



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** AUGUST 31, 2023

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** KINDON MEIK, CITY MANAGER  
MICHAEL KLEIN, COMMUNITY DEVELOPMENT DIRECTOR, AICP  
SPARKY COHEN, BUILDING OFFICIAL

**SUBJECT:** DISCUSSION OF FIRE SAFETY AND RESILIENCE CODE STANDARDS.  
THE PLANNING COMMISSION REVIEWED THIS ITEM ON JUNE 15,  
2023 AND PROVIDED RECOMMENDATIONS TO THE CITY COUNCIL.

**MEETING DATE:** SEPTEMBER 27, 2023

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**SUMMARY RECOMMENDATION:**

Review recommendations by the Planning Commission and provide direction to staff.

**BACKGROUND:**

Every three years, the State adopts new building codes (known collectively as the California Building Standards Code) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, fire and life safety systems, as well as providing uniform green building and energy standards. Sections 17922, 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the California Building Standards Code apply to local construction 180 days after publication. A city or county jurisdiction may amend the provisions of these codes if they justify the amendments due to a climatic, geological, or topographical condition unique to their area.

All architects, engineers, designers, developers, and contractors must be familiar with the codes in effect at the time of plan submittal. The City of Calabasas Community Development Department, as required by State law, cannot approve projects that do not comply with the codes in effect at the time of plan submittal. On October 26, 2022, the City Council adopted the latest edition of the California Building Standards Codes via Ordinance No. 2022-400. Beginning on January 1, 2023, the Calabasas Community Development Department commenced with following State law and now enforces the 2022 Edition of California Building Standards Code (also known as Title 24 of the California Code of Regulations).

As stated above, Title 24 of the California Code of Regulations include uniform standards for the construction of buildings in California (both the Building Code and the Fire Code are contained in Title 24). These standards include those for fire safety, such as the type and use of building materials, fire prevention and fire containment. In addition to the application of building code standards by the Building and Safety Department, all projects are subject to review by the Los Angeles County Fire Department for compliance with State and locally adopted fire codes. Combined, fire regulations are intended to prevent fires and/or limit their spread in homes and buildings, both during construction and throughout the structure's operating life. Fire regulations require active or passive fire safety measures incorporated into new buildings during its construction or implemented in existing structures upon remodels.

At the request of City Council, the Planning Commission discussed the issue of fire safety as it related to the Building Codes and land development at a public meeting on June 15, 2023. After discussion of the item, the Planning Commission identified the following areas of concern for the City Council to consider:

- Communications during an emergency;
- Consider a requirement that new construction provides back-up power;
- Identify sites for shelter during a fire;
- Consider a requirement for rooftop rotary sprinklers in all new development;
- Consider prohibiting gas hook ups in new development; and
- Consider prohibiting combustible plant materials within five feet of structures.

#### **DISCUSSION/ANALYSIS:**

**California Building Code (CBC):** The adopted building codes for the City of Calabasas are located in Chapter 15.04 of the Municipal Code. Primarily, these provisions are directly related to the CBC, which is published in its entirety every

three years by order of the California legislature. The Codes apply to all occupancies in the City unless otherwise noted (for example, essential facilities such as public schools, hospitals, and jails, are under State Jurisdiction for oversight via directives in the CBC, and mobile home parks, are under State oversight via Title 25 of the California Code of Regulations). The City of Calabasas has no "building standard" amendments to the CBC.

As stated above, the City Council adopted the 2022 Edition of the CBC and the County of Los Angeles Fire Code, which became effective on January 1, 2023. One of the main goals of CBC is to ensure the health and safety of buildings, which include standards related to seismic activity, flooding, fires, and energy efficiency.

The newly adopted Building Code also includes Fire Safe Regulations, which must be applied when permitting or approving new parcels (excluding lot line adjustments); building permit applications for new building construction; use permit applications; and road construction. The new Fire Safe Regulations include the following:

- Requires accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to comply with Fire Safe Regulations;
- Allows the City to conduct their own inspections in the VHFHSZ without State Board of Forestry and Fire Protection certification or delegation;
- Provide additional detail on when exceptions are merited for building setback requirements;
- the Updated Fire Safe Regulations require "the most protective requirements in the California Building Code; and
- Number of entry points for building construction which requires fuel breaks will be determined by City in consultation with LA County Fire Department.

The Building Code and the Fire Code contain frequent cross references, which are complementary rather than contradictory. For example, when the Fire Code considers exterior building finishes, and fire resistivity, it states they shall comply with the Building Code. Likewise, when the CBC considers fire sprinklers, it references the Fire Code. In regards to exterior walls, the CBC requires exterior building surfaces and materials to be either non-combustible or ignition resistant, depending on the specific building component. The terms 'non-combustible' and 'ignition resistant' are defined by specific engineering and testing standards to allow for evaluation of building materials for compliance with fire resistance requirements and minimize confusion on the part of building designers and code officials. These fire resistance requirements govern roofing materials, exterior wall construction, building ventilation openings, and the construction of accessory structures like porches and patio covers. Further, the protection of buildings by fire sprinkler systems has significantly reduced fire related losses in both new

construction and those buildings which have undergone significant remodels or additions.

