whether conditions are necessary to ensure timely completion of the project in a manner that limits impacts on surrounding property owners. The review authority shall deny the application if it cannot make the findings set forth in this subsection.

d) A hearing may be continued without further notice, provided the Hearing Officer or chair of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

e) The review authority may announce a tentative decision and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.

f) The review authority shall issue a written decision, setting forth its findings, and the decision shall be final and effective on the date the decision is made, unless

otherwise specified by the review authority. The review authority shall provide the City Clerk with its final decision within three (3) calendar days of the date of decision and the City Clerk shall mail a copy of the final decision to the applicant within ten (10) calendar days of receipt of the final decision.

5. Judicial Proceeding.

Nothing herein shall prohibit the Building Official from issuing a building permit or extending a building permit if the extension is a term of an enforceable settlement agreement between the City and the property owner or a term of a court order/judgment.

6. Judicial Review.

The decision of the review authority shall not be appealable to any City body. A person shall not seek judicial review related to any application for extension until the person has first exhausted all administrative procedures set forth in Section 15.02.095.

Section 105.3.5 is added to read as follows:

Section 105.3.5 Correlation with Codes.

Sections 105.3.3 or 105.3.4 limit the total time to complete construction and shall not relieve any person or entity from complying with any other applicable provision of federal, state or local law including, but not limited to, construction related laws adopted by the City.

Section 15.02.100 Amendment to Section 105.5.

Section 105.5 is amended to read as follows:

Section 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the date of the last recorded inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the permittee shall pay a new permit fee except for permits for suspended or abandoned work where inspections were previously recorded the fee shall be one half the amount required for a new permit for such work, provided no changes

have been made or will be made in the original approved plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. Permits shall not be renewed more than once.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested minimum 15 days prior to the permit expiration in writing and justifiable cause demonstrated.

Section 15.02.110 Amendment to Section 109.4.

Section 109.4 is amended to read as follows:

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee in addition to the required permit fees. The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required in the City Council fee resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all applicable provisions of either the codes or referenced standards or the technical codes nor from the penalty prescribed by law.

Section 15.02.120 Addition of Section 117.

Section 117 is added to read as follows:

Section 117 – Demolition of entire structure

Section 117.1 Notification. When an entire structure is to be demolished, notification by certified mail to adjacent owners is required at least 30 days before demolition commences. Proof of notification is required prior to permit issuance. Unless determined otherwise by the Chief Building Official.

Section 2: Chapter 15.03 (International Property Maintenance Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.03
INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

- 15.03.010 Adoption of the International Property Maintenance Code.
- 15.03.020 Deletion of Chapter 1, except Sections 101, 102, 111.1, 111.2, 111.4, 111.7, and 111.8.
- 15.03.030 Amendment to Section 101.1.
- 15.03.040 Amendment to Section 102.3.
- 15.03.045 Amendment to Section 302.4.
- 15.03.050 Amendment to Section 303.2.

Section 15.03.010 Adoption of the International Property Maintenance Code.

The City Council adopts and incorporates by reference, as set forth in full in this section, the 2021 International Property Maintenance Code, as published by the International Code Council.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Property Maintenance Code. A copy of the 2021 International Property Maintenance Code shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 15.03.020 Deletion of Chapter 1, except Sections 101, 102, 111.1, 111.2, 111.4, 111.7, and 111.8.

Section 15.03.020 Chapter 1 of the Property Maintenance Code is deleted, except Sections 101, 102, 111.1, 111.2, 111.4, 111.7, and 111.8.

Section 15.03.030 Amendment to Section 101.1

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Newport Beach Property Maintenance Code, herein referred to as “this code.”

Section 15.03.040 Amendment to Section 102.3.

Section 102.3 is amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable adopted codes. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of the Newport Beach Municipal Code.

Section 15.03.045 Amendment to Section 302.4.

Section 302.4 is amended to read as follows:

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth that create a fire hazard or are overgrown in a way that they obstruct the right of way, block visibility of pedestrians and drivers, or harbor rats, vermin, or insects. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with California Building Code Section 114.3 and as prescribed by the authority having jurisdiction.

Section 15.03.050 Amendment to Section 303.2.

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas or water features containing more than 18 inches of water depth shall comply with section 305.2 of the Newport Beach Residential Swimming Pool and Spa Code and Section 3109.2 of the Newport Beach Building Code. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Section 3: Chapter 15.04 (Building Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.04 BUILDING CODE

Sections:

- 15.04.010 Adoption of the California Building Code.
- 15.04.020 Amendment to Section 105.2.
- 15.04.030 Amendment to Section 701A.1.
- 15.04.040 Amendment to Section 701A.3.
- 15.04.050 Amendment to Section 701A.3.1.
- 15.04.060 Amendment to Section 702A.
- 15.04.070 Amendment to Section 710A.3.4.
- 15.04.080 Amendment to Section 903.2.
- 15.04.090 Amendment to Section 903.2.8.
- 15.04.100 RESERVED.
- 15.04.110 Amendment to Table 1505.1.
- 15.04.120 Amendment to Section 1505.1.2.
- 15.04.130 Amendment to section 1612.3.
- 15.04.140 Amendment to Section 1704.2.1.
- 15.04.150 Amendment to Section 1905.1.7.

Section 15.04.010 Adoption of the California Building Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Building Code, Volumes 1 and 2, including Appendix C, I, and all national codes and standards referenced therein, based on the 2021 International Building Code, as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Building Code. A copy of the 2022 California Building Code Volumes 1 and 2, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 15.04.020 Amendment to Section 105.2.

Subsection 2 of the portion entitled "Building" in Section 105.2 is amended to read as follows

2. Masonry or concrete fences not over 3.5 feet (1066.8 mm) high above lowest adjacent grade and not within 3 feet of the property line, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade except when used as a pool barrier.

Subsection 9 of the portion entitled "Building" in Section 105.2 is amended to read as follows:

9. Prefabricated swimming pools or hot tubs spas accessory to a Group R-3 occupancy, or water features, containing less than 18 inches of water depth, do not exceed 5,000 gallons and are installed entirely above ground, unless otherwise required by other provisions of the code.

Section 15.04.030 Amendment to Section 701A.1.

Section 701A.1 is amended to read as follows:

Section 701A.1 SECTION 701A SCOPE, PURPOSE AND APPLICATION.

