**Response to Proposed Revisions to Class K Ordinance**

The Mendocino Board of Supervisors is looking to change our Class K Building Ordinance and require all manner of new building materials and techniques, despite the high cost, and despite the fact that California building regulations still offers amended options for owner-built rural dwellings. With the aim of preserving affordable housing options in our county, we’ve done a bit of research into California’s building codes, to better understand the issues and to offer a more educated defense of maintaining affordable and creative building opportunities in Mendocino.

The Class K Building Ordinance exists to “provide *minimum* requirements for… limited density rural dwellings and appurtenant structures”1 and “to permit the use of ingenuity and preferences of the builder”.2 The Class K Ordinance further states that the adoption of these amended regulations “is reasonably necessary because …Mendocino County has a severe housing shortage. Low cost housing is especially hard to find in the County and the adoption of regulations for limited density rural dwellings will encourage the further construction of such dwellings. State law mandates the County of Mendocino to adopt a General Plan which makes adequate provisions for housing its citizens”.3 And finally, these amended building regulations are “necessary so that County residents may be provided housing at a cost affordable to themselves and to the county of Mendocino”.4

These articulate arguments, based on and sanctioned by California’s Title 24 Building Standards Code and Title 25 Housing and Community Development Regulations, were written in the 1980s by our County Supervisors to explain the need for amended building regulations that support California affordable housing mandates and help address Mendocino housing shortages. In the nearly 40 years since this was published, our housing needs have become more extreme, and our state government more adamant that counties must make affordable housing options available to their residents or face legal consequences.5 Today’s Titles 24 and Title 25 still endorse those Class K goals.

On February 6th, the Board of Supervisors will be entertaining proposals to change Class K in ways that would significantly hamper owner/builders from constructing affordable housing. We would like to address the proposed items point-by-point to make certain, while still adhering to the State’s health and safety standards, that no unnecessary regulations are added, no undo costs are incurred, and no building hurdles imposed that might deepen our housing crisis and make our county vulnerable to penalties and legal challenges.

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*A new single family residence shall be limited to 2,000 square feet of habitable space under Class K. An additional 800 square foot attachment would be permitted.*

* This is a good idea. Capping the size at 2000 ft2 is quite compatible with affordable housing goals, and limiting the size will significantly lower fire risks.6
* This would, furthermore, close a loophole for people who would take advantage of Class K and create fire hazards by constructing excessively large structures.

*A perimeter foundation, as required by California Building Code (CBC), shall be required under all new single family residences, and all accessory structures greater than one story in height, unless otherwise determined by an engineer.*

* The California Residential Code [Title 24, Part 2.5, Chapter 9, R301. 1.1.1] *specifically states* that for limited-density owner-built rural dwellings, “Pier foundations, stone masonry footings and foundations, pressure-treated lumber, poles or equivalent foundation materials or designs may be used provided that bearing is sufficient”.17
* So perimeter foundations are NOT required by CBC, and owner-builders of rural dwellings seeking affordable housing *may* opt for less expensive foundation types.

*Wildland Urban Interface (WUI) requirements apply to all new family residential structures.*

* Title 24, Part 2.5, Chapter 9 specifies that for limited-density owner-built rural dwellings, owner-produced or used lumber may be used.7
* Class K and Title 25 encourage and support ingenuity and builder preferences.
* Title 24 Building Codes allow for alternative methods of achieving the goals of the minimum standards.8
* The Building Department should have educational literature to share with Class K applicants on standard and alternative building materials that limit fire spread.
* Any costly building requirements should be offset by property tax incentives.