The prevention of fire damage to residential and commercial properties is based on a combination of building construction and landscaping requirements. Requirements include code-mandated brush clearance to provide a defensible perimeter around properties, reducing the accumulation of quantities of fuel loads in these areas, and managing vegetation planting to less combustible varieties. While it is understood that the notion of 'fire-proof' can be practically difficult to attain for any given property, fire resistance and related resilience is attained by a combination of property landscaping and building construction. The City of Calabasas, with Very High Fire Hazard Severity Zone city-wide classification and related CBC construction requirements, employs some of the most restrictive building requirements, which has resulted in significantly lower fire losses in structures constructed under these standards. Older buildings constructed prior to these stringent code provisions are required to comply with the current standards when they are significantly altered or re-constructed.

**LA County Fire Department:** The Los Angeles County Fire Department (LACFD) provides fire protection services for the City of Calabasas, which includes the implementation of the State's Fire Code (the County of Los Angeles has many amendments to the "State Fire Code") and via the City's agreement, it is LACFD's responsibility to enforce Title 32, the LA County Fire Code which relate to regulations affecting structures, process, premises, and safeguards related to fire safety. Specifically, for all new development, the LACFD fire prevention unit enforces requirements for fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, and combustible brush and vegetation that represents an imminent fire hazard, debris abatement, combustible storage abatement including flammable liquid storage, hazardous material storage and use, open-flame and open-burning, within the jurisdiction of the County of Los Angeles Fire Department as per California Health and Safety Code Sections 18691 and 18873.5.

The CBC provides a regulatory framework for VHFHSZ building construction requirements, specifically in the provisions of Chapter 7A, which is adopted by the California State Fire Marshal. These provisions are adopted locally by the LACFD and implemented in accordance with fire zone severity maps. Calabasas is included comprehensively in the Very High Fire Hazard Severity Zone Web Map ([arcgis.com](http://arcgis.com)), which requires the most restrictive fire resistance provisions for both building construction and vegetation clearance around properties.

The LACFD is a critical component of the project review process for development within the City. Representatives from LACFD are on the City's Development

Review Committee distribution list and have an opportunity to review every project before it comes to the Planning Commission. Furthermore, LACFD approval is required prior to the issuance of Building Permits. Finally, LACFD is the agency responsible for establishing and enforcing defensible space requirements, such as proper fuel modification and brush clearance. The final landscape plan and material installation is subject to review and approval by LACFD. The result is that Building regulations are enforced jointly by the Community Development Department's Building and Safety Division and the County of Los Angeles Fire Department in their review of building plans for fire resistance requirements, together with field inspection of building construction.

**Calabasas Development Code:** Title 17 of the CMC contains the Land Use and Development Code of the City of Calabasas. The purpose of Title 17 is to implement the policies of the General Plan by classifying and regulating development of land and structures within the City. More specifically, the purposes of the Development Code are to:

- Provide standards for the orderly growth and development of the city that will assist in maintaining a high quality of life without causing unduly high development costs or unduly restricting private enterprise, initiative or innovation in design;
- Implement the Calabasas General Plan by encouraging the uses of land designated by the General Plan and avoiding conflicts between land uses;
- Conserve and protect the natural resources of the City;
- Create a comprehensive and stable pattern of development and land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;
- To provide regulations for the subdivision of land in accordance with the Subdivision Map Act, Title 7, Section 4, Division 2 of the California Government Code §§ 66410-66499.58; and
- To provide regulations consistent with state planning and zoning laws.

To achieve the above stated purposes, the Development Code includes standards applicable to each zoning district and/or overlay, such as setbacks, lot coverage, pervious surface requirements, height limits, and minimum lot size. Furthermore, the Development Code includes requirements for specific types of development, such as ADUs, Mixed Use Projects and development within designated scenic corridors. The Development Code also includes standards for specific features of development, including but not limited to lighting, parking, landscaping, signs, historic preservation, subdivisions and affordable housing. The Development Code does not include provisions for fire safety because that is handled by the State Fire

Code found within the CBC and enforced by the LACFD and Building and Safety, as discussed above.

**Fire Hardening:** Previous building codes and associated regulations were not as restrictive as current standards, and many existing buildings in the City do not comply with these current requirements. Evolving understanding of fire science, supported by practical experience, has established that wind-borne embers (commonly referred to as ember cast) may travel many miles, and the traditional notion that fire hazard is related to immediate proximity to wildland areas and other open space have been challenged in recent years. As a result, the purpose of Fire Hardening is to retrofit and maintain homes to increase the chance of survival during a wildfire event. While there are no requirements in the CMC for property owners to “harden” their homes, the City provides information and resources on best practices for Fire Hardening. Furthermore, there are various state agencies and non-profit organizations that provide free and/or low-cost Home Fire Hardening services. Additionally, new State laws require property owners to make Fire Hardening disclosures to prospective buyers when selling their home.

**FISCAL IMPACT/SOURCE OF FUNDING:**

All development costs are borne by the applicant. No fiscal impacts or City costs are associated with discussion of this issue.

**REQUESTED ACTION:**

That the City Council review the Planning Commissioner’s recommendations and provide direction to staff.

**ATTACHMENTS:**

- Attachment A: CAL Fire FAQ – Fire Hazard Severity Zones
- Attachment B: PowerPoint Presentation