Section 701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of buildings including one- and two-family dwellings located within a Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area as defined in Section 702A.

Section 15.04.040 Amendment to Section 701A.3.

Section 701A.3 is amended by deleting Exception No. 5 in its entirety.

Section 15.04.050 Amendment to Section 701A.3.1.

Section 701A.3.1 is amended by deleting Exception No. 2 in its entirety.

Section 15.04.060 Amendment to Section 702A.

Section 702A is amended with one addition to read as follows:

SECTION 702A DEFINITIONS

UNENCLOSED COVERED STRUCTURE. Includes covered structures with a solid or open roof and no more than one enclosed side.

Section 15.04.070 Amendment to Section 710A.3.4.

Section 710A 3.4 is amended to read as follows:

SECTION 710A.3.4 Miscellaneous structure requirements. Miscellaneous structures that require a permit and are separated from an applicable building on the same lot by a distance of more than 3 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

Section 15.04.080 Amendment to Section 903.2.

Section 903.2 is amended to read as follows:

Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the following locations:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²), unless more restrictive requirements are required by other provisions of the Code.

Exceptions:

1. Group R occupancies. Group R occupancies shall comply with Section 903.2.8.
2. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than one hour fire barriers constructed in accordance with Section 707 or not less than 2

hours horizontal assemblies constructed in accordance with Section 711, or both.

2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when any of the following conditions exists:
 - a) When an addition is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²),
 - b) When an addition is added, and the existing building is already provided with an automatic fire sprinkler system.
 - c) More restrictive requirements are required by other provisions of the Code.
 - d) Where a tenant space in an existing building is required to be sprinklered due to the nature of occupancy use, the entire building shall be sprinklered unless other provisions of the code(s) are applied to create distinct separated buildings, subject to the Fire Code Official and Chief Building official approval.

Exception: Group R occupancies. Group R occupancies shall comply with Section 903.2.8.

Section 15.04.090 Amendment to Section 903.2.8.

Section 903.2.8 is amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

- a. When the total area of addition and reconstruction exceeds 2,000 sq.ft. and exceeds 50% of the area of the existing structure.
- b. An addition when the existing building is already provided with automatic fire sprinkler system.
- c. As determined for new construction per Section 102.7

Exceptions:

- 1. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- 2. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

The Chief Building Official may approve alternative methods and materials when an equivalent or greater level of Fire protection is achieved, subject to the Fire Code Official approval.

Section 15.04.100 RESERVED.

Section 15.04.110 Amendment to Table 1505.1.

Table 1505.1 is amended to read as follows:

TABLE 1505.1^a MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION¹

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

¹See chapter 7A for roof covering requirements.

Section 15.04.120 Amendment to Section 1505.1.2.

Section 1505.1.2 is amended to read as follows:

Section 1505.1.2 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, and the entire roof covering of every existing structure when roof covering applied in the addition, alteration, repair or replacement of the roof exceeds 50 percent of the existing roof area; shall be a fire-retardant roof covering or assembly that is at least Class B.

Section 15.04.130 Amendment to Section 1612.3.

Section 1612.3 first paragraph is amended to read as follows:

Section 1612.3 Establishment of the flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Newport Beach," dated March 21, 2019, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 15.04.140 Amendment to Section 1704.2.1.

Section 1704.2.1 is amended to read as follows:

Section 1704.2.1 Special inspector qualifications. The special inspector shall be a qualified person approved by the Chief Building Official of the City of Newport Beach or his/her designated representative. The special inspector shall furnish continuous inspection on the construction and work requiring his/her employment as prescribed in the applicable code. The special inspector shall report to the Chief Building Official in writing, noting all code violations and any variations from the approved plans and other information as required on forms prescribed or approved by the City of Newport Beach.

Each person applying for listing/registration as a special inspector for the City of Newport Beach shall possess a valid certification from a certifying agency approved by the Chief Building Official, as a special inspector for each classification for which they apply. The Chief Building Official may administer testing procedures which he/she may find appropriate.

Each person applying for registration, as a special inspector for the City of Newport Beach, shall pay a registration fee as set forth in the City Council Fee Resolution, payable with the application.

A registration card shall be issued to each such special inspector who qualifies. A renewal fee as set forth in the City Council Fee Resolution for each classification shall be charged on July 1st of each year thereafter at which time the special inspector may be subject to re-examination.

The Chief Building Official may, in writing, suspend or revoke any special inspector's certificate of registration for due cause. This notice shall set forth the time and place evidence would be submitted to show cause why the certificates of registration should not be revoked. Failure to appear at such hearing by the special inspector may result in immediate revocation of said certificates. Special inspector's qualification registrations are to be given only for special inspections required in Chapter 17 of the California Building Code or for work specifically authorized by the Chief Building Official.

The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency

and their personnel are permitted to act as the special inspector for the work designed by them, provided they are approved by the Chief Building Official and qualify as special inspectors.

Section 15.04.150 Amendment to Section 1905.1.7.

Section 1905.1.7 ACI 318, Section 14.1.4 is amended by deleting Exceptions 1 through 3 of section 14.1.4.1 in their entirety.

Section 4: Chapter 15.05 (Residential Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.05 RESIDENTIAL CODE

Sections:

- 15.05.010 Adoption of the California Residential Code.
- 15.05.020 Amendment to Section R101.1.
- 15.05.030 RESERVED.
- 15.05.040 Deletion of Sections R102 through R114.
- 15.05.050 Addition of Sections R115.
- 15.05.060 Deletion of Section R301.1.1.1.
- 15.05.070 Amendment to Section R301.1.3.
- 15.05.080 Amendment to Table R301.2.
- 15.05.090 Amendment to Table R301.2 Footnote g.
- 15.05.100 Amendment to Section R301.2.4.
- 15.05.110 Amendment to Section R309.3.
- 15.05.120 RESERVED.
- 15.05.130 RESERVED.
- 15.05.140 RESERVED.
- 15.05.150 RESERVED.
- 15.05.160 RESERVED.
- 15.05.070 RESERVED.
- 15.05.180 Deletion of Section R313.
- 15.05.190 Amendment to Section R319.1.
- 15.05.200 Amendment to Section R322 with the Addition of the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.
- 15.05.210 RESERVED.

