



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Yolanda Bundy, Environmental Sustainability Director

Approved by: Reva Feldman, City Manager

Date prepared: January 6, 2021

Meeting date: February 8, 2021

Subject: Los Angeles County Fire Code

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 480 adopting by Reference Title 32 of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 480 for the March 8, 2021 Regular City Council meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal year 2020-2021. This is part of normal staff operations.

DISCUSSION: Every three years the State adopts the California Building Standards Code (CBSC). The CBSC consists of 12 parts in Title 24 of the California Code of Regulations, which, taken together, establish the building standards for structural, plumbing, electrical, and mechanical systems throughout the state. Local jurisdictions may adopt amendments to the state building standards subject to specified conditions, but such local amendments must be specific to each edition of the CBSC. Malibu, along with several neighboring cities, traditionally adopts the state codes as amended by Los Angeles County to provide the public with efficient and locally applicable regional building standards.

Accordingly, on December 23, 2019, the City Council adopted Ordinance No. 457U, adopting various titles of the Los Angeles County Code that incorporate the 2019 CBSC, as amended for the Los Angeles basin. At that time, the Board of Supervisors had not

yet adopted regional amendments to the state building standards relating to fire protection and safety.

Effective April 9, 2020, the Los Angeles County Board of Supervisors adopted Title 32 (Fire Code) of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code with local modifications. The Board of Supervisors serves as the governing body of the Consolidated Fire Prevention District of Los Angeles County (District) and also adopted Title 32 in that capacity. Pursuant to section 13869.7 of the California Health and Safety Code, the District may, and does, adopt building standards relating to fire safety that are more stringent than the standards adopted by the State. The District's ordinance must be ratified by each jurisdiction in which the ordinance will apply, and any modification or denial of the District's ordinance must include a written statement describing the reasons for the modification or denial. Local modifications to substantive building standards must also be more stringent than the requirements of the State Fire Code and reasonably necessary because of local climatic, geological, or topographical conditions.

As a party to the District, Malibu regularly adopts the County Fire Code (Title 32) with an administrative amendment pertaining to local penalties for code violations. This ratification cycle, the City will also adopt a local amendment pertaining to the Council's adoption of Ordinance No. 452 on October 28, 2019. Ordinance No. 452 amended the Malibu Fire Code to make entering on properties closed to the public a trespass and to provide for personal notice of such closure when posting signs would be impractical. The amendment applies to lands in a wildfire risk area or in a Very High Fire Hazard Severity Zone (VHFHSZ) closed to the public by the fire code official at the request of the owners. Malibu modeled its ordinance on similar measures adopted by the City of Los Angeles to mitigate the risk of wildfire in its VHFHSZ. The City's proposed modifications to Title 32 are thus more restrictive than the requirements of the State Fire Code and reasonably necessary to address Malibu's risk of wildfire as a jurisdiction lying wholly within the VHFHSZ.

ALTERNATIVES: No alternatives are recommended.

ATTACHMENTS: Ordinance No. 480

ORDINANCE NO. 480

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY CODE, WHICH INCORPORATES THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, AS AMENDED; ADOPTING LOCAL AMENDMENTS TO SAID CODE; RATIFYING THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY'S BUILDING STANDARDS CONTAINED IN TITLE 32, AS AMENDED; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Findings.

1. Pursuant to Section 13869.7 of the California Health and Safety Code, a provision of the Fire Protection District Law of 1987, the Board of Supervisors of Los Angeles County, acting as the governing body of the Consolidated Fire Protection District of Los Angeles County, may adopt building standards relating to fire and panic safety that are more stringent than the standards adopted by the State Fire Marshal and contained in Part 9 of the California Building Standards Code (California Fire Code).
2. Effective April 9, 2020, the Board of Supervisors of Los Angeles County adopted the 2019 California Fire Code, as Title 32 (Fire Code) of the Los Angeles County Code, except as amended to adopt more restrictive local building standards.
3. As part of the Consolidated Fire Protection District of Los Angeles County, the City of Malibu is governed by the Los Angeles County Fire Code, as ratified by the City Council with local amendments reasonably necessary because of local climatic, geological, or topographical conditions.
4. Pursuant to Sections 13869.7(c), 13143.5(a), and 18941.5(b) of the California Health and Safety Code, the City Council of the City of Malibu hereby finds that local modifications to Title 32 of the Los Angeles County Code adopted herein are reasonably necessary because of local climatic, geological, or topographical conditions relating to the City's location in a Very High Fire Hazard Severity Zone, as designated by the California Department of Forestry and Fire Protection and Appendix P of the Los Angeles County Fire Code. These modifications are more stringent than the standards published in Part 9 of the California Building Standards Code, relating to fire protection.

SECTION 2. Chapter 8.12 of the Malibu Municipal Code is hereby amended in its entirety to read as follows:

“Chapter 8.12 Fire Code

8.12.010 Adoption of Fire Code.

8.12.020 Violation – Penalty.**8.12.030 Liability for Causing Fires.****8.12.040 Local Amendment to Fire Code: Trespassing on Closed Lands.****8.12.010 Adoption of Fire Code.**

Except as hereinafter provided, Title 32, Fire Code, of the Los Angeles County Code, as amended and in effect on April 9, 2020, adopting the 2019 Edition of the California Fire Code (Part 9 of Title 24 of the California Code of Regulations), is incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Malibu.

In the event of any conflict between provisions of the 2019 California Fire Code, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 32 of the Los Angeles County Code and the 2019 California Fire Code have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times be maintained by the City Clerk for use and examination by the public.

8.12.020 Violation – Penalty.

Every person violating any provision of this Chapter or any provision of Title 32 of the Los Angeles County Code and appendices, adopted by reference under Section [8.12.010](#), or any provision of a permit or license granted thereunder or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Persons convicted shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

8.12.030 Liability for Causing Fires.

Any person who personally or through another willfully, negligently, or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by such person to escape from his or her control, or allows any hazardous material to be handled, stored or transported in a manner not in accordance with the fire code or with nationally recognized standards, or allows any hazardous material to escape from his or her control, or neglects to properly comply with any written notice of the fire chief, or willfully or negligently allows the continuation of a violation of the fire code and amendments thereto is liable for the expense of fighting the fire or for the expense incurred during a hazardous materials incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectible by the public agency incurring such expense in the same manner as in the case of an obligation under a contract, expressed or implied.

8.12.040 Local Amendment to Fire Code: Trespassing on Closed Lands.

Notwithstanding the provisions of Section 8.12.010 of this Chapter, Section 326.9 of Title 26 of the Los Angeles County Code is hereby amended to read as follows:

326.9 - Closure of public or private lands.

A. Any portion of public or private lands in any wildfire risk area or in a very high fire hazard severity zone may be closed to the public by the fire code official at the request of the owners of such public or private lands, when in the opinion of the fire code official such closure is necessary for the prevention of fires.

B. Any person who is present on lands closed to the public pursuant to this section is committing a trespass, unless written permission allowing such presence has been obtained from the fire chief or the city manager. Notwithstanding any other provision of this code, notice of a closed area and trespass under this section shall be deemed sufficient when provided according to the requirements of paragraph C. This section does not apply to public roadways or to any commercially or institutionally zoned property.

C. Notice. For purposes of this section, notice may be given by either of the following methods:

1. Posted Property. By posting signs bearing the words “HIGH FIRE HAZARD ZONE – PROPERTY CLOSED TO THE PUBLIC – TRESPASSING FORBIDDEN BY LAW” in letters not less than three inches in height, at the entrance of property closed to the public, along all exterior boundaries of the property at equal intervals not less than three to the mile, and at the entrance of all roads and trails entering the property; or

2. Personal Notice. By personal notice given directly to a person found in an area closed to the public, advising the person that the area is closed to the public and that if the person refuses or fails to immediately leave the closed area, or if the person leaves and returns, the person’s presence in that area constitutes trespassing.

SECTION 3. Ratification of Building Standards.

Pursuant to Health and Safety Code section 13869.7, subdivision (c), the City Council hereby ratifies the building standards of the Consolidated Fire Protection District of Los Angeles County contained in Title 32 of the Los Angeles County Code, adopted by the Los Angeles County Board of Supervisors on March 10, 2020, as modified herein.

SECTION 4. Severability.

If any section, subsection, sentence, clause, or provision of this Ordinance is found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council expressly declares

that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall take effect on 30 days after its final adoption and shall apply to all projects submitted to the City for plan check and/or permit application on or after that date.

SECTION 6. California Environmental Quality Act.

The City Council finds that adopting the County Fire Code and local amendments thereto is exempt from the California Environmental Quality Act ("CEQA") under the common sense exemption in Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3). This action is largely administrative in nature and designed to improve and not degrade environmental quality by adopting building standards that mitigate the risks of fire in the Very High Fire Hazard Severity Zone. Therefore, it can be seen with certainty that adopting this ordinance would not adversely affect the environment in any manner that could be significant. Staff is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

SECTION 7. Certification.

The City Clerk shall certify the adoption of this ordinance and enter it into the book of original ordinances. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission and transmit a copy to the Consolidated Fire Protection District of Los Angeles County (District). The City Clerk shall also file a copy of the District's findings together with the ordinance adopted by the Board of Supervisors on March 10, 2020, amending Title 32 of the Los Angeles County Code, with the Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2021.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney