

6. **CONDUCT THE PUBLIC HEARING AND INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS; AND RATIFY THE FIRE REGULATIONS, AS ADOPTED BY THE MENLO PARK FIRE PROTECTION DISTRICT.**

**Report: Recommendation:** Conduct the Public Hearing and Introduce for First Reading, by title only, an Ordinance amending Title 15 of the Atherton Municipal Code adopting by Reference the 2022 California Building Standards Code, retaining existing modifications; and ratify the fire regulations, as adopted by the Menlo Park Fire Protection District.

*Description:*



## Item No. 1

### Town of Atherton

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#### **CITY COUNCIL STAFF REPORT – PUBLIC HEARING**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: MIKE GREENLEE, CHIEF BUILDING OFFICIAL**

**DATE: OCTOBER 19, 2022**

**SUBJECT: CONDUCT THE PUBLIC HEARING AND INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS; AND RATIFY THE FIRE REGULATIONS, AS ADOPTED BY THE MENLO PARK FIRE PROTECTION DISTRICT.**

#### **RECOMMENDATION**

Conduct the Public Hearing and Introduce for First Reading, by title only, an Ordinance amending Title 15 of the Atherton Municipal Code adopting by Reference the 2022 California Building Standards Code, retaining existing modifications; and ratify the fire regulations, as adopted by the Menlo Park Fire Protection District.

#### **BACKGROUND & ANALYSIS**

Utilizing nine-point criteria as provided for in state statute, the California Building Standards Commission (CBSC), through a public hearing process, considers amendments and revisions to the Model Codes from State Regulatory Agencies every three years. Upon CBSC approval, the amended Model Codes are published, and become a part of Title 24 of the California Code of Regulations which are in effect 180 days after publication.

The 2022 California Building Standards Codes that will take effect throughout California on January 1, 2023 (Health and Safety Code (HSC) Section 18938). The Codes specified in the California Code of Regulations, are mandated by the State of California and the Building Official is required to administer and enforce those codes.

The amending of certain portions of Title 15 of the Town of Atherton Municipal Code is necessary

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to maintain consistency among the new building codes, procedures and terminology and the Town's existing regulations.

Provisions within California statute (HSC Sections 17958.7 and 18941.5 (b)) allow local agencies the authority to establish more restrictive building standards when reasonably necessary because of local climatic, geologic, or topographical conditions but not the authority to reduce the minimum standards established by the California Code of Regulations.

The more restrictive modifications and findings carry forward the current more restrictive fire sprinkler requirements were adopted by the Menlo Park Fire District, which provides fire protection to Atherton and neighboring communities. The specific factors that require and bring forward the more extensive requirements for the installation of fire sprinklers were identified with findings by the Board of the Menlo Park Fire Protection District. Similar finding are set forth in Section 1 of the attached Ordinance.

### **Adoption**

Government Code Section 50022.2 and Health and Safety Code section 17922 requires that local agencies adopt the Building Codes. Because Staff is also recommending re-adopting an administrative appendix by reference and a more restrictive modification to the code by ratifying the Menlo Park Fire Regulations the adopting procedure outlined in Government Code Section 50022.3 should be followed.

Copies of the codes are available at the Town's Permit Center offices during regular hours.

### **FISCAL IMPACT**

None.

### **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area F – Be Forward-Thinking, Well-Managed, and Well-Planned

### **POLICY FOCUS**

The adoption of this municipal code amendment is consistent with Town policies.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately  
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1,400 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials. A Public Notice was also published in a local paper no less than 10 days prior to the meeting.

#### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item has not been before a Town Committee or Commission

#### **ATTACHMENTS**

1. Ordinance Amending Title 15 of the Atherton Municipal Code
2. Menlo Park Fire Protection District Ordinance



**ORDINANCE \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF**  
**ATHERTON AMENDING CHAPTERS 15.02 15.04. 15.08, 15.12, 15.16, 15.18,**  
**15.19, 15.20, 15.22 AND 15.44 IN ORDER TO ADOPT BY REFERENCE THE**  
**2019 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE**  
**BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL,**  
**ENERGY, HISTORICAL BUILDING, FIRE (BY RATIFICATION), GREEN**  
**AND EXISTING BUILDING CODES AND CHAPTER 1 DIVISION II OF**  
**THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE AS THE**  
**ATHERTON ADMINISTRATIVE CODE**

WHEREAS, the California Building Standards Code (CBSC), also known as Title 24 of the California Code of Regulations (CCR), is updated by the California Building Standards Commission from time to time based upon published model codes specified in the California Health and Safety Code; and

WHEREAS, the 2022 CBSC and modifications will take effect on January 1, 2023;  
and

WHEREAS, local jurisdictions responsible for enforcement of the California Buildings Standards Code must enact local administrative regulations and amendments in order to implement the California Building Standards Code; and

WHEREAS, the City Council wishes to ratify the adoption by Menlo Park Fire Protection District of the new Fire Code with local modification regarding the installation of automatic fire suppression systems and other fire safety enhancements as allowed by the Sections 13869 and 17958 of the California Health and Safety Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:**

**Section 1.** Findings

The City Council finds and determines that:

A. A duly noticed hearing before the City Council was held on October 19, 2022. Copies of the codes to be adopted are on file and available for inspection.

B. The adoption of these codes is exempt from the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because it will not have a significant effect on the environment.