- 15.05.220 Deletion of Section R337.
- 15.05.230 Addition to Section R341.
- 15.05.240 Amendment to Section R401.4.
- 15.05.250 Deletion of Section R404.
- 15.05.260 Amendment to Section R405.1.
- 15.05.270 RESERVED.
- 15.05.280 RESERVED.
- 15.05.290 Amendment to Section R902.

Section 15.05.010 Adoption of the California Residential Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Residential Code including Appendix AH, and all national codes and standards referenced therein, based on the 2021 International Residential Code, as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments, and deletions adopted in this section, shall constitute and be known as the Newport Beach Residential Code. A copy of the 2022 California Residential Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 15.05.020 Amendment to Section R101.1.

Section R101.1 is amended to read as follows:

Section R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Newport Beach and shall be cited as such and will be referenced to herein as “this code.”

Section 15.05.030 RESERVED.

Section 15.05.040 Deletion of Sections R102 through R114.

Sections R102 through R114 are deleted in their entirety. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.05.050 Addition of Sections R115.

Section R115 is added to read as follows:

SECTION R115 – Existing Buildings

For existing One- and Two-family dwellings, the Existing Building Code as adopted under section 15.14 of the Newport Beach Municipal Code shall be the applicable code.

Section 15.05.060 Deletion of Section R301.1.1.1.

Section R301.1.1.1 is deleted in its entirety.

Section 15.05.070 Amendment to Section R301.1.3.

Section R301.1.3 is amended to read as follows:

Section R301.1.3 Engineered design. Where a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practices. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the *California Building Code* is permitted for buildings and structures and parts thereof, included in the scope of this code.

R301.1.3.1 California licensed architect or engineer. When any provision of any structure deviates from substantial compliance with conventional framing requirements for wood frame construction found in this code, the Chief Building Official shall require the construction documents to be approved and stamped by a California licensed architect or engineer for that irregular or nonconforming portion of work. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Section 5537 and 6737.1.

R301.1.3.2 Wood frame structures greater than two-stories. The Chief Building Official shall require construction documents to be approved and

stamped by a California licensed architect or engineer for all dwellings of a wood frame construction more than two stories in height or having a basement. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Section 5537 and 6737.1.

R301.1.3.3 Structures other than wood frame. The Chief Building Official shall require floor, wall or roof-ceiling structural elements in dwellings designed of cold formed steel, concrete, masonry prescribed by this code to be approved and stamped by a California licensed architect or engineer. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Section 5537 and 6737.1.

Section 15.05.080 Amendment to Table R301.2.

Table R301.2 is amended by completing the table to read as follows:

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA												
GROUND SNOW LOAD ^a	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ^k	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^a	Special wind region ⁱ	Windborne debris zone ⁿ		Weathering ^a	Frost line depth ^b	Termite ^c				
ZERO	95	NO	NO	NO	D ₁ , D ₂ , D ₃ , OR E	NEGLECTIBLE	NA	VERY HEAVY	NO	SEE FOOTNOTE g	0	60.7
MANUAL J DESIGN CRITERIA ^a												
Elevation			Altitude correction factor ^c	Coincident wet bulb	Indoor winter design dry-bulb temperature	Indoor winter design dry-bulb temperature			Outdoor winter design dry-bulb temperature		Heating temperature dif- ference	
10 FEET			1.0	67	70	70			43		30°	
Latitude			Daily range	Indoor summer design relative humidity	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature			Outdoor summer design dry-bulb temperature		Cooling temperature dif- ference	
33.608			12	50	50	75			80		15°	

Section 15.05.090 Amendment to Table R301.2 Footnote g.

Table R301.2 footnote g is amended to read as follows:

Section Table R301.2 Footnote g. Refer to the National Flood Insurance Program (NFIP) as printed by the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) dated March 21, 2019; Flood Insurance Study (FIS Profile) effective date of revision: March 21, 2019; Community number: 060227; Map: 06059; Panels: 264, 267, 268, 269, 286, 288, 289, 377, 381, 382, 384, 401, 402, 403, 404, 406 and 408; Suffix "K"; Initial NFIP map date: March 15, 1974; and Initial FIRM date: September 1, 1978.

Section 15.05.100 Amendment to Section R301.2.4.

Section R301.2.4 is amended to read as follows:

Section R301.2.4 Floodplain construction. Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2, and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the City of Newport Beach Municipal Code Chapter 15.50, FLOODPLAIN MANAGEMENT and Section R322. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

R301.2.4.1 Alternate provisions. As an alternate to the requirements in Section R322 and the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

Section 15.05.110 Amendment to Section R309.3.

Section R309.3 is amended to read as follows:

Section R309.3 Flood hazard areas. For buildings located in flood hazard areas as established by Table R301.2, garage floors shall be:

1. Elevated to or above the design flood elevation as determined in accordance with Section R322 and the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.
2. Located below the design flood elevation provided that the floors are at or above grade on not less than one side, are used solely for parking, building access or storage, meet the requirements of Section R322 and the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management and are otherwise constructed in accordance with this code.

Section 15.05.120 RESERVED.

Section 15.05.130 RESERVED.

Section 15.05.140 RESERVED.

Section 15.05.150 RESERVED.

Section 15.05.160 RESERVED.

Section 15.05.170 RESERVED.

Section 15.05.180 Deletion of Section R313.

Section R313 is deleted in its entirety and replaced by California Building Code Section 903.2.8 as amended in Section 15.04.090.

Section 15.05.190 Amendment to Section R319.1.

Section R319.1 is amended as follows:

Section R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property, and alley if adjacent to the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 15.05.200 Amendment to Section R322 with the Addition of the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.

Section R322 is amended to include the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.

Section 15.05.210 RESERVED.

Section 15.05.220 Deletion of Section R337.

Section R337 Materials and Construction Method of Exterior Wildfire Exposure is deleted in its entirety and replaced by California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) as amended in Sections 15.04.030 through 15.04.070.

Section 15.05.230 Addition of Section R341.

Section R341 is added to read as follows:

SECTION R341 - SOUND TRANSMISSION

R341.1 General. Wall and floor-ceiling assemblies separating dwelling units including those separating adjacent townhouse units shall provide air-borne sound insulation for walls and both air-borne and impact sound insulation for floor-ceiling assemblies per Section 1206 of the 2022 California Building Code, Title 24, Part 2.

Section 15.05.240 Amendment to Section R401.4.

Section R401.4 is deleted in its entirety and replaced by California Building Code Section 1803 Geotechnical Investigations.

Section 15.05.250 Deletion of Section R404.

Section R404 is deleted in its entirety.

Section 15.05.260 Amendment to Section R405.1.

Section R405.1 is amended by adding Exceptions to read as follows:

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.

2. A foundation drainage system is not permitted for basement walls extending below high tide of the Newport Bay water elevation.

Section 15.05.270 RESERVED.

Section 15.05.280 RESERVED.

Section 15.05.290 Amendment to Section R902.

Section R902 is deleted in its entirety and replaced by California Building Code Section 1505 as amended in Newport Beach Municipal Code Sections 15.04.110 through 15.04.120.

Section 5: Chapter 15.06 (Electrical Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.06
ELECTRICAL CODE**

Sections:

- 15.06.010 Adoption of the California Electrical Code.
- 15.06.020 RESERVED.
- 15.06.030 RESERVED.
- 15.06.040 Amendment to Article 358.10(A).
- 15.06.050 Amendment to Article 358.10(B).

Section 15.06.010 Adoption of the California Electrical Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Electrical Code based on the 2020 National Electrical Code, as published by the National Fire Protection Association.

The various parts of this code shall constitute and be known as the Newport Beach Electrical Code. A copy of the 2022 California Electrical Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.06.020 Reserved.

Section 15.06.030 Reserved.

Section 15.06.040 Amendment to Article 358.10(A).

Article 358.10(A) is amended to read as follows:

(A) Exposed and Concealed. The use of EMT shall be permitted for concealed work only.

Section 15.06.050 Amendment to Article 358.10(B)

Article 358.10(B)(1) and (B)(2) are amended to read as follows:

(B) Corrosive Environments.

(1) Galvanized Steel and Stainless Steel EMT, Elbows, and Fittings. Galvanized steel, stainless steel, and red brass EMT elbows, couplings, and fittings shall be permitted to be installed in concrete, or in areas subject to severe corrosive influences where protected by corrosion protection and judged suitable for the condition.

(2) Supplementary Protection of Aluminum EMT. Aluminum EMT shall be provided with approved supplementary corrosion protection where encased in concrete.

Section 6: Chapter 15.07 (Mechanical Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.07
MECHANICAL CODE**

Sections:

- | | |
|-----------|---|
| 15.07.010 | Adoption of California Mechanical Code. |
| 15.07.020 | Addition of Section 103.5. |
| 15.07.030 | Amendment of Section 107.1. |

Section 15.07.010 Adoption of California Mechanical Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Mechanical Code, based on the 2021 Uniform Mechanical Code, by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Mechanical Code. A copy of the 2022 California Mechanical Code printed in code book form shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.07.020 Addition of Section 103.5.

Section 103.5 is added to read as follows:

Section 103.5 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

Section 15.07.030 Amendment of Section 107.1.

Section 107.1 is amended in its entirety to read as follows:

Section 107.1 General. Appeals of the Chief Building Official decision shall be pursuant to Newport Beach Municipal Code Chapter 15.80, Building and Fire Board of Appeals.

Section 7: Chapter 15.08 (Plumbing Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

Chapter 15.08 PLUMBING CODE

Sections:

- 15.08.010 Adoption of California Plumbing Code.
- 15.08.020 Addition of Section 103.5.
- 15.08.030 Amendment of Section 107.1.

Section 15.08.010 Adoption of California Plumbing Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Plumbing Code, including Appendix Chapters A and C, based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Plumbing Code. A copy of the 2022 California Plumbing Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.08.020 Addition of Section 103.5.

Section 103.5 is added to read as follows:

Section 103.5 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

Section 15.08.030 Amendment of Section 107.1.

Section 107.1 is amended in its entirety to read as follows:

Section 107.1 General. Appeals of the Chief Building Official decision shall be pursuant to Newport Beach Municipal Code Chapter 15.80, Building and Fire Board of Appeals.

Section 8: Chapter 15.09 (Residential Swimming Pool and Spa Code) of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.09
RESIDENTIAL SWIMMING POOL AND SPA CODE**

Sections:

15.09.010	Adoption of the International Pool and Spa Code.
15.09.020	Amendment to Section 101.1.
15.09.030	Amendment to Section 101.2.
15.09.040	Deletion of Sections 102 through 114.
15.09.050	Amendment to Section 201.3.
15.09.060	Amendment and addition to Section 202.
15.09.070	Amendment to Section 301.
15.09.080	Amendment to Section 302.1.
15.09.090	Amendment to Section 302.2.
15.09.100	Amendment to Section 302.5.
15.09.110	Amendment to Section 302.6.
15.09.120	Amendment to Section 303.1.
15.09.130	Deletion of Sections 303.1.1 through 303.3.
15.09.140	Deletion and replacement of Section 304.2.
15.09.150	Amendment to Section 305.1.
15.09.160	Rename and Amendment to Section 305.2.
15.09.170	Amendment to Section 305.2.1 Item 1.
15.09.180	Deletion and rename Section 305.2.4.
15.09.190	Amendment to Section 305.3.3.
15.09.200	RESERVED.
15.09.210	RESERVED.
15.09.220	Amendment to Section 305.5 Items 1 and 2.
15.09.230	Amendment to Section 306.1.
15.09.240	Amendment to Section 306.4.
15.09.250	Amendment to Table 306.5.
15.09.260	Amendment to Section 306.9.1.
15.09.270	Amendment to Section 307.1.1.

15.09.280	Amendment to Section 307.1.3.
15.09.290	Amendment to Section 307.1.4.
15.09.300	Amendment to Section 307.2.2.
15.09.305	Amendment to Section 310.1 Exception #2.
15.09.310	Amendment to Section 316.4.
15.09.320	Amendment to Section 316.6.1.
15.09.330	Amendment to Section 318.2.
15.09.340	Amendment to Section 320.1.
15.09.350	Deletion of Sections 320.2 and 320.3.
15.09.360	Amendment to Section 321.
15.09.370	Deletion and rename Chapter 4.
15.09.380	Deletion and rename Chapter 5.
15.09.390	Deletion and rename Chapter 6.
15.09.400	Amendment to Section 703.1.
15.09.410	Amendment to Section 802.1.
15.09.420	Amendment to Section 802.2.
15.09.430	Amendment to Section 901.2.
15.09.440	Add Section 903.
15.09.450	Add Section 904.
15.09.460	Add Section 905.
15.09.470	Add Section 906.
15.09.480	Add Section 907.

Section 15.09.010 Adoption of the International Swimming Pool and Spa Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2021 Edition of the International Swimming Pool and Spa Code and all national codes and standards referenced therein as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments, and deletions adopted in this section, shall constitute and be known as the Newport Beach Residential Swimming Pool and Spa Code. A copy of the 2021 International Swimming Pool and Spa Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 15.09.020 Amendment to Section 101.1.

Section 101.1 is amended to read as follows:

Section 101.1 Title. These provisions shall be known as the Residential Swimming Pool and Spa Code of Newport Beach and shall be cited as such and will be referenced to herein as “this code.”

Section 15.09.030 Amendment to Section 101.2.

Section 101.2 is amended to read as follows:

Section 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of residential pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

Section 15.09.040 Deletion of Sections 102 through 114.

Sections 102 through 114 are deleted in their entirety. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Newport Beach Municipal Code under Chapter 15.02, Administrative Code.

Section 15.09.050 Amendment to Section 201.3.

Section 201.3 is amended to read as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building Code, California Energy Code, California Fire Code, California Mechanical Code, California Plumbing Code or California Residential Code, such terms shall have the meanings ascribed to them as in those codes.

Section 15.09.060 Amendment and addition to Section 202.

Section 202 RESIDENTIAL SWIMMING POOL and PUBLIC SWIMMING POOL definitions are amended and add PRIVATE POOL and SWIMMING POOL OR SPA definitions to read as follows:

RESIDENTIAL SWIMMING POOL (RESIDENTIAL POOL). Any constructed pool, permanent or portable, that is intended for noncommercial use as a swimming pool by not more than three owner families and their guest.

PUBLIC SWIMMING POOL (PUBLIC POOL). A pool, other than a private pool.

PRIVATE POOL. See Residential Pool.

SWIMMING POOL OR SPA. Any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

Section 15.09.070 Amendment to Section 301.

Section 301 is amended to read as follows:

Section 301.1 Scope. The provisions of this chapter shall govern the general design and construction of residential pools and spas and related piping, equipment, and materials. Provisions that are unique to a specific type of residential pool or spa are located in Chapters 7 through 10.

Section 301.1.1 Application of Chapters 7 through 10. Where difference occur between the provisions of this chapter and the provisions of Chapters 7 through 10, the provisions of Chapters 7 through 10 shall apply.

Section 301.1.2 Conflicts. In the event of a conflict between the provisions of the Swimming Pool Safety Act, this code, the 2022 California Building Code, or the 2022 California Residential Code, the Building Official shall implement the most restrictive measures cited.

Section 15.09.080 Amendment to Section 302.1.

Section 302.1 is amended to read as follows:

Section 302.1 Electrical. Electrical requirements shall comply with California Electrical Code.

Section 15.09.090 Amendment to Section 302.2.

Section 302.2 is amended to read as follows:

Section 302.2 Water service and drainage. Piping and fittings used for water service, makeup and drainage piping for pools and spas shall comply with the California Plumbing Code. Fittings shall be approved for installation with the piping installed.

Section 15.09.100 Amendment to Section 302.5.

Section 302.5 is amended to read as follows:

Section 302.5 Backflow protection. Water supplies for pools and spas shall be protected against backflow in accordance with the California Plumbing Code.

Section 15.09.110 Amendment to Section 302.6.

Section 302.6 is amended to read as follows:

Section 302.6 Wastewater discharge. Where wastewater from pools or spas, such as backwash water from filters discharge to a building drainage system, the connection shall be through an air gap in accordance with the California Plumbing Code.

Section 15.09.120 Amendment to Section 303.1.

Section 303.1 is amended to read as follows:

Section 303.1 Energy consumption of pools and permanent spas. The energy consumption of pools and permanent spas shall comply with the California Energy Code.

Section 15.09.130 Deletion of Sections 303.1.1 through 303.3.

Sections 303.1.1 through 303.3 are deleted in their entirety.

Section 15.09.140 Deletion and replacement of Section 304.2.

Section 304.2 is deleted in its entirety and replace with:

Section 304.2 Floodplain Construction. Pools and spas constructed in special flood hazard areas shall comply with the City of Newport Beach Municipal Code Chapter 15.50, Floodplain Management.

Section 15.09.150 Amendment to Section 305.1.

Section 305.1 is amended to read as follows:

Section 305.1 General The provisions of this section shall apply to the design of barriers for restricting the public from entry into areas having pools and spas.

Section 15.09.160 Rename and Amendment to Section 305.2.

Section 305.2 is renamed and amended to read as follows:

Section 305.2 Swimming pools and spas. Pools and spas shall be surrounded by a permanent barrier that complies with Sections 305.2.1 through the end of Section 305.

Section 15.09.170 Amendment to Section 305.2.1 Item 1.

Section 305.2.1 Item 1 is amended to read as follows:

1. The top of the barrier shall be not less than 60 inches above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet measured horizontally from the outside of the required barrier.

Section 15.09.180 Deletion and rename Section 305.2.4.

Section 305.2.4 is deleted in its entirety and renamed to read as follows:

Section 305.2.4 Reserved

Section 15.09.190 Amendment to Section 305.3.3.

Section 305.3.3 is amended to read as follows:

Section 305.3.3 Latch release. Where the door or gate latch release mechanism of the self-latching device is located less than 60 inches from grade, the release mechanism shall be located on the pool or spa side of the gate not less than 3 inches below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch within 18 inches of the release mechanism.

Section 15.09.200 RESERVED.

Section 15.09.210 RESERVED.

Section 15.09.220 Amendment to Section 305.5 Items 1 and 2.

Section 305.5 Items 1 and 2 are amended to read as follows:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 60 inches above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 60 inches above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.

Section 15.09.230 Amendment to Section 306.1.

Section 306.1 is amended to read as follows:

Section 306.1 General. The structural design and installation of decks around pools and spas shall be in accordance with the California Residential Code or the California Building Code and this section.

Section 15.09.240 Amendment to Section 306.4.

Section 306.4 is amended to read as follows:

Section 306.4 Deck steps handrail required. Pool and spa deck steps having three or more risers shall be provided with a handrail.

Section 15.09.250 Amendment to Table 306.5.

Table 306.5 is amended to read as follows:

TABLE 306.5
MINIMUM DRAINAGE SLOPES FOR DECK SURFACES

SURFACE	MINIMUM DRAINAGE SLOPE (INCH PER FOOT)
Carpet	$\frac{1}{8}$
Exposed aggregate	$\frac{1}{4}$
Textured, hand-finished concrete	$\frac{1}{8}$
Travertine/brick-set pavers, public pools or spas	$\frac{3}{8}$
Travertine/brick-set pavers, residential pools or spas	$\frac{1}{8}$
Wood	$\frac{1}{8}$
Wood/plastic composite	$\frac{1}{8}$

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

Section 15.09.260 Amendment to Section 306.9.1.

Section 306.9.1 is amended to read as follows:

Section 306.9.1 Hose bibbs. Hose bibbs shall be provided for rinsing down the entire deck and shall be installed in accordance with the California Plumbing Code.

Section 15.09.270 Amendment to Section 307.1.1.

Section 307.1.1 is amended to read as follows:

Section 307.1.1 Glazing in hazardous locations. Hazardous locations for glazing shall be as defined in the California Building Code or the California Residential Code, as applicable. Where glazing is determined to be in a hazardous location, the requirements for the glazing shall be in accordance with those codes, as applicable.

Section 15.09.280 Amendment to Section 307.1.3.

Section 307.1.3 is amended to read as follows:

Section 307.1.3 Roofs or canopies. Roofs or canopies over pools and spas shall be in accordance with the California Building Code or California Residential Code, as applicable, and shall be constructed so as to prevent water runoff into the pool or spa.

Section 15.09.290 Amendment to Section 307.1.4.

Section 307.1.4 is amended to read as follows:

Section 307.1.4 Accessibility. An accessible route to pools and spas of new common use areas serving covered multi-family dwellings shall be provided in accordance with the Chapter 11A of California Building Code. Accessibility within pools and spas shall be provided as required by Chapter 11A of California Building Code.

Section 15.09.300 Amendment to Section 307.2.2.

Section 307.2.2 is amended to read as follows:

Section 307.2.2 Materials and structural design. Pools and spas shall conform to one or more of the standards indicated in Table 307.2.2. The structural design of pools and spas shall be in accordance with the California Building Code.

Section 15.09.305 Amendment to Section 310.1 Exception #2.

Section 310.1 Exception #2 is amended to read as follows:

2. Wading pools shall not have suction outlets. Skimmers or overflow gutter shall be installed and shall accommodate 100 percent of the circulations system flow rate.

Section 15.09.310 Amendment to Section 316.4.

Section 316.4 is amended to read as follows:

Section 316.4 Installation. Heaters shall be installed in accordance with the manufacturer's specifications and the California Plumbing Code, California Mechanical Code, California Energy Code, California Electrical Code, as applicable. Solar thermal water heaters shall be installed in accordance with Section 316.6.

Section 15.09.320 Amendment to Section 316.6.1.

Section 316.6.1 is amended to read as follows:

Section 316.6.1 Installation. Solar thermal water heaters shall be installed in accordance with the California Mechanical Code.

Section 15.09.330 Amendment to Section 318.2.

Section 318.2 is amended to read as follows:

Section 318.2 Protection of potable water supply. Potable water supply systems shall be designed, installed and maintained so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or other piping connections to the system. Means of protection against backflow in the potable water supply shall be provided through an air gap complying with ASME A112.1.2 or by a backflow prevention assembly in accordance with the California Plumbing Code.

Section 15.09.340 Amendment to Section 320.1.

Section 320.1 is amended to read as follows:

Section 320.1 Backwash water or draining water. Wastewater from any filter, scum filter, scum gutter, overflow, pool emptying line, or similar apparatus shall discharge into an approved type of receptor and subsequently into a public sewer. The flood level rim of such receptor shall be at least 6 inches above the Design Flood Elevation (DFE) indicated in the Flood Insurance Rate Map as printed by the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM). Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

Section 15.09.350 Deletion of Sections 320.2 and 320.3.

Sections 320.2 and 320.2 are deleted in their entirety.

Section 15.09.360 Amendment to Section 321.

Section 321 is deleted in its entirety and replace with the following:

Section 321.1 General. The provision of Section 321.2 shall apply to lighting for residential pools and spas.

Section 321.2 Residential pool and deck illumination. Where lighting is installed for, and in, residential pools and permanent residential spas, such lighting shall be installed in accordance with California Electrical Code.

Section 15.09.370 Deletion and Rename of Chapter 4.

Chapter 4 is deleted in its entirety and renamed to read as follows:

Chapter 4 Reserved.

Section 15.09.380 Deletion and Rename of Chapter 5.

Chapter 5 is deleted in its entirety and renamed to read as follows:

Chapter 5 Reserved.

Section 15.09.390 Deletion and Rename of Chapter 6.

Chapter 6 is deleted in its entirety and renamed to read as follows:

Chapter 6 Reserved.

Section 15.09.400 Amendment to Section 703.1.

Section 703.1 is amended to read as follows:

Section 703.1 General. Decks provided by the pool manufacturer shall be installed in accordance with the manufacturer's instructions. Decks fabricated on-site shall be in accordance with the California Residential Code.

Section 15.09.410 Amendment to Section 802.1.

Section 802.1 is amended to read as follows:

Section 802.1 Materials of components and accessories. The materials of components and accessories used for permanent inground residential swimming pools shall be suitable for the environment in which they are installed. The materials shall be capable of fulfilling the design, installation and the intended use requirements in the California Residential Code.

Section 15.09.420 Amendment to Section 802.2.

Section 802.2 is amended to read as follows:

Section 802.2 Structural design. The structural design and materials shall be in accordance with the California Building Code.

Section 15.09.430 Amendment to Section 901.2.

Section 901.2 is amended to read as follows:

Section 901.2 General. In addition to the requirements of this chapter, residential spas and residential exercise spas shall comply with the requirements of Chapter 3.

Section 15.09.440 Add Section 903.

Section 903 is added as follows:

Section 903 MATERIALS

903.1 Pumps and motors. Pumps and motors shall be listed and labeled for use in spas.

Section 15.09.450 Add Section 904.

Section 904 is added as follows:

Section 904 STRUCTURE AND DESIGN

904.1 Water depth. The maximum water depth for spas shall be 4 feet measured from the design waterline. The water depth for exercise spas shall not exceed 6 feet 6 inches measured from the design waterline.

904.2 Multilevel seating. Where multilevel seating is provided, the maximum water depth of any seat or sitting bench shall be 28 inches measured from the design waterline to the lowest measurable point.

904.3 Floor slope. The slope of the floor shall not exceed 1 unit vertical in 12 units horizontal (8.3-percent slope). Where multilevel floors are provided, the change in depth shall be indicated.

Section 15.09.460 Add Section 905.

Section 905 is added as follows:

Section 905 RETURN AND SUCTION FITTINGS

905.1 Return fittings. Return fittings shall be provided and arranged to facilitate a uniform circulation of water and maintain a uniform sanitizer residual throughout the entire spa or exercise spa.

905.2 Suction fittings. Suction fittings shall be in accordance with Sections 905.2.1 through 905.2.4.

905.2.1 Testing and certification. Suction fittings shall be listed and labeled in accordance with APSP 16.

905.2.2 Installation. Suction fittings shall be sized and installed in accordance with the manufacturer's specifications. Spas and exercise spas shall not be used or operated if the suction outlet cover is missing, damaged, broken or loose.

905.2.3 Outlets per pump. Suction fittings shall be provided in accordance with Section 310.

905.2.4 Submerged vacuum fittings. Submerged vacuum fittings shall be in accordance with Section 310.

Section 15.09.470 Add Section 906

Section 906 is added as follows:

Section 906 HEATER AND TEMPERATURE REQUIREMENTS

906.1 General. This section pertains to fuel-fired and electric appliances used for heating spa or exercise spa water.

906.2 Water temperature controls. Components provided for water temperature controls shall be suitable for the intended application.

906.2.1 Water temperature regulating controls. Water temperature regulating controls shall comply with UL 873 or UL 372. A means shall be provided to indicate the water temperature in the spa.

Exception: Water temperature regulating controls that are integral to the heating appliance and listed in accordance with the applicable end use appliance standard.

906.2.2 Water temperature limiting controls. Water temperature limiting controls shall comply with UL 873 or UL 372. Water temperature at the heater return outlet shall not exceed 140°F (60°C).

Section 15.09.480 Add Section 907.

Section 907 is added as follows:

Section 907 WATER SUPPLY

907.1 Water temperature. The temperature of the incoming makeup water shall not exceed 104°F (40°C).

Section 9: Chapter 15.11 (Green Building Standards Code) of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

**Chapter 15.11
GREEN BUILDING STANDARDS CODE**

Sections:

15.11.010 Adoption of the California Green Standards.

Section 15.11.010 Adoption of the California Green Standards Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Green Building Standards Code.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Green Standards Code. A copy of the 2022 California Green Standards Code shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 10: Chapter 15.13 (Historical Building Code) of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

Chapter 15.13 HISTORICAL BUILDING CODE

Sections:

15.13.010 Adoption of the California Historical Building Code.

Section 15.13.010 Adoption of the California Historical Building Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Historical Building Code, California Code of regulations Title 24, Part 8 and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Historical Building Code. A copy of the 2022 California Historical Building Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 11: Chapter 15.14 (Existing Building Code) of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

Chapter 15.14 EXISTING BUILDING CODE

Sections:

15.14.010 Adoption of California Existing Building Code.

Section 15.14.010 Adoption of the California Existing Building Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Existing Building Code, California Code of Regulations Title 24 Part 10, Appendix A, Chapter A-1, A-2 and A-3, and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Existing Building Code. A copy of the 2022 California Existing Building Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 12: Chapter 15.17 (Energy Code) of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

Chapter 15.17 ENERGY CODE

Sections:

15.17.010 Adoption of the California Energy Code.

Section 15.17.010 Adoption of the California Energy Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2022 Edition of the California Energy Code, California Code of Regulations Title 24, Part 6 and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Energy Code. A copy of the 2022 California Energy Code, printed in code book form, shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(e)(1) and made available for public inspection.

Section 13: Portions of Chapter 15.19 (Electric Vehicle Charging Stations) of the Newport Beach Municipal Code are amended as follows:

Section 15.19.010 Amendment to Section 15.19.010 Purpose.

Section 15.19.010 is hereby amended to read as follows:

The purpose of this chapter is to adopt an expedited, streamlined electric vehicle charging station permitting process that complies with Assembly Bill (AB) 1236 (Chapter 598, Statutes 2015) and Assembly Bill (AB) 970 (Chapter 710, Statutes 2021) to achieve timely and cost-effective installations of electric vehicle charging stations. The provisions of this chapter encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install electric vehicle charging stations. The provisions of this chapter further allow the City to achieve these goals while protecting the public's health, welfare and safety.

Section 15.19.060 Amendment to Section 15.19.060 Permit Review Requirements to add items I and J.

Section 15.19.060 is hereby amended by the addition of the following items:

I. The following timeline is established for the application for permits for electric vehicle charging stations.

1. An application to install an electric vehicle charging station submitted to the Building Official shall be deemed complete if, after the applicable time period described in 15.19.060(I)(2) has elapsed, both of the following are true:

a. The Building Official has not deemed the application complete, consistent with the checklist created by the City pursuant to Section 15.19.050.

b. The Building Official has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information explicitly necessary for the Building Official to complete a review limited to whether the electric vehicle charging station meets all health and safety requirements of local, state, and federal law, consistent with 15.19.060(H).

2. For the purposes of 15.19.060(I)(1) "Applicable time period means" either of the following:

a. Five business days after submission of the application to the City, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.

- b. Ten business days after submission of the application to the City, if the application is for more than 25 electric vehicle charging stations at a single site.

J. The following timeline is established for the approval for permits for electric vehicle charging stations.

1. An application to install an electric vehicle charging station shall be deemed approved if the applicable time period described in 15.19.060(J)(2) has elapsed and all of the following are true:

- a. The Building Official has not administratively approved the application pursuant to 15.19.060(A).

- b. The Building Official has not made a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety or required the applicant to apply for a use permit pursuant to 15.19.060(B).

- c. The Building Official has not denied the permit pursuant to 15.19.060(D).

- d. An appeal has not been made to the Planning Commission pursuant to 15.19.060(E).

2. For the purposes of 15.19.060(J)(1) “Applicable time period means” either of the following:

- a. Twenty business days after the application was deemed complete, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.

- b. Forty business days after the application was deemed complete, if the application is for more than 25 electric vehicle charging stations at a single site.

Section 14: Portions of Chapter 15.50 (Floodplain Management) of the Newport Beach Municipal Code are amended as follows:

Section 15.50.050 Amendment to Section 15.50.050 Definitions.

Section 15.50.050 is hereby amended to add the following definitions

“Base Flood Elevation” Elevation of flooding, including wave height, having a 1% chance of being equaled or exceeded in any given year.

“Design Flood Elevation” The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation shall be the higher of the following:

- 1.The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1-percent (100-year flood) or greater chance of being equaled or exceeded in any given year plus one foot of freeboard.

- 2.The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

Section 15.50.070 Amendment to Section 15.50.070 Basis for Establishing the Areas of Special Flood Hazard.

Section 15.50.070 is hereby amended to read as follows:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study (FIS) for Orange County, California and Incorporated Area” dated revised March 21, 2019, with accompanying Flood Insurance Rate Maps (FIRMs), dated revised March 21, 2019, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS, and all subsequent amendments and/or revisions, and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter, and which are recommended to the City Council by the Floodplain Administrator. The FIS and the FIRMs are on file at the Office of the Community Development Department at 100 Civic Center Drive, Newport Beach, California 92660.

Section 15.50.200 Amendment to Section 15.50.200 Standards of Construction.

Section 15.50.200 is hereby amended to read as follows:

In all areas of special flood hazards, all new construction, all substantial improvements of structures, including, but not limited to, a structure used for a residential or nonresidential use, or any manufactured home, shall meet the following standards:

A. Anchoring. Adequate anchoring to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

1. With materials and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. For AH or AO Zones, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction shall have the lowest floor, including basement:
 - a. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM plus 1-foot of freeboard, or elevated at least two feet above the highest grade if no depth number is specified.
 - b. In an unnumbered A Zone, elevated to or above the design flood elevation, as determined by the City.
 - c. Coastal High Hazard Zones, VE and Coastal A Zones, shall also comply with the requirements of Section 15.50.230

- d. In all other zones, elevated to or above the design flood elevation per Section 15.50.070.
 - e. Fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must exceed the following minimum criteria:
 - i. Be certified by a registered professional engineer or architect to comply with a local floodproofing standard approved by the Federal Emergency Management Agency; or
 - ii. Have a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding where the enclosed area is measured on the exterior of the enclosure walls. The bottom of all openings shall be no higher than one foot above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood water. Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.
 - f. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
2. Nonresidential Construction. Nonresidential construction shall either be elevated to conform with subsections (C)(1)(a), (b) and (c) of this section or together with attendant utility and sanitary facilities:

- a. Be floodproofed below the elevation recommended under subsections (C)(1)(a), (b) and (c) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be submitted to the Floodplain Administrator.

3. Manufactured Homes. Manufactured homes that are placed or substantially improved shall be elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

D. Required Submittals. Before construction begins within any area of special flood hazards established in Section 15.50.070, application for a building permit shall be made pursuant to the Newport Beach Administrative Code, adopted in Section 15.02.010. In addition to submittals required by the Newport Beach Administrative Code, drawings shall show the nature, location, dimensions, and elevations of each structure; existing and proposed grades, and drainage facilities. Specifically, the following information is required:

1. Proposed elevation, as determined by a licensed land surveyor or registered civil engineer, of the lowest floor (including basement) of all structures;
2. Proposed elevation, in relation to NAVD, to which any structure will be floodproofed;
3. All appropriate certifications listed in Section 15.50.150;
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
5. Plans for any walls to be used to enclose space below the base flood levels.

E. Floodways. Encroachments, including fill, new construction, substantial improvements, and other development within floodways are prohibited, unless it has been

demonstrated to the satisfaction of the Floodplain Administrator through hydrologic and hydraulic analysis performed and certified by a registered civil engineer in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 15.50.210 Amendment to Section 15.50.210 Standards for Utilities.

Section 15.50.210 is hereby amended to read as follows:

A. All new and replacement electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding using the following minimum requirements or similar methods:

1. Electrical service conduits and cables below the design flood elevation shall be waterproofed or conform to the provisions of the electrical code for wet locations.
2. Panelboards, load centers, main disconnect switches, and all circuit breakers shall be located above and be accessible from above the Design Flood Elevation.
3. Plumbing systems and components, including plumbing fixtures, shall be elevated above the design flood elevation. The openings shall be protected with automatic backwater valves or other automatic backflow devices. Devices shall be installed in each line that extends below the design flood elevation to prevent release of sewage into floodwaters and to prevent infiltration by floodwaters into the plumbing.
4. Ductwork and ductwork insulation shall be at or above the design flood elevation unless designed, constructed, and installed to resist all flood-related loads and to prevent floodwater from entering or accumulating within the ductwork.
5. Air intake openings and exhaust outlets shall be at or above the design flood elevation.
6. All elevator components shall be located above the design flood elevation.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

C. On-site waste disposal systems shall be located above the design flood elevation to avoid impairment to them or contamination from them during flooding.

Section 15.50.230 Amendment to Section 15.50.230 Coastal High Hazard Areas.

Section 15.50.230 is hereby amended to read as follows:

Within coastal high hazard areas, Zones V, V1-30, and VE, as delineated in the FIS and FIRM, the following standards shall apply:

A. All new residential and nonresidential construction, including substantial improvement/damage, and manufactured homes shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural members of the lowest floor (excluding the pilings and columns) is elevated to or above the design flood elevation. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the California Building Code.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 15.50.050. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage. Elevator shafts in Coastal High Hazard Areas and Coastal A Zones are not required to have breakaway walls and shall comply with FEMA Technical Bulletin 4, Elevator Installation (latest edition).

D. Fill shall not be used for structural support of buildings.

E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or land surveyor that a proposed structure complies with subsection (A) of this section;

2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

Section 15: Except as expressly modified herein, all other provisions, terms and sections set forth in Title 15 shall remain unchanged and shall be in full force and effect.

Section 16: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 17: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 18: The action proposed herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("State CEQA Guidelines") because the code amendment will not result in a reasonably foreseeable physical change to the environment. The proposed action is also exempt from the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This code amendment itself does not authorize development that would directly result in physical change to the environment.

Section 19: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 20: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 15th day of November 2022, and adopted on the 29th day of November 2022, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

KEVIN MULDOON, MAYOR

ATTEST:

Leilani I. Brown, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney