

**ORDINANCE NO. 886-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA REPEALING AND REPLACING CHAPTERS 1 (BUILDING CODE), 2 (MECHANICAL CODE), 3 (PLUMBING CODE), 4 (ELECTRICAL CODE), 5 (INTERNATIONAL PROPERTY MAINTENANCE CODE), 6 (ENERGY CODE), 7 (GREEN BUILDING CODE), 7.5 (RESIDENTIAL CODE), 8 (HISTORICAL BUILDINGS CODE), 8.5 (EXISTING BUILDINGS CODE), AND 9 (REFERENCE STANDARDS CODE) OF TITLE 8 OF THE PACIFICA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 AND 12) AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND MAKING CERTAIN AMENDMENTS THERETO; REPEALING AND REPLACING ARTICLE 1 (FIRE CODE) OF CHAPTER 3 (FIRE PROTECTION) OF TITLE 4 OF THE PACIFICA MUNICIPAL CODE TO ADOPT THE 2022 CALIFORNIA FIRE CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9) AND MAKING CERTAIN AMENDMENTS THERETO; AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

**WHEREAS**, the Building Standards Commission has adopted and published the 2022 California Building Standards Code (California Code of Regulations, Title 24); and

**WHEREAS**, the 2022 California Building Standards Code contains, amongst other parts, the California Administrative Code (Title 24, Part 1), California Building Code (Title 24, Part 2), California Residential Code (Title 24, Part 2.5), California Electrical Code (Title 24, Part 3), California Mechanical Code (Title 24, Part 4), California Plumbing Code (Title 24, Part 5), California Energy Code (Title 24, Part 6), California Historical Building Code (Title 24, Part 8), California Fire Code (Title 24, Part 9), California Existing Building Code (Title 24, Part 10), the California Green Building Standards Code (Title 24, Part 11), and the California Referenced Standards Code (Title 24 Part 12); and

**WHEREAS**, the Building Standards Commission readopts new editions of the California Building Standards Code as set forth in Title 24 of the California Code of Regulations every three years, which goes into effect statewide 180 days after adoption by the Building Standards Commission; and

**WHEREAS**, Sections 17922, 17958, and 18941.5 of the California Health & Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code; and

**WHEREAS**, Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code provide that a city or county may make amendments to the California Building Standards to make changes or modifications that are reasonably necessary because of local climatic, geological, or topographical conditions; and

**WHEREAS**, at a public meeting on September 27, 2022, the City Council received a presentation on reach codes and the City Council provided direction to the City Manager to prepare Reach Codes for Council's future consideration, which provide building electrification standards that are more stringent than statewide standards; and

**WHEREAS**, the City of Pacifica is comprised of a number of cul-de-sacs off of Highway 1, which divides the City into distinct districts. Each of these districts is isolated from each other by the topography of the City. The City is bordered to the west by the Pacific Ocean and to the east by hills that separate the City from other communities; and

**WHEREAS**, a series of overpasses span Highway 1. The collapse of one or more of these overpasses would greatly restrict access to the majority of the City. Highway 1 narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City. Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are steep, between 10 to 19 percent in grade, and wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas; and

**WHEREAS**, the City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone, as shown in the Alquist-Priolo Earthquake Fault Zone Act of 1972. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning. A major seismic event would create a Citywide demand on fire protection service, which would be beyond the response capacity of the fire department. Structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the City; and

**WHEREAS**, the City of Pacifica is unique in its climatic conditions. According to records found at the National Weather Service, the average yearly rainfall for the City is approximately 25" to 30", with a high of 65" in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80's to 90's Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wild land interface that surrounds the City, the potential for a major fire is high; and

**WHEREAS**, overhead utility lines are a leading cause of major fires, as evidenced by the 2021 Dixie Fire, which burned close to 1 million acres and destroyed over 1,000 structures, and was caused by a tree contacting electrical distribution lines. Other major fires caused by overhead utilities included the 2015 Butte Fire and the 2018 Paradise fire, which resulted in the deaths of 85 people and the destruction of the entire town of Paradise, California; and

**WHEREAS**, in addition to posing significant health and safety risks due to fire danger, overhead utility lines have a negative impact on scenic resources throughout the City, including scenic vistas and viewsheds;

**WHEREAS**, in light of the above, the City desires to modify the California Building Standards Code to require that all utilities for new buildings be installed underground as described herein; and

**WHEREAS**, Pacifica is located adjacent to the Pacific Ocean and significant areas of the City are subject to extreme wave heights, severe bluff erosion and flooding which cause damage to public facilities and private property, especially during heavy rainfall and El Nino winters. Pacifica is one of a minority of California local jurisdictions that is located within the Coastal Zone, where the intensity of the aforementioned coastal waves and flooding are projected to increase as a result of sea level rise and climate change. A primary cause of climate change is earth's increasing temperature that is the result of greenhouse gases released from the burning of fossil fuels, including natural gas used for heating and cooking within new and existing buildings; and

**WHEREAS**, due to its proximity to the Pacific Ocean, Pacifica is at risk from a potential tsunami hazard if a major earthquake occurs in the Pacific Ocean resulting in a wave run-up. The approximate wave run-up height of 20 feet presents a risk to structures and individuals in the area, as there are approximately 900 existing dwelling units within Pacifica's tsunami run-up area, as well as important community services and facilities; and

**WHEREAS**, Pacifica is framed by ridges of the Coast Range on the east and is home to 37 mountain summits and peaks. Hillside stability is a critical hazard. Slope failures and surficial landslides are a significant hazard, and runoff from heavy rain or ground-shaking are most likely to activate landslides in the hilly terrain; and

**WHEREAS**, Pacifica is exposed to more extreme weather than elsewhere in the Bay Area, including strong winds, almost constant exposure to salt air and frequent heavy rains during the winter months. The off-shore high pressure system and upwelling of deeper, cold water just off the coast result in frequent summer fog; and

**WHEREAS**, adoption of this ordinance will update the City of Pacifica's building standards for all types of buildings to reflect the most recent improvements in design and construction techniques, and will provide a level of safety to building occupants intended by the State in its code adoption process; and

**WHEREAS**, the California Building Standards Code has not fully addressed the climatic, geological, or topographical conditions in the City of Pacifica and as such, amendments are necessary to address the climatic, geological and topographical considerations identified herein; and

**WHEREAS**, the City Council of Pacifica is not required to make an express finding for amendments necessary to carry out the application of the California Building Standards Code that do not otherwise modify a Building Standard; and

**WHEREAS**, certain amendments to the California Building Standards Code have been recommended by the Pacifica Fire Marshal; and

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council held on September 27, 2022, October 24, 2022, November 14, 2022, and November 28, including any supporting reports by City staff, and any information provided during public hearings and the City has given proper notice of the adoption of the various building codes and standards by reference pursuant to California Government Code sections 50022.2 and 50022.3.

**NOW, THEREFORE**, the City Council of the City of Pacifica does ordain as follows:



**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this ordinance.

**Section 2. Environmental Review.** The City Council finds that 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 an action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

**Section 3. Local Amendments.** The City Council of the City of Pacifica expressly finds and declares in accordance with Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code that the amendments, additions, and deletions to the California Building Standards Code set forth below are reasonably necessary because of the local climatic, geological, and topographical conditions described above and more specifically identified in the findings described above and further set forth in Exhibit A.

**Section 4. Repeal of Chapter 1 of Title 8.** Chapter 1 (“Building Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 5. Adoption of Chapter 1 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 1 to read as follows:

**“CHAPTER 1 BUILDING CODE**

Section 8-1.01 – Adoption of the California Building Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 35, including Chapter 1 Division II Scope and Administration, Appendix C (“Group U – Agricultural Buildings”), Appendix G (“Flood-Resistant Construction”), Appendix I (Patio Covers) and Appendix J (“Grading”), of that certain Code designated as the California Building Code, 2022 Edition [Title 24, California Code of Regulations, Part 2], which incorporates and amends the 2021 Edition of the International Building Code published by the International Code Council and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City.

“Sec. 8-1.02. Amendments: Section 1.11.2.1 (“Enforcement”).

Section 1.11.2.1.1 of Chapter 1, Division I of the California Building Code shall be amended to read as follows:



The City of Pacifica specifically delegates the enforcement of building standards adopted by the State Fire Marshal, and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of the City of Pacifica.

Sec. 8-1.03. Amendments: Section 105.3 ("Application for a permit").

Section 105.3.3 shall be added to the California Building Code to read as follows:

*Section 105.3.3 Improvements Required Prior to the Issuance of Building Permits and Exceptions.*

The City Engineer shall require, prior to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the City where such permit is required and where public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities do not exist, the construction of such public improvements along such property, constructed in accordance with the City of Pacifica's Engineering Standards, as part of the construction of such structure or improvements.

*Exceptions:*

- (1) When it is not practical to establish grades prior to the completion of construction of the structure, the City Engineer may require an executed agreement by the property owner stating he/she will construct public improvements, including street paving, sidewalks, gutter and/or curb and miscellaneous facilities at such time as the City may deem it feasible.
- (2) Sidewalks shall not be required prior to the issuance of a building permit for the construction of any structure or improvements upon unimproved property in areas where the Council has, by resolution, deemed that sidewalks are not required. The City Engineer may require an executed agreement by the property owner stating he/she will construct the improvements at such time the City may again require them.

Sec. 8-1.04. Amendments: Section 105.6 ("Suspension or revocation").

Section 105.6 of the California Building Code shall be amended in its entirety to read as follows:

*105.6 Suspension or Revocation of Permit.* The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building Official, and/or where work is not in accordance with the direction of the Building Official.

Sec. 8-1.05. Amendments: Section 105.8 ("Hours of construction").

Section 105.8 shall be added to the California Building Code read as follows:

*Section 105.8 Hours of Construction:* The hours of construction for any project for which a building permit is required within the City of Pacifica shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Sec. 8-1.06. Amendments: Section 109.4 ("Work commencing before permit issuance").

Section 109.4 of the California Building Code is hereby amended in its entirety to read as follows:

*109.4 Work Commencing Before Permit Issuance.* Whenever any work for which a permit is required by this Code has been commenced without first obtaining such permit, an investigation and processing fee equal to the amount of the required permit fee or as otherwise established by the most current fee schedule adopted in the City of Pacifica Administrative Policy No. 2 shall be collected at the time of application for the required permit and prior to the issuance of the required permit, irrespective of whether a permit is subsequently issued. Such fees shall not limit the imposition and collection of any other applicable fees that may be required by the Building Official, including fees for inspections and testing necessitated by illegal construction.

Sec. 8-1.07. Amendments: Section 111.2.1 ("Certificate issued").

Section 111.2.1 shall be added to the California Building Code read as follows:

*111.2.1 Improvements Prior to Occupancy of Structures and Utility Service Exceptions.*

- (a) No new structure for which a building permit is required shall be occupied or otherwise used, nor shall utility services be supplied thereto, until such public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities required by Section 105.3.3 have been installed and approved by the City Engineer and until such time as the Planning Director has been satisfied that all Planning Department requirements for the project have been met, including but not limited to any applicable conditions of approval imposed on the project by approval of a discretionary permit.
- (b) When it is, in the opinion of the City Engineer and/or the Planning Director, not practicable to complete public improvements including street paving, sidewalk, gutter and/or curb, miscellaneous facilities or Planning Department conditions prior to completion of construction of the structure, a completion bond in an amount determined by the City Engineer and/or Planning Director to be adequate to insure completion shall be posted for the completion of the required improvements.

Exception: The Building Official may authorize the installation of gas and/or electric utilities in buildings for the purpose of testing equipment prior to completion of construction when the Building Official has determined that such utilities are necessary for the testing of required equipment prior to the final inspection of the building.

Sec. 8-1.08 – Amendments: Section 112.4 (“Service Utilities: Underground Utilities”)

Section 112.4 is hereby added to the California Building Code to read as follows:

*Section 112.4 – Underground Utilities.*

*112.4.1 – Authority and Purpose.* This Section is enacted pursuant to the general police powers

of the City as well as the City's authority to modify its local building standards, and is for the purpose of ensuring that all new construction adheres to utility undergrounding measures designed to reduce the risk of fire and to preserve scenic resources.

*112.4.2 – Undergrounding Requirements.*

(a) Persons constructing any structure subject to this Code shall underground all utility lines as follows:

(i) All on-site utility lines must be placed underground;

(ii) All utility lines between (i.e., connected to and serving) the structure and the point of connection to existing utility lines having the capacity to serve the structure must be placed underground; and

(iii) If any utility lines are being upgraded, the upgraded portions as well as the pre-existing lines shall be placed underground.

(b) Exceptions. Undergrounding of utilities as described in this Subsection shall not be required when any of the following three conditions apply:

(i) The undergrounding of utility lines would require the trenching and repaving of any public right-of-way that has been paved within one year from the date the building permit is issued;

(ii) The undergrounding of utility lines would require more than 500 feet of trenching to reach a point of connection to existing utility lines having the capacity to serve the structure. In such case, the nearest 500 feet of utility lines to the structure shall be installed underground; or

(iii) The servicing utility carrier has issued written notice indicating that undergrounding is either impractical or impossible given the location of the structure, and that the carrier has refused to provide utilities through undergrounded utility lines.

*112.4.3 – Undergrounding Standards.*

(a) All placement of utilities underground shall adhere to the standards and specifications of the California Building Standards Code, including applicable titles, as applied and codified in this Title. Any placement of utilities underground shall be subject to inspection by the Building Official to ensure that these standards are met.

(b) In the event that the placement of utilities underground requires digging, trenching, or otherwise impacting existing public right-of-way, the property owner shall be responsible for obtaining all necessary licenses, permits, and rights of entry from the City, county, and/or state, as appropriate. The property owner shall also be required to restore or cause to be restored all public right-of-way that is impacted by the placement of utilities, which restoration will include replacement of pavement overlay.”



Sec. 8-1.09. Amendments: Section 113 ("Means of Appeals").

Section 113.1 of the California Building Code is hereby amended to read as follows:

*113.1 General*

Any person who is aggrieved by an order, decision or determination of the Building Official or the Building Official's determination of this code may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding. Appeals shall be heard as follows:

- (1) Appeals shall be heard before the Emergency Preparedness and Safety Commission ("Commission"). As soon as practicable after receiving the request, the City Clerk shall set a date for the Commission to hear the appeal, which date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each party written notice of the time and place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the party personally, or by mailing a copy thereof, postage prepaid, addressed to each appealing party at the address(es) shown on the request. Continuances of the appeal hearing may be granted by the Commission on request of the appealing person for good cause shown, provided such request is made no later than 24 hours prior to the scheduled hearing, or upon request of the Building Official or his or her designee for good cause shown, or on the Commission's own motion.
- (2) At the time and place set forth in the notice of hearing, the Commission shall hear the testimony of the appealing person(s), the Building Official, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the order, decision or determination being appealed. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. Appeal hearings are informal, and formal rules of evidence and discovery do not apply.
- (3) Upon the conclusion of the appeal hearing, the Commission shall, on the basis of the evidence presented at the hearing, determine whether the order, decision or determination should be affirmed, modified, or rescinded. A copy of the Commission's written decision shall be served upon the appealing person by first class mail or by personal service. Notwithstanding any other provision of the Pacifica Municipal Code, the determination of the Commission shall be final and binding.
- (4) If the appellant fails to appear, the Commission shall cancel the hearing and send a notice thereof to the appellant by first class mail. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the order, decision or determination of the Building Official shall be final and binding.

Sec. 8-1.10. Amendments: Section 114.4 ("Violation penalties").

Section 114.4 of the California Building Code is hereby amended in its entirety to read as follows:

*114.4 Violation Penalties.* Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 2 of Title 1 of the Pacifica Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

Sec. 8-1.11. Amendments: Section 117 ("Procedures for Legalizing Unpermitted Structures or Grading").

Section 117 shall be added to the California Building Code to read as follows:

*117. Procedure for Legalizing Unpermitted Structures or Grading.*

*117.1 Permits.* Any person who wishes to legalize an "unpermitted structure" or "unpermitted grading" shall obtain all applicable permits. Unpermitted structures and grading shall comply with all current Technical Code requirements and other required approvals pursuant to the Pacifica Municipal Code in order to be legalized.

*117.2 Plans.*

*117.2.1 Structures.* Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director for review and approval.

*117.2.2 Grading.* Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official and Planning Director for review and approval.

*117.3 Inspections.* Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

*117.4 Investigation Fees.*

*117.4.1 Investigation.* Whenever any work for which a permit is required by this Code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, "special investigation" shall include, but is not limited to, inspecting premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

*117.4.2 Fee.* A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be assessed as provided in Section 109.4 of this Code.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this Code nor from any penalty prescribed by law.

*117.5 Unpermitted Structures or Grading Which Cannot be Legalized.* If the Planning Director determines that the City's zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections and approvals.

Sec. 8-1.12. Amendments: Section 202 ("Definitions").

Section 202 of the California Building Code is hereby amended to add the following definitions:

**BOARD OF APPEALS.** The Emergency Preparedness & Safety Commission of the City of Pacifica.

**TECHNICAL CODES.** The California Building Standards Code, Title 24 California Code of Regulations, Parts 1- 12, and the International Property Maintenance Code, as adopted by the City of Pacifica, and as further amended by the City of Pacifica in Title 8 of the City of Pacifica Municipal Code.

Sec. 8-1.13. Amendments: Section 903.2 ("Where Required").

Section 903.2 of the California Building Code is hereby amended in its entirety to read as follows:

*903.2 Where Required.*

A. *Newly Constructed Buildings and Structures.* An automatic fire sprinkler system shall be installed in all new occupancies and locations.

Exception. Detached U occupancies not exceeding 1,000 square feet in size, when accessory to an R-3 dwelling.

B. *Existing Buildings and Structures.* An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

Exceptions:

1. When an addition to an R-3 occupancy is less than 1,000 square feet in size and when an addition to all other occupancies is less than 500 square feet in size, no sprinklers are required in either the addition or the existing building.



2. When specifically exempted by the Fire Code Official.
3. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in an existing dwelling.

C. *Car Stackers.* Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to the current edition of NFPA 13. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2,500 sq. ft. to as low as 1,500 sq. ft. if:

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls;
2. The car stacker areas are divided up into 1,500 sq. ft. areas via 1-hour fire rated walls; and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

Sec. 8-1.14. Amendments: Section 1507.8 ("Wood shingles").

Section 1507.8 of the California Building Code is hereby amended to read as follows:

*1507.8 Wood shingles.* The use of wood shingles for roofs on new construction is prohibited. Existing wood shingle roofs may be recovered or repaired by using fire retardant treated shingles. Additions or alterations to existing structures may have wood shingle roofs of fire retardant treated shingles if the existing roof covering is of wood shingle construction.

Sec. 8-1.15. Amendments: Section 1507.9 ("Wood Shakes").

Section 1507.9 is hereby added to the California Building Code to read as follows:

*1507.9 Wood Shakes.* The use of wood shakes for roofs on new construction is prohibited. Existing wood shake roofs may be recovered or repaired by using fire retardant treated shakes. Additions or alterations to existing structures may have wood shake roofs of fire retardant treated shakes if the existing roof covering is of wood shake construction.

Section 8-1.16 – Amendments: Section 1803 ("Geotechnical Investigations")

Section 1803.5.13 is hereby added to the California Building Code to read as follows:

*1803.13 Investigation of Off-site Conditions.*

The following requirements shall apply to any site located within a geologic or seismic hazard zone mapped by the California Geologic Survey or adopted in the General Plan of the City of Pacifica:

1. A registered design professional shall evaluate potential off-site geotechnical hazards,

including but not limited to those upslope and/or downslope of the project site, that may have the potential to cause direct injury to persons or damage to property as a result of development of the project.

2. When any such hazard(s) is/are identified, the registered design professional shall identify appropriate design features to be incorporated into the project design to minimize the hazard(s) to the maximum extent practicable.
3. The building official shall not issue a building permit until any project design feature(s) identified by the evaluation required in this subsection has or have been incorporated into the project plans.
4. The evaluation required in this subsection shall be limited to consideration of readily available data obtained from aerial photos, maps, previously prepared geotechnical reports, and observations able to be made from the project site and other publicly-accessible areas in the vicinity of the project site, including but not limited to public rights-of-way and public open spaces. This subsection shall not require or authorize entry onto neighboring properties for any purpose, including but not limited to obtaining soil borings.
5. The registered design professional may seek a waiver from the requirements of this subsection to construct project design features to minimize potential off-site geotechnical hazards when the construction of such features would be disproportionate to the cost of the overall project. The building official shall consider waiver requests and grant approval if the registered design professional has demonstrated with sufficient written evidence that the cost of design features to minimize potential off-site geotechnical hazards would exceed 20 percent of the overall project cost, such features would not otherwise be required by any other provision of this Code, and no other less-costly feature can be incorporated into the project design to reduce the identified hazard(s).

The requirements of this subsection shall be supplementary to and shall not replace or substitute for any other geotechnical investigation or geohazard investigation required by this Code or any other provision of law. Except, however, when another provision of this Code may provide for waiver or exemption from geotechnical investigation, the provisions of this subsection shall still apply.

Sec. 8-1.17. Amendments: Appendix J, Section J103.1 ("Permits Required").

Section J103.1 of Appendix J of the California Building Code shall be amended to read as follows:

*J103.1 Permits Required.*

- (a) Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the building official. A grading permit does not include the construction of retaining walls or other structures.
- (b) No grading, excavating or filling shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. of any day, or on Saturday or Sunday at any time, without the prior approval of the Building Official. The Building Official shall notify the Department of Police whenever such approval has been granted.



- (c) The period between October 1 and April 30, inclusive, is hereby determined to be the period in which heavy rainfall normally occurs in the City of Pacifica. No grading, excavating or filling requiring a grading permit pursuant to Appendix J of the California Building Code as herein amended shall be authorized by the Building Official during that period unless he or she determines in writing that such work will not endanger the public health or safety and that appropriate erosion control devices or methods will be provided.
- (d) Any grading, excavating or filling which requires a grading permit and, having been granted said permit, either begins during or extends into the period between October 1 and April 30, inclusive, shall be protected by temporary devices to prevent erosion. Proposed erosion control devices or methods shall be submitted with the grading plans to the Building Official and approval of both the grading plan and the erosion control devices and methods must be obtained not later than September 30. All such approved erosion control devices or methods shall be installed not later than October 1 for previously approved ongoing earthwork operations. For earthwork operations approved by the Building Official to start between October 1 and April 30, inclusive, all approved erosion control devices must be in place before earthwork activities may commence.
- (e) When determined by the Building Official that a bond is required in order to insure that the work will be completed in accordance with the approved plans, specifications and conditions of approval, due to the nature, location, time of year or amount of work to be done, such bond shall be in conformance with City of Pacifica Administrative Policy No. 48. Surety bonds, cash bonds, instruments of credit or other forms of security shall comply with the provisions of City of Pacifica Administrative Policy No. 48."

**Section 6. Repeal of Chapter 2 of Title 8.** Chapter 2 ("Mechanical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 7. Adoption of Chapter 2 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 2 to read as follows:

**"CHAPTER 2  
MECHANICAL CODE**

Section 8-2.01 – Adoption of the California Mechanical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 17, including Appendix G ("Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design") of that certain Code designated as the California Mechanical Code, 2022 Edition [Title 24, California Code of Regulations, Part 4], which incorporates and amends the 2021 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject,



however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Mechanical Code for the City.”

**Section 8. Repeal of Chapter 3 of Title 8.** Chapter 3 (“Plumbing Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 9. Adoption of Chapter 3 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 3 to read as follows:

**“CHAPTER 3  
PLUMBING CODE**

Section 8-3.01 – Adoption of the California Plumbing Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 17 including Appendix A (“Recommended Rules for Sizing the Water Supply System), Appendix B (“Explanatory Notes on Combination Waste and Vent Systems”), Appendix C (“Alternate Plumbing Systems”), Appendix D (“Sizing Storm Water Drainage Systems”), Appendix E (“Manufactured/Mobile Home Parks and Recreational Vehicle Parks”), Appendix G (“Sizing of Venting Systems”), Appendix I (“Installation Standards ”), Appendix J (“Combination of Indoor and Outdoor Combustion and Ventilation Opening Design”), Appendix K (“Potable Rainwater Catchment Systems”) of that certain code designated as the California Plumbing Code, 2022 Edition [Title 24, California Code of Regulations, Part 5], which incorporates and amends the 2021 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Plumbing Code for the City.

Section 8-3.02 – Amendments: Section 719.0 (“Cleanouts”)

Section 719.7 is hereby added to the California Plumbing Code to read as follows:

*719.7 Cleanouts.* When a main sewer is located in the street, alley, or easement, there shall be provided a cleanout within the City right-of-way at the property line. The riser shall be of cast iron, the same size as the drain served, brought up to grade level by a wye and branch fitting, and the top of same shall be provided with a regulation cleanout of four inch (4”) minimum size within a sidewalk box, with removable cover.

**Section 10. Repeal of Chapter 4 of Title 8.** Chapter 4 (“Electrical Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil,

or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 11. Adoption of Chapter 4 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 4 to read as follows:

**“CHAPTER 4  
ELECTRICAL CODE**

Section 8-4.01 – Adoption of the California Electrical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 9, including Article 89, of that certain Code designated as the California Electrical Code, 2022 Edition [Title 24, California Code of Regulations, Part 3], which incorporates and amends the 2020 Edition of the National Electrical Code published by the National Fire Protection Association and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Electrical Code for the City.

Sec. 8-4.02. Amendments: Section 89.108.4 ("Permits, Fees, Applications and Inspections").

Section 89.108.4.1 of the California Electrical Code is hereby amended in its entirety to read as follows:

*89.108.4.1 Permits.*

- (a) Except as exempted in paragraph (b) of this subsection, a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, movement, or alteration of any electrical system.
- (b) Consistent with the requirements of Section 17960 of the Health and Safety Code, the local enforcing agency shall enforce the requirements of this Code, but shall exempt the following activities from a permit or inspection.
  - (1) Listed cord and plug connected temporary decorative lighting.
  - (2) Reinstallation of attachment plug receptacles, but not the outlets therefore.
  - (3) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
  - (4) Installation or maintenance of communication wiring, devices, appliances, apparatus or equipment.
  - (5) The ordinary care and maintenance of an established installation of electrical equipment by the owner, operator, or user thereof shall not require an electrical permit, except that ordinary care and maintenance shall not be construed as including additions to such installations or other work, such as the repair or replacement of any electrical wiring, appliance, or apparatus which is a fixed part of such installation. The replacement of lamps and fuses and plug-in apparatus



and the repair of plug-in apparatus and similar work shall be construed as ordinary care and maintenance

Exemptions from permit and inspection requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any other provision of law or this Code.

Sec. 8-4.03. Amendments: Section 300.9 ("Raceways in Wet Locations Above Grade").

Section 300.9 of the California Electrical Code is hereby amended in its entirety to read as follows:

*300.9 Raceways in Wet Locations Abovegrade.* Where raceways are installed in wet locations above grade, the interior of these raceways shall be considered to be a wet location. Insulated conductors and cables installed in raceways in wet locations abovegrade shall comply with 310.10(C). Raceways exposed to the elements shall be of rigid galvanized, aluminum or rigid nonmetallic conduit.

Sec. 8-4.04. Streamlined permitting process for small residential rooftop solar energy systems.

- (a) *Purpose.* The purpose of this section is to adopt an expedited, streamlined permitting process that complies with the 1978 California Solar Rights Act and AB 2188 (Chapter 521, Statutes of 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This section allows the City to achieve these goals while protecting the public health and safety.
- (b) *Definitions.*
  - (1) *A feasible method to satisfactorily mitigate or avoid the specific, adverse impact* includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.
  - (2) *Association* means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, or as otherwise defined in Section 4080 of the Civil Code.
  - (3) *City* means the City of Pacifica.
  - (4) *Common interest development* means any of the following:
    - (i) A community apartment project; or
    - (ii) A condominium project; or
    - (iii) A planned development; or
    - (iv) A stock cooperative.
  - (5) *Electronic submittal* means the utilization of one or more of the following:
    - (i) Email; or
    - (ii) The Internet.



- (6) *Reasonable restrictions* on a solar energy system means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
  
- (7) *Small residential rooftop solar energy system* means all of the following:
  - (i) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
  - (ii) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards including paragraph (3) of subdivision (c) of Section 714 of the Civil Code.
  - (iii) A solar energy system that is installed on a single-family or duplex-family dwelling.
  - (iv) A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
  
- (8) *Solar energy system* means either of the following, as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code:
  - (i) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
  - (ii) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
  
- (9) *Specific, adverse impact* means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
  
- (c) *Applicability.* This section applies to the permitting of all small residential rooftop solar energy systems in the City of Pacifica. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this section are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require a new permit. Routine operation and maintenance shall not require a permit.
  
- (d) *Solar energy system requirements.* All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the City, and the North County Fire Authority.
  - (1) Solar energy systems for heating water in single-family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing Code and California Mechanical Code.

- (2) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- (e) *Submittal requirements.* All documents required for the submission of an expedited solar energy system application shall be made available on the City website and elsewhere as deemed appropriate by the Building Official.
- (1) An applicant may submit a permit application and associated documents for a small residential rooftop solar energy system by electronic submittal. As an alternative, an applicant may submit a permit application and associated documents at the Building Division counter during regular business hours.
  - (2) An applicant's electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.
  - (3) The City shall adopt a checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.
  - (4) The small residential rooftop solar energy system permit process, standard plans, and the checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
  - (5) An application to install a solar energy system shall include a reference to the requirement to notify the appropriate regional notification center of an excavator's intent to excavate, pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the California Government Code, before conducting an excavation, including, but not limited to, installing a grounding rod.
- (b) *Plan review, permit, and inspection requirements.* The Building Division shall provide a ministerial, nondiscretionary plan check review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the enactment of this section.
- (1) The Building Division shall process, review, and approve an application for the installation or use of a small residential rooftop solar energy system in the same manner as an application for review of an architectural modification to the property, and approval shall not be willfully avoided or delayed.
  - (2) The Building Official's review of an application subject to this section shall be limited to whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the Building Official, in consultation with the Planning Director, makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the City may require the applicant to apply for a use permit pursuant to the provisions of Article 33 of Chapter 4 of Title 9 of the Pacifica Municipal Code.
    - (i) The decision to require a use permit may be appealed to the Planning Commission.

- (ii) The Planning Commission may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the bases for the rejection of potential feasible alternatives of preventing the adverse impact.
- (iii) Any conditions imposed on an approval of a use permit to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.
- (3) An application for a small residential rooftop solar energy system that satisfies the information requirements in the checklist described in Section 8-4.04(e)(3), as determined by the City, shall be deemed complete.
- (4) Upon confirmation by the City that an application is complete, the City shall, consistent with this section and subdivision (b) of Government Code Section 65850.5, approve the application and issue all required permits or authorizations.
- (5) The City shall not condition approval of an application for a small residential rooftop solar energy system on the approval of an association.
- (6) If the City deems an application incomplete, the City shall issue to the applicant a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance.
- (7) If an application for the installation of a small residential rooftop solar energy system is not denied in writing within forty-five (45) days from the date of receipt of the application, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.
- (8) Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review, which inspection shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, and the subsequent inspection need not conform to the requirements of this section.
- (9) A separate fire inspection may be performed by the North County Fire Authority, if required, in the event the City does not have an agreement with the Fire Authority to conduct fire safety inspections on its behalf.”

**Section 12. Repeal of Chapter 5 of Title 8.** Chapter 5 (“2018 International Property Maintenance Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 13. Adoption of Chapter 5 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 5 to read as follows:

**“CHAPTER 5  
2021 INTERNATIONAL PROPERTY MAINTENANCE CODE**



Sec. 8-5.01 – Adoption of the 2021 International Property Maintenance Code.

For the purpose to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*, existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, Chapters 1 through 8, including Appendix A (“Boarding Standard”) of that certain code designated as the *International Property Maintenance Code*, 2021 Edition published by the International Code Council, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Property Maintenance Code for the City.”

Section 8-5.02 – Amendments: Section 101.1 (“Title”)

Section 101.1 of the International Property Maintenance Code is hereby amended to read as follows:

*101.1 Title.*

(a) These regulations shall be known as the *International Property Maintenance Code of the City of Pacifica*, hereinafter referred to as “this code.”

**Section 14. Repeal of Chapter 6 of Title 8.** Chapter 6 (“Energy Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 15. Adoption of Chapter 6 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 6 to read as follows:

**“CHAPTER 6  
ENERGY CODE**

Sec. 8-6.01 – Adoption of the California Energy Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, the California Energy Code, 2022 Edition [Title 24, California Code of Regulations, Part 6], including Appendices 1-A and 1-B, published by the California Energy Commission and as adopted and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Energy Code for the City.

**Section 16. Repeal of Chapter 7 of Title 8.** Chapter 7 (“Green Building Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the

effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 17. Adoption of Chapter 7 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 7 to read as follows:

**“CHAPTER 7  
GREEN BUILDING STANDARDS CODE**

Sec. 8-7.01 – Adoption of the California Green Building Standards Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, conservation of building materials, waste management and sustainability for all buildings and structures in the City of Pacifica, Chapters 1 through 8 of that certain code designated as the California Green Building Standards Code, 2022 Edition [Title 24, California Code of Regulations, Part 11], as adopted by the California Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Green Building Standards Code for the City.

Sec. 8-7.02 - Amendments: Section 202 (“Definitions”)

Section 202 of the California Green Building Standards Code is hereby amended to add the following definitions:

**AFFORDABLE HOUSING UNITS.** A dwelling unit that is offered for rent or purchase at or below a rent or sales price that is affordable to a household whose annual income does not exceed the qualifying limits set for "lower income households" in Section 50079.5 of the California Health and Safety Code. Any such dwelling unit shall remain affordable for lower income households for at least 45 years from the date of initial occupancy pursuant to a legal agreement approved as to form by the City Attorney which shall be in the form of affordable housing covenants, deed restrictions, covenants and/or resale restriction and refinance limitation agreements.

**ALL ELECTRIC BUILDING.** A building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for all purposes, including but not limited to space conditioning (including heating), water heating, pool and spa systems, and appliances (including cooking appliances and clothes drying appliances). An All Electric Building may include solar thermal pool heating.

**LEVEL 1 ELECTRIC VEHICLE (EV) READY.** A parking space that is served by a complete electric circuit with the following requirements:

- a. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring;

- b. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere; and
- c. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING STATION (EVCS).** A parking space that meets all requirements of a Level 2 EV Ready parking space and also includes the installation of Electric Vehicle Supply Equipment.

**LEVEL 2 ELECTRIC VEHICLE (EV) READY.** A parking space that is served by a complete electric circuit with the following requirements:

- a. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring; and
- b. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

**LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) READY.** A parking space that is served by a complete electric circuit with the following requirements:

- a. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring;
- b. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere; and
- c. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**NEW CONSTRUCTION BUILDING.** A building constructed pursuant to a building permit issued on or after January 1, 2023.

Sec. 8-7.03 - Amendments: Section 4.106 (“Site Development”)

Section 4.106.4.1 of the California Green Building Standards Code is hereby amended in its entirety to read as follows:

Section 4.106.4.1 *New one- and two-family dwellings and townhouses with attached private garages.* For each dwelling unit, install one Level 2 EV Ready circuit and one Level 1 EV Ready circuit. The receptacle associated with each space shall be located on the exterior of the private garage and within five feet of the garage door or other opening used to access the private garage.

*Exception:* A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

Section 4.106.4.2 of the California Green Building Standards Code is hereby amended in its



entirety to read as follows:

Section 4.106.4.2 *New multifamily dwellings*. When parking is provided, parking spaces for new multifamily dwellings shall include a quantity of Level 2 EVCS equal to or greater than 15 percent of dwelling units with parking spaces and Low Power Level 2 EV Charging Receptacles equal to or greater than 85 percent of dwelling units with parking spaces.

*Exception*. Any dwelling unit meeting the definition of an Affordable Housing Unit may, at the applicant's sole discretion, be excluded from the calculation of dwelling units that are subject to the EV parking requirements in this section.

Section 4.106.4.2.1 *Electric Vehicle Ready Space Signage*. Electric vehicle ready spaces shall be identified by signage or pavement markings, in compliance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Sec. 8-7.04 - Amendments: Section 4.106 ("Site Development")

Section 4.106 of the California Green Building Standards Code is hereby amended to add the following sections:

Section 4.106.5 *All Electric Buildings*. All New Construction Buildings shall meet the definition of All Electric Building as defined in Section 202. Any building required pursuant to this Code to be an All Electric Building shall not be permitted at any time to convert or construct improvements to use other fuel sources, other than electricity, for purposes of cooking, space conditioning, water heating, lighting, pool and spa systems, and appliances, or any other purpose, unless authorized by the Building Official pursuant to Section 5.106.13.

Sec. 8-7.05 - Amendments: Section 4.304.1 ("Outdoor potable water use in landscape areas")

Section 4.304.1 of the California Green Building Standards Code is hereby amended in its entirety to read as follows:

*4.304.1 Outdoor potable water use in landscape areas.*

Residential developments using outdoor potable water in landscape areas shall comply with one of the following options:

1. The current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO); or
2. Projects with aggregate landscape areas less than 2,500 square feet may comply with the MWELO's Appendix D Prescriptive Compliance Option.

Sec. 8-7.06 - Amendments: Section 5.106 ("Site Development")

Section 5.106.5.3 of the California Green Building Standards Code is hereby amended in its entirety to read as follows:

Section 5.106.5.3.1 *Electric Vehicle (EV) Charging for New Construction*. When parking is provided, parking spaces for nonresidential uses shall be provided in accordance with Sections

5.106.5.3.1.1 through 5.106.5.3.1.4.

Section 5.106.5.3.1.1 *Offices*. Level 2 EVCS: 20 percent of off-street parking spaces, and Level 2 EV Ready: 30 percent of off-street parking spaces.

Section 5.106.5.3.1.2 *Public Parking Lots*. Level 2 EVCS: 15 percent of off-street parking spaces, and Level 2 EV Ready: 20 percent of off-street parking spaces.

Section 5.106.5.3.1.3 *Overnight Accommodations*. Level 2 EVCS: 30 percent of off-street parking spaces, and Level 2 EV Ready: 20 percent of off-street parking spaces.

Section 5.106.5.3.1.4 *All Other*. Level 2 EVCS: 10 percent of off-street parking spaces, and Level 2 EV Ready: 10 percent of off-street parking spaces.

Section 5.106.5.3.2. *Use of automatic load management systems (ALMS)*. ALMS shall be permitted for EVCS. When ALMS is installed, the required electrical load capacity specified in Section 5.106.5.3.1 for each EVCS may be reduced when serviced by an EVSE controlled by an ALMS. Each EVSE controlled by an ALMS shall deliver a minimum 30 amperes to an EV when charging one vehicle and shall deliver a minimum 3.3 kW while simultaneously charging multiple EVs.

Section 5.106.5.3.3 *Accessible EVCS*. When EVSE is installed, accessible EVCS shall be provided in accordance with the California Building Code, Chapter 11 B, Section 11B-228.3. Note: For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Section 5.106.5.4 of the California Green Building Standards Code is hereby deleted.

Section 5.106 of the California Green Building Standards Code is hereby amended to add the following section:

Section 5.106.13 *All Electric Buildings*. All New Construction Buildings shall meet the definition of All Electric Building as defined in Section 202. Any building required pursuant to this Code to be an All Electric Building shall not be permitted at any time to convert or construct improvements to use other fuel sources, other than electricity, for purposes of space conditioning, water heating, lighting, pool and spa systems, and appliances, or any other purpose, unless authorized by the Building Official pursuant to this Section.

*Exception*. New Construction Buildings containing a for-profit restaurant open to the public may be approved for an exception to install gas-fueled cooking appliances, as determined appropriate in the discretion of the Building Official. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official's decision shall be final unless the applicant files a timely appeal.

The Building Official shall grant this exception only if all of the following findings can be made based on substantial evidence:

1. There is a business-related reason to cook with a flame;
2. This need cannot be reasonably achieved with an electric fuel source;

3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance;
4. The applicant shall comply with the pre-wiring provision of Note 1 below.

Note 1: If natural gas appliances are used, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;
2. Both ends of the unused conductor or conduit shall be labeled with the words "For Future Electric Appliance" and be electrically isolated;
3. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. "For Future Electric Range;") and
4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If an exception is granted, the Building Official shall approve alternative materials, design and methods of construction or equipment per Building Code Section 104.

Sec. 8-7.07. Section 8-7.07 ("Streamlined permitting process for electric vehicle charging systems") is hereby added to read as follows:

- (a) *Purpose.* The purpose of this section is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with Assembly Bill 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) and Assembly Bill 970 (Chapter 710, Statutes 2021, Cal. Gov't Code §§ 65850.7 & 65851.71) to achieve timely and costly-effective installations of electric vehicle charging stations. The ordinance encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Pacifica ("City"), and expanding the ability of property owners to install electric vehicle charging stations. The ordinance allows the City of Pacifica to achieve these goals while protecting the public health and safety.
- (b) *Definitions.*
  - (1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse



impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit.

- (2) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (3) "Electronic submittal" means the utilization of the City's online building permit web portal.
- (4) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) *City building permit required.*

- (1) A City building permit is required to install an electric vehicle charging station.
- (2) An application for a City building permit to install an electric vehicle charging station shall be processed in accordance with Government Code Sections 65850.7 and 65850.71.

(d) *Review of applications.* The following expedited, permitting process applies to applications for a building permit to install an electric vehicle charging station:

- (1) *Application.* The City will make the following available on the City's website: the City's standard building permit application form; and the City's standard electric vehicle charging station plan form and checklist. The checklist will include all requirements that an electric vehicle charging station must meet to be eligible for review and approval under this section. An application to install an electric vehicle charging station may be submitted electronically.

A building permit application will be deemed complete if the Building Official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist, and is consistent with all applicable laws and health and safety standards. If an application is deemed incomplete, the Building Official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the Building Official will perform an expedited review of the application and all submittals.

(2) *Application review.*

(A) The City shall administratively review and approve an application to install an electric vehicle charging station through the issuance of a building

permit. Review of an application to install an electric vehicle charging station shall be limited to the Building Official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.

(B) If the Building Official makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the Building Official may require the applicant to apply for a use permit as provided in Article 33 of Chapter 4 of Title 9 of the Pacifica Municipal Code. The decision of the Building Official to require approval of a use permit prior to issuance of a building permit may be appealed to the Planning Commission pursuant to the provisions in Section 9-4.3804 of the Pacifica Municipal Code.

(C) The City may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(D) The City shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Section 4080 of the Civil Code.

(E) An application to install an electric vehicle charging station submitted to the Building Official shall be deemed complete if, after the applicable time period described in subsection (iii) has elapsed, both of the following are true:

(i) The Building Official has not deemed the application complete, consistent with the checklist created by the City, pursuant to subdivision (g) of Section 65850.7 of the Government Code.

(ii) The Building Official has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information explicitly necessary for the Building Official to complete a review limited to whether the electric vehicle charging station meets all health and safety requirements of local, state, and federal law, consistent with subdivisions (b) and (g) of Section 65850.7 of the Government Code.

(iii) For purposes of subsection (E), "applicable time period means" either of the following:

(1) Five business days after submission of the application to

the City, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.

(2) Ten business days after submission of the application to the City, if the application is for more than 25 electric vehicle charging stations at a single site.

(3) *Permit issuance.* A building permit will be issued following the Building Official's approval of an application for an electric vehicle charging station and after all required fees have been paid.

(A) An application to install an electric vehicle charging station shall be deemed approved if the applicable time period described in paragraph (2) has elapsed and all of the following are true:

(i) The Building Official has not administratively approved the application pursuant to subdivision (b) of Section 65850.7 of the Government Code.

(ii) The Building Official has not made a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety or required the applicant to apply for a use permit pursuant to subdivision (b) of Section 65850.7 of the Government Code.

(iii) The Building Official has not denied the permit pursuant to subdivision (c) of Section 65850.7 of the Government Code.

(iv) An appeal has not been made to the Planning Commission, pursuant to subdivision (d) of Section 65850.7 of the Government Code.

(4) *Inspection and authorization to operate.* As soon as practicable after the applicant notifies the Building Official that an electric vehicle charging station has been installed, the Building Official will inspect the system to verify compliance with the building permit. If the Building Official determines that a system was not installed in compliance with a building permit, the Building Official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No electric vehicle charging station may be operated unless the Building Official verifies in writing that it complies with the building permit.

(e) *Electric vehicle charging station installation requirements.*

(1) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

(2) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall



meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

- (3) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
  - (4) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.
  - (5) If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.
- (f) *Requirements cumulative.* The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before an electric vehicle charging station may be installed or operated.”

**Section 18. Repeal of Chapter 7.5 of Title 8.** Chapter 7.5 (“Residential Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 19. Adoption of Chapter 7.5 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 7.5 to read as follows:

**“CHAPTER 7.5  
RESIDENTIAL CODE**

Sec. 8-7.5.01 – Adoption of the California Residential Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 10, including, Appendix AH (“Patio Covers”), Appendix AJ (“Existing Buildings and Structures”), Appendix AK (“Sound Transmission”), Appendix AQ (“Tiny Homes”), Appendix AX (“Swimming Pool Safety Act”), and Appendix AZ (“Emergency Housing”) of that certain code designated as the California Residential Code, 2022 Edition [Title 24, California Code of Regulations, Part 2.5], which incorporates and amends the 2021 Edition of International Residential Code as published by the International Code Council and as may be amended by the Building Standards Commission, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted

by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Residential Code for the City.

Sec. 8-7.5.02. Amendments: Section R101.1 ("Title").

Section R101.1 of the California Residential Code is hereby amended to read as follows:

*R101.1 Title.* These regulations shall be known as the Residential Code of the City of Pacifica, hereafter referred to as "this Code."

Sec. 8-7.5.03. Amendments: Section R105.3 ("Application for permit").

Section R105.3.3 of the California Residential Code is hereby added to read as follows:

*R105.3.3 Improvements required prior to the issuance of building permits and exceptions.*

The City Engineer shall require, prior to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the City where such permit is required and where public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities do not exist, the construction of such public improvements along such property, constructed in accordance with the City of Pacifica's Engineering Standards, as part of the construction of such structure or improvements.

Exceptions:

- (1) When it is not practical to establish grades prior to the completion of construction of the structure, the City Engineer may require an executed agreement by the property owner stating he/she will construct public improvements, including street paving, sidewalks, gutter and/or curb and miscellaneous facilities at such time as the City may deem it feasible.
- (2) Sidewalks shall not be required prior to the issuance of a building permit for the construction of any structure or improvements upon unimproved property in areas where the Council has, by resolution, deemed that sidewalks are not required. The City Engineer may require an executed agreement by the property owner stating he/she will construct the improvements at such time the City may again require them.

Sec. 8-7.5.04. Amendments: Section R105.6 ("Suspension or revocation").

Section R105.6 of the California Residential Code is hereby amended in its entirety and shall read as follows:

*R105.6 - Suspension or Revocation of Permit.* The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building Official, and/or where work is not in accordance with the direction of the Building Official.

Sec. 8-7.5.05. Amendments: Section R105.10 ("Permits: Hours of Construction").

Section R105.10 of the California Residential Code is hereby added to read as follows:

*R105.10 Hours of Construction.* The hours of construction for any project for which a building permit is required within the City of Pacifica shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Sec. 8-7.5.06. Amendments: Section R108.2 ("Fees: Schedule of Permit Fees").

Section R108.2 of the California Residential Code is hereby amended in its entirety to read as follows:

*R108.2 Schedule of permit fees.* On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, fees and charges for each permit shall be assessed and paid as required, in accordance with the most current fee schedule adopted in the City of Pacifica Administrative Policy No. 2.

Sec. 8-7.5.07. Amendments: Section R108.6 ("Work commencing before permit issuance").

Section R108.6 of the California Residential Code is hereby amended in its entirety to read as follows:

*R108.6 Work commencing before permit issuance.* Whenever any work for which a permit is required by this Code has been commenced without first obtaining such permit, an investigation and processing fee equal to the amount of the required permit fee or as otherwise established by the most current fee schedule adopted in the City of Pacifica Administrative Policy No. 2 shall be collected at the time of application for the required permit and prior to the issuance of the required permit, irrespective of whether a permit is subsequently issued.

Sec. 8-7.5.08. Amendments: Section R110.3.1 ("Certificate of occupancy: certificate issued: improvements prior to occupancy of structures and utility service exceptions").

Section R110.3.1 of the California Residential Code is hereby added to read as follows:

*R110.3.1 Improvements prior to occupancy of structures and utility service exceptions.*

- (a) No new structure for which a building permit is required shall be occupied or otherwise used, nor shall utility services be supplied thereto, until such public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities required by Section R105.3.3 have been installed and approved by the City Engineer and until such time as the Planning Director has been satisfied that all Planning Department requirements for the project have been met, including but not limited to any applicable conditions of approval imposed on the project by approval of a discretionary permit.
- (b) When it is, in the opinion of the City Engineer and/or the Planning Director, not practicable to complete public improvements including street paving, sidewalk, gutter and/or curb, miscellaneous facilities or Planning Department conditions prior to completion of construction of the structure, a completion bond in an amount determined by the City Engineer and/or Planning Director to be adequate to insure completion shall be posted for the completion of the required improvements.

Exception: The Building Official may authorize the installation of gas and/or electric utilities in buildings for the purpose of testing equipment prior to completion of construction



when the Building Official has determined that such utilities are necessary for the testing of required equipment prior to the final inspection of the building.

Sec. 8-7.5.09. – Amendments: Section R111.4 (“Service Utilities: Underground Utilities”)

Section R111.4 is hereby added to the California Residential Code to read as follows:

*Section R111.4 – Underground Utilities.*

*R111.4.1 – Authority and Purpose.* This Section is enacted pursuant to the general police powers of the City as well as the City’s authority to modify its local building standards, and is for the purpose of ensuring that all new construction adheres to utility undergrounding measures designed to reduce the risk of fire and to preserve scenic resources.

*R111.4.2 – Undergrounding Requirements.*

(a) Persons constructing any structure subject to this Code shall underground all utility lines as follows:

(i) All on-site utility lines must be placed underground;

(ii) All utility lines between (i.e., connected to and serving) the structure and the point of connection to existing utility lines having the capacity to serve the structure must be placed underground; and

(iii) If any utility lines are being upgraded, the upgraded portions as well as the pre-existing lines shall be placed underground.

(b) Exceptions. Undergrounding of utilities as described in this Subsection shall not be required when any of the following three conditions apply:

(i) The undergrounding of utility lines would require the trenching and repaving of any public right-of-way that has been paved within one year from the date the building permit is issued;

(ii) The undergrounding of utility lines would require more than 500 feet of trenching to reach a point of connection to existing utility lines having the capacity to serve the residential structure. In such case, the nearest 500 feet of utility lines to the structure shall be installed underground; or

(iii) The servicing utility carrier has issued written notice indicating that undergrounding is either impractical or impossible given the location of the structure, and that the carrier has refused to provide utilities through undergrounded utility lines.

*R111.4.3 – Undergrounding Standards.*

(a) All placement of utilities underground shall adhere to the standards and

specifications of the California Building Standards Code, including applicable titles, as applied and codified in this Title. Any placement of utilities underground shall be subject to inspection by the Building Official to ensure that these standards are met.

(b) In the event that the placement of utilities underground requires digging, trenching, or otherwise impacting existing public right-of-way, the property owner shall be responsible for obtaining all necessary licenses, permits, and rights of entry from the City, county, and/or state, as appropriate. The property owner shall also be required to restore or cause to be restored all public right-of-way that is impacted by the placement of utilities, which restoration will include replacement of pavement overlay.

Sec. 8-7.5.10. Amendments: Section R112 ("Board of Appeals").

Section R112.1 of the California Residential Code is hereby amended in its entirety to read as follows:

*R112.1 Appeal Procedure.* Any person who is aggrieved by an order, decision or determination of the Building Official as provided in Section R112.1 may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding. Appeals shall be heard as follows:

- (a) Appeals shall be heard before the Emergency Preparedness and Safety Commission ("Commission"). As soon as practicable after receiving the request, the City Clerk shall set a date for the Commission to hear the appeal, which date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each party written notice of the time and place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the party personally, or by mailing a copy thereof, postage prepaid, addressed to each appealing party at the address(es) shown on the request. Continuances of the appeal hearing may be granted by the Commission on request of the appealing person for good cause shown, provided such request is made no later than 24 hours prior to the scheduled hearing, or upon request of the Building Official or his or her designee for good cause shown, or on the Commission's own motion.
- (b) At the time and place set forth in the notice of hearing, the Commission shall hear the testimony of the appealing person(s), the Building Official, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the order, decision or determination being appealed. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. Appeal hearings are informal, and formal rules of evidence and discovery do not apply.
- (c) Upon the conclusion of the appeal hearing, the Commission shall, on the basis of the evidence presented at the hearing, determine whether the order, decision or determination should be affirmed, modified, or rescinded. A copy of the Commission's written decision shall be served upon the appealing person by first class mail or by personal service. Notwithstanding any other provision of the Pacifica Municipal Code, the determination of the Commission shall be final and binding.

- (d) If the appellant fails to appear, the Commission shall cancel the hearing and send a notice thereof to the appellant by first class mail. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the order, decision or determination of the Building Official shall be final and binding.

Sec. 8-7.5.11. Amendments: Section R113.1 ("Violations").

Section R113.1 of the California Residential Code is hereby amended in its entirety to read as follows:

*R113.1 Unlawful acts.* Irrespective of whether a notice of violation has been issued pursuant to Section R113.2 of this Code, it shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation or land regulated by the Technical Codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the Technical Codes.

*R113.1.1 Unpermitted Structures.* No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this section, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.

Sec. 8-7.5.12. Amendments: Section R113.4 ("Violations penalties").

Section R113.4 of the California Residential Code is hereby amended in its entirety to read as follows:

*R113.4 Violation penalties.* Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 2 of Title 1 of the Pacifica Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

Sec. 8-7.5.13. Amendments: Section R115 ("Procedure for Legalizing Unpermitted Structures").

Section R115 of the California Residential Code is added to read as follows:

*R115 Procedure for Legalizing Unpermitted Structures.*

*R115.1 Permits.* Any person who wishes to legalize an "unpermitted structure" (as this term is defined in Sections R113.1.1 of this Code), shall obtain all applicable permits. Unpermitted structures shall comply with all current Technical Code requirements and other required approvals pursuant to the Pacifica Municipal Code in order to be legalized.

*R115.2 Plans.*



*R115.2.1 Structures.* Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures, proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director for review and approval.

*R115.2.2 Grading.* Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official and Planning Director for review and approval.

*R115.3 Inspections.*

*R115.3 Inspections.* Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

*R115.4 Investigation Fees.*

*R115.4.1 Investigation.* Whenever any work for which a permit is required by this Code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, "special investigation" shall include, but is not limited to, inspecting premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

*R115.4.2 Fee.* A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be assessed as provided in Section R108.4.2 of this chapter.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this Code nor from any penalty prescribed by law.

*R115.5 Unpermitted Structures Which Cannot be Legalized.*

If the Planning Director determines that the City's zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

Sec. 8-7.5.14. Amendments: Section R313.1. ("Townhouse automatic fire sprinkler systems")

Section R313.1 of the California Residential Code is amended in its entirety to read as follows:

*R313.1 Townhouse automatic fire sprinkler systems.*

1. An automatic residential fire sprinkler system shall be installed in Townhouses.
2. Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

*Exception.*

1. When an addition to an R-3 occupancy is less than 1,000 square feet in size no sprinklers are required in either the addition or the existing building.

Section R313.1.1 *Design and installation.*

Automatic fire sprinkler systems for townhouses shall be designed and installed in accordance with Section R313 or NFPA 13D.

Sec. 8-7.5.15. Amendments: Section 313.2 One- and two-family dwellings automatic fire sprinkler systems.

Section R313.2 of the California Residential Code is amended in its entirety to read as follows:

*R313.2 One- and two-family dwelling automatic sprinkler systems.*

1. An automatic sprinkler system shall be installed in all new one-and two-family dwellings.
2. Existing one- and two-family dwellings. An automatic sprinkler system shall be installed when an addition is added to the building.

*Exception 1:* When an addition to an R-3 occupancy is less than 1,000 square feet in size no sprinklers are required in either the addition or the existing building.

*Exception 2:* The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in an existing dwelling, including any addition solely for purposes of accessory dwelling unit construction.

Section 8-7.5.16 – Amendments: Section R401.4 (“Soil Tests”)

Section R401.4.3 is hereby added to the California Residential Code to read as follows:

*R401.4.3 Investigation of Off-site Conditions.*

The following requirements shall apply to any site located within a geologic or seismic hazard zone mapped by the California Geologic Survey or adopted in the General Plan of the City of Pacifica:

1. A registered design professional shall evaluate potential off-site geotechnical hazards, including but not limited to those upslope and/or downslope of the project site, that may have the potential to cause direct injury to persons or damage to property as a result of development of the project.
2. When any such hazard(s) is/are identified, the registered design professional shall

identify appropriate design features to be incorporated into the project design to minimize the hazard(s) to the maximum extent practicable.

3. The building official shall not issue a building permit until any project design feature(s) identified by the evaluation required in this subsection has or have been incorporated into the project plans.
4. The evaluation required in this subsection shall be limited to consideration of readily available data obtained from aerial photos, maps, previously prepared geotechnical reports, and observations able to be made from the project site and other publicly-accessible areas in the vicinity of the project site, including but not limited to public rights-of-way and public open spaces. This subsection shall not require or authorize entry onto neighboring properties for any purpose, including but not limited to obtaining soil borings.
5. The registered design professional may seek a waiver from the requirement of this subsection to construct project design features to minimize potential off-site geotechnical hazards when the construction of such features would be disproportionate to the cost of the overall project. The building official shall consider waiver requests and grant approval if the registered design professional has demonstrated with sufficient written evidence that the cost of design features to minimize potential off-site geotechnical hazards would exceed 20 percent of the overall project cost, such features would not otherwise be required by any other provision of this Code, and no other less-costly feature can be incorporated into the project design to reduce the identified hazard(s).

The requirements of this subsection shall be supplementary to and shall not replace or substitute for any other geotechnical investigation or geohazard investigation required by this Code or any other provision of law. Except, however, when another provision of this Code may provide for waiver or exemption from geotechnical investigation, the provisions of this subsection shall still apply.”

**Section 20. Repeal of Chapter 8 of Title 8.** Chapter 8 (“Historical Buildings Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 21. Adoption of Chapter 8 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 8 to read as follows:

**“CHAPTER 8  
HISTORICAL BUILDING CODE**

Sec. 8-8.01 – Adoption of the California Historical Building Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all historical buildings and structures in the City of Pacifica, adopts that certain Code designated as



the California Historical Building Code, 2022 Edition [Title 24, California Code of Regulations, Part 8].”

**Section 22. Repeal of Chapter 8.5 of Title 8.** Chapter 8 (“Existing Buildings Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 23. Adoption of Chapter 8.5 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 8.5 to read as follows:

**“CHAPTER 8.5  
EXISTING BUILDING CODE**

Sec. 8-8.5.01 – Adoption of the California Existing Building Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all existing buildings and structures in the City of Pacifica, adopts that certain Code designated as the California Existing Building Code, 2022 Edition [Title 24, California Code of Regulations, Part 10].”

**Section 24. Repeal of Chapter 9 of Title 8.** Chapter 9 (“Reference Standards”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 25. Adoption of Chapter 9 of Title 8.** Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 9 to read as follows:

**“CHAPTER 9  
REFERENCED STANDARDS CODE**

Sec 8-9.01 – Adoption of the California Referenced Standards Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Pacifica, adopts that certain Code designated as the California Reference Standards Code 2022 Edition [CCR Title 24, California Code of Regulations, Part 12].”

**Section 26. Repeal of Article 1 of Chapter 3 of Title 4.** Article 1 (“Fire Code”) of Chapter 3 (“Fire Protection”) of Title 4 (“Public Safety”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any

administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

**Section 27. Adoption of Article 1 of Chapter 3 of Title 4.** Chapter 3 of Title 4 of the Pacifica Municipal Code is hereby amended to add Article 1 as follows:

**“ARTICLE 1  
FIRE CODE**

Sec. 4-3.101 – Adoption of the California Fire Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, the California Fire Code, 2022 Edition [Title 24, California Code of Regulations, Part 9], published by the International Code Council, including Appendix B ("Fire-Flow Requirements for Buildings"), Appendix C ("Fire Hydrant Locations and Distribution"), Appendix D ("Fire Apparatus Access Roads"), Appendix F ("Hazard Ranking"), and Appendix L ("Requirements for Fire Fighter Air Replenishment Systems") and as adopted and as may be amended by the Building Standards Commission, which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as Fire Code for the City of Pacifica.

Sec. 4-3.102. Establishment and duties of the Fire Prevention Services Division.

The California Fire Code shall be enforced by the Fire Prevention Services Division in the Fire Department of the City, which Division is hereby established and which shall be operated under the supervision of the Fire Chief.

The Fire Marshal in charge of the Fire Prevention Services Division shall be appointed in accordance with the provisions of Article 4 of Chapter 5 of Title 2 of this Code and Council Resolution No. 82-69.

The Fire Chief may detail such members of the Fire Department as shall from time to time be necessary.

Sec. 4-3.103. Amendments: Section 105.1.1 ("Permits required").

Section 105.1.1 of the California Fire Code is amended by adding the following paragraph at the end of the section:

The City Council of the City of Pacifica may establish by resolution permit fees in connection with any permit required or authorized to be issued by the Fire Chief or any other authorized representative of the Fire Department.

Sec. 4-3.104. Amendments: Section 105.5 ("Required operational permits").

Section 105.5 of the California Fire Code is amended by adding the following two sections at the end of the section to read as follows:

*105.5.55 Institutions and day care.* An operational permit is required to operate any and all occupancies that are set forth under Group I Occupancies, and Group E Occupancy of Title 24 of the California Code of Regulations, each accommodating more than six people.

*105.5.56 Residential care facility.* An operational permit is required to operate a residential care/assisted living facility as set forth under Group R, Division 4 Occupancies.

Sec. 4-3.105. Amendments: Section 202 ("General Definitions").

Section 202 is amended to amend the following definitions that read as follows:

*202 General Definitions.*

**FIRE CODE OFFICIAL.** The Fire Marshal of the City of Pacifica.

**JURISDICTION.** The City of Pacifica.

Sec. 4-3.106. Amendments: Section 505.1 ("Address identification").

Section 505.1 of the California Fire Code is amended by adding the following at the end of the section:

Said numbers shall be internally or externally illuminated in all new construction, or when alterations or repairs of existing construction occur.

The size and location of address numbers for multi-family dwellings and all other occupancies shall be as designated by the Fire Marshal.

Sec. 4-3.107. Amendments: Section 507 ("Fire Protection Water Supplies").

Section 507.5.7 is added to the California Fire Code read as follows:

*507.5.7 Hydrants.* All new fire hydrants shall be UL listed, or equivalent, wet barrel type having a minimum of two 2 ½" and one 4 ½" outlets, all equipped with national standard threads (Clow 860, or approved equivalent). The minimum fire service main size permitted is six inch (6").

Sec. 4-3.108. Amendments: Section 509 ("Fire Protection and Utility Equipment Identification and Access").

Section 509.1.2 is added to the California Fire Code read as follows:

*509.1.2 Utility Identification in Multi-Family Tenant Buildings.* Utility markings of all gas and electric utility services in multi-family tenant buildings shall be visibly and legibly marked with the unit identification.

Sec. 4-3.109. Amendments: Section 903.2 ("Where required").

Section 903.2 of the California Fire Code is amended in its entirety to read as follows:

*903.2 Required Installations.*

A. *Newly Constructed Buildings and Structures.* An automatic fire sprinkler system shall be installed in all new occupancies and locations.

Exception. Detached U occupancies not exceeding 1,000 square feet in size, when accessory to an R-3 dwelling.



B. *Existing Buildings and Structures.* An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

Exceptions:

1. When an addition to an R-3 occupancy is less than 1,000 square feet in size and when an addition to all other occupancies is less than 500 square feet in size, no sprinklers are required in either the addition or the existing building.
2. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in an existing dwelling, including any addition solely for purposes of accessory dwelling unit construction.
3. When specifically exempted by the Fire Code Official.

C. *Car Stackers.* Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to the current edition of NFPA 13. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2,500 sq. ft. to as low as 1,500 sq. ft. if:

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls;
2. The car stacker areas are divided up into 1,500 sq. ft. areas via 1-hour fire rated walls; and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

Sec. 4-3.110. Amendments: Section 903.4.2 ("Alarms").

Section 903.4.2 of the California Fire Code is amended by added the following to the end of the paragraph:

In addition to the audible device(s) required by this section, an approved strobe light shall be located on the exterior of the building in an approved location.

Sec. 4-3.111. Amendments: Section 904.2.2 ("Commercial hood and duct systems").

Section 904.2.2 of the California Fire Code is amended by added the following to the end of the paragraph:

The location(s) of all cooking appliances that are protected by an approved automatic fire extinguishing system shall be permanently identified either by a wall mounted approved appliance floor plan or marked on the floor in a manner approved by the Fire Marshal.

Sec. 4-3.112. Amendments: Section 907.7.3 ("Instructions").

Section 907.7.3 of the California Fire Code is amended by adding the following paragraph at the end:

Each fire alarm system shall have posted at the main control panel instructions for silencing and resetting the system, the day and night phone numbers of the person responsible for the property, and the company or individual providing maintenance services for the alarm system.

Sec. 4-3.113. Amendments: Section 907.8.1 ("Maintenance required").

Section 907.8.1 of the California Fire Code is amended by adding the following paragraph at the end:

Owners and operators of group R-1 occupancies shall provide documentation to the Fire Department, such as annual inspection forms, which confirm that all smoke detection devices and equipment within apartment units are installed and are in good operating condition.

Sec. 4-3.114. Amendments: Section 914.3 ("High-rise buildings").

Section 914.3.9 is added to the California Fire Code to read as follows:

*Section 914.3.9 Firefighter Breathing Air Replenishment.* All Group B and Group R occupancies, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of Fire Department vehicular access, shall be equipped with an approved Firefighter Breathing Air Replenishment System as outlined in Appendix L. Such a system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by Fire Department, rescue, and other personnel in the performance of their duties. Location and specifications of access stations to, and the installation of, such air replenishment systems shall be made in accordance with the requirements of the Fire Chief.

Sec. 4-3.115. Amendments: Section 5608 ("Fireworks display").

Section 5608.1 of the California Fire Code is amended by adding the following paragraph at the end:

The sale and discharge of safe and sane fireworks is permitted only as provided in the Pacifica Municipal Code.

Section 5608.1.2 is hereby added to the California Fire Code to read as follows:

*5608.1.2 Dangerous Fireworks Prohibited.* Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except those designated as "safe and sane" and approved by the State Fire Marshal. No person under the age of eighteen (18) shall be permitted to purchase or sell "safe and sane" fireworks. The Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement park, or other organization or for the use of fireworks by artisans in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Chief and shall be of such character and so located, discharged, or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person, and shall be in accordance with Chapter 33 of said California Fire Code.

Sec. 4-3.116. Amendments: Section 5706.2.4.4 ("Locations where above-ground tanks are prohibited").

Section