



BILL NO. 18

ORDINANCE NO. 2020-018

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING CBC TITLE 24 APPENDIX O104 TO
SECTION 11-102 OF THE FRESNO MUNICIPAL CODE
RELATING TO AMENDMENTS TO THE CALIFORNIA
BUILDING CODE EMERGENCY SLEEP CABINS

WHEREAS, the City adopted the 2019 California Building Code (CBC) on November 14, 2019; and

WHEREAS, Title 24 Appendix O104 of the CBC recommends Emergency Sleeping Cabins, defined as relocatable hard-sided structures which may be occupied only for emergency housing, contain a minimum of 70 square feet for single occupancy, 120 square feet for double occupancy, and 50 square feet for each additional occupant, for up to 400 square, excluding lofts; and

WHEREAS, the City is authorized to make local agency amendments to the California Building Code pursuant to California Health and Safety Code Sections 17958.7, and 18941.5; and

WHEREAS, it is the intent of the City to amend the Fresno Municipal Code (FMC) to revise the recommended minimum interior floor area of emergency sleep cabins from 70 square feet for one occupant and 50 square feet for each additional occupant to 100 square feet for up to 4 occupants; and

WHEREAS, an exception would apply to the amendment during City-declared public health emergencies wherein a maximum of 2 occupants would be allowed within a 100 square foot emergency sleeping cabin.

1 of 9

Date Adopted: 06/11/2020
Date Approved: 06/15/2020
Effective Date: 07/16/2020

Ordinance No. 2020-018



THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. Pursuant to California Health and Safety Code Section 17958.7 and 18941.5, the Council of the City of Fresno expressly finds the proposed modification to Appendix O104 with Title 24 of the California Building Code decreasing the minimum interior floor area of emergency sleep cabins to 100 square feet for up to 4 occupants except during a City-declared public health emergency where a maximum of 2 occupants would be allowed is reasonably necessary because of local climatic, geological, or topographical conditions. The harsh summer and winter conditions in the City places the health and lives of the increasing unsheltered homeless population at risk and makes it reasonably necessary to adopt this amendment to the California Building Code.

1. The Fresno Madera County Continuum of Care 2019 Point in Time (PIT) count reported a total of 1,486 homeless individuals within the City which is an increase of 16.2% over the 2018 PIT count (1,279). Further, 1,152 of the homeless individuals were unsheltered, representing 23.2% increase in the number of unsheltered persons in the 2018 PIT count (935).

2. The proposed amendment to the local building code during a shelter crisis would assist in meeting emergency housing demands for individuals needing essential, safe and sanitary shelter and diversion from homelessness and would expeditiously move homeless individuals out of harsh climates.

3. The proposed amendment would also extend the use of limited emergency shelter resources and provide additional shelter to homeless



individuals.

SECTION 2: Title 24 Appendix O104 of the California Building Code regulates Emergency Sleeping Cabins. It states:

A. General. Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m^2) for one occupant. Where more than one person occupies the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m^2) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m^2), excluding lofts.

B. Live loads. Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.

2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.

3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.

4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

C. Minimum ceiling height. Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches ($2,032 \text{ mm}$). Bathrooms, toilet rooms, and kitchens, if provided, shall



have a ceiling height of not less than 76 inches (1,930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. Exception: Ceiling heights in lofts constructed in accordance with Section N108 are permitted to be less than 80 inches (2,032 mm).

D. Means of egress. Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section O104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section O104.4.1, provided in the loft space.

E. Egress window. The bottom of the clear opening of the egress window shall not be more than 44 inches (1,118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of five square feet (0.465 m^2).

F. Plumbing and gas service. If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

G. Electrical. Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity. Exception: The source of



electricity may be solar power or emergency generator.

2. At least one interior lighting fixture.

3. Electrical heating equipment listed for residential use and a dedicated receptacle outlet for the electrical heating equipment. Exception: Electrical heating equipment and a dedicated receptacle outlet for said equipment are not required if a nonelectrical source of heat is provided.

4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

H. Ventilation. Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency.

I. Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

J. Carbon monoxide alarms. If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315.

SECTION 3. MODIFICATION. Title 24 Appendix O104 of the California Building Code regarding Emergency Sleeping Cabins shall be amended and CBC Title 24 Appendix O104 shall be added to Section 11-102 of the Fresno Municipal Code to read:

A. General. Emergency sleeping cabins shall have an interior floor



area of not less than 70 [100] square feet (6.5 [9.3]m²) for ~~one~~ a maximum of four occupant[s]. [Emergency sleeping cabins shall be limited to two occupants with an interior floor area of not less than 100 square feet (9.3 m²) for the duration of any City-declared public health emergency.] Where more than ~~one~~ [four] person[s] occup[y]ies the cabin [at any time], the required floor area shall be [70 square feet (6.5 m²) for the first occupant and] increased at the rate of 50 square feet (4.65 m²) for each [additional] occupant[.] ~~in excess of one.~~ The interior floor area shall not exceed 400 square feet (37 m²), excluding lofts.

B. Live loads. Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.
4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

C. Minimum ceiling height. Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches (2,032 mm). Bathrooms, toilet rooms, and kitchens, if provided, shall



have a ceiling height of not less than 76 inches (1,930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. Exception: Ceiling heights in lofts constructed in accordance with Section N108 are permitted to be less than 80 inches (2,032 mm).

D. Means of egress. Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section O104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section O104.4.1, provided in the loft space.

E. Egress window. The bottom of the clear opening of the egress window shall not be more than 44 inches (1,118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of five square feet (0.465 m²).

F. Plumbing and gas service. If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

G. Electrical. Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity. Exception: The source of



electricity may be solar power or emergency generator.

2. At least one interior lighting fixture.

3. Electrical heating equipment listed for residential use and a dedicated receptacle outlet for the electrical heating equipment. Exception: Electrical heating equipment and a dedicated receptacle outlet for said equipment are not required if a nonelectrical source of heat is provided.

4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

H. Ventilation. Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency.

I. Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

J. Carbon monoxide alarms. If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315.

This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 11th day of June 2020.

AYES : Bredefeld, Caprioglio, Chavez, Esparza, Karbassi, Soria, Arias
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: June 15th, 2020
Mayor Approval/No Return: N/A, 2020
Mayor Veto: N/A, 2020
Council Override Vote: N/A, 2020

YVONNE SPENCE, MMC CRM
City Clerk

BY: Yvonne Spence 6/17/2020
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: Tracy N. Parvanian 6-16-20
Tracy N. Parvanian Date
Senior Deputy City Attorney



June 12, 2020

Council Adoption: 6/11/2020

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR LEE BRAND

FROM: YVONNE SPENCE, MMC, CRM
City Clerk

Ys

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of June 11, 2020, Council adopted the attached Bill No. B-18, Ordinance No. 2020-018, entitled **Adding California Building Code Title 24 Appendix 0104 To Section 11-102 of the Fresno Municipal Code relating to Amendments to the California Building Code regarding Emergency Sleeping Cabins**. Item 1-H, File ID 20-00698, by the following vote:

| | | |
|---------|---|--|
| Ayes | : | Arias, Bredefeld, Caprioglio, Chavez, Esparza, Karbassi, Soria |
| Noes | : | None |
| Absent | : | None |
| Abstain | : | None |

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before June 22, 2020. In computing the ten-day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

X APPROVED / NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

DocuSigned by:

Lee Brand

AA21DC6C39664EE...

Lee Brand, Mayor

COUNCIL OVERRIDE ACTION:

| | |
|---------|---|
| Ayes | : |
| Noes | : |
| Absent | : |
| Abstain | : |

Date: 6/15/2020

Date: _____