

Subject: Movable Tiny Houses.
From: Philip Merten <Phil@MertenArchitect.com>
Date: 5/6/2020, 11:28 AM
To: undisclosed-recipients;

Ladies and Gentlemen of the La Jolla Community Planning Association,

In preparation for tomorrow night's virtual discussion of **Mobile Tiny Houses** I ask that you please read and consider the information contained in the three attached email messages below.

To comply with the Brown Act, please do not discuss this information with any other Trustee prior to hearing the issue at tomorrow's virtual LJCPA meeting. (As I am merely a private citizen and not a Board Member I am not bound by the provisions of the Brown Act. :-)

Thank you very much for your consideration.

Regards,

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT
TEL 858-459-4756
E-mail: Phil@MertenArchitect.com

From: Philip Merten <Phil@MertenArchitect.com>
Subject: Movable Tiny Houses - Windows in Exterior Walls
Date: April 25, 2020 at 9:56:16 AM PDT
To: Bry Barbara <barbarabry@sandiego.gov>
Cc: "Hadley, Steven" <srhadley@sandiego.gov>, La Jolla Community Planning Association <info@LaJollaCPA.org>

Re: Movable Tiny Houses
Proposed Amendments to the Municipal Code and Local Coastal Program
Windows in Exterior Walls

Dear Council President Pro Tem Bry,

Factory built mobile tiny houses are narrow in width to allow them to be transported on public highways. So that mobile tiny houses feel less confining, mobile tiny houses typically have windows along both sides of the units. As stated previously, the proposed Municipal Code Amendments would allow a mobile tiny house to be located immediately adjacent a side property line, would pose a significant public safety risk because of the proposed inferior fire resistive

construction requirements of the Amendment.

Windows in Exterior Walls

Attached below is an excerpt from the 2019 California Residential (Building) Code, which clearly prohibits window openings in an exterior wall less than 3 feet from a property line, even when a fire sprinkler system is installed in the dwelling. The prohibition of windows closer than 3 feet from a property line is to prevent a fire within a dwelling unit from spreading through the window opening to an adjacent property, as well as preventing a fire on an adjacent property from spreading through a window into the subject dwelling.

**TABLE R302.1(1)
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>California Building Code</i> with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

**TABLE R302.1(2)
EXTERIOR WALLS—DWELLINGS AND ACCESSORY BUILDINGS WITH AUTOMATIC RESIDENTIAL FIRE SPRINKLER PROTECTION**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>California Building Code</i> with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood ^{b, c}	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	NA	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section R313, the fire separation distance for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.

The mobile home industry construction standards are significantly different and inferior to the building standards of the California Residential Code, and contain no limitation on window openings. The proposed Municipal Code Amendment only requires windows to be double pane glass, which has no affect on the transmission of radiant heat energy through a window opening.

The Amendments as currently drafted allow a mobile tiny house to be located in close proximity to

a property line which will pose a significant risk to the occupants of a mobile tiny house and to the adjacent property.

Thank you again for your consideration of this important issue.

Sincerely,

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT

TEL 858-459-4756

E-mail: Phil@MertenArchitect.com

From: Philip Merten [<mailto:Phil@MertenArchitect.com>]

Sent: Friday, April 24, 2020 4:35 PM

To: Councilmember Barbara Bry <BarbaraBry@san Diego.gov>

Cc: Hadley, Steven <SRHadley@san Diego.gov>; La Jolla Community Planning Association <info@LaJollaCPA.org>

Subject: Movable Tiny Houses.

Re: Movable Tiny Houses

Proposed Amendments to the Municipal Code and Local Coastal Program

Dear Council President Pro Tem Bry,

Not only do the Proposed Amendments to the Municipal Code and Local Coastal Program **exclude** provisions to protect community character as required by our various Community Plans, the Development Services Department's Process One review and approval will result in community character never being considered. The 'fast tracking' of the Proposed Amendments without public review and comment, especially by Community Planning Groups and building industry professionals, has resulted in poorly considered proposed Amendments that pose a significant risk to public safety.

The proposed amendments allow a mobile tiny home to encroach into an interior side yard setback and be located immediately adjacent to an interior side property line.

Exterior Walls - Fire Resistive Construction

The California Residential (Building) Code requires non-fire rated buildings to be set back a minimum distance of 5 feet from interior property lines so that there is sufficient distance between the building

and a building on an adjacent parcel to lessen the chances of a structure fire spreading from the building to neighboring structure on an adjacent parcel. The California Residential Building Code does allow buildings to be located less than 5 feet from a property line provided all parts of the building within 5 feet of the property line are 'One Hour Fire Rated' Construction to include an interior fire sprinkler system. 'One Hour Fire Rated' Construction means that the exterior wall and roof assemblies are constructed of certain materials and in a manner that would contain an interior fire within the building to prevent it from spreading next door; or to lessen the chances of a fire on an adjacent property from igniting the subject building.

Contrary to the California Residential Code (CRC) for **buildings**, exterior walls of mobile tiny homes are only required to be constructed with ignition resistant materials in compliance with Section R313 of the CRC . Section R 313 only pertains to a flame spread rating of materials and not the ability of the materials to contain a fire within a mobile tiny house or to prevent a mobile tiny house fire from spreading to an adjacent property. Section R 313 is a much lower standard for mobile tiny house construction than is 'One Hour Fire Rated' Construction with an interior fire sprinkler system for conventional buildings, and if approved would pose a significant risk to adjacent properties.

Therefore, To reduce the risk of fire spread:

1. Mobile Tiny Homes manufactured in accordance with the *Mobile Home Construction and Safety St*
2. Mobile Tiny Homes located less than 5 feet from a side or rear property line or less than 10 feet from a

Propane Fuel

The proposed Amendments prohibit connection of natural gas to mobile tiny homes. As space heating and water heating by electricity from SDGE is expensive, and considering the high cost of solar panels and a storage batteries for a small dwelling, propane gas is a much lower cost energy source. At the April 16 Planning Commission meeting propane gas was mentioned as a possible, if not likely, energy source for space and water heating and cooking.

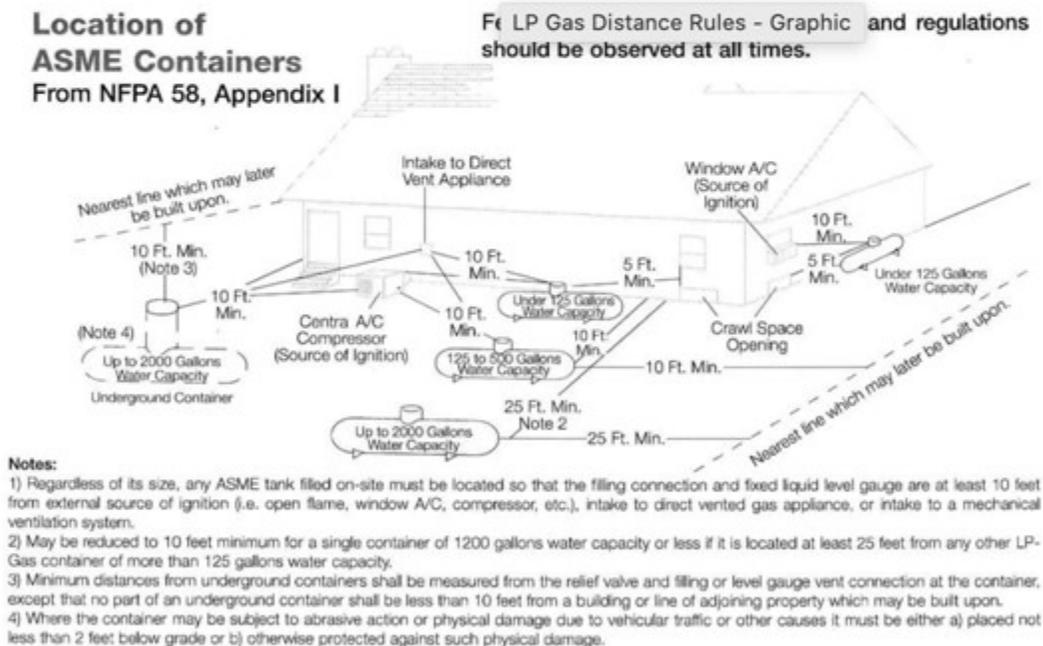
Propane storage tanks necessary for home heating are sizable, and may not be located within 10 feet of a mobile tiny house or any other structure or property line as illustrated below.

Propane Tank Distance Requirements

One of the most visited subjects in the propane industry is distance requirements for [propane tanks](#). Distance rules are applicable to propane tanks and their connections in relation to what surrounds them, whether it's a house or another propane tank. Care and consideration of surrounding buildings, driveways, awnings, house or building openings, property lines and more need to be taken into account when placing a propane tank in a legal and safe location.

Container Distance Requirements

The distance requirements for propane tank locations are dependent upon the [LP Gas tank size](#) as well as whether the installation is an above ground tank or an [underground tank](#). Generally, the majority of tanks fall under a ten foot rule with regard to buildings and houses. The standards and rules differ when locations such as playgrounds, parking lots, railroad tracks or other flammable materials are taken into consideration. Propane companies and professionals will ensure propane tank distance requirements are adhered to when installing a propane tank in any location. The graphic below depicts common residential container distances required by the NFPA.



Point of Transfer Distance Requirements

The point of transfer is defined as "the location where connections and disconnections are made or where LP-Gas is vented to the atmosphere in the course of transfer operations". The transfer of propane during the filling process results in residual liquid release between the tank fill valve and the hose end connection upon completion of transfer. When the hose is unhooked from the tank, liquid is released into the atmosphere. For this reason, the point of transfer is subject to distance requirements.

Relief Valve Distances

To reduce the risk of
fire;

ASME Propane storage tanks shall be located on site a accordance with the safe distance and separation
Liquefied Petroleum Gas Code.

I doubt that the impact of propane storage tanks and hazardous flammable fuel delivery trucks making regular deliveries within developed suburban neighborhoods have been thoroughly considered by City staff, let alone by the affected general public.

For the public safety concerns alone, the proposed amendments to the SDMC **must not** be adopted until all of the issues have been thoroughly addressed by City staff and reviewed by all Community Planning Groups. After consideration of the public safety issues I believe substantial modification of the Proposed Amendments is warranted before they are adopted by the City Council.

Thank you for your consideration.

Sincerely,

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT
TEL 858-459-4756
E-mail: Phil@MertenArchitect.com

Begin forwarded message:

From: Philip Merten <Phil@MertenArchitect.com>
Subject: Item 3 - Movable Tiny Houses.
Date: April 15, 2020 at 3:05:58 PM PDT
To: Commission Planning <planningcommission@sandiego.gov>
Cc: Councilmember Barbara Bry <barbarabry@sandiego.gov>

Re:
Movable Tiny Homes

April 16 Planning Commission Meeting

Planning Commissioners,

Unfortunately, the proposed Municipal Code and Local Coastal Program Amendments

are not thought out and should be vetted by all Community Planning Groups across the entire City and the coastal communities affected by the proposed Local Coastal Program Amendment.

Below are excerpts from the DRAFT Municipal Code Amendment to allow Movable Tiny Houses.

Mobile Tiny Houses will be allowed (designated by 'L') in **all Single-Family Zones** and approved in accordance with **Process One** (over-the-counter).

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-												RX-		RT-								
3rd >>	1-	1-												1-		1-									
4th >>	1 2 3 1 2 3 4 5 6 7 8 9 10 11 12 13 14	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Residential, Separately Regulated Residential Uses, Live/Work Quarters [No change in text.]	[No change in text.]																								
<i>Movable Tiny Houses</i>	L	L												L	L										



Unfortunately the 14' x 30' Single Wide Mobile Home depicted above complies with the proposed definition, description and requirements for a Mobile Tiny House.

The proposed Amendment to the SDMC should be modified to require a Coastal Development Permit for Mobile Tiny Homes located in the Coastal Zone, so that the Design and appearance of Mobile Tiny Homes comply with the Community Character Policies and Recommendations of the Residential Land Use Elements of the Community Plans in which they are located.

§113.0103 Definitions

Abutting property through Motel [No change in text.]

Movable tiny house means an *accessory structure* that is between 150 and 430 square feet in size on a residential *lot* that provides independent living facilities for one or more persons, independent of the primary *dwelling unit*, which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

MSCP Subarea Plan through Yard [No change in text.]

§141.0302 Companion Units, Junior Units, and Movable Tiny Houses

Companion units, junior units, and movable tiny houses are each permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations), subject to the following regulations.

(a) through (b) [No change in text.]

(c) *Movable Tiny Houses*

- (1) A *movable tiny house* shall be exempt from providing parking.
- (2) A *movable tiny house* shall be licensed and registered with the California Department of Motor Vehicles.
- (3) A *movable tiny house* shall not be larger than allowed by California State Law for movement on public highways.
- (4) A *movable tiny house* shall not be able to move under its own power.

- (5) A *movable tiny house* shall not exceed one story.
- (6) A *movable tiny house* shall have a total floor area between 150 and 430 square feet of habitable living space, including bathrooms and fixed counters.
- (7) A *movable tiny house* shall be located behind the primary *dwelling unit* and not in any required front yard. A *movable tiny house* may encroach within the interior side yard but the structure shall not encroach more than a maximum of 30 feet in length.
- (8) A *movable tiny house* shall not have a separate address from the primary *dwelling unit*.
- (9) When sited on a *premises*, the undercarriage (wheels, axels, tongue, and hitch) of a *movable tiny house* shall be concealed from view.
- (10) The wheels of a *movable tiny house* shall not be removed. The wheels and leveling or support jacks shall sit on a paving surface designed in accordance with Section 142.0560(h)(1).
- (11) Mechanical equipment of a *movable tiny house*, including heating, ventilation, and air conditioning equipment shall be incorporated into the structure and not located on the roof.
- (12) A *movable tiny house* shall be connected to water, sewer and electric utilities. Connections to natural gas are prohibited.
- (13) A *movable tiny house* shall be certified by a recognized national

established pursuant to Chapter 5, Article 5, Division 94, a

movable tiny house shall be constructed to meet the following

additional requirements:

- (A) A *movable tiny house* shall be protected with an automatic fire sprinkler system in compliance with Section R313 of the California Residential Code even if located on a *premises* where the primary *dwelling unit* is not protected with an automatic fire sprinkler system;
- (B) Exterior walls shall be constructed with ignition resistant materials in compliance with Section R337 of the California Residential Code; and
- (C) Glazed openings, including skylights, shall comply with Section R337 of the California Residential Code.

(19) A *movable tiny house* shall be constructed to include the following design elements:

- (A) Cladding and Trim: Materials used on the exterior shall exclude single piece composite, laminates, or interlocked metal sheathing;
- (B) Windows and Doors: Windows shall be at least double pane glass, labelled for building use, and include exterior trim. Windows and doors shall not have radius corners;
- (C) Roofs: Roofs shall be sloped to drain over the roof edge. At

least 50 percent of the roof area shall have a roof slope of 2:12 or more. Roof coverings shall comply with the Residential Building Regulations in Chapter 14, Article 9, Division 9; and

- (D) Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

I respectfully request that consideration of Movable Tiny Homes be **postponed** until after all Community Planning Groups across the entire City have had an opportunity to consider and comment on the proposed Municipal Code Amendment, and until affected coastal communities have had an opportunity to consider and comment on the proposed Local Coastal Program Amendment.

Thank you for your consideration and cooperation.

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT
TEL 858-459-4756
E-mail: Phil@MertenArchitect.com