

ORDINANCE NO. 655

AN ORDINANCE OF THE CITY OF FOSTER CITY REPEALING AND REPLACING CHAPTERS 15.02, "BUILDING CODE"; 15.04, "RESIDENTIAL CODE"; 15.06, "EXISTING BUILDING CODE"; 15.08, "MECHANICAL CODE"; 15.16, "PLUMBING CODE"; 15.20, "ELECTRICAL CODE"; AND 15.24, "FIRE CODE"; OF TITLE 15, "BUILDING AND CONSTRUCTION," OF THE FOSTER CITY MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, 2022 RESIDENTIAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA FIRE CODE AND THE 2022 CALIFORNIA EXISTING BUILDING CODE WITH APPENDICES WITHIN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND MAKING CERTAIN AMENDMENTS THERETO; AND ADOPTING THE FIRE DEPARTMENTAL POLICY MANUAL

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN, as follows:

Section 1. FINDINGS.

The City Council finds that the unique characteristics of the topography and the balance of industrial, commercial, and residential property in the City of Foster City require the adoption of the 2022 California Building Code, 2022 California Residential Code, 2022 California Plumbing Code, 2022 California Mechanical Code, 2022 California Electrical Code, 2022 California Fire Code, and 2022 California Existing Building Code with Appendices and local amendments and the Fire Department Policy Manual; together with the modifications herein are reasonably necessary in order to protect the health, safety, and welfare of the residents and property in the City because of the existence of the following findings of fact:

Findings of Fact

In accordance with Health and Safety Code Sections 13869.7, 17958, 17958.5, 17958.7, and 18941.5, the City Council makes the following findings of fact related to the topographical, climatic, and geological conditions that require modifications to the building standards reasonably necessary to protect the health, safety, and welfare of residents and property in the City.

Topographical

Foster City is a manmade island developed over a former marshland adjacent to the San Francisco Bay. In the early 1900s a dike was constructed separating the marsh from the Bay and converted to farmland and commercial salt production. In the early 1960s hydraulic fill consisting of sand and clam shells was dredged from the San Francisco Bay and deposited to an average depth of five feet (5') on the top of the existing land. The salt and mineral content of the fill material is very destructive to metal in contact with the soil. The weight of the fill material on the younger bay mud causes compaction of the younger bay mud that must be considered in the design of structures and drainage systems.

The City of Foster City is located in San Mateo County in an area identified as being in the southern region of the County. The City of San Mateo is to the west, Hayward to the east, and San Carlos and Redwood City are to the south. The City encompasses all of the City of Foster City. The City has an area of roughly 19.9 square miles with roughly 4 square miles of land area and a resident population of approximately 32,94234,453. The City includes small tracks of open space found in the flat marsh areas in the western portions of the City. Highway 92 passes through the City.

(a) Marshlands. Much of the City is located in marshlands. The wetland terrain has influenced development to follow the path of least resistance, creating a meandering pattern. The development pattern includes lots of varying size, and development is often set back from the street. The development pattern also does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross town thoroughfares, which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic in the City, such as the areas of the Hillsdale Blvd., Foster City Blvd., and Fashion Island Blvd., increase commute time traffic for East and West bound vehicular movement to US 101 and Hwy 92. This creates barriers, which increases the response time of fire apparatus and other emergency vehicles. The topography of the City is also burdened by major structures. Employment areas are throughout the City, and the people who work in these complexes have added to the traffic congestion, thereby increasing fire apparatus response times.

(b) Lagoons. The lagoon portions of the City contain water ways, bridges, and over crossings that contribute to reduced traffic flow.

(c) Roads and Streets. The number of vehicle miles driven is steadily increasing despite limited growth. The impact of additional regional planned developments and increased traffic flow will continue to have an effect on the delivery of fire protection services.

Climatic Conditions.

The City, on average, experiences an annual rainfall between 18 to 25 inches. This rainfall can be expected between October and April of each year and is based on the 100-year weather almanac. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between 70°-90° with light to gusty westerly winds. Warmer temperatures result in increased traffic on local water ways generating additional calls for services dealing with water rescues and boaters in need of assistance.

Geologic Conditions.

(a) Earthquakes. Seismically, the City sits along the active San Andreas Fault. The relatively young geological processes that have created the San Francisco bay region are still active today. Foster City is within Seismic Site Classes "D", "E", or "F" with many major faults traversing the region. A major earthquake within the City could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk because the depleted emergency response crews would not be available to respond to every incident immediately. Built-in fire

protection and other fire protection measures will provide a higher level of safety for occupants and property.

(b) Soil Conditions. The City lies in the southern end of San Mateo County. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. Bedrock lies beneath the area at depths generally three hundred (300) feet or more. Typically the soil pH in Foster City would be Slightly to Moderately alkaline, with the chloride concentration in the range of highly corrosive to very highly corrosive and sulfate content is typically considered adverse.

Section 2. REPEALING AND REPLACING CHAPTER 15.02 TO TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.02, “Building Code,” within Title 15, “Buildings and Construction,” of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.02 BUILDING CODE

Sections:

<u>15.02.010</u>	Adoption.
<u>15.02.020</u>	Citation.
<u>15.02.030</u>	Section 104.1 Chapter 1-Division 2 amended—Duties and Powers.
<u>15.02.040</u>	Section 104.6 Chapter 1-Division 2 amended--Right of Entry.
<u>15.02.050</u>	Section 105 Chapter 1-Division 2 amended—Permits.
<u>15.02.060</u>	Section 105 Chapter 1-Division 2 amended—Permits.
<u>15.02.070</u>	Section 105.3.1 Chapter 1-Division 2 amended—Action on Application for Permits.
<u>15.02.080</u>	Section 105.5 amended—Expiration.
<u>15.02.090</u>	Section 107 Chapter 1-Division 2 amended—Construction Documents.
<u>15.02.100</u>	Section 109 Chapter 1-Division 2 amended—Fees.
<u>15.02.110</u>	Section 110 Chapter 1-Division 2 amended—Inspections.
<u>15.02.120</u>	Section 113 Chapter 1-Division 2 amended—Means of Appeals.
<u>15.02.130</u>	Section 114 Chapter 1-Division 2 amended—Violations.
<u>15.02.140</u>	Section 1403.2 amended—Weather Protection.
<u>15.02.150</u>	Section 1505 amended--General.
<u>15.02.160</u>	Section 1611 amended—Ponding Instability.
<u>15.02.170</u>	Section 1803.2 amended—Investigations Required.
<u>15.02.180</u>	Section 1803.6 amended—Reporting.
<u>15.02.190</u>	Section 1807.1 amended—Foundation Walls.
<u>15.02.200</u>	Section 1907 amended—Concrete Slabs.
<u>15.02.210</u>	Section 3109.1 amended—General.
<u>15.02.220</u>	Section 101.3 Appendix “J” amended—General Fees.
<u>15.02.230</u>	Section 103 Appendix “J” amended—Permits Required.
<u>15.02.240</u>	Section 104.3 Appendix “J” amended—Permit Applications and Submittals Geotechnical Report.
<u>15.02.250</u>	Section 104.5 Appendix “J” amended—Permit Applications and

	Submittals Bonds.
<u>15.02.260</u>	Definitions.
<u>15.02.270</u>	Permit requirements.

15.02.010 Adoption.

The rules, regulations and standards, printed and published by the International Code Council and known as the International Building Code, 2021 Edition, with California Amendments as set forth in the 2022 California Building Code (Title 24, Part 2 (Vols. 1 and 2)), copies of which are in the Foster City Library and on file in the office of the City Clerk, (including the appendices G, H, I, J, and L thereto), in this chapter collectively called the Building Code, are adopted as and for the rules, regulations and standards within this city as to all matters therein contained except as otherwise provided in this chapter.

15.02.020 Citation.

The California Building Code adopted in Section 15.02.010 may be cited as the 'California Building Code'; provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to 'Section _____ of the California Building Code as amended by Municipal Code Section _____'.

15.02.030 Section 104.1 Chapter 1-Division 2 amended-- Duties and Powers.

15.02.030_Section 104.1 Chapter 1-Division 2 of the California Building Code is amended to read as follows:

Section 104.1 Chapter 1-Division 2 General. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. Pursuant to the enforcement of the provisions of this Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate. For such purpose, the Building Official shall have the powers of a law enforcement officer.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the Building Official, the Chief Building Official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, subject matter expert, or accredited organization acceptable to the Building Official. The Building Official is authorized to require design submittals to be prepared by, and bear the stamp of, a California registered design professional.

15.02.040 Section 104.6 Chapter 1-Division 2 amended--Right of Entry.

15.02.040_Section 104.6 Chapter 1-Division 2 of the California Building Code is amended by adding a second paragraph to read as follows:

'Authorized Representative' shall include the officers named in Section 103.3 of this Code.

15.02.050 Section 105.1 Chapter 1-Division 2 amended--Permits.

15.02.050_Section 105.1 Chapter 1-Division 2 of the California Building Code is amended

to add a new Section 105.1.3 to read as follows:

Demolition Permit. Upon compliance, or assurance that there will be future compliance to the satisfaction of the Building Official, with all applicable local, state and federal laws, standards and regulations, including but not limited to provisions of the California Building Code and Regional Air Quality Act, the building official may issue a demolition permit for any structure upon receipt of an application therefor, together with the nonrefundable fee adopted by resolution by the Governing Body to be a reasonable fee for covering the actual costs of processing such an application. The Building Official may require that a building permit or permits and any other necessary approvals be obtained for a project or replacement structure prior to issuing a demolition permit for a structure.

Any person failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor, as further provided in Section 15.02.100 of this code.

15.02.060 Section 105.2 Chapter 1-Division 2 amended--Permits.

15.02.060_Section 105.2 Chapter 1-Division 2 of the California Building Code is amended to read as follows:

Work Exempt from Permit. The Building Official may require a permit for projects which require approval and/or permits by the Community Development Director.

(The rest of Subsection 105.2 Chapter 1-Division 2 to read the same)

15.02.070 Section 105.3.1 Chapter 1-Division 2 amended-- Action on Application for Permit.

15.02.070_Section 105.3.1 Chapter 1-Division 2 of the California Building Code is amended by adding a second paragraph to read as follows:

No permit or approval shall be issued which does not conform to all applicable provisions of this Title and Title 17, including Design Review. The determination of conformance shall be made by the Community Development Director or designated staff members of the Community Development Department.

15.02.080 Section 105.5 amended Expiration.

15.02.080_Section 105.5 of the California Building Code is amended by adding a second paragraph to read as follows:

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

15.02.090 Section 107 Chapter 1-Division 2 amended—Construction Documents.

15.02.090 Section 107 of the California Building Code is amended to add a new Section 107.2.9 to read as follows:

Section 107.2.9 Survey: The construction documents submitted with the application for permit shall be accompanied by a site plan, prepared by a licensed civil engineer or land surveyor, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey.

The survey shall show, at a minimum, existing and proposed topography, existing buildings and structures, all property lines with lengths and bearings, any recorded easements, and any other restrictions or site conditions that may impact the proposed development. This may include structures to be reconstructed on the original footprint of an existing building when the property lines require verification. Only the affected property lines and their relationship to the existing and new construction will have to be verified. Staking of affected property lines or offset lines may be acceptable as determined by the Chief Building Official or the designee.

A pad certificate prepared by a State licensed Civil Engineer or a State licensed Surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Geotechnical Investigation Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a State licensed Civil Engineer or a State licensed Surveyor for the following items:

- a. Building pad elevation
- b. Finish floor elevation
- c. Foundation corner locations
- d. Retaining wall(s) locations and elevations

For structures greater than 25 feet in building height, written verification certifying the building height including the actual and allowable approved building heights shall be submitted to the project Building Inspector at final inspection. The certification shall be done by a State licensed Surveyor.

15.02.100 Section 109 Chapter 1-Division 2 amended--Fees.

15.02.100 Section 109 Chapter 1-Division 2 of the California Building Code is amended to read as follows:

Section 109 Chapter 1-Division 2 Fees. Fees shall be assessed in accordance with the provisions of this section as set forth in the fee schedule adopted by resolution by the Governing Body.

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The Value to be used in computing

the building permit and plan review shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other equipment.

Reinspection fees shall be assessed at the discretion of the building official at the adopted fee schedule miscellaneous hourly rate for the reinspection of work that was not ready at the time of inspection and for work that fails inspection two or more times.

Investigation fees, formal determination for change of Occupancy or condominium conversion report, shall be assessed at the discretion of the building official at the adopted fee schedule miscellaneous hourly rate for the investigation of work.

15.02.110 Section 110 Chapter 1-Division 2 amended--Inspections.

15.02.110 Section 110 of the California Building Code is amended to add a new Section 110.7 to read as follows:

110.7 Contractors shall have a qualified employee at the site with plans and permit available at all times during an inspection. If Contractor does not have a qualified employee at the construction site with plans and permits available or they are not ready, or plans and permit card are not present, contractors shall be subject to additional inspection fees, in an amount as set forth in the fee schedule adopted by resolution by the Governing Body.

Requests for duplicate plans or permit shall be subject to duplicate copy fees, in an amount as set forth in the fee schedule adopted by resolution by the Governing Body, and actual costs for new plans or a permit card.

15.02.120 Section 113 Chapter 1-Division 2 amended--Means of Appeals.

15.02.120 Section 113 Chapter 1-Division 2 of the California Building Code is amended to read as follows:

Section 113.1 Chapter 1-Division 2 - In order to provide for a final determination for the suitability of alternate materials, methods of construction, and reasonable interpretation of the provisions of this code, in the event of disagreement with the determination of the Building Official, there shall be and is hereby created a Board of Appeals, consisting of five members experienced in building construction. The Building Official shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall consider all evidence or proof submitted and conduct, or cause to be conducted, any investigations or tests it deems necessary and shall render all decisions and

findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

15.02.130 Section 114 Chapter 1-Division 2 amended--Violations.

15.02.130_Section 114 Chapter 1-Division 2 of the California Building Code is amended to read as follows:

Section 114.1 Chapter 1-Division 2 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any provisions of this code.

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000 or by imprisonment of not more than six months, or both such fine and imprisonment.

903

15.02.140 Section 1404.2 amended—Weather Protection.

15.02.140_Section 1404.2 of the California Building Code is amended by adding a second paragraph to read as follows:

Balconies, landings, exterior stairways, occupied roof and similar surfaces exposed to the weather and sealed underneath shall be waterproofed and sloped a minimum of $\frac{1}{4}$ unit vertical in 12 units horizontal (2% slope) for drainage.

15.02.150 Section 1505 amended--General.

15.02.150_Section 1505 of the California Building Code is amended to read as follows:

Section 1505.1 General. Roof covering shall be not less than, Class B fire retardant which complies with ASTM E108, UL 790 or ASTM D2898.

Roof coverings shall be securely fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

Subject to the requirements of this chapter, combustible roof coverings and roof insulation may be used in any type of construction.

Skylights shall be constructed as required in Section 2405.

Penthouses shall be constructed as required in Section 1511.2.

For the use of plastics in roofs, see Section 2606.4.

For solar energy collectors placed on the roof see Chapter 5.

Approval for changes in roof coverings, material, color, weight shall be made by the Community Development Director or designated staff members of the Community Development Department.

15.02.160 Section 1611.2 amended--Ponding Instability.

15.02.160_Section 1611.2 of the California Building Code is amended by adding a second paragraph to read as follows:

1611.2.1 Water Accumulation. All roofs shall be designed with sufficient slope to assure adequate drainage after long time deflection from dead loads and possible differential foundation subsidence, or shall be designed to support maximum loads including possible ponding of water due to deflection and subsidence. Minimum amount of ponding from subsidence shall be equal to 1/8 inch times the minimum building dimension in feet. See Section 1604 for deflection criteria.

15.02.170 Section 1803.2 amended— Investigations Required.

15.02.170_Section 1803.2 of the California Building Code is amended by adding a second paragraph to read as follows:

1803.2.1. A geotechnical investigation shall be conducted when required by Section 1803.2 of the California Building Code, Foster City Municipal Code, or the Building Official for all new structures, additions to existing structures not exempted by Foster City Municipal Code, or whenever the occupancy classification of a building changes to a higher relative hazard category pursuant to Table 1604.5 of the California Building Code as a result of the proposed work. The Building Official may waive the requirement for a geotechnical investigation for additions to detached one and two-family single story dwellings.

15.02.180 Section 1803.6 amended--Reporting.

15.02.180_Section 1803.6 of the California Building Code is amended to read as follows:

1803.6 #5 Recommendation for foundation type and design criteria including bearing capacity, provisions to minimize differential settlements, provisions for tying adjacent footings together to minimize differential, horizontal or vertical movement in the event of an earthquake, provisions to minimize the effects of expansive soils and the effects of expansive soils and the effects of adjacent loads.

15.02.190 Section 1807.1 amended—Foundation Walls.

15.02.190 Section 1807.1 of the California Building Code is amended by adding a sentence to the first paragraph and a second paragraph to read as follows:

All footings and foundations shall be designed by an Engineer or Architect licensed to practice in the State of California in accordance with the design criteria established as required by Section 1803 and in accordance with the structural provisions of this code. Footings and foundations may be installed per the criteria of the existing structure with the approval of the Building Official. Provisions to minimize differential settlement shall be included in the design.

Exception: Low ornamental walls and other nonstructural elements not over 3 feet 6 inches in height and which are not considered hazardous by the Building Official and when approval is not required by the Community Development Director.

15.02.200 Section 1907 added--Concrete Slabs.

15.02.200_The California Building Code is amended by adding Section 1907.2 to read as follows:

Section 1907.2 Concrete Slabs. All concrete slab on grade construction for habitable rooms in Group R Occupancies shall be constructed over a moisture barrier. The moisture barrier shall be a four inch thick layer of gravel, two layers of 15 lbs. felt, hot mopped or an equivalent approved membrane, and a 2 inch thick layer of sand. The architect or engineer may submit designs that provide equal or better protection for approval of the Building Official.

1907.2.1 All concrete slab on grade construction for habitable rooms in Group R Occupancies shall have minimum reinforcing equivalent to 6 inch by 6 inch weld wire fabric or better.

1907.2.2 Friction between slabs or foundations and ground shall be determined by a Geotechnical Engineer but in no case shall the coefficient of friction be less than 0.6.

15.02.210 Section 3109.1 amended--General.

15.02.210 The first sentence Section 3109.1 of the California Building Code is amended to read as follows:

3109.1. General. The design and construction of swimming pools, spas and hot tubs shall conform to all applicable provisions of this Title and Title 17, including Design Review, and Chapters 4, 5, 6, and 7 of the 2022 Uniform Swimming Pool, Spa and Hot Tub Code.

15.02.220 Appendix Section J101 amended--General.

15.02.220 Appendix Section J101_of the California Building Code is amended to add Section J101.3 to read as follows:

Appendix Section J101.3 General. Fees shall be assessed in accordance with the provisions of the fee schedule adopted by resolution by the Governing Body.

15.02.230 Appendix Section J103.1 amended--Permits Required.

15.02.230 Appendix Section J103.1 of the California Building Code is amended to read as follows:

Appendix Section J103.1 No person shall do any grading without first having obtained a grading permit from the Building Official. Grading exempted from requiring a permit must be approved by the Building Official before any grading is to be started.

15.02.240 Appendix Section J104.3 amended-- Permit Applications and Submittals.

15.02.240 Appendix Section J104.3 of the California Building Code is amended to read as follows:

Appendix Section J104.3 Geotechnical Report. A preliminary geotechnical investigation shall be made to determine structural stability of the site for the proposed use. It may be necessary to extend the investigation beyond site boundaries in order to evaluate surface and/or subsurface investigation and analyses sufficient to evaluate the site's potential for liquefaction and related ground failure.

The geotechnical report required by Section 1803.6 shall include data regarding the nature, distribution and physical properties of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading and comply with the provisions of Section 1803.6 where applicable to the proposed grading.

The geotechnical investigation report required by Section 1803.6 of this Chapter shall provide recommendations to minimize the potential damage to structures from total and differential settlement, consolidation, and secondary compression, and to protect steel and concrete (and any other material that may be placed in the subsurface) from long-term deterioration caused by contact with corrosive on-site soils. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.

The geotechnical investigation report required by Section 1803.6 of this Chapter shall provide recommendations to minimize the potential damage to utilities and flatwork due to settlement. Analysis and investigation shall include, but not be limited to, historic, and proposed grade changes, sensitivity to new loading, increased densities due to over-excavation and re-compaction, secondary compression, and induced settlement within the building area in the evaluation of the potential range of future settlements, and the need for special measures such as flexible utility connections, hanging underslab utilities, hinges slabs at building/flatwork transitions.

15.02.250 Appendix Section J104 amended—Permit Applications and Submittals

15.02.250 Appendix Section J104 of the California Building Code is amended to add a new Section J104.5 to read as follows:

J104.5 Bonds. The Building Official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or restore a graded site to the original condition. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

The City Engineer may require that bonds be posted to recover the full costs of any damage to public right-of-way which may occur because of the peculiar nature or large scope of the project, such as transportation of fill or heavy equipment on local streets not designed to accommodate the traffic.

15.02.260 Definitions.

Whenever any of the following names or terms is used in the California Building Code or the Foster City Municipal Code, such name or term shall have the following meaning:

“Accessory building” means a detached subordinate building, the use of which is appropriate, and customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot with the main building or use.

“Approved testing laboratory” means a laboratory that has been approved by the Environmental Protection agency (EPA) or other recognized agencies for the testing of wood-burning appliances.

“Bedroom” means a bedroom or room designed for sleeping purposes which shall be a minimum of seventy square feet and shall be not less than seven feet in any direction. A study, sewing room, sitting room, office, den, or similar room shall be considered a bedroom or room designed for sleeping purposes if it contains a closet, alcove, indentation, or wing wall which creates an area greater than twelve inches in depth.

“Catalytic” means a wood-burning appliance equipped with a device coated with platinum, palladium, or other rare metal located in the combustion chamber of a wood-burning appliance designed to cause relatively complete combustion at lower-than-normal temperatures.

“City” means the city of Foster City.

“City council” means the city council of the city of Foster City.

“EPA” means the United States Environmental Protection Agency.

“EPA-certified wood heater” means any wood heater that meets the standards in Title 40, Part 60, Subpart AAA of the Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations and includes EPA-certified wood heater inserts.

“EPA Phase II limits” means 7.5 grams particulate per hour for noncatalytic wood-burning appliances or 4.1 grams particulate per hour for catalytic wood-burning appliances.

“Fireplace” means any permanently installed masonry or factory-built wood-burning appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one.

“Gas fireplace” means any device designed to burn natural gas or propane having the appearance of a wooden log and used and vented inside a fireplace.

“Kitchen” means any room used, intended, or designed to be used for cooking and preparing of food. Rooms which contain appliances or equipment such as microwaves, ovens, gas or electric cook tops, or electric ovens, toaster ovens and similar appliances shall constitute a room or area, intended, or designed as a kitchen.

“Masonry fireplace” means a fire chamber of solid masonry units such as bricks or stones, or masonry units constructed on a foundation and provided with a suitable chimney.

“New construction” means the construction of new structures and new additions to existing structures.

“Pellet-fueled wood heater” means any wood heater that operates on wood pellets.

“Standard Window” means Window Standard Sizes as published by the Window and Door Manufacturers Association (WDMA).

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the assessed value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include a project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building official and which are the minimum necessary to assure safe living conditions

15.02.270 Permit requirements.

A. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, keep, maintain, or demolish a building or structure or make any installation, alteration, or improvement to the electrical, plumbing, or mechanical system within, on, or serving a building or a parcel, or cause the same to be done, without first obtaining the prescribed permits for each such building, structure or electrical, plumbing, or mechanical system from the building official.

B. No person, firm, or corporation shall install, construct, alter or repair in any new or existing residential structure, accessory building, garage, barn, stable, hotel, motel, bed and breakfast, commercial or industrial building or additions to the foregoing, any wood-burning fire-place, stove or appliance, with the following exceptions:

1. A pellet-fueled wood heater;
2. An EPA-certified wood appliance;
3. A fireplace certified by EPA, should EPA develop a fireplace certification program;
4. A masonry fireplace;
5. Appliances which are specifically designed for food preparation; and
6. Gas fireplaces.”

Section 3. REPEALING AND REPLACING CHAPTER 15.04 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.04, “Residential Code,” within Title 15, “Buildings and Construction” of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

**“Chapter 15.04
RESIDENTIAL CODE**

Sections:

- | | |
|------------------|-----------|
| <u>15.04.010</u> | Adoption. |
| <u>15.04.020</u> | Citation. |

<u>15.04.030</u>	Section R104.1 Chapter 1-Division 2 amended—Duties and Powers
<u>15.04.040</u>	Section R104.6 Chapter 1-Division 2 amended—Right of Entry.
<u>15.04.050</u>	Section R105.1.1 Chapter 1-Division 2 amended—Permits.
<u>15.04.060</u>	Section R105 Chapter 1-Division 2 amended—Permits.
<u>15.04.070</u>	Section R105.3.1 Chapter 1-Division 2 amended—Action on Application
<u>15.04.080</u>	Section R105.5 amended—Expiration
<u>15.04.090</u>	Section R108 Chapter 1-Division 2 amended—Fees.
<u>15.04.100</u>	Section R109 Chapter 1-Division 2 amended—Inspections
<u>15.04.110</u>	Section R112 Chapter 1-Division 2 amended—Means of Appeals.
<u>15.04.120</u>	Section R113 Chapter 1-Division 2 amended—Violations
<u>15.04.130</u>	Section R341 amended added—Encroachments into the Public Right of Way.
<u>15.04.140</u>	Section R342 amended added—Safeguards During Construction.
<u>15.04.150</u>	Section R401.4 amended—Soil Tests.
<u>15.04.160</u>	Section R403.1 amended—Footings
<u>15.04.170</u>	Section R404.1 amended—Foundation Walls General.
<u>15.04.180</u>	Section R406.2.1 amended—Concrete Slabs.
<u>15.04.190</u>	Section R903.1 amended—Weather Protection
<u>15.04.200</u>	Section R905 amended—Roof Covering Application.
<u>15.04.210</u>	Definitions.

15.04.010 Adoption.

The rules, regulations and standards, printed and published by the International Code Council and known as the International Residential Code, 2021 Edition, with California Amendments as set forth in the 2022 California Residential Code (Title 24, Part 2.5), copies of which are in the Foster City Library and on file in the office of the City Clerk, (including the appendix AH thereto), in this chapter collectively called the Residential Code, are adopted as and for the rules, regulations and standards within this city as to all matters therein contained except as otherwise provided in this chapter.

15.04.020 Citation.

The California Residential Code adopted in Section 15.04.010 may be cited as the 'California Residential Code'; provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to 'Section _____ of the California Residential Code as amended by Municipal Code Section _____'.

15.04.030 Section R104.1 Chapter 1-Division 2 amended-- Duties and Powers.

15.04.030 Section R104.1 Chapter 1-Division 2 of the California Residential Code is amended to read as follows:

Section R104.1 Chapter 1-Division 2 General. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. Pursuant to the enforcement of the provisions of this Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate. For such purpose, the Building Official shall have the powers of a law enforcement officer.

15.04.040 Section R104.6 Chapter 1-Division 2 amended--Right of Entry.

15.04.040 Section R104.6 Chapter 1-Division 2 of the California Residential Code is amended by adding a second paragraph to read as follows:

'Authorized Representative' shall include the officers named in Section R103.3 of this Code.

15.04.050 Section R105.1.1 Chapter 1-Division 2 amended--Permits.

15.04.050 Section R105.1.1 of the California Residential Code is amended to add a new Section R105.1.1 to read as follows:

Demolition Permit. Upon compliance, or assurance that there will be future compliance to the satisfaction of the Building Official, with all applicable local, state and federal laws, standards and regulations, including but not limited to provisions of the California Residential Code and Regional Air Quality Act, the building official may issue a demolition permit for any structure upon receipt of an application therefor, together with the nonrefundable fee adopted by resolution by the Governing Body to be a reasonable fee for covering the actual costs of processing such an application. The Building Official may require that a building permit or permits and any other necessary approvals be obtained for a project or replacement structure prior to issuing a demolition permit for a structure.

Any person failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor, as further provided in Section 15.04.100 of this code.

15.04.060 Section R105.2 Chapter 1-Division 2 amended--Permits.

15.04.060 Section R105.2 Chapter 1-Division 2 of the California Residential Code is amended to read as follows:

Work Exempt from Permit. The Building Official may require a permit for projects which require approval and/or permits by the Community Development Director.

(The rest of Subsection R105.2 Chapter 1-Division 2 to read the same)

15.04.070 Section R105.3.1 Chapter 1-Division 2 amended-- Action on Application for Permit.

15.04.070 Section R105.3.1 Chapter 1-Division 2 of the California Residential Code is amended by adding a second paragraph to read as follows:

No permit or approval shall be issued which does not conform to all applicable provisions of this Title and Title 17, including Design Review. The determination of conformance shall be made by the Community Development Director or designated staff members of the Community Development Department.

15.04.080 Section R105.5 amended--Expiration.

15.04.080 Section R105.5 of the California Residential Code is amended by adding a second paragraph to read as follows:

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

15.04.090 Section R108 Chapter 1-Division 2 amended--Fees.

15.04.090 Section R108 Chapter 1-Division 2 of the California Residential Code is amended to read as follows:

Section R108 Chapter 1-Division 2 Fees. Fees shall be assessed in accordance with the provisions of this section as set forth in the fee schedule adopted by resolution by the Governing Body.

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The Value to be used in computing the building permit and plan review shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other equipment.

Reinspection fees shall be assessed at the discretion of the building official at the adopted fee schedule miscellaneous hourly rate for the reinspection of work that was not ready at the time of inspection and for work that fails inspection two or more times.

Investigation fees shall be assessed at the discretion of the building official at the adopted fee schedule miscellaneous hourly rate for the investigation of work.

15.04.100 Section R109 Chapter 1-Division 2 amended--Inspections.

15.04.100 Section R109 of the California Residential Code is amended to add a new Section R109.5 to read as follows:

R109.5 Contractors shall have a qualified employee at the site with plans and permit available at all times during an inspection. If Contractor does not have a qualified employee at the construction site with plans and permits available or they are not ready, or plans and permit card are not present, contractors shall be subject to additional inspection fees, in an amount as set forth in the fee schedule adopted by resolution by the Governing Body.

Requests for duplicate plans or permit shall be subject to duplicate copy fees, in an amount as set forth in the fee schedule adopted by resolution by the Governing Body, and actual costs for new plans or a permit card.

15.04.110 Section R112 Chapter 1-Division 2 amended--Board of Appeals.

15.04.110 Section R112 Chapter 1-Division 2 of the California Residential Code is amended to read as follows:

Section R112.1 Chapter 1-Division 2 – In order to provide for a final determination for the suitability of alternate materials, methods of construction, and reasonable interpretation of the provisions of this code, in the event of disagreement with the determination of the Building Official, there shall be and is hereby created a Board of Appeals, consisting of five members experienced in building construction. The Building Official shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall consider all evidence or proof submitted and conduct, or cause to be conducted, any investigations or tests it deems necessary and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

15.04.120 Section R113 Chapter 1-Division 2 amended--Violations.

15.04.120 Section R113 Chapter 1-Division 2 of the California Residential Code is amended to read as follows:

Section R113.1 Chapter 1-Division 2 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any provisions of this code.

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000 or by imprisonment of not more than six months, or both such fine and imprisonment.

15.04.130 Section R341 added - Encroachments into the Public Right of Way.

15.04.130 Chapter 3 of the California Residential Code is amended by adding a new Subsection R341 to read as follows:

R341. Encroachments into the Public Right of Way. Encroachments into the public right of way shall comply with the standards of Chapter 32 of the

California Building Code.

15.04.140 Section R342 added - Safeguards During Construction

15.04.140 Chapter 3 of the California Residential Code is amended by adding a new Subsection R342 to read as follows:

R342. Safeguards During Construction. Provisions for pedestrian safety during construction and the protection of adjacent public and private properties shall be governed by the requirements of Chapter 33 of the California Building Code.

15.04.150 Section R401.4 amended—Soil Tests.

15.04.150 Section R401.4 of the California Residential Code is amended by adding additional paragraphs to read as follows:

A geotechnical investigation shall be conducted when required by Section R401.1.1.1 of the California Residential Code, Foster City Municipal Code, or the Building Official for all new structures, additions to existing structures not exempted by Foster City Municipal Code, or whenever the occupancy classification of a building changes to a higher relative hazard category pursuant to Table 1604.5 of the California Building Code as a result of the proposed work. The Building Official may waive the requirement for a geotechnical investigation for additions to detached one and two-family single story dwellings.

Recommendation for foundation type and design criteria including bearing capacity, provisions to minimize differential settlements, provisions for tying adjacent footings together to minimize differential, horizontal or vertical movement in the event of an earthquake, provisions to minimize the effects of expansive soils and the effects of expansive soils and the effects of adjacent loads. The geotechnical investigation report shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. Prior to approval of the plans, a stamped and signed letter from the project engineer shall be provided to Building Inspection stating that the approved recommended action of the soil report has been incorporated into the design of each dwelling.

For one or two story single-family or duplex residences, and similar small structures, the soils engineering report required by Section R401.4 shall include data based upon criteria of Seismic Zone: E with a soil bearing pressure of 1,200 psf.

15.04.160 Section R403.1 amended--Footings.

15.04.160 Section R403.1 of the California Residential Code is amended by adding a second paragraph to read as follows:

All footings and foundations shall be designed by an Engineer or Architect licensed to practice in the State of California in accordance with the design criteria established as required by Section 403 and in accordance with the structural provisions of this code. Footings and foundations may be installed

per the criteria of the existing structure with the approval of the Building Official. Provisions to minimize differential settlement shall be included in the design.

15.04.170 Section R404.1 amended—Foundation Walls.

15.04.170 Section R404.1 of the California Residential Code is amended by adding a second paragraph to read as follows:

Exception: Low ornamental walls and other nonstructural elements not over 3 feet 6 inches in height and which are not considered hazardous by the Building Official and when approval is not required by the Community Development Director.

15.04.180 Section R406.2.1 added--Concrete Slabs.

15.04.180 The California Residential Code is amended by adding Section R406.2.1 to read as follows:

Section R406.2.1 Concrete Slabs. All concrete slab on grade construction for habitable rooms in Group R Occupancies shall be constructed over a moisture barrier. The moisture barrier shall be a four inch thick layer of gravel, two layers of 15 lbs. felt, hot mopped or an equivalent approved membrane, and a 2 inch thick layer of sand. The architect or engineer may submit designs that provide equal or better protection for approval of the Building Official.

R406.2.1.1 All concrete slab on grade construction for habitable rooms in Group R Occupancies shall have minimum reinforcing equivalent to 6 inch by 6 inch weld wire fabric or better.

R406.2.1.2 Friction between slabs or foundations and ground shall be determined by a soils engineer but in no case shall the coefficient of friction be less than 0.6.

15.04.190 Section R903.1 amended—Weather Protection.

15.04.190 Section R903.1 of the California Residential Code is amended by adding second and third paragraphs to read as follows:

Balconies, landings, exterior stairways, occupied roof and similar surfaces exposed to the weather and sealed underneath shall be waterproofed and sloped a minimum of $\frac{1}{4}$ unit vertical in 12 units horizontal (2% slope) for drainage.

All roofs shall be designed with sufficient slope to assure adequate drainage after long time deflection from dead loads and possible differential foundation subsidence, or shall be designed to support maximum loads including possible ponding of water due to deflection and subsidence. Minimum amount of ponding from subsidence shall be equal to $\frac{1}{8}$ inch times the minimum building dimension in feet. See Section R301 for deflection criteria.

15.04.200 Section R905.1 amended—Roof Covering Application.

15.04.200 Section R905.1 of the California Residential Code is amended to read as follows:

Section R905.1 Roof Covering Application. Roof covering shall be not less than, Class B fire retardant which complies with ASTM E108, UL 790 or ASTM D2898.

Roof coverings shall be securely fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

Subject to the requirements of this chapter, combustible roof coverings and roof insulation may be used in any type of construction.

Skylights shall be constructed as required in Section R308.6 and Section R337.8.

For Solar energy collectors placed on the roof see Section R907.

Approval for changes in roof coverings, material, color, weight shall be made by the Community Development Director or designated staff members of the Community Development Department.

15.04.210—Definitions.

15.04.210 Definitions are found in Chapter 15.02.260 Definitions.”

Section 4. REPEALING AND REPLACING CHAPTER 15.06 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.06, “Existing Building Code,” within Title 15 of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

**“Chapter 15.06
EXISTING BUILDING CODE**

Sections:

<u>15.06.010</u>	Adoption.
<u>15.06.020</u>	Citation.
<u>15.06.030</u>	Section 104.1 amended--Duties and Powers
<u>15.06.040</u>	Section 104.6 amended--Right of Entry.
<u>15.06.050</u>	Section 105 amended--Permits.
<u>15.06.060</u>	Section 105.3.1 amended—Action on Application.
<u>15.03.070</u>	Section 108 amended--Fees.
<u>15.06.080</u>	Section 112 amended--Means of Appeals.
<u>15.06.090</u>	Section 113 amended--Violations
<u>15.06.100</u>	Section 302.2 amended—General Provisions
<u>15.06.110</u>	Section 302.7 amended—General Provisions
<u>15.06.120</u>	Section 409 amended added – Private Swimming Pool Maintenance.
<u>15.06.130</u>	Definitions.

15.06.010 Adoption.

The rules, regulations and standards, printed and published by the International Code

Council and known as the International Existing Building Code, 2021 Edition, with California Amendments as set forth in the 2022 California Existing Building Code (Title 24, Part 10), copies of which are in the Foster City Library and on file in the office of the City Clerk, (including the appendix A thereto), in this chapter collectively called the Existing Building Code, are adopted as and for the rules, regulations and standards within this city as to all matters therein contained except as otherwise provided in this chapter.

15.06.020 Citation.

The California Existing Building Code adopted in Section 15.06.010 may be cited as the 'California Existing Building Code'; provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to 'Section _____ of the California Building Code as amended by Municipal Code Section _____'.

15.06.030 Section 104.1 amended--Duties and Powers.

15.06.030 Section 104.1 of the California Existing Building Code is amended to read as follows:

Section 104.1 General. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. Pursuant to the enforcement of the provisions of this Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate. For such purpose, the Building Official shall have the powers of a law enforcement officer.

15.06.040 Section 104.6 amended--Right of Entry.

15.06.040 Section 104.6 of the California Existing Building Code is amended by adding a second paragraph to read as follows:

'Authorized Representative' shall include the officers named in Section 103.3 of this Code.

15.06.050 Section 105.2 amended--Permits.

15.06.050 Section 105.2 of the California Existing Building Code is amended to read as follows:

Work Exempt from Permit. The Building Official may require a permit for projects which require approval and/or permits by the Community Development Director.

(The rest of Subsection 105.2 to read the same)

15.06.060 Section 105.3.1 amended--Permit Issuance.

15.06.060 Section 105.3.1 of the California Existing Building Code is amended by adding a second paragraph to read as follows:

No permit or approval shall be issued which does not conform to all applicable provisions of this Title and Title 17, including Design Review. The determination of conformance shall be made by the Community Development Director or designated staff members of the Community Development Department.

15.06.070 Section 108 amended--Fees.

15.06.070 Section 108 of the California Existing Building Code is amended to read as follows:

Section 108 Fees. Fees shall be assessed in accordance with the provisions of this section as set forth in the fee schedule adopted by resolution by the Governing Body.

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The Value to be used in computing the building permit and plan review shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other equipment.

15.06.080 Section 112 amended--Means of Appeals.

15.06.080 Section 112 of the California Existing Building Code is amended to read as follows:

Section 112.1. In order to provide for a final determination for the suitability of alternate materials, methods of construction, and reasonable interpretation of the provisions of this code, in the event of disagreement with the determination of the Building Official, there shall be and is hereby created a Board of Appeals, consisting of five members experienced in building construction. The Building Official shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall consider all evidence or proof submitted and conduct, or cause to be conducted, any investigations or tests it deems necessary and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

15.06.090 Section 113 Chapter 1-Division 2 amended--Violations.

15.06.090 Section 113 of the California Existing Building Code is amended to read as follows:

Section 113.1. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any provisions of this code.

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during

which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000 or by imprisonment of not more than six months, or both such fine and imprisonment.

15.06.100 Section 302.3 amended—General Provisions.

15.06.100 Section 302.3 of the California Existing Building Code is amended to read as follows:

Alterations, repairs, additions and changes of occupancy to existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy, respectively, in this code and the California Energy Code, California Fire Code, California Mechanical Code, California Plumbing Code, California Residential Code, California Electrical Code and the California Green Building Standards Code. Where provisions of the other codes conflict with provisions of this code, the provisions of the other codes shall take precedence.

15.06.110 Section 302.6 amended—General Provisions.

15.06.110 Section 302 of the California Existing Building Code is amended by adding Subsection 302.6 to read as follows:

All building material, construction equipment, excavation material and debris must be maintained in a safe and sanitary condition. Unless waived by the Building Official, such material shall be located behind the required front yard setback requirements and the rear or side yard setback requirements when facing waterways.

Prior to or after commencement of construction, the Building Official may require a protective barrier such as a fence, barricade or other structure for the protection of the public around and in conjunction with any construction work. The design, construction, location, and materials used shall be approved by the Building Official prior to installation. The barrier shall be removed before receiving a Certificate of Occupancy.

15.06.120 Section 409 added – Private Swimming Pool Maintenance.

15.06.120 Chapter 4, "Repairs" of the California Existing Building Code is amended by adding Subsection 409 to read as follows:

409 Private Swimming Pool Maintenance.

General. All private swimming pools, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards required by the 2022 California Residential Code, 2022 California Building Code, or the Swimming Pool Safety Act as adopted and amended by the City of Foster City, shall be maintained in conformance with the Code edition under which installed. The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this subsection, the Chief Building Official may cause private swimming pools to be re-inspected.

A private swimming pool, pond or other body of water which is abandoned,

unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted.

"Polluted water" means water which contains bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, dirt, debris, papers, chemicals or other matter or material which, because of its magnitude, nature or location, constitutes an unhealthy or unsafe condition.

The owner, controlling, operating or managing party, lessee, agent, person, or entity in lawful charge or possession of the property. An entity, corporation, partnership or limited partnership is a responsible party when it performs any of the functions described in this section relating to real property.

Any private swimming pool or other outdoor body of water maintained in violation of any of the enclosure requirements contained in 2022 California Residential Code, 2022 California Building Code, or the Swimming Pool Safety Act is deemed unsafe.

15.06.130—Definitions.

Definitions are found in Chapter 15.02.260 Definitions."

Section 5. REPEALING AND REPLACING CHAPTER 15.08 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.08, "Mechanical Code," within Title 15, "Buildings and Construction" of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

**“Chapter 15.08
MECHANICAL CODE**

Sections:

<u>15.08.010</u>	Adoption.
<u>15.08.020</u>	Citation.
<u>15.08.030</u>	Section 103.1 Chapter 1-Division 2 amended--General.
<u>15.08.040</u>	Section 103.4 Chapter 1-Division 2 amended--Right of entry.
<u>15.08.050</u>	Section 104.5 Chapter 1-Division 2 amended--Fees.
<u>15.08.060</u>	Section 106 Chapter 1-Division 2 amended--Violations and penalties.
<u>15.08.070</u>	Section 106.3 Chapter 1-Division 2 amended--Penalties.
<u>15.08.080</u>	Section 107 Chapter 1-Division 2 amended--Board of appeals.
<u>15.08.090</u>	Section 303.13 amended—General.
<u>15.08.100</u>	Section 303.14 amended--Installation.

15.08.010 Adoption.

The rules, regulations and standards, printed and published by the International Association of Plumbing and Mechanical Officials and known as the Uniform Mechanical Code, 2021 Edition, with California amendments as set forth in the 2022 California Mechanical Code (Title 24, Part 4), copies of which are in the Foster City Library and on file

in the office of the City Clerk (including the appendices B,C,D,G and H thereto), in this chapter collectively called the Mechanical Code, are adopted as and for the rules, regulations and standards within this City as to all matters therein contained except as otherwise provided in this chapter.

15.08.020 Citation.

The California Mechanical Code adopted in Section 15.08.010 may be cited as the 'California Mechanical Code', provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to 'Section _____ of the California Mechanical Code as amended by the Municipal Code Section _____'.

15.08.030 Section - 103.1 Chapter 1-Division 2 amended--General.

15.08.030 The first paragraph of Section 103.1 of the California Mechanical Code is amended to read as follows:

Section 103.1 Chapter 1-Division 2 General. The Authority Having Jurisdiction' shall be the Building Official and is hereby authorized and directed to enforce all provisions of this Code. Pursuant to the enforcement of the provisions of the Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate.

15.08.040 Section 103.4 Chapter 1-Division 2 amended--Right of Entry.

15.08.040 Section 103.4 Chapter 1-Division 2 of the California Mechanical Code is amended by adding a third paragraph to read as follows:

'Authority Having Jurisdiction' shall include the officers named in Section 103.1 of this Code.

15.08.050 Section 104.5 Chapter 1-Division 2 amended--Fees.

15.08.050 Section 104.5 Chapter 1-Division 2 General of the California Mechanical Code is amended to read as follows:

Section 104.5 Chapter 1-Division 2 General. Fee shall be assessed in accordance with the provisions of this section as set forth in the fee schedule adopted by resolution by the City Council.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or mechanical systems subject to inspection by the Chief Building Official, the Chief Building Official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified mechanical engineer, subject matter expert, or accredited organization acceptable to the Chief Building Official. The Chief Building Official is authorized to require design submittals to be prepared by, and bear the stamp of, a California registered design professional.

15.08.060 Section 106 Chapter 1-Division 2 amended—Violations.

15.08.060 Section 106.1 Chapter 1-Division 2 of the California Mechanical Code is amended to read as follows:

Section 106 Chapter 1-Division 2. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code.

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

15.08.070 Section 106.3 Chapter 1-Division 2 amended--Penalties.

15.08.070 Section 106.3 Chapter 1-Division 2 of the California Mechanical Code is amended to read as follows:

Section 106.3 Penalties. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000.00 or by imprisonment of not more than six months, or both such fine and imprisonment.

15.08.080 Section 107 Chapter 1-Division 2 amended--Board of Appeals.

15.08.080 Section 107 Chapter 1-Division 2 of the California Mechanical Code is amended to read as follows:

Section 107 Chapter 1-Division 2. In order to provide for a final determination for the suitability of alternate materials, methods of construction, and reasonable interpretation of the provisions of this code, in the event of disagreement with the determination of the Building Official, there shall be and is hereby created a Board of Appeals, consisting of five members experienced in building construction. The Building Official shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall consider all evidence or proof submitted and conduct, or cause to be conducted, any investigations or tests it deems necessary and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.

15.08.090 Section 303 General.

15.08.090 Section 303 of the California Mechanical Code is amended by adding Subsection 303.13 to read as follows:

Section 303.13 Equipment in Ceilings. All mechanical equipment and accessory equipment installed in a dropped ceiling assembly shall be supported by the building structure and not the dropped ceiling assembly.

15.08.100 Section 303 amended--Installation.

15.08.100 Section 303 of the California Mechanical Code is amended by adding Subsection 303.14 to read as follows:

303.14 Metallic Materials Location. No metallic piping or ducts shall be located underground, unless in a chase or other method approved by the Building Official.”

Section 6. REPEALING AND REPLACING CHAPTER 15.16 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.16, “Plumbing Code,” WITHIN Title 15, “Buildings and Construction” of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

**“Chapter 15.16
PLUMBING CODE**

Sections:

<u>15.16.010</u>	Adoption.
<u>15.16.020</u>	Citation.
<u>15.16.030</u>	Section 102.1 Chapter 1-Division 2 amended--Authority Having Jurisdiction
<u>15.16.040</u>	Section 106.1 Chapter 1-Division 2 amended--Violation and Penalties.
<u>15.16.050</u>	Section 104 Chapter 1-Division 2 amended--Permits and Inspections.
<u>15.16.060</u>	Section 104.5 Chapter 1-Division 2 amended--Fees.
<u>15.16.070</u>	Section 107 Chapter 1-Division 2 amended--Board of Appeals.
<u>15.16.080</u>	Section 205 amended--Definition of terms C.
<u>15.16.090</u>	Section 208 amended--Definition of terms F.
<u>15.16.100</u>	Section 301 amended--Materials.
<u>15.16.110</u>	Section 315 amended—Joints and Connections.
<u>15.16.120</u>	Section 507 amended--Protection from Damage.
<u>15.16.130</u>	Section 703 amended--Size of drain piping.
<u>15.16.140</u>	Section 704 amended--Fixture connections.
<u>15.16.150</u>	Section 707 amended--Cleanouts.
<u>15.16.160</u>	Section 811 amended--Chemical wastes.
<u>15.16.170</u>	Section 908 amended--Vertical Wet Venting.

15.16.010 Adoption.

The rules, regulations and standards, printed and published by the International Association of Plumbing and Mechanical Officials known as the Uniform Plumbing Code, 2021 Edition, with California amendments as set forth in the 2022 California Plumbing Code (Title 24, Part 5), copies of which are in the Foster City Library and on file in the office of the City Clerk (including the appendices A,B, C,D, G, I, J,K, M thereto), in this chapter collectively called the Plumbing Code, are adopted as and for the rules, regulations and standards within this City as to all matters therein contained except as otherwise provided in this chapter.

15.16.020 Citation.

The California Plumbing Code adopted in Section 15.08.010 may be cited as the 'California Plumbing Code', provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to 'Section _____ of the California Plumbing Code as amended by the Municipal Code Section _____'.

15.16.030 Section 103.1 Chapter 1-Division 2 amended—Authority Having Jurisdiction.

15.16.030 The first paragraph of Section 103.1 Chapter 1-Division 2 of the California Plumbing Code is amended to read as follows:

Section 103.1 Chapter 1-Division 2 Authority Having Jurisdiction. The Authority Having Jurisdiction shall be the Building Official and is hereby authorized and directed to enforce all provisions of this Code. Pursuant to the enforcement of the provisions of the Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate.

15.16.040 Section 106.1 Chapter 1-Division 2 amended--Violations and Penalties.

15.16.040 Section 106.1 Chapter 1-Division 2 of the California Plumbing Code is amended to read as follows:

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000.00 or by imprisonment of not more than six months, or both such fine and imprisonment.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Code or of any other Ordinance or from revoking any certificate of approval when issued in error.

Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within sixty (60) days from date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred and eighty (180) days. Before such work can be recommenced, a

new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

15.16.050 Section 104.0 Chapter 1-Division 2 amended--Permits and Inspections.

15.16.050 Section 104.0 Chapter 1-Division 2 of the California Plumbing Code is amended by adding Subsections 104.2(3) and 104.2(4) to read as follows:

104.2(3) No permit shall be required for repairs done by a residential homeowner when the materials (normally or usually) cost \$25.00 or less.

104.2(4) No permit shall be required for repairs done by a licensed contractor when the materials (normally or usually) cost \$25.00 or less.

15.16.060 Section 104.5 Chapter 1-Division 2 amended--Permit fees.

15.16.060 Section 104.5 Chapter 1-Division 2 of the California Plumbing Code is amended by adding a second paragraph to read as follows:

Fees shall be assessed in accordance with the provisions of this section as set forth in the Schedule of Fees or as set forth in the fee schedule adopted by resolution by the City Council.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or plumbing systems subject to inspection by the Chief Building Official, the Chief Building Official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified mechanical engineer, subject matter expert, or accredited organization acceptable to the Chief Building Official. The Chief Building Official is authorized to require design submittals to be prepared by, and bear the stamp of, a California registered design professional.

15.16.070 Section 107 Chapter 1-Division 2 amended--Board of Appeals.

15.16.070 Section 107 Chapter 1-Division 2 of the California Plumbing Code is added to read as follows:

Section 107 Chapter 1-Division 2 In order to provide for a final determination for the suitability of alternate materials, methods of construction, and reasonable interpretation of the provisions of this code, in the event of disagreement with the determination of the Building Official, there shall be and is hereby created a Board of Appeals, consisting of five members experienced in building construction. The Building Official shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall consider all evidence or proof submitted and conduct, or cause to be conducted, any investigations or tests it deems necessary and shall render all decisions and findings in writing

to the Building Official with a duplicate copy to the appellant and may recommend to the Governing Body such new legislation as is consistent therewith.

15.16.080 Section 205 amended--Definition of terms C.

15.16.080 Section 205 of the California Plumbing Code is amended by adding the definition of Condensate Waste as follows:

Condensate Waste-- Waste water caused by the formation of moisture on the outside of coils or other surfaces.

15.16.090 Section 208 amended--Definition of terms F.

15.16.090 Section 208 of the California Plumbing Code is amended by adding the definition of First Floor as follows:

First Floor--The first floor is the ground floor, or slab floor above the garage, basement, or crawl space.

15.16.100 Section 301 amended--Materials.

15.16.100 Section 301 of the California Plumbing Code is amended by adding Subsection 301.8 to read as follows:

Section 301.8 No metallic piping, and the appurtenances thereto, shall be located in contact with soil, unless in a chase and with the approval of the Building Official.

15.16.110 Section 315 amended—Joints and Connections.

15.16.110 Section 315 of the California Plumbing Code is amended by adding Subsection 315.3 to read as follows:

Section 315.3 All connections between ferrous and nonferrous pipe shall be made with a six-inch red brass nipple or a dielectric union.

15.16.120 Section 507 amended--Protection from damage.

15.16.120 Section 507 of the California Plumbing Code is amended by adding Subsections 507.14.3 and 507.5.1 to read as follows:

507.14.3 Fuel burning appliances shall not be installed within private garages constructed in conjunction with any Group H or I Occupancy. Any wall common to the equipment space and the private garage shall meet the fire resistive requirements as specified in Table 508.4 of the California Building Code between the major occupancy and that garage.

507.5.1 Water heaters shall have safety pans with drains when located in living areas or when leakage would do damage to the building or its contents. The pans shall be of metal or other material approved by the Building Official and be of such dimension as to provide a minimum of 2 inches clearance between the pan and the outside diameter of the heater with a depth of 3 inches. The drain shall not be less than 3/4 inches. The drain shall be extended to the exterior of the building with a down angle terminating between 6 inches and 24 inches of grade.

612-Residential Fire Sprinkler System

15.16.130 Section 703 amended--Size of drainage piping.

15.16.130 Section 703 of the California Plumbing Code is amended by adding a paragraph to section 703.2 to read as follows:

All horizontal drainage piping below the first floor, receiving the discharge of water closets, shall be not less than four (4) inches in diameter, except that additions to or remodeling of, existing system may be installed in accordance with Table 703.2.

15.16.140 Section 704 amended--Fixture connections (Drainage).

15.16.140 Section 704 of the California Plumbing Code is amended by adding Subsection 704.4 to read as follows:

Section 704.4 Two fixtures set back to back shall be limited to those fixtures serving only one residence. No back to back fixtures from a common soil line shall penetrate either a property line or a unit separation wall. A unit separation wall as defined in this paragraph shall mean a common wall between two apartments, two condominiums or two townhouses.

15.16.150 Section 707 amended--Cleanouts.

15.16.150 Section 707 of the California Plumbing Code is amended by adding Subsection 707.15 to read as follows:

Section 707.15 When a main sewer is located in the street, alley or easement, there must be provided a cleanout brought up flush with sidewalk level back of sidewalk, and, if no curb or sidewalk exist, then the cleanout must be located inside of the lot line. Riser shall be of approved material, minimum size of 4 inches, brought up to the level of the ground by a wye and branch fittings, and top of same to be provided with a regulation cleanout. If the sidewalk space mentioned is entirely concrete, then a cast iron sidewalk box, with loose cover fitted with brass screws, shall be installed. The minimum size for a cleanout plug shall be 4 inches.

15.16.160 Section 811 amended--Chemical wastes.

15.16.160 Section 811 of the California Plumbing Code is amended by adding Subsections 811.9 through 811.18 to correspond with Sections 170 through 179, inclusive, of Ordinance No 46 of the Estero Municipal Improvement District, copies of the ordinance are on file with the City Clerk.

Section 811 of the California Plumbing Code is amended by adding Subsection 811.1.2 to read as follows:

Section 811.1.2 Chemical waste having an NFPA health, flammability or reactivity rating of 3 or 4 shall have a secondary receptor as required in the California Mechanical Code §1406.2.1.3 and §1406.2.1.4

15.16.170 Section 908 amended--Vertical Wet Venting.

15.16.170 Section 908 of the California Plumbing Code is amended by adding a new Subsection 908.3 to read as follows:

Section 908.3 Wet venting, vertical or horizontal, is allowed only with approval of the Building Official.”

Section 7. REPEALING AND REPLACING CHAPTER 15.20 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.20, “Electrical Code,” within Title 15 “Buildings and Construction” of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.20
ELECTRICAL CODE”

Sections:

<u>15.20.010</u>	Adoption.
<u>15.20.020</u>	Citation.
<u>15.20.030</u>	Conformance required.
<u>15.20.040</u>	Section 80.13 Annex H amended-Authority-General.
<u>15.20.050</u>	Section 80.13 Annex H amended-Authority-Duties.
<u>15.20.060</u>	Section 80.23 subsection (3) Annex H amended-Violations.
<u>15.20.070</u>	Section 80.13 (1) Annex H amended-Authority-Interpretations.
<u>15.20.080</u>	Section 80.13 Annex H amended-Authority-Contractor. Prerequisite.
<u>15.20.090</u>	Section 80.13 Annex H amended-Authority-Defective Work.
<u>15.20.100</u>	Section 80.21 Annex H amended-Plans and Specifications.
<u>15.20.110</u>	Section 80.19 (F) Annex H amended-Permit Issuance.
<u>15.20.120</u>	Section 80.19 (E) Annex H amended-Fees.
<u>15.20.130</u>	Article 100 amended-Definitions.
<u>15.20.140</u>	Article 110-2 amended-Approval.
<u>15.20.150</u>	Article 110-3 (B) amended-Installation and Use.
<u>15.20.160</u>	Article 250-52 (A)5 amended-Rod and Pipe Electrodes.
<u>15.20.170</u>	Article 300-6 amended-Protect Against Corrosion.
<u>15.20.180</u>	Article 410-36B amended-Suspended Ceilings.

15.20.010 Adoption.

The code of rules and regulations known and designated as the National Electrical Code, 2021 Edition, and the appendices printed therein, as published by the National Fire Protection Association, with California amendments as set forth in the 2022 California Electrical Code (Title 24, Part 3), copies of which are in the Foster City Library and on file with the city clerk, (including appendices B, C, H, and I), in this chapter collectively called the Electrical Code, are adopted as and for the rules, regulations and standards within this City as to all matters therein contained except as otherwise provided in this chapter.

15.20.020 Citation.

The California Electrical Code adopted in Section 15.20.010 may be cited as the ‘California Electrical Code’; provided, however, that when any section thereof is amended by anything contained in this chapter, citations to such section shall be made to ‘Section _____ of the California Electrical Code as amended by Municipal Code Section _____’.

15.20.030 Conformance required.

15.20.030 All electrical work in or on any building or other structure, pumping plant, exterior electrical wiring on private property, or similar installations shall be in conformity to the requirements set forth in this chapter and in the California Electrical Code, 2022 Edition, as published by the National Fire Protection Association, and said Code shall become the electrical code of the City.

15.20.040 Section 80.13(1) Annex H amended—Authority - General.

15.20.040 Section 80.13(1) Annex H of the California Electrical Code is amended to read as follows:

(1) The Authority Having Jurisdiction shall be the Building Official and is hereby authorized and directed to enforce all provisions of this Code. Pursuant to the enforcement of the provisions of the Code, the Building Official may make reasonable interpretations based on studies and investigations deemed appropriate.

When the California Electrical Code or this chapter refers to “electrical inspector”, this means the Building Official, deputies and/or duly appointed assistants.

15.20.050 Section 80.13 Annex H amended—Authority - Duties.

15.20.050 Section 80.13 Annex H of the California Electrical Code is amended by inserting a new Subsection (17) to read as follows:

(17) The Building Official or the Building Official’s authorized representative shall require, examine and review plans and specifications, drawings, descriptions and/or information submitted by any person applying for a permit and upon approval thereof may issue the permit applied for. The Building Official or the Building Official’s authorized representative shall inspect all work authorized by the permit, for the purpose of determining whether or not such work complies with the provision of the California Electrical Code or amendments made thereof by Municipal Code, approving or condemning the same in whole or in part, as the conditions require. They shall sign-off any work approved of or condemned by them, such sign-off when approved being authorization to cover, conceal or use thereof, as the case may be. When the sign-off is disapproved, they shall order such changes in workmanship and/or material to be made to conform to the provisions of the California Electrical Code or amendments made thereto.

Whenever the Building Official or the Building Official’s authorized representative finds any building, premises or part thereof in or on which there is being maintained an electrical system and/or electrical work is being installed in violation of the California Electrical Code or amendments made thereto, it shall be their duty to notify in writing the owner, agent or person responsible for the premises in which such conditions exists, or in which such work is being done, or has been done; that they must correct such conditions. Such work shall be removed and reinstalled, as the case may be. If this notice is not complied with within said specified time, the Building Official or the Building Official’s authorized representative is authorized to order the discontinuance of electric service.

It is unlawful to energize or cause or permit to be energized any electrical wiring coming under the provisions of the California Electrical Code or amendments made thereto, until such electrical wiring has been inspected and signed off as approved in writing by the Building Official or the Building Official's authorized representative. The Building Official or the Building Official's authorized representative may give permission to furnish electric current to, or the use of electric current through, any electrical wiring for a length of time not to exceed thirty days, if the electrical wiring may be used safely and there exists a necessary reason for such permission. Permission and specified length of time shall be in writing to the owner, agent or person responsible for the premises.

15.20.060 Section 80.23 subsection (3) Annex H amended--Violations.

15.20.060 Section 80.23 subsection (3) Annex H of the California Electrical Code is amended by adding a third and fourth paragraph to read as follows:

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the administrative authority may bring civil suit to enjoin the violations of any provision of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of up to \$1,000.00 or by imprisonment of not more than six months, or both such fine and imprisonment.

15.20.070 Section 80.13 (1) Annex H amended—Authority - Interpretation.

15.20.070 Section 80.13 (1) Annex H of the California Electrical Code is amended to read as follows:

Interpretations

Sec.80.13 (1) Annex H. In the event of any conflict or inconsistency between the provisions of this chapter and the California Electrical Code, when applied to any particular case, the requirement which prescribes and establishes the higher standard of safety shall be complied with, unless otherwise stated in this chapter.

15.20.080 Section 80.13 Annex H amended—Authority-Contractor's License Prerequisite.

15.20.080 Section 80.13 Annex H of the California Electrical Code is amended by adding Subsection (18) to read as follows:

Contractor's License Prerequisite

Sec. 80.13 Annex H (18). It is unlawful for any person, firm or corporation, except hereinafter provided, to perform any electrical work as defined in this chapter, without a valid state contractor's license for such work or unless such person, firm or corporation is exempt under the Contractor's License Law of

the State.

15.20.090 Section 80.13 Annex H amended—Authority-Defective Work.

15.20.090 Section 80.13 Annex H of the California Electrical Code is amended by adding Subsection (19) to read as follows:

Defective Work

This chapter shall not be construed as imposing upon the City or the Building Official or the Building Official's authorized representatives any liability or responsibility for damage resulting from defective electrical work, installation or material thereof, nor shall the City, or the Building Official or the Building Official's authorized representatives thereof be held as assuming any such liability or responsibility by reason of the inspection authorized under this chapter.

15.20.100 Section 80.21 Annex H amended--Plans and Specifications.

15.20.100 Section 80.21 Annex H of the California Electrical Code Section is amended by adding a fourth and fifth paragraph Subsection (D) and (E) to read as follows:

(D) When deemed necessary by the Building Official or the Building Official's authorized representative, four sets of plans and specifications shall be submitted with each application for a permit. The plans shall be drawn to scale, 1/4 inch or 1/2 inch, including all necessary information to insure compliance with the requirements of the California Electrical Code or amendments made thereto.

(E) When the Building Official has reviewed the submitted plans and specifications, the Building Official will endorse the plans as APPROVED and issue a permit for such work. Such plans and specifications shall not be changed, modified or altered without authorization of the Building Official. All work shall be done in accordance with the approved plans and the requirements of the code.

15.20.110 Section 80.19 (C) Annex H amended--Permits Issuance.

15.20.110 Section 80.19 (C) Annex H of the California Electrical Code is amended by adding a new Subsection (C)(3) to read as follows:

(C)(3) It shall be unlawful for any person, firm or corporation, whether acting as principal, servant, agent or employee, to do or cause or permit to be done any electrical work for which a permit is required within the city without first securing a permit from the Building Official or the Building Official's authorized representative.

15.20.120 Section 80.19 (E) Annex H amended--Fees.

15.20.120 Section 80.19 (E) of the California Electrical Code shall be amended to read as follows:

Sec.80.19 (E). Fees shall be assessed in accordance with the provisions of this section or as set forth in the fee schedule adopted by resolution by the City Council.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or electrical systems subject to inspection by the Chief Building Official, the Chief Building Official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified electrical engineer, subject matter expert, or accredited organization acceptable to the Chief Building Official. The Chief Building Official is authorized to require design submittals to be prepared by, and bear the stamp of, a California registered design professional.

Whenever an electrical permit and/or a permit fee is required by the California Electrical Code or the Municipal Code and work is started prior to obtaining the permit, a double fee shall be charged.

The issuance of a permit shall not be deemed or construed to be a permit for, or approval of, any violation of the provisions of the California Electrical Code or amendments made thereof. No permit purporting to give authority to violate or cancel the provisions of the code shall be valid.

15.20.130 Article 100 amended--Definitions.

15.20.130 Article 100 of the California Electrical Code is amended by adding the definitions to read as follows:

Electric Work: Means and includes the installation, construction, maintenance and repair of electrical wiring and equipment.

Electric Wiring: Means the installation or the alteration of any material, fixture, device, appliance or equipment in or on any building, structure or premises, used or designed or intended to be used to generate, transmit, transfer or utilize electric energy.

15.20.140 Article 110-2 amended--Approval.

15.20.140 Article 110-2 of the California Electrical Code is amended by adding a second and third paragraph to read as follows:

All materials used shall bear the Underwriters' Laboratories approval or other approved agency and shall be of a design suitable for the purpose to be used.

All materials used in installation, alteration or repair of electrical distribution systems shall be free from defects and shall be of minimum approved standards specified for all types of material provided for this chapter.

15.20.150 Article 110-3 (B) Installation and Use.

15.20.150 Article 110-3 Subsection (B) of the California Electrical Code is amended to read as follows:

(1) The Building Official or the Building Official's authorized representative may request a dielectric and/or voltage test under load by the electric

contractor.

(2) No metallic piping shall be located underground, unless in a chase or other method which is first approved by the Building Official.

(3) Temporary power units may be installed only with prior approval of the Building Official and after a permit has been obtained from the Building Official.

(4) Prior to the issuance of a certificate of occupancy and at the time of final inspection, all service panels and secondary panels shall be so marked as to show the maximum AVAILABLE INTERRUPTER CURRENT rating as determined by the energy provider.

15.20.160 Article 250-52 (A)3 amended--Rod and Pipe Electrodes.

15.20.160 Article 250-52 (A)5 of the California Electrical Code is amended to add Subsections (A)(5)(a) and (A)(5)(b) to read as follows:

(a) Rod and Pipe Electrodes. Electrodes of rods of steel shall be of not less than two 1/2 inch round reinforcing bars, each not less than 20 feet long, running in opposite directions, placed within 3 inches of the bottom of the concrete footing. One end of each rod will extend at least 6 inches above the foundation sill, at least 6 inches above finish grade and be connected by an approved grounding connector. The grounding connector will be installed in an accessible location where it will be bonded to the hot and cold water pipes by an approved grounding connector.

(b) Ground Rods shall only be used in conjunction with Non-Corrosive Highly-Conductive fill material and only with approval of the Building Official.

The bonding wire shall be determined by Table 250-66 of the California Electrical Code. Other means may be used when approved by the Building Official.

15.20.170 Article 300-6 amended--Protection Against Corrosion.

15.20.170 Article 300-6 of the California Electrical Code is amended by adding Subsection (E) to read as follows:

(E) Earth Contact. No ferrous or nonferrous metallic portions of the electrical system shall be installed in direct contact with the earth.

15.20.180 Article 410-36 (B) amended--Suspended Ceilings.

15.20.180 Article 410-36(B) of the California Electrical Code is amended by re-writing Subsection (B) to read as follows:

(B) Suspended Ceilings. Fixtures exceeding 10 pounds in suspended ceiling systems shall be securely fastened to the building structure by at least two supports located diagonally on the fixture. Fixtures shall not be supported by the suspended ceiling system unless prior approval has been given by the Building Official. Request for approval to deviate from this requirement must be in writing to the Building Official at the time of submittal for permits.”

Section 8. REPEALING AND REPLACING CHAPTER 15.24 OF TITLE 15 OF THE FOSTER CITY MUNICIPAL CODE. Chapter 15.24, “Fire Code,” within Title 15, “Buildings and Construction” of the Foster City Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.24

FIRE CODE

Sections

<u>15.24.010</u>	Adoption
<u>15.24.020</u>	Applicability
<u>15.24.030</u>	Section 101.1 Title. Amended.
<u>15.24.040</u>	Section 101.6 Policy Manual. Added.
<u>15.24.050</u>	Section 102.3 Change of Use or Occupancy. Amended.
<u>15.24.060</u>	Section 102.6 Historic Buildings. Amended.
<u>15.24.070</u>	Section 103.1 Creation of Agency. Amended.
<u>15.24.080</u>	Section 103.2 Appointment. Deleted.
<u>15.24.090</u>	Section 104.6 Official Records. Amended.
<u>15.24.100</u>	Section 104.6.1 through 104.6.4 Appointment. Deleted.
<u>15.24.110</u>	Section 105.3.1 Expiration. Amended
<u>15.24.120</u>	Section 105.6 Required Construction Permits. Amended
<u>15.24.130</u>	Section 107.2 Schedule of Permit Fees. Amended
<u>15.24.140</u>	Section 109.1 Board of Appeals. Amended
<u>15.24.150</u>	Section 112.4 Violation Penalties. Amended
<u>15.24.160</u>	Section 202 Definitions. Added
<u>15.24.170</u>	Chapter 3 General Requirements.
<u>15.24.180</u>	Chapter 4 Emergency Planning and Preparedness.
<u>15.24.190</u>	<u>Chapter 5 Fire Service Features.</u>
<u>15.24.200</u>	Chapter 9 Fire Protection and Life Safety Systems.
<u>15.24.210</u>	Chapter 10 Means of Egress.
<u>15.24.220</u>	Chapter 26 Fumigation and Insecticidal Fogging.
<u>15.24.230</u>	Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.
<u>15.24.240</u>	Chapter 56 Explosives and Fireworks.
<u>15.24.250</u>	Chapter 57 Flammable and Combustible Liquids.
<u>15.24.260</u>	Chapter 58 Flammable Gases and Flammable Cryogenic Fluids.
<u>15.24.270</u>	Chapter 61 Liquefied Petroleum Gases.
<u>15.24.280</u>	Appendix B Required Fire Flow for Buildings
<u>15.24.290</u>	Appendix C Fire Hydrants Location and Distribution
<u>15.24.300</u>	Appendix D Fire Apparatus Access Roads
<u>15.24.310</u>	Appendix O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses. Adopted
<u>15.24.320</u>	Violations
<u>15.24.330</u>	Fire and Life Safety Inspections
<u>15.24.340</u>	Local Findings and Amendments.

15.24.350 Environmental Determination

15.24.010 Adoption.

- A. The San Mateo Consolidated Fire Department hereby adopts the 2022 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2021 International Fire Code published by the International Code Council]), with California Amendments and the 2021 International Wildland Urban Interface Code as amended and as specified in part III of this ordinance. Those chapters and appendices not mentioned in section III are only enforceable if adopted by the State Fire Marshal. The 2022 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each city within the jurisdiction of the Department.
- B. The 2022 California Fire Code (CFC), California Code of Regulations, Title 24, Part 9, adopting the 2021 International Fire Code of the International Code Council with necessary California amendments, together with the non-building standards reproduced therein except otherwise provided by this ordinance, are adopted by reference as the Fire Code of the San Mateo Consolidated Fire Department. This Code including all amendments thereto, shall hereafter be called the "Fire Code," and/or this "Code" and are adopted as and for the rules, regulations, and standards within the Jurisdiction as to all matters therein, except otherwise provided.
- C. No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the Jurisdiction, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the Jurisdiction, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.
- D. A copy of the Fire Code, as defined herein, shall be kept on file on with the office of the San Mateo Consolidated Fire Department Fire Marshal.
- E. The San Mateo Consolidated Fire Department has determined that modifications to the 2021 International Fire Code with the 2022 California Amendments are needed and reasonably necessary due to local climatic, geological, and topographical conditions, as set forth in Exhibit B of this Ordinance (Findings in Support of Amendments to the 2022 California Fire Code), which are incorporated fully herein.

15.24.020 Applicability.

- A. All sections of this Code shall apply to all buildings, structures and portions thereof, and to replace premise or building.
- B. Whenever any provision of this Chapter code or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations, or contain any restrictions covering the same subject matter, the provision that is

more restrictive or imposes higher standards or requirements shall govern.

Chapter 1 is adopted in its entirety as amended below.

15.24.030 101.1 Title.

101.1 Title. These regulations shall be known as the 2022 CALIFORNIA FIRE CODE, and with amendments adopted by the SAN MATEO CONSOLIDATED FIRE DEPARTMENT (SMCFD), will be referred to herein as this "CODE," and/or "FIRE CODE."

15.24.040 101.6 Policy Manual.

101.6 Policy Manual. Community Risk Reduction Interpretation Manual shall serve as a supplemental instruction and interpretation manual for the Fire Code and is hereby adopted by reference. The Fire Marshal is responsible to amend this manual as necessary to maintain current instructions and interpretations. The information contained within the Policy Manual shall not be construed to make new code requirements not authorized by this ordinance

15.24.050 102.3 Change of Use or Occupancy. Amended
Section 102.3 of the California Fire Code is amended to read as follows:

102.3 A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Code Official requires that an automatic fire sprinkler system be installed. For purposes of this section, the relative hazard categories table 1011.5 of the International Existing Building Code, herein incorporated by reference.

15.24.060 102.6 Historic Buildings. Amended. Section 102.6 of the California Fire Code is amended to read as follows:

102.6 The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided in accordance with the California Historic Building Code.

15.24.070 103.1 Creation of Agency. Amended. Section 103.1(A) of the California Fire Code is amended to read as follows:

[A] 103.1.1 Creation of agency. The San Mateo Consolidated Fire Department is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

15.24.080 Section 103.2 Appointment. Deleted. Section 103.2 of the California Fire Code shall be deleted in its entirety.

15.24.090 Section 104.6 Official Records. Amended. Section 104.6 of the California

Fire Code is amended to read as follows:

104.6 Official records. The fire code official shall keep official records as required by the San Mateo Consolidated Fire Department's Record Retention Schedule, and Title 24, Part 1, The California Administrative Code. Requests for records shall be in accordance with the California Public Records Act.

15.24.100 Sections 104.6.1 through 104.6.4 Appointment. Deleted. Sections 104.6.1 through 104.6.4 of the California Fire Code shall be deleted in its entirety.

15.24.110 Section 105.3.1 Expiration. Amended. Section 105.3.1 of the California Fire Code is amended to read as follows:

An operational permit shall remain in effect until reissued, renewed or revoked, or at the next annual inspection. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work shall be as per the SMCFD Fee Schedule, Permit Reinstatement Fee, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

15.24.120 Section 105.6 Required Construction Permits. Amended. Section 105.6 of the California Fire Code is amended to read as follows:

Section 105.6 Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.24, as well as all required construction permits in Title 24, Parts 2, 2.5, 3, 4, or 5 where enforced by the California State Fire Marshal

15.24.130 Section 107.2 Schedule of Permit Fees. Amended. Section 107.2 of the California Fire Code is amended to read as follows:

107.2 Schedule of permit fees. Where a permit or other inspection fee is required, a fee for each permit shall be paid as required, in accordance with the San Mateo Consolidated Fire Department Master Fee Schedule.

15.24.140 109.1 Board of Appeals. Amended. Section 109.1 of the California Fire Code is amended to read as follows:

109.1 Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Board of Directors for SMCFD, and shall render all decisions and findings in writing to the appellant through the fire code official.

109.3 Qualifications. Deleted. Section 109.3 of the California Fire Code shall be deleted in its entirety.

15.24.150 112.4 Violation Penalties. Amended Section 112.4 of the California Fire Code is amended to read as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be assessed a reinspection fee in accordance with the San Mateo Consolidated Fire Department Master Fee Schedule. Violations that remain unabated after the 5th reinspection shall be guilty of an Administrative Violation punishable by a fine of \$130 for the first violation, \$700 for the second violation, and \$1300 dollars for the third and each successive violation in addition to the reinspection fee (Government Code 36900). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Administrative violations shall be appealable through the board of appeals in section 109.

15.24.160 Chapter 2 Definitions. Chapter 2 –Section 202 of the California Fire Code is amended to read in its entirety as follows:

SECTION 202 General Definitions. Added.

All Weather Driving Surface. A roadway designed to carry the imposed weight loads of fire apparatus (Minimum load of 68,000 pounds) and a minimum surface finish of one layer of asphalt or concrete or road pavers.

Alteration. Any work done to a structure that increases the fire area of a room or area.

Driveway. Access road from the public way to a structure that is used for public vehicular access, including fire and emergency vehicles.

Local Agency High Fire Hazard Severity Zone. An area designated by the local agency based on a fire assessment conducted by the San Mateo Consolidated Fire Department

15.24.170 Chapter 3 General Requirements. Chapter 3 of the California Fire Code is partially adopted with adopted sections listed below (Sections adopted by the State Fire Marshal remain unchanged except as modified below):

Section 303 Asphalt Kettles Is Adopted In Its Entirety

Section 305 Ignition Sources Is Adopted In Its Entirety

Section 306 Motion Picture Projection Rooms And Film Is Adopted In Its Entirety

Section 307 Open Burning, Recreational Fires, And Portable Outdoor Fireplaces Is Adopted As Amended Below

Section 307.1.1 Prohibited Open Burning. Amended

307.1.1 Prohibited open burning. Open burning, other than cooking, shall be prohibited.

Exception: [No change]

Section 307.4.1 Bonfires. Amended

307.4.1 Bonfires. Bonfires, other than for cooking purposes, shall be prohibited.

Section 307.4.2 Recreational Fires. Amended

307.4.2 Recreational Fires. When approved by the fire code official, recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of the structure shall be eliminated prior to ignition. If allowed, all such fires shall require a fire code permit.

Section 308 Open Flames Is Adopted as Amended Below

Section 308.1.4 Open Flame Cooking Devices. Amended

308.1.4 Open Flame Cooking Devices. [No change]

Exceptions:

1. Group R-2, R-3, and R-3.1 occupancies
2. [No change]
3. [No change]

Section 308.3.2 Theatrical Performances. Amended

308.3.2 Theatrical performances.

Where approved, open-flame devices used in conjunction with theatrical performances are allowed to be used where adequate safety precautions have been taken in accordance with NFPA 160 and Title 19 CCR.

Section 309 Powered Industrial Trucks and Equipment Is Adopted

Section 310 Smoking Is Adopted

Section 311 Vacant Premises Is Adopted

Section 318 Laundry Carts Is Adopted

Section 319 Mobile Food Preparation Vehicles Adopted As Amended Below

Section 319.1.1 Health Department Approval. Added

319.1.1 Health department approval. Mobile food preparation vehicles shall display a San Mateo County health apartment sticker as prescribed by County health.

Section 321 Artificial Combustible Vegetation Is Adopted

15.24.180 Chapter 4 Emergency Planning and Preparedness.

Chapter 4 of the California Fire Code is partially adopted with adopted sections listed below (Sections adopted by the State Fire Marshal remain unchanged unless modified below):

Section 405 Emergency Evacuation Drills Is Adopted

Section 406 Employee Training and Response Procedures Is Adopted

15.24.190 Chapter 5 Fire Service Features.

Chapter 5 of the California Fire Code is adopted in its entirety as amended below:

Section 501.1 Scope. Amended

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter, and appendix D.

Section 503.1.1 Buildings and Facilities. Amended

503.1.1 Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and Appendix D, and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions: *No Changes*

Section 503.3.1 Fire Lane Designation. Added

503.3.1 Fire Lane Designation. Designation of fire lanes shall be by one of the following means:

1. By a white sign measuring at least twelve inches by eighteen inches (12" x 18") posted immediately adjacent thereto and clearly visible. It should clearly state in red letters not less than one inch (1") in height, that the space is a fire lane and parking is prohibited. Fire lane signs shall be spaced at a minimum of 50 feet apart.
2. By outlining and hash marking the area in contrasting colors clearly marking it with the words "Fire Lane - No Parking."
3. By identifying the space with a red curb upon which the words "Fire Lane - No Parking" are stenciled every 15 feet.
 - (a) Both sides of fire lanes shall be red curbed when the fire lane is twenty (20) feet to twenty-eight (28) feet in width.
 - (b) At least one side of a fire lane shall be red curbed and stenciled when the fire lane is over twenty-eight (28) and up to thirty-six (36)

feet in width.

- (c) Curbs need not be painted red nor stenciled when the fire lane is more than thirty-six (36) feet in width.

Section 505.1.1 Multi-Tenant Buildings. Added

505.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be visible from the street posted at a minimum height of 5 feet, 6 inches (5' 6") above the finished floor, shall be visible from the street and shall be either internally or externally illuminated in all new construction.

Section 505.1.2 Multiple Buildings On One Site. Added

505.1.2 Multiple buildings on one site. Where multiple buildings on one property the buildings cannot be viewed from the public way, a monument sign, or other signs or other approved means shall be used to identify the entry to the given structure. Address identification shall be maintained on each of the buildings within the site.

Section 505.1.3 Rear Addressing. Added

505.1.3 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 505.1.

Section 506.1.1.1 Key Box Contents Requirements. Added

506.1.1.1 Key box contents requirements. Master keys shall be provided to all spaces including multi-tenant spaces. Additional keys shall be included as determined by the fire code official or his designee and may include card access, elevator controls, fire alarm control panels and devices, and for fire sprinkler control valve access. If the business/operation is required to have a Hazardous Material Inventory Statement (HMIS), the HMIS shall be included in the key box or other approved location. The number of keys to be provided shall be determined by the inspector.

Exceptions:

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1. Electronic card keys and codes to individual spaces may not be utilized as a substitute for manual keys.
2. When electronic locks release upon loss of electrical power or fire alarm activation a manual key need not be provided.

Section 506.1.1.2 Gates. Added

506.1.1.2 Gates. Where a new gate or barrier is installed on a fire access roadway, the fire department shall have emergency access by means of a padlock, key switch or other approved means.

Exception:

1. Driveways serving a single R-3 occupancy

Section 508.2 Fire Control Room. Added

508.2 Fire control room. An approved fire control room shall be provided for all new buildings or occupancies with a change of use, requiring protection by an automatic fire sprinkler system. The room shall contain the sprinkler riser, fire alarm control panels, ERCES control equipment, and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided at grade with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. Fire Control Rooms shall not be less than 35 square feet.

Exceptions:

1. Group R, Division 3 Occupancies.
2. Occupancies with a fire pump shall have a fire control room that is a minimum of 200 square feet.
3. In high-rise buildings, the fire control room shall not be less than 200 square feet.

Section 510.1 Emergency Responder Communication. Coverage In New Buildings. Modified

510.1 Emergency responder communication coverage in new buildings.

Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

510.4.2 System design .Amended.

5.10.4.2 System Design. The in-building, two-way emergency responder communication coverage system shall be designed in accordance with [Sections 510.4.2.1](#) through [510.4.2.10](#) and NFPA 1225.

Section 510.4.2.9 UL Certification. Added

510.4.2.9 UL Certification. New ERCES systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 510.4.2.10 Power Switch. Added

510.4.2.10 Power Switch. A keyed power switch shall be installed in the system allowing for power to the system to be easily turned on or off. The default condition will be for the system to be off unless otherwise specified by the inspector during the final inspection.

Section 510.5.2-510.5.2.3. Minimum Qualifications of Personnel. Added

510.5.2 Minimum qualifications of personnel.

510.5.2.1 Designers. The minimum qualifications of the system designer for both new and existing buildings shall be all of the following:

1. A valid FCC issued general radio operator's license.
2. Certification of in building system training issued by an approved organization or approved school, or a certificate issued by the manufacturer of the equipment being installed.
3. Certification by a nationally recognized testing or certification agency (For example, NICET).

510.5.2.2 Installing personnel. Installation of approved ERRC systems shall be conducted by a State Licensed C-7, C-10, or C-16 contractor.

510.5.2.3 Testing personnel. For system acceptance and annual testing, personnel shall be certified by a professional certification agency approved by the authority having jurisdiction. (IEEE, NICET, etc.)

Section 510.5.3.1 Test Specification. Added

510.5.3.1 Test bands and frequencies. Acceptance and annual testing of ERRC systems shall incorporate all bands and frequencies accounted for in the design of the system.

15.24.200 Chapter 9 Fire Protection and Life Safety Systems.

Chapter 9 of the California Fire Code is adopted in its entirety as amended below:

Section 901.6.3.2 Records Reporting. Added

901.6.3.2 Records Reporting. Fire detection, alarm and extinguishing systems, shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested, and maintained or removed in accordance with the appropriate standard. All inspection, testing and maintenance reports shall be forwarded to the Fire Department using electronic media to the designated third party as assigned in the Policy Manual. Paper (hard copy) reports are not permitted.

Section 903.2 Automatic Sprinkler Systems - Where Required. Amended

903.2 Where required. Approved automatic sprinkler systems shall be installed throughout all new buildings unless the structure does not require a building permit. Exception: Detached Group U occupancies separated from structures in accordance with Table 705.5 of the California Building Code.

Sections 903.2.1 Through 903.2.10 Are Deleted in their entirety.

Section 903.3.1.2 NFPA 13R Sprinkler Systems. Amended

903.3.1.2 NFPA 13 sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be installed throughout in accordance with 903.3.1.1.

Exception: R-3 occupancies shall have an automatic sprinkler system installed in accordance with NFPA 13D.

Section 903.2.20 Automatic Sprinkler Systems - Existing Buildings and Structures. Added

903.2.20 Existing Buildings and Structures. Proposed addition, alterations or fire repairs in existing non-sprinklered buildings over a three-year period exceeding 50% of the original gross floor area square footage shall require the entire building to be installed with an automatic fire sprinkler system as follows;

1. Any additions that increase the existing gross floor area by more than 50% require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of additions, alterations and/or fire repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system. For purposes of this section, alterations shall only apply to the building area if they increase the size of the fire area of the room or space. See the Policy Manual for further guidance.
3. Any addition, alteration and/or repair within a building that contains an automatic fire sprinkler system shall have the automatic fire sprinkler system extended/modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Code Official requires that an automatic fire sprinkler system be installed. For purposes of this section, the relative hazard category shall be in accordance with table 903.2.20 based on table 1011.5 of the International Existing Building Code.

Table 903.2.20

Relative Hazard	Occupancy Class
1 (Highest Hazard)	H, L
2	I-2, I-2.1, I-3, I-4
3	A, C, E, M, R-1, R-2, R-2.1, R-4
4	B, F-1, M, S-1, R-3, R-3.1
5 (Lowest Hazard)	F-2, S-2, U

Exceptions:

1. Seismic or accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the San Mateo Consolidated Fire Department at the discretion of the Fire Marshal.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies or detached carports less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.
6. Group R-3.1 occupancies unless already containing a fire sprinkler system.

Section 903.3.1.3 NFPA 13D Sprinkler Systems. Amended

903.3.1.3 NFPA 13D sprinkler systems. Automatic Sprinkler systems installed in one-and two-family dwellings; Group R-3; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80. NFPA 13D sprinkler systems shall also comply with section 903.4.2 Alarms.

Section 903.4.2 Alarms. Amended

903.4.2 Alarms. One approved audible and visual devices shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 905.3.1 Height. Amended

905.3 [No Change]

1. [No Change]
2. Buildings that are more than 2 stories in height.
3. [No Change]
4. [No Change]

Section 907.1.6 Fire Alarm Certification. Added

907.1.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate. The protected premise shall be issued a UUFX type certification from Underwriters Laboratories (UL).

Section 907.1.6.1 Posting of Certificate. Added

907.1.6.1 Posting of Certificate. The UL certificate required in section 907.1.6 shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

15.24.210 Chapter 10 Means of Egress.

Chapter 10 of the California Fire Code is adopted in its entirety as amended below:

Section 1009.3.1 Convenience Stair. Added

1009.3.1 Convenience Stair. Convenience stairs (in buildings 4 or more stories in height) that are not required as exits shall be limited to connect only two (2) floors.

15.24.220 Chapter 26 Fumigation and Insecticidal Fogging.

Chapter 26 of the California Fire Code is adopted in its entirety without amendment.

15.24.230 Chapter 49 Requirements for Wildland-Urban Interface Fire Areas.

Chapter 49 of the California Fire Code is adopted in its entirety as amended below:

Section 4901.1 is amended as follows

4901.1 Scope. The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter and the 2021 International Wildland Urban Interface Code as adopted by the San Mateo Consolidated Fire Department.

Section 4902 Definitions. Added

Local Agency High Fire Hazard Severity Zone. An area designated by the local agency based on a fire assessment conducted by the San Mateo Consolidated Fire Department.

Section 4904.3 Local Fire Hazard Severity Zones. Added.

4904.3 Local Fire Hazard Severity Zones. Local Fire Hazard Severity Zones shall be as determined by the San Mateo Consolidated Fire Department Wildland Fire Assessment conducted in July 2019.

Section 4905.2 Construction Methods and Requirements Within Established Limits. Amended.

4905.2.1 Construction Methods and Requirements Within Established Limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

California Building Code, Chapter 7A, California Residential Code, Section R337, California Referenced Standards Code, Chapter 12-7A.

4905.2.2 Additions to structures. If an addition to a structure exceeds 50% of the original square footage and the structure is in a designated fire hazard zone of high or very high, the structure shall meet the requirements of California Department of Forestry and Fire Protection's Low Cost Retrofit List. (Attached)

Section 4905.3.1 Local Fire Hazard Severity Zone Requirements. Added

4905.3.1 Local fire hazard severity zone requirements. Buildings constructed in local Agency Fire Hazard Severity Zones considered to be "High" or "Very High" shall comply with section 4905.2.

Section 4906.2 Application. Amended

4906.2 Application. [No change]

1. [No change]
 - 1.1. [No change]
 - 1.2. [No Change]
 - 1.3. [No Change]
2. All land designated by the San Mateo Consolidated Fire Department Wildland Fire Assessment in one of the following zones:
 - 2.1. Moderate
 - 2.2. High
 - 2.3. Very High

Section 4907.1 General. Amended

4907.1 General. Defensible space will be maintained around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government code sections 51175 through 51189 in moderate, high, and very high fire hazard severity zones as designated by the San Mateo Consolidated Fire Department Wildland Fire Assessment

15.24.240 Chapter 56 Explosives and Fireworks.

Chapter 56 of the California Fire Code is adopted in its entirety as amended below:

Section 5601.1.3 Fireworks. Amended

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the jurisdiction of the department.

Exceptions:

1. Storage and handling of fireworks has allowed in section 5604.
2. The use of fireworks for fireworks displays, pyrotechnics before proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by title 19, Division I, chapter 6 fireworks reprinted in section 5608 and the Health & Safety Code division 11.
3. Snap caps and party poppers classified by the state fire marshal as pyrotechnic devices.

Section 5601.1.3.1 Fireworks – Seizure. Added

5601.1.3.1 Fireworks-seizure. The Chief shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

Section 5601.2.4 Financial Responsibility. Amended

5601.2 .4 Financial responsibility. Before a permit is issued pursuant to section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2

million or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by permit upon which any judicial judgment results.

The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: fireworks in accordance with California Code of Regulations, Title 19, Division I, Chapter 6, see section 5608.

Section 5601.9 Prohibited and Limited Acts. Added

5601.9 Prohibited and limited acts. The storage of explosive materials is prohibited in all zoning districts except district zone for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code section 5601.8

15.24.250 Chapter 57 Flammable and Combustible Liquids.

Chapter 57 of the California Fire Code is adopted in its entirety as amended below:

Section 5704.2.9.6.1 Locations Where Above Ground Tanks Are Prohibited. Amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of class I and 2 liquids in above-ground tanks is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural use.

Section 5706.2.4.4 Locations Where Above-Ground Tanks Are Prohibited. Amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. Locations where above-ground tanks are prohibited. Storage of class I and 2 liquids in above-ground tanks is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural use.

15.24.260 Chapter 58 Flammable Gases and Flammable Cryogenic Fluids.

Chapter 58 of the California Fire Code Is Adopted In Its Entirety As Amended Below.

Section 5806.2 Limitations. Amended to read as follows:

5806.2 Limitations. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

15.24.270 Chapter 61 Liquefied Petroleum Gases.

Chapter 61 of the California Fire Code is adopted in its entirety as amended below.

Section 6104.2 Maximum Capacity Within Established Limits. Amended to read as follows:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gases prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any

one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2000 gallons (7570 L).

15.24.280 Appendix B Fire Flow Requirements for Buildings.

Appendix B of the California Fire Code, fire flow requirements for buildings, is adopted in its entirety as amended below:

TABLE B105.2 REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE AND 2 FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOMES. AMENDED.

TABLE B105.2
REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE AND 2 FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

<u>Automatic Sprinkler System (Design Standard)</u>	<u>Minimum Fire Flow (Gallons Per Minute)</u>	<u>Flow Duration (Hours)</u>
No automatic sprinkler system	Value in Table B 105.1 (2)	Duration in Table B 105.1 (2)
Section 903.3.1.1 of the California Fire Code	50% of the value in table B105.1 (2) ^a	Duration in table B105.1 (2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code ^c	50% of the value in table B105.1 (2) ^b	Duration in table B105.1 (2) at the reduced flow rate

For SI: 1 gallon per minute equals 3.785 L per minute

- a. The reduced fire flow shall not be less than 1000 gallons per minute.
- b. The reduced fire flow shall not be less than 1500 gallons per minute.
- c. Section 903.3.1.2 of the California Fire Code has been amended by the San Mateo Consolidated Fire Department

15.24.290 Appendix C Fire Hydrant Locations and Distribution

Appendix C of the California Fire Code, number and distribution of fire hydrants, is adopted in its entirety as amended below:

TABLE C 102.1 of Appendix C. Amended to read as follows:

TABLE NO. C102.1

NUMBER AND DISTRIBUTION OF FIRE HYDRANTS^f

FIRE FLOW REQUIREMENT (GPM)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c, d, e} (Ft.)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROADWAY FRONTAGE (Ft.)
1750 or less	1	250	150
2000-2250	2	250	150
2500-3250	3	250	150
3500-4250	4	250	150
4500-5250	5	250	150
5500-5750	6	250	150
6000-6250	6	250	150
6500-7250	7	250	150
7500 or more	8 or more ^c	200	120

For SI: 1 foot equals 304.8 mm, 1 gallon per minute equals 3.785 L per minute.

a. Reduce by 100 feet for dead-end streets or roadways.

b. Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

- i. Street has a median center divider that makes access to hydrants difficult, causes a time delay or creates an undue hazard;
- ii. There are four or more lanes of traffic;
- iii. Width of the street is in excess of 88 feet; or
- iv. The existing street will be widened or will have a raised median center divider installed in the future pursuant to the General Plan Roadway Improvement Plans.

c. One hydrant for each 1,000 GPM or fraction thereof.

d. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided every 1,000 feet of street to provide for transportation hazards. In addition, there shall be at least one hydrant at each intersection.

e. Average spacing between hydrants may be extended to 500 feet on streets serving one- and two-family dwellings.

f. The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

15.24.300 Appendix D Fire Apparatus Access Roads

Appendix D of the California Fire Code, Fire Apparatus Access Roads, is adopted in its entirety.

15.24.310 Appendix O Temporary Haunted Houses, Ghost Walks, and Similar Amusement Uses.

Appendix O of the California Fire Code, Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses Is Adopted In Its Entirety

15.24.320 Violations.

It is unlawful to violate or fail to comply with any provisions of this Code or violate or fail to comply with any order made under this Code or to build in violation of any detailed statement of specification or plans submitted and approved under this Code, or any certificate or permit issued under this Code.

15.24.330 Fire and Life Safety Inspections.

Inspections by the Fire Department shall periodically be made of buildings and structures that are used for residential or non-residential purposes as follows:

- a) The time and frequency of inspections shall be determined by the Fire Chief. No buildings shall be inspected for a fee more than annually except for re-inspections to assure that code corrections have been made or hazards have been corrected.
- b) A fee for inspections shall be established in the adopted Master Fee Schedule to offset costs of the regulatory inspection program and shall be collected upon inspection from each property subject to this ordinance. Revenues shall be used for the inspection and enforcement program.
- c) All properties shall be subject to inspection fees.
- d) Nothing in this section is intended to prevent inspections of property under nuisance abatement or other laws.

15.24.340 Local Findings and Amendments.

The modifications to the 2021 International Fire Code with the 2022 California Fire Code Amendments are needed and reasonably necessary due to local climatic, geological, and topographical conditions, as set forth in Exhibit B of this Ordinance (Findings in Support of Amendments to the 2022 California Fire Code), which are incorporated herein as substantive provisions of this Ordinance.

Section 9. CEQA. The adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of this ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as actions by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment

Section 10. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 11. Taking Effect. This Ordinance shall take effect on January 1, 2023.

Section 12. Posting. Within 15 days after the passage of this Ordinance, the City Clerk shall have it posted in three public places designated by resolution of the City Council.

This Ordinance was introduced and read on the 3rd day of October, 2022, and passed and adopted on the 7th day of November, by the following vote:

AYES: Councilmembers Froomin, Gehani, Hindi, Sullivan, and Mayor Awasthi

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:
Richa Awasthi
A971BBBF67CB430...
RICHAWASTHI, MAYOR

ATTEST:

DocuSigned by:
Yelena Cappello
7CD6E52A6378484...
PRISCILLA SCHAUS, CITY CLERK
BY: YELENA CAPPELLO, ACTING CITY CLERK

San Mateo Consolidated Fire Department**FINDINGS IN SUPPORT OF LOCAL AMENDMENTS TO THE 2022 CALIFORNIA FIRE CODE
AS ADOPTED BY THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT
THAT IMPLEMENT ADDITIONAL REQUIREMENTS
DUE TO LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS**

WHEREAS, pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the Board of Directors for the San Mateo Consolidated Fire Department (“Department”) has determined and finds that the attached changes or modifications to the 2021 International Fire Code with the 2022 California Amendments are needed and are reasonably necessary because of local climatic, geological, and topographical conditions.

WHEREAS, based upon information provided by staff in support of these proposed amendments to the Fire Code and similar information provided in support of prior amendments and facts on which a local court could take judicial notice documenting the unique conditions found in the Board of Directors for the Department, it is expressly found by the Department Board of Directors that the following unique conditions are undisputed and do exist in the jurisdiction and that as a result, modifications to the 2022 California Fire Code are reasonably necessary for the Department.

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE SAN MATEO CONSOLIDATED FIRE DEPARTMENT HEREBY ORDAINS THAT:**1. Climatic**

The weather patterns within the Department are considered to be moderately affected by westerly winds that can average from 10-15 mph and gusts that can exceed 40 mph which are experienced almost year-round. Fog is a common occurrence in the jurisdiction, becoming quite dense at times. An average year’s rainfall is approximately 22.95 inches, while summer conditions are hot and dry. These summer conditions create hazardous fuel situations that have caused grassland and brush land fires in recent years. Year-round average temperatures range from 58 in the winter to 81 degrees during the summer, however high temperatures have ranged from 75 in the winter to 110 degrees in the summer. Low humidity, high temperatures and gusting winds can move a fire quickly in the hillsides and canyon areas of the Department and can tax the capabilities of the urban design of the fire department. Lower water pressure in these areas also affects the abilities to quickly suppress any fires. Climate Change is expected to adversely affect these conditions, moving the weather towards more extremes in the coming years.

Because of the unpredictable weather patterns, intermittent drought and water rationing can be expected, causing dry vegetation and hazardous fire conditions. Weather patterns can go to the other extreme with heavy rains creating higher fuel load in the hillsides. A heavy rain pattern would also impact a flood plain area located in the northeast portion of the Department. This condition has the potential of causing additional barriers in this area when flooding blocks streets and underpasses.

The conditions described in this section make it reasonably necessary for the Department to adopt the following ordinance sections as modifications to the 2022 California Fire Code and these findings are specifically intended to satisfy the requirements of California Health and Safety Code Section 17958.7 in that regard:

San Mateo Consolidated Fire Department Ordinance Part I (Adoption), Part II (Applicability), Part III amending CFC Sections 108, 202, 303, 304, 305, 306, 307, 308, 309, 310, 501.1, 503.1.1, 503.3.1, 505.1, 505.1.1, 505.1.2, 505.1.3, 506.1.1.1, 506.1.1.2, 508.2, 901.6.3.2, 903.2, 903.3.1.2, , 903.2.20, 903.3.1.2, 903.4.2, 905.3.1, Chapter 49, 5601.1.3, 5601.1.3.1, 5601.2.4, 5601.9, 5704.2.9.6.1, 5706.2.4.4, 5806.2, 6104.2, Table B105.2, Table C102.1, Appendix D, section D106.1, D107.1, and Part III adopting the

International Wildland Urban Interface Code (All modifications and adoptions), Part IV (Violations), and Part V (Fire and Life Safety Inspections).

2. Geographical

The jurisdiction's geography is diverse, with scenic hillsides to the west and north and the San Francisco Bay shoreline and in-land lagoons to the northeast. Certain eastern portions of the Department are built on landfill. These geographic features establish roadways, waterways, and building sites and create barriers for accessibility for fire suppression forces. Such geological barriers increase fire emergency response time.

The cities in the Department's jurisdiction lie near several potentially active seismic hazards, including the San Andreas and San Mateo Faults. Seismic activity within the Department occurs yearly with little or no damage, although in 1989, the Loma Prieta Earthquake caused substantial damage (building collapses, fires, closure of main travel arteries, medical emergencies, etc.) from San Francisco to Santa Cruz. Within minutes of the quake, all emergency services were exhausted. Additionally, a large quake, greater than 6.7 magnitude is predicted along one of the major Bay Area Earthquake Faults before 2030. Landslide areas become a critical concern with seismic activity due to the possibility of liquefaction. The northern hillsides create slopes in excess of 60% with an average of between 5-10%. The Department continues to see building on these hillside areas. Such sites are prone to landslide activity during the rainy season and during seismic activity.

The Department is located in a nationally recognized earthquake prone area which caused unique challenges for fire and disaster relief agencies. Because the problem is regional and potentially suffocating in scope, tailored response programs with other agencies are essential. Seismic considerations, elsewhere not applicable, must be recognized in all construction projects.

The conditions described in this section make it reasonably necessary for the Department to adopt the following ordinance sections as modifications to the 2019 California Fire Code and these findings are specifically intended to satisfy the requirements of California Health and Safety Code Section 17958.7 in that regard:

San Mateo Consolidated Fire Department Ordinance Part I (Adoption), Part II (Applicability), Part III amending CFC Sections 108, 202, 303, 304, 305, 306, 307, 307.1.1, 307.4.1, 307.4.2, 308, 309, 310, 311, 501.1, 503.1.1, 503.3.1, 505.1, 505.1.1, 505.1.2, 505.1.3, 506.1.1.1, 506.1.1.2, 508.2, 510.4.2, 510.4.2.9, 510.5.2, 510.5.2.1, 510.5.2.2, 510.5.2.3, 510.5.3.1, 405, 406, 901.6.3.2, 903.2, 903.3.1.2, , 903.2.20, 903.3.1.2, 903.4.2, 905.3.1, 907.1.6, 907.1.6.1, 1009.3.1, Table B105.2, Table C102.1, Appendix D, section D106.1, D107.1, and Part III adopting the 2021 Wildland Urban Interface Code (All adoptions and Modifications), Part IV (Violations), and Part V (Fire and Life Safety Inspections).

3. Topographical

The topographical element is associated closely with the geographical element noted above. The Department's water supply (domestic and fire flow) system is directly affected by the topographical layout of the member cities comprising the Department. The distribution system consists of "lift-zones," which carry the water to the public via conduits of water pipes from various reservoirs, storage tanks, and dammed areas. In these "lift-zones" the pressure and flows are adequate at the lower elevations of the zone, but as the elevation increase water flow can vary greatly. Such variations create predictable problems for fire suppression units.

The roadway system through the Department is, by and large, designed around the topographical lay of the land with narrow, steep grades, large highway over-passes and roadways inefficient to handle current traffic demands. This creates "barriers" that increase the fire department response time.

Additionally, developers are creating denser residential developments in many areas throughout the Department. There is a trend to develop more concentrated structures such as “podium” buildings which are residential, or business occupancies built over parking structures. These structures are generally built with reduced access around the building because they are being constructed in a “Built-out” environment, replacing existing structures. These larger, denser developments generally add 3+ minutes to response times by creating unique challenges to accessing and suppressing fires. The additional time could allow “flashover” to occur (“Flashover” occurs when a fire can burn freely without any suppression intervention, causing the structure or room to become completely engulfed with fire in a short time). These “podium” buildings are generally designed to support a higher occupancy load. Mid-rise buildings also pose unique suppression challenges because of the size and complexity of the building footprint that adds to the time needed to locate a fire. The height of these structures, and the combustible nature of the buildings built above the podium present additional challenges when it comes to fire extinguishment and rescue. The higher density of buildings in the jurisdiction, along with the hills of the jurisdiction pose challenges for the radio systems used by the department for emergency communications. Inadequate communications pose a direct threat to the health and wellbeing of responders.

The remaining structures (those not redeveloped into larger, denser structures) pose another concern in that they lack adequate fire protection like firewalls, fire extinguishing systems, fire alarm system, etc. Historical buildings also create cause for concern in that they were built under less stringent building codes and with narrower setback requirements, creating further “barriers” that firefighters must work around. Some of these buildings date as far back as 100 years and are irreplaceable, holding significant historical.

The western hills of the jurisdiction are steep, and are covered in many different kinds of vegetation. There are structures built in and bordering densely vegetated areas, making the spread of vegetation fires to structures more likely.

The conditions described in this section make it reasonably necessary for the Department to adopt the following ordinance sections as modifications to the 2022 California Fire Code and these findings are specifically intended to satisfy the requirements of California Health and Safety Code Section 17958.7 in that regard:

San Mateo Consolidated Fire Department Ordinance Part I (Adoption), Part II (Applicability), Part III amending CFC Sections 108, 202, 303, 304, 305, 306, 307, 308, 309, 310, 311, 318, 319.1.1, 501.1, 503.1.1, 503.3.1, 505.1, 505.1.1, 505.1.2, 505.1.3, 506.1.1.1, 506.1.1.2, 508.2, 510.4.2, 510.4.2.9, 510.5.2, 510.5.2.1, 510.5.2.2, 510.5.2.3, 510.5.3.1, 405, 406, 901.6.3.2, 903.2, 903.3.1.2, , 903.2.20, 903.3.1.2, 903.4.2, 905.3.1, 907.1.6, 907.1.6.1, 1009.3.1, Table B105.2, Table C102.1, Appendix D, section D106.1, D107.1, and Part III, the 2021 International Wildland Urban Interface Code (All adoptions and modifications), Part IV (Violations), and Part V (Fire and Life Safety Inspections).

CERTIFICATE OF POSTING

I, Yelena Cappello, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified Acting City Clerk of the **City of Foster City**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 655, "An Ordinance of the City of Foster City Repealing and Replacing Chapters 15.02, "Building Code"; 15.04, "Residential Code"; 15.06, "Existing Building Code"; 15.08, "Mechanical Code"; 15.16, "Plumbing Code"; 15.20, "Electrical Code"; and 15.24, "Fire Code"; of Title 15, "Building and Construction," of the Foster City Municipal Code and Adopting by Reference the 2022 California Building Code, 2022 Residential Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Fire Code and the 2022 California Existing Building Code With Appendices Within Title 24 of the California Code of Regulations and Making Certain Amendments Thereto; and Adopting the Fire Departmental Policy Manual"

in the following three public places of the **City of Foster City**, Foster City, San Mateo County, California:

1. Recreation Center Lobby
650 Shell Boulevard
2. Council Chambers
620 Foster City Boulevard
3. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City**, Foster City, San Mateo County, California
this 8th day of November 2022.

DocuSigned by:

7CD6E52A6378484...
Yelena Cappello
Acting City Clerk