C. This ordinance is adopted pursuant to Health and Safety Code Section 17958.5 and 17922.1 and Government Code Sections 50022.2 and 50022.3

D. Greater than normal vulnerability to seismic events and to fire requires the modification of the State Building Standards Code for the protection of the public health, safety and welfare due to local climatic, geologic or topographical conditions as follows:

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## 1. Climate

The Town, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation, which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption.

## 2. Geology

The Town is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes older structures particularly vulnerable to damage and caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. A majority of the Town's land surface is in the high-to-moderate seismic hazard zones. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns increase adverse effects on structures from major seismic events. A significant portion of the Town's residential and commercial structures are located in seismic risk zones. Fires following an earthquake have the potential of causing greater loss of life and damage than the earthquake itself.

## 3. Topography.

The Town's topography does not lend itself to a systematic street and road layout which would promote easy traffic flow, especially during emergencies. The Town is divided by a major state highway (El Camino Real) and a railroad track. It includes hilly areas and heavily wooded areas with winding roads and numerous cul de sac streets. These conditions are likely to adversely affect response times of emergency personnel during periods of heavy traffic or conditions of major emergencies. The Town's location on the San Francisco Peninsula, where there is a strong north-south commute pattern between a number of cities and towns on limited transportation corridors, results in very congested roads during peak commute hours. This creates barriers that increase the response time of fire equipment and other emergency services.

## 4. Built in Automatic Fire Suppression Systems

The increased risk to persons and property from fire makes it necessary to require the installation of built-in automatic fire protection systems that provide early detection and initial control until the arrival of emergency resources.

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During large scale disasters, such as seismic events, these fire protection systems reduce the hazard of the spread of multiple fires to adjacent properties.

**Section 2.** Section 15.02.010 of the Atherton Municipal Code is hereby amended to read as follows:

**Section 15.02.010 Adoption of the Administrative Code, 2022 Edition**

That certain document, one printed copy of which is on file with the building official of the town, being marked and designated as Chapter 1 of Division II of the 2022 Edition of the *California Building Code* as published by the International Code Council is adopted and incorporated by reference and made a part of this chapter as if fully set out in this chapter, subject to amendments, deletions and additions to it as provided in this chapter. A copy of the 2022 California Building Code printed in code book form shall be kept on file in the office of the City Clerk.

**Section 3.** Section 15.04.10 of the Atherton Municipal Code is hereby amended to read as follows:

**15.04.010 Adopted.**

That a certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2022 California Building Code, Volumes 1 and 2 (Title 24, Part 2), and the 2022 California Residential Code (Title 24, Part 2.5) with Appendix Chapters G (Swimming Pools and Hot Tubs), H (Patio Covers) & J (Existing Buildings) as published by the International Code Council and adopted by the California Building Standards Commission as Title 24 California Code of Regulations, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2022 California Building Code, and the 2022 California Residential Code and are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**Section 4.** Section 15.08.010 of the Atherton Municipal Code is hereby amended to read as follows:

**15.08.010 Adoption of the California Electrical Code, 2022 Edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2022 California Electrical Code," California Code of Regulations, Title 24, Part 3, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of such 2022 California Electrical Code, are referred to, adopted and made

part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**Section 5.** Section 15.12.010 of the Atherton Municipal Code is hereby amended to read as follows:

**15.12.010 Adoption of the California Plumbing Code, 2022 Edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2022 California Plumbing Code," including Appendix Chapters as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 5, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2022 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

**Section 6.** Chapter 15.16.010 of the Atherton Municipal Code is hereby amended to read as follows

**15.16.010 Adoption of the California Mechanical Code, 2022 edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2022 California Mechanical Code," including Appendix Chapters, as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, Part 4, California Code of Regulations, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2022 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**Section 7.** Chapter 15.18.010 of the Atherton Municipal Code is hereby amended to read as follows:**15.18.010**

**Adoption of the California Energy Code, 2022 edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2022 California Energy Code", including Appendix Chapter 1-A, as published by the California Building Standards Commission and identified as California Code of Regulations Title 24, Part 6, is adopted as the Energy Code for the Town regulating energy efficiency and conservation for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2022 California Energy Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

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**Section 8.** Chapter 15.19.010 of the Atherton Municipal Code is hereby amended to read as follows:

**15.19.010 Adoption of the California Green Building Code, 2022 edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2022 California Green Building Standards Code or CalGreen”, as published by the California Building Standards Commission and identified as California Code of Regulations, Title 24, Part 11, is adopted as the Green Building Code for the Town regulating improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2022 California Green Building Standards Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

**Section 9.** Chapter 15.20.010 of the Atherton Municipal Code is hereby amended to read as follows:

**15.20.010 Adoption of the California Historical Building Code, 2022 edition**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2022 California Historical Buildings Code, as published by the International Code Council, and adopted by the California Building Standards Commission as California Code of Regulations Title 24, Part 8, regulating construction in an effort to preserve the character and nature of Historical Buildings within the Town.

**Section 10.** Chapter 15.22.010 of the Atherton Municipal is hereby added to read as follows:

**15.22.010 California Fire Code Ratified.**

The Menlo Park Fire Protection District Ordinance Number 48-2022 entitled *District Fire Prevention Code*, which adopts the 2022 California Fire Code (based on the 2021 International Fire Code) codified as Title 24 of the California Code of Regulations Part 9), with local amendments in response local conditions, is hereby ratified.

**Section 11.** Chapter 15.44.010 of the Atherton Municipal Code is hereby amended to read as follows:

**15.44.010. Adoption of the California Existing Buildings Code, 2022 edition.**

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2022 California Existing Buildings Code” Appendix Chapter A1, as published by the International Code Council and adopted by the California Building Standards Commission, as California Code of Regulations Title 24, Part 10, is adopted as the code for the maintenance of existing buildings and structures throughout the Town that are constructed of Unreinforced Masonry and establishing a program for the same.

**Section 12.** Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

**Section 13.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 14.** This Ordinance shall be posted as required by law within the Town of Atherton and shall be effective on January 1, 2023.

\* \* \* \* \*

*I hereby certify that a public hearing of the foregoing ordinance was held at a regular meeting of the City Council of the Town of Atherton held on October 19, 2022 and was adopted by said City Council at a regular meeting held on **DATE**, by the following roll call vote:*

AYES: Council Members:  
NOES: Council Members:  
ABSENT: Council Members:  
ABSTAIN: Council Members:

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Rick DeGolia, MAYOR  
Town of Atherton

ATTEST:

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Anthony Suber, City Clerk

APPROVED AS TO FORM:

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Mona Ebrahimi, City Attorney

Ordinance No. \_\_\_\_\_

**MENLO PARK FIRE PROTECTION DISTRICT**  
**ORDINANCE NO. 48-2022**  
**DISTRICT FIRE PREVENTION CODE**  
For the Town of Atherton

AN ORDINANCE OF THE MENLO PARK FIRE PROTECTION DISTRICT ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE WITH THE 2022 CALIFORNIA FIRE CODE AND LOCAL AMENDMENTS.

**WHEREAS**, pursuant to Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and California Health and Safety Code Section 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, when reasonably necessary due to local climatic, geological or topographical conditions, establish more stringent local building standards relating to fire and safety than those set forth in the CBSC; and

**WHEREAS**, pursuant to California Health and Safety Code sections 18941.5 and 17958, the Board of Directors of the Menlo Park Fire Protection District hereby finds that the amendments adopted herein are reasonably necessary because of local climatic, geologic, and topographic conditions; and

**WHEREAS**, the Menlo Park Fire Protection District is required to formally adopt a Fire Code, and to comply with California Health and Safety Code Sections, 13143.5, 13145, and 13146, for the enforcement provisions of the California Fire Code; and

**WHEREAS**, the Menlo Park Fire Protection District (the “District”) now desires to adopt by reference an amended and restated District Fire Prevention Code that makes local amendments to the 2022 Edition of the California Fire Code based upon the 2021 Edition of the International Fire Code, and

**WHEREAS**, this Ordinance was introduced and was adopted after the holding of a public hearing pursuant to California Health and Safety Code Section 13869.7 and California Government Code Section 50022.3.

**WHEREAS**, the Town of Atherton agrees to ratify and implement this adoption by reference

**NOW, THEREFORE, the Board of Directors of the Menlo Park Fire Protection District ordains as follows:**

**SECTION 1: LOCAL CLIMATIC GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS**

Pursuant to Section 17958.5 and 17958.7 of the State of California Health and Safety Code, the Board of Directors of the Menlo Park Fire District finds that the below changes or modifications are needed and are reasonably necessary because of certain local climatic, geological and topographic conditions as follows:

**Finding 1: Climatic**

The District, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. This has been demonstrated in a number of like climatic areas within the State of California and the western United States.

Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption. The District is bounded by San Francisco Bay on the east and the foothills of the Santa Cruz Coastal Range of mountains on the west. This setting allows for strong gusty winds to blow through the Fire District. These winds are a common occurrence each afternoon during summer months. Wind increases a fire's ability to spread and has been attributed to the rapid spread of both vegetation and structure fires. Automatic fire sprinkler protection as required in buildings specified in Chapter 9 of the Fire Code and the local requirements and standards of Menlo Park Fire Protection District would significantly reduce the fire's ability to spread rapidly, especially when the jurisdiction is affected by the typical wind patterns.

**Finding 2: Geologic and Geographic**

- A. Geographic Location. The District is located at the southeastern most part of San Mateo County.
- B. Seismic Location. The District is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults, the San Andreas fault and the Hayward/Calaveras fault, and numerous potentially active faults. A majority of the District's land surface is in the high-to-moderate seismic hazard zones, as established by the U.S. Geological Survey.
- C. Seismic and Fire Hazards. Fires following an earthquake have the potential of causing greater loss of life and damage than the earthquake itself. A significant portion of the District's residential, commercial and industrial structures are located in seismic risk zones. Should a significant seismic event occur, fire suppression resources would have to be prioritized to mitigate the greatest threat, and may not be available for every structural

fire. In such an event, individual structures should be equipped to help in mitigation of the risk of damage.

Other variables could aggravate the situation: (i) the extent of damage to the water system; (ii) the extent of isolation due to bridge and/or freeway overpass collapse; (iii) the extent of roadway damage and/or amount of debris blocking the roadways; (iv) climatic conditions (hot, dry weather with high winds); (v) time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and; (vi) the availability of timely mutual aid or military assistance.

- D. Waterways. The Fire District's south and east boundary lines are waterways, the south side being the San Francisquito Creek, and the east side being the San Francisco Bay. Both waterways are influenced by tides. The San Francisquito Creek is fed from Searsville Dam, located along the Jasper Ridge, and also collects water from storm drains along its drainage pathway. The creek finally empties into San Francisco Bay, and is therefore influenced by tidal activity. During periods of heavy rainfall in combination with high tides in the Bay, San Francisquito Creek has overflowed its banks, causing floods in both East Palo Alto and Menlo Park. The floods have hampered fire apparatus making a timely response to emergencies and providing needed service to the community. Proper roadway widths as defined in Chapter 5 of the Fire Code and the minimum roadway standards established by Menlo Park Fire District can provide fire apparatus with accessibility while helping to divert excess water flow during rainy seasons.
- E. Transportation. The District is dissected by a major state highway (El Camino Real) and two major interstate freeways (I-280 and U.S. 101). However, the interconnecting road system is significantly less well developed. These conditions are likely to affect response times of fire suppression personnel and apparatus during periods of heavy traffic or conditions of major emergencies.

The Fire District is also split in half by an active railway that serves commuters during daylight hours and transports freight in the evening. There are seven railroad crossings that allow fire apparatus to cross from one side of the Fire District to the other. The railroad limits the Fire District's ability to not only make a timely response to an emergency, but also hampers our ability to provide a safe number of fire fighters to the scene of an emergency to begin operations that are compliant with Cal-OSHA Safety Regulations. Again, a structure's ability to control a fire or emergency condition with fire sprinkler protection, would play a key role in reducing losses.

A single toll bridge connects the Fire District with a substantial workforce that resides in Alameda County. This single point source connection significantly adds to traffic congestion through the jurisdiction during commute hours. With alternative work schedules, commute hours may last from 5:00 am through 7:00 pm, with significant traffic backups also noted during the lunch hour.

- F. Soil Conditions. The District lies near the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of the many streams emptying into the San Francisco Bay depression, and from intermittent sea water inundation occurring over the last two or three million years. 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 30 feet. Generally, the older more stable alluvium is to the south and the younger less stable material is to the north. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns actuate the adverse effects on structures that may be expected from major seismic events.
- G. Building Design. Many of the older and taller buildings are of designs which greatly limit accessibility by District resources. This includes large narrow parcels that have been subdivided into “flag-lots” on narrow residential streets.

The infrastructure that supports these buildings is old and not in compliance with current Codes. Some water purveyors and water mains in residential and commercial areas deliver water supplies that do not meet fire flow requirements required by Appendix B of the Fire Code. Some fire hydrant locations in both residential and commercial do not meet distance requirements of Appendix C of the Fire Code. This will not only hamper fire suppression operations, but limits building design. When water supplies must be altered to accommodate new construction, Menlo Park Fire District Standards on Underground Water Piping and the Standard on Water Supplies attempt to work with the existing infrastructure to accommodate the needs of fire fighters.

Residential properties in the Fire District consist primarily of one-acre or smaller parcels, flag lots and single and multi-family infill developments. Common to the larger parcels is the development of additional residential or in-law type occupancies for which fire department access is difficult based on existing driveway configurations for the original single- family parcels. Flag lots, for example, typically have driveways in excess of 150 feet, with narrow access, necessitating additional requirements, which the Fire District has added to Section 503, by creating Standards for driveways and private roadways that includes minimum driveway widths, fire apparatus turnaround specifications, and minimum vertical clearances. Areas in the District have older narrow roads, less than 20 feet wide and unimproved sidewalks or gutters, and allow parking on both sides. Parking is a regional issue which plagues the streets causing streets to be narrow allowing only one vehicle to pass. Regional traffic has increased causing neighborhoods to be flooded with increased pass through traffic, reducing alternative emergency response routes. Neighborhoods are increasing traffic control measure installations which also increase emergency response times. Additionally, fire department response times are increased due to gated access roads, a lack of street or address illumination, and existing vegetation barriers. Section 505.1 provides minimum standards for addresses on buildings and now requires new buildings to have illuminated addressing. However, neighborhood street lighting continues to be an issue.

Proper roadway widths as required by Chapter 5 and Appendix D of the Fire Code, along with minimum Menlo Park Fire District Fire Prevention Code, would allow fire apparatus to set up fire suppression operations and access both driveways that extend greater than 150 feet, and private roadways serving minor developments.

With the aging infrastructure, many water supplies do not meet current fire flow requirements. When redevelopment occurs, compliance to Fire Code Section 507 in addition to Menlo Park Fire District Fire Prevention Code on Water Supplies and on Underground (Piping) Standards is required. The Water Supply Standard provides for the type and size of the approved fire hydrant, its location in relationship to “flag-lots”, and placement of “blue-dots” to indicate their placement.

Due to the close proximity to San Francisco Bay, salt content in the soil is highly corrosive. Menlo Park Fire District’s Underground Standards provides requirements for underground piping of both fire hydrant installations as well as underground piping for automatic fire sprinkler system.

### **Finding 3: Topographical**

The District’s topographic conditions are closely associated with the geological /geographical element. With the elevation changes within the District, development has followed the path of least resistance, creating a meandering pattern. This circumstance 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 that tend to be heavily congested, primarily during commute hours and seasonal periods of the year. This creates barriers that reduce the response time of fire equipment and other emergency services.

The topography of the District is also challenged by major development patterns. Employment areas are located adjacent to and throughout the jurisdiction. The people who work in these areas have added to the traffic congestion in the District thereby reducing the District’s response time capabilities.

Inherent delays caused by these traffic patterns make it necessary to mitigate these problems with greater requirements for built-in automatic fire protection systems, noted in Section 903 of the Fire Code, along with local requirements and standards. In addition, the Fire District has added Fire Alarm maintenance requirements, specifically UL Certification noted in Section 907, to reduce false alarms and insure system reliability.

### **Finding 4**

The climatic conditions along the Peninsula affect the acceleration, intensity and size of a fire within the jurisdiction. Times of little or no rainfall, low humidity, and high temperatures have created extremely hazardous fire conditions, particularly as they relate to roof fires and conflagrations. The winds experienced in the Fire District can have a tremendous impact upon structure fires by carrying sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force the fire back into the

structure, creating a blow torch effect, in addition to preventing the natural and cross ventilation efforts of firefighters. In 1997, a fire at Green Oaks School in East Palo Alto resulted in a multi-million-dollar loss. The fire's unusually rapid spread was attributed to wind conditions occurring at the time of the fire. Other fires within the jurisdiction's housing tracts have also experienced unusually rapid spread due to the gusty winds that occur daily off the San Francisco Bay.

**Finding 5**

By the use of automatic early fire detection and suppression systems, the Fire District will have the ability to curb losses of life and property attributed to the local climate's influence on fires. With the use of an early, automatic fire suppression system, major fire losses can be controlled. For example, in 1989, a flammable liquid fire occurred at Romic Environmental Services, a former chemical recycling company that was located at the south end of the Fire District. The area suspected as the point of the fire's origin was an open-air, un-sprinklered building subject to wind conditions. The fire grew rapidly. It was finally brought under control several hours after discovery, with the assistance of neighboring fire departments and resulted in a multi-million-dollar loss of property, equipment and product. Two years later, after the area had been rebuilt and retrofitted with an automatic fire sprinkler system, another fire occurred at the same location. This fire was contained to a single piece of equipment and was controlled by one fire crew.

**Finding 6**

The geological conditions experienced within the Fire District increase the magnitude, exposure and accessibility to fire events. For example, a fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of people, should a significant seismic event occur. Fire protection resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-family dwelling or smaller business occupancy fires. Other variable conditions could include damage to the water system, freeway overpass collapse, roadways blocked by debris, and time of day, which could affect traffic patterns during or after the event.

In 1989 a 7.0 magnitude earthquake struck the San Francisco Bay Area via the San Andres Fault. For three hours following the event, firefighters from Menlo Park Fire District responded to over 100 incidents per hour. Though during this event, losses in the Fire District due to fire were minimal, however other neighboring jurisdictions were not as lucky. Had automatic fire sprinkler protection been a requirement at the time, it could have assisted firefighters in setting their priorities and assisting those citizens who needed emergency services the most.

**Finding 7**

Heavy traffic congestion on city streets already acts as a barrier to the timely response of fire equipment and emergency services. Continued growth, both residential and commercial from both inside and outside the Fire District will only serve to continue the traffic problem. In the event of an accident or other emergency at certain key point intersections, portions of the Fire



District could be isolated or response times could be sufficiently slowed, thus increasing the risk of substantial injury and damage.

A year long time study of response times for fire apparatus indicates significant increases in response to emergencies during the commute hours of 6:00 am to 10:00 am and again from 3:00 pm to 7:00 pm. In conjunction with the increased response time, fire losses also showed the same pattern of higher losses for fires starting during commute hours. From 2003 to 2012, the Fire District experienced 22 structural fires where the property loss was greater than \$300,000. From 2013 to July 2016, 40% of dollar loss occurred during commute traffic time. A \$2,561,485 loss of \$6,389,086 during this time, indicating significant losses that could be directly attributed to typical traffic congestion experienced within the Fire District.

If fire apparatus is hindered in their response, automatic fire sprinkler protection will help. According to IFSTA Training Manuals, the temperature inside a structure can go from ambient to an excess of 1,000 degrees F within the first ten minutes of a fire. Delay of fire apparatus will only allow the fire to grow, thus making efforts to suppress the fire more difficult. Additionally, the ability to perform an effective rescue is diminished if fire fighters are delayed in their response. With an automatic fire sprinkler protection system in place, the fire should be held to a controllable level, allowing the ability of citizens to escape from the burning structure, as well as allowing firefighters to contain the fire in a safe manner in its beginning stages.

### **Finding 8**

It is due to these climatic, geographical and topographical conditions that the Fire District supports the need for structures within the jurisdiction to at least be capable of initial fire suppression capacity.

### **Finding 9**

For the above reasons, taken individually and cumulatively, that the Board of Directors of the Menlo Park Fire Protection District finds there to be building and fire hazards particular to the jurisdiction that require the increased fire protection detailed as set forth in this Ordinance.

## **SECTION 2: TITLE, ENFORCEMENT & RECORDKEEPING**

This set of regulations, including provisions adopted and incorporated by reference, shall be known as the "District Fire Prevention Code" of the Menlo Park Fire Protection District ("the District") and may be cited as such. It is also referred to as the "Fire Code" in these regulations.

- A. No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the Fire District, or on any officer, official, agent, employee, board, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the Fire District, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

- B. A copy of the Fire Prevention Code, as defined herein, shall be kept on file in the office of the Menlo Park Fire Protection District Fire Marshal.

### **SECTION 3: AUTHORITY**

The District Fire Prevention Code is adopted pursuant to the Fire Protection District Act of 1987 (California Health and Safety Code Sections 13800 *et seq.*) and in particular the following provisions of that Act:

- A. Section 13861(h), which empowers the District to adopt ordinances;
- B. Section 13861(i), which empowers the District to establish and enforce rules and regulations for the administration, operation and maintenance of the governmental services which it is authorized to provide;
- C. Section 13862, which empowers the District to provide certain governmental services including fire protection services;
- D. Section 13869, which empowers the District to adopt a fire prevention code by reference; Section 13870, which empowers the District's authorized representatives to order correction or elimination of fire and life hazards;
- E. Section 13871(b), which provides that failure to correct or eliminate a fire or life hazard after a duly issued order is a misdemeanor;
- F. Section 13872, which empowers the District's authorized representatives to issue citations for certain violations;
- G. Section 13873, which provides that the District's employees shall have the powers of peace officers while engaged in the prevention and suppression of fires and the preservation of life and property; and,
- H. Sections 13916, 13917, 13918 and 13919, which, among other things, empower the District's Board of Directors to charge a fee to cover the cost of any services, which the District provides and the cost of enforcing any regulation for which a fee is charged.

### **SECTION 4: ADOPTION BY REFERENCE**

- A. The Menlo Park Fire Protection District 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 as amended, including Appendix D except to the extent portions of the CFC may be added, deleted, modified or amended by Section 6 (Local Amendments) of this Code. 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 town or city within the jurisdiction of the District.
- B. The Menlo Park Fire Protection District 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 as amended, together with the non-building standards reproduced therein except otherwise provided by this ordinance, are adopted by reference as the Fire Code of the Menlo Park Fire Protection District. 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.

## **SECTION 5: AUTHORITY AND DUTIES OF THE BUREAU OF FIRE PREVENTION AND LIFE SAFETY**

The California Fire Code, including California Fire Code Standards as adopted and amended herein, shall be enforced by the Menlo Park Fire Protection District and managed by the Bureau of Fire Prevention and Life Safety, and shall operate under the direction of the Fire Chief and the Fire Marshal of the Menlo Park Fire Protection District. Both Fire Officers shall be known as the Fire Code Officials.

## **SECTION 6: LOCAL AMENDMENTS, MODIFICATIONS AND DELETIONS TO THE CALIFORNIA FIRE CODE**

Based upon the findings of the Board of Directors of the Menlo Park Fire Protection District regarding local climatic, topographical, and geological conditions, the following sections and/or subsections of the 2022 California Fire Code and the 2021 International Fire Code are amended or modified as set forth in this section. If a section is not referenced below, it remains unchanged.

**SECTION 101 SCOPE AND GENERAL REQUIREMENTS** is *amended* to read as follows:

**101.1 Title.** These regulations shall be known as the 2022 CALIFORNIA FIRE CODE, and with amendments adopted by the Menlo Park Fire Protection District, will be referred to herein as the “CODE,” and/or the “FIRE PREVENTION CODE.”

**101.6 Standards and Guidelines Manual** is *added* to read as follows:

**101.6 Standards and Guidelines Manual.** The Bureau of Fire Prevention and Life Safety Standards and Guidelines Manual (“Standards and Guidelines Manual”) shall serve as a supplemental instruction and interpretation manual for the Fire Prevention 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 Standards and Guidelines Manual shall not be construed to make new code requirements not authorized by this ordinance.

**SECTION 102.6 HISTORIC BUILDINGS** is added and *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.

**SECTION 107 FEES** is added and *amended* to read as follows:

**107.1** The fees for the permits and other services shall be established by resolution of the Menlo Park Fire Protection District Fire Board Fee Schedule (“Fee Schedule”). The fee shall be set to cover the cost of the Fire District to review and inspect the intended activities, operations or functions.

**Exception:** Fees for a permit may be waived at the discretion of the Fire Chief when the work or event to be conducted is for the Town of Atherton, City of East Palo Alto, City of Menlo Park or County of San Mateo.

**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 Menlo Park Fire Protection District Fee Schedule.

**SECTION 111 MEANS OF APPEALS** is *amended* to read as follows:

**111.1 Board of Appeals established.** All decisions and rulings of the Fire Code Official are final and any appeals shall be made through the legal process.

**SECTION 112 VIOLATIONS** is *amended* to read as follows:

**SECTION 112.4 Violation Penalties** is added and *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 guilty of a misdemeanor, punishable by a fine of not more than \$1000 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**112.4.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or stop an illegal act, conduct of business or occupancy of a structure on or about any premise.

**SECTION 202 GENERAL DEFINITIONS** are amended to *add* the following:

**All Weather Driving Surface.** A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers.

**Essential Service Facility.** Shall mean that building or structure which has been designated by the local government to house facilities that are necessary for emergency operations.

**Fire Code Official.** The fire code official shall mean the District's Fire Chief, employees of the District's Fire Prevention and Fire Suppression Divisions and such other representatives of the District as may be authorized by the Menlo Park Fire District Board of Directors or the Fire Chief.

**Floor Area, Gross.** The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Areas to be included in the new gross floor area square footage calculation include:

1. Garages or carports if under a habitable space, or covers egress
2. New attached garage
3. All additions
4. Total square footage of any room that received alterations or additions. Removing sheetrock exposing structural framing or any structural change in a room involves the total square footage of that room.

Existing square footage shall be obtained from the San Mateo County Tax Assessor's Office or may be submitted by a licensed architect.

**Jurisdiction.** Jurisdiction shall mean the territorial boundaries of the Menlo Park Fire Protection District. In that case "Jurisdiction" would mean, as appropriate, the County of San Mateo, the City of East Palo Alto, the City of Menlo Park and the Town of Atherton. The Fire District's map book shall be adopted by reference to indicate the territorial boundaries of the Menlo Park Fire Protection District.

Except where in the code the term "jurisdiction" is used in a context which implies the ability to exercise governmental powers, such as "the authority having jurisdiction," then in that context "jurisdiction" shall mean the particular public agency authorized to and exercising that governmental power.

**Local Law Enforcement.** “Local law enforcement” shall mean the local police departments of the City of East Palo Alto, the City of Menlo Park, the Town of Atherton, the San Mateo County Sheriff’s Department, and the California Highway Patrol.

**Substantial Alteration.** The renovation of any structure and/or which combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent (50%) of the existing floor area of the structure. This may include but is not limited to:

1. Removal of exterior walls and/or roof assembly

When any structural changes are made to the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by the changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

**SECTION 308.3.2 THEATRICAL PERFORMANCES** is added and *amended* to read as follows:

**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 324 MOBILE FOOD PREPARATION VEHICLES** is added to read as follows:

#### **SECTION 324.1 HEALTH DEPARTMENT APPROVAL**

324.1 Health department approval. Mobile food preparation vehicles shall display a San Mateo County Health Department sticker as prescribed by County Health.

**SECTION 403.11 SPECIAL REQUIREMENTS FOR PUBLIC SAFETY** is *added* in its entirety.

**403.11 Special requirements for public safety.** Special requirements for public safety shall be in accordance with Sections 403.11.1 through 403.11.3.3.

**CHAPTER 5 IS ADOPTED IN ITS ENTIRETY AND 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 FIRE APPARATUS ACCESS ROADS** is *amended* to read as follows:

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and according to The Bureau of Fire Prevention and Life Safety Standards and Guidelines Manual.

**SECTION 503.1.1 BUILDINGS AND FACILITIES** is *amended* to read as follows:

**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*

**503.1.1.2** is *added* to read as follows: Nothing in the California Fire Code shall prevent the Town or City from designating or maintaining a street as a "Fire Lane" which does not meet the requirements of a fire apparatus access road under the California Fire Code.

**503.3 Marking.** Where required by the *fire code official*, approved signs and markings designating fire lanes shall comply with California Vehicle Code section 22500.1. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". Signs and markings shall not be obstructed, and shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**503.7** - Restrictions and requirements as specified in the California Vehicle Code shall apply to fire lanes established by this section.

**SECTION 505 PREMISES IDENTIFICATION** is *amended* to read as follows:

**505.1 Address Identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or English alphabet letters. Numbers shall not be spelled out. Where required by the fire code official, address identification shall be

provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2") stroke by eight inches (8") high.  
**Exception:** Single-Family dwelling minimum of one-half inch (1/2") stroke by four inches (4") high.
2. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one-inch (1") stroke by twelve inches (12") high is required.

**SECTION 505.1.1 Multi-tenant buildings** is *added* to read as follows:

**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 posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

**SECTION 505.1.2 Rear Addressing** is *added* to read as follows:

**505.1.2 Rear Addressing.** When required by the fire code official, 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 KEY BOXES** is *amended* to read as follows:

**506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location and shall be at a height not more than 6 ft. above the finished floor. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. Where a new gate or barrier is installed on a fire access roadway, the fire department shall have emergency access. Gates or barriers shall have a Knox® key switch.



**SECTION 506.3 Key Box contents requirements** is *added* to read as follows:

**506.3 Key box contents requirements.** The keys provided shall be a master key to all spaces including multi-tenant spaces. Additional keys shall be included for card access, elevator control, fire alarm control panels, and fire sprinkler control valve access.

**Exceptions:**

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1.
2. Electronic card keys and codes may not be utilized as a substitute for manual keys.

**SECTION 508.2 FIRE CONTROL ROOM** is *added* to read as follows:

**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 fire alarm control panels, ERCCS control equipment, and other fire equipment required by the Fire Code Official. Fire control rooms shall be located within the building at a location approved by the Fire Code Official, 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 50 square feet.

**Exceptions:**

1. Group R-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 EXCEPTION #1 IS DELETED**

**SECTION 510.3** is *amended* to read as follows:

**510.3 Permits required.** *Permits shall be required as set forth in Sections 105.5 and 105.6 for the installation of or modification to and the operation of in-building two-way emergency responder communication coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.*

**SECTION 510.4.2** is *amended* to read as follows:

**510.4.2 System Design.** The in-building, two-way emergency responder communication coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8, *NFPA 1221, NFPA 1225, NFPA 72 and San Mateo County ERCCS (P-500).*

**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 510.5 is amended to read as follows:**

**510.5 Installation requirements.** The installation of the in-building, two-way emergency responder communication coverage system shall be in accordance with *San Mateo County ERCCS (P-500)*, *NFPA 72*, *NFPA 1221*, and Sections 510.5.2 through 510.5.5 of the Fire Code.

**SECTION 903 AUTOMATIC SPRINKLER SYSTEMS** is *amended* as follows:

**903.2 Where required.** Approved automatic fire sprinkler systems in new buildings and structures shall be provided in all Group A, B, E, F, M, R, S, and U Occupancies greater than 1,000 square feet and in locations described in subsections 903.2.2, 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12. Sections and Subsections of 903.2.1, 903.2.3, 903.2.4, 903.2.9, 903.2.10, and 903.2.11.3 of Chapter 9 of the code are deleted in their entirety.

Approved automatic fire sprinkler system in existing buildings and structures shall be provided as described in section 903.6.

**Exceptions:**

1. Independent solar carports or structures, non-combustible carports or shade structures.
2. Canopies less than 1000 square feet over motor vehicle fuel dispensing facilities when constructed in accordance with Section 406.7.2 of the 2022 California Building Code.

**903.2.7 Group M.** Automatic fire sprinkler systems shall be provided throughout buildings containing a Group M occupancy with a fire area greater than 1,000 square feet and any Group M occupancy used for the display and sale of upholstered furniture.

**903.2.7.1 High Pile storage {CFC text not modified}**

**903.2.11.1 Stories without Openings** is *amended as follows:*

**Stories and basements without openings.** Automatic sprinkler systems shall be installed in every building with a basement.

Automatic sprinkler systems shall be installed in every story of all buildings where the floor area exceeds 1000 square feet and where the following type of exterior wall opening is not provided.

1. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m<sup>2</sup>) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

**903.3.1.1.2 Bathrooms is Deleted.**

**903.3.1.2 NFPA 13R sprinkler systems.** Where in the code a NFPA 13R sprinkler system is allowed, a NFPA 13 sprinkler system shall be used.

**903.3.3 Obstructed locations.** Automatic sprinklers shall be installed with regard to obstructions that will delay activation or obstruct the water distribution pattern and shall be in accordance with the applicable automatic sprinkler system standard that is being used. Automatic fire sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, laboratory fume hoods, bio safety cabinets that use flammable liquids in processes, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers. Sprinklers shall be provided in all areas including combustible or noncombustible concealed spaces, 6 inches or more.

**Exceptions:**

1. Combustible or noncombustible concealed spaces if the building owner and the fire code official agree in writing that combustible or noncombustible concealed spaces, 6 inch or less are unlikely to change in the future.
2. Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904.

**903.3.10 Partial Systems in new buildings or structures** is added to read as follows: Automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

**903.6 WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES.** An *automatic sprinkler system* shall be provided in existing buildings and structures where required in Chapter 11 or when improvements are conducted in accordance with this section.

**903.6.1 Where required due to improvements to buildings and structures** is added and *amended* to read as follows: The provisions of this section are intended to provide a reasonable degree of fire safety in existing structures by requiring installation of an automatic fire-extinguishing system.

**903.6.1.1 Where Required.** All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

1. Where the *gross floor area* of a proposed alteration, addition, or combination of alterations and additions and the *gross floor area* of any alterations, additions, or combination of alterations and additions exceeds 50% of the existing *gross floor area* of the building or 50% of the existing *gross floor area* of the building for R-3 occupancies.

**Exception:** Buildings or structures less than 1,000 square feet.

2. When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.
3. When an existing occupancy constructs a basement that is 250 square feet or larger, a fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

**903.6.1.2 Partial Systems in existing buildings and structures** is *added* to read as follows: Automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

**Exception:** A phased installation of an automatic fire sprinkler system may be accepted as an alternate materials and method application, as prescribed in Section 104.9, when different tenant spaces in the same building are occupied, and the installation of a fire sprinkler system may disrupt business. Not to exceed five (5) years for final completion from initial permit date.

**907 FIRE ALARM AND DETECTION SYSTEMS** is *amended* to read as follows:

**Section 907.1.6 is added to read as follows:**

**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 installation. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid UL Certificate. The protected premise shall be issued a UUFX type certification from Underwriters Laboratories (UL).

**907.7 Acceptance tests and completion is amended as follows:** Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarms systems in commercial structures shall obtain a UL Certificate for the system prior to final inspection.

**907.9 Where required in existing buildings and structures is amended as follows:** An *approved* fire alarm system shall be provided in existing buildings and structures where required in Chapter 11. When an alteration to any existing building or structure requires an upgrade or new fire alarm system, multiple fire alarm systems shall be approved by the fire code official.

**SECTION 1207.11.5.1 ELECTRICAL DISCONNECT** is *added* to read as follows:

**1207.11.5.1 Electrical Disconnect.** The ESS disconnect shall be located on the exterior of the building and at the main panel.

**SECTION 1207.11.11 INTERCONNECTED ELECTRICAL POWER SOURCES** is *added* to read as follows:

**1207.11.11 Interconnected Electrical Power Sources.** A permanent directory site plan plaque denoting the location of all electrical power source disconnecting means on or in the premises shall be installed at each service equipment location and at the location(s) of the system disconnect(s) for all electric power production sources capable of being interconnected.

Appendix B of the 2022 California Fire Code is *amended* to read as follows:

**APPENDIX B**  
**FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

*California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:*

**TABLE B105.1(1)**  
**REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3**  
**AND R-4 BUILDINGS AND TOWNHOUSES**

<b>FIRE-FLOW CALCULATION AREA (square feet)</b>	<b>AUTOMATIC SPRINKLER SYSTEM (Design Standard)</b>	<b>MINIMUM FIRE- FLOW (gallons per minute)</b>	<b>FLOW DURATION (hours)</b>
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,000	1
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	$\frac{1}{2}$ value in Table B105.1(2) <sup>a</sup>	1

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

**California Fire Code, Appendix B Table B105.2 is amended to read as follows:**

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

<b>AUTOMATIC SPRINKLER SYSTEM (Design Standard)</b>	<b>MINIMUM FIRE- FLOW (gallons per minute)</b>	<b>FLOW DURATION (hours)</b>
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

**Appendix D FIRE APPARATUS ACCESS ROADS** is *added*

**Appendix L REQUIREMENTS FOR PIPED AIR SCBA REFILLING SYSTEMS** is *added* as follows:

For buildings more than 10 stories in height, shall install Firefighter Air Replenishment System per Menlo Park Fire Protection District Standards and Guidelines Manual.

### **SECTION 7: DATE OF EFFECT**

This ordinance shall take effect and be in full force on January 1, 2023.

### **SECTION 8: PUBLIC POSTING**

This ordinance shall be publicly posted in the following places:

1. Front Door of the Menlo Park Fire Protection District
2. Bulletin Board in Front of the Classroom at the Menlo Park Fire Protections District
3. Menlo Park Fire District Website, and published pursuant to law