*All future Class K structures come into compliance with CA State Law and require automatic fire sprinklers in all single family residential structures.*

* There are many ways to reduce fire risk, but sprinkler systems are one of the more costly, adding $10,000- $14,000 or more to construction costs (for a 2000 ft2 home) and requiring them is therefore not in keeping with CA affordable housing goals.
* Title 25 specifies that limited density owner-built rural dwellings are to be allowed to use their ingenuity in the pursuit of health and safety. Title 25, Article 8’s purpose is to facilitate alternative approaches to meet building health and safety goals.9
* The leading advocate for fire sprinklers is the National Fire Protection Association (NFPA), a trade union that was formed in 1896 for the express purpose of lobbying for fire sprinkler systems!10 They keep strong statistics on fires and deaths, but they no longer record and report instances of sprinkler failure.11 They are a biased source.
* California is one of only three states that require fire sprinkler systems for standard residential construction, 31 states have no fire sprinklers legislation, and a whopping 17 states that *actually prohibit* state and county requirements of fire sprinklers!12
* Indoor fire sprinklers have no impact on wild land fires.
* Multiple other factors can contribute to flammability. House size is a key factor, and a square footage cap, if adopted, will greatly lower the risk of adverse effects of fire.13
* If owner/builders of low-density rural dwellings would prefer to apply their ingenuity to the goal of protecting themselves and their property from the adverse effects of fire, the Building Department should accept their proposals.
* The State political tide favors housing advocacy.14

*Three (3) inspections will be required to obtain a Class K permit.*

* Title 25 (§ 108-112) 15 and Class K (§ 18.23.170) 16 already provide for at least one single inspection and any additional inspections that may be needed.

*Class K Ordinance shall state that the most recently adopted version of the Uniform Building Code (UBC) would be the operative code. This would avoid the necessity of having to re-adopt Class K revisions.*

* This is an alarming proposition. Any changes to Class K Ordinance require amending the General Plan, and for good reason. Class K Ordinance is currently part of the Mendocino Housing Element of the General Plan.18
* General Plan protocol encourages public input and maintains transparency of purpose.
* Let’s not curtail democratic principles for convenience sake or to avoid public input.

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**Endnotes**

1 Class K Ordinance, Mendocino County Planning and Building Services, Chapter 18.23, sec. 18.23.020

2 Class K Ordinance, Mendocino County Planning and Building Services, Chapter 18.23, sec. 18.23.300

3 Class K Ordinance, Mendocino County Planning and Building Services, Chapter 18.23, sec. 18.23.440

4 Ibid

5 California AB 1515, Section 1, section 65589.5(a): “The lack of housing … is a critical problem that threatens the economic, environmental, and social quality of life in California.”

6 “Analysis of Changing Residential Fire Dynamics and its Implications on Firefighter Timeframes”; Stephen Kerber; 2014; p. 3

7 Title 24, Part 2.5, Chapter 9 (2016 California Residential Code); R301. 1.1.1; Item 5.

8 Title 24, Chapter 7A, 703A.6

<https://codes.iccsafe.org/public/public/chapter/content/9997/>

9 Title 25; Division 1; Chapter 1; Subchapter 1; Article 8; § 124. Intent of General Requirements

10 History of NFPA; [www.nfpa.org/About-NFPA/NFPA-overview/History-of-NFPA](http://www.nfpa.org/About-NFPA/NFPA-overview/History-of-NFPA)

11 Sprinklers: Interpreting the Statistics; Richard Licht, 1/1/2007; [www.fireengineering.com/articles/print/volume-160/issue-1/departments/fire-commentary/sprinklers-interpreting-the-statistics.html](http://www.fireengineering.com/articles/print/volume-160/issue-1/departments/fire-commentary/sprinklers-interpreting-the-statistics.html)

12Fire Sprinkler Initiative [www.nfpa.org/Public-Education/Campaigns/Fire-Sprinkler-Initiative/Legislation-and-adoptions/Sprinkler-requirements](http://www.nfpa.org/Public-Education/Campaigns/Fire-Sprinkler-Initiative/Legislation-and-adoptions/Sprinkler-requirements)

13 ”Analysis of Changing Residential Fire Dynamics and its Implications on Firefighter Timeframes”; Stephen Kerber; 2014; p. 3

14 California AB 1515, Section 1, section 65589.5(a):

15 Title 25; Division 1; Chapter 1; Subchapter 1; Article 8; § 108-112 Inspections, Special Inspections, and Inspection Waivers

16 Class K; §18.23.170 Special Inspections.

17 Title 24, Part 2.5, Chapter 9 (2016 California Residential Code); R301. 1.1.1; Item 4.

18 Mendocino County Housing Element; August 4, 2015; 5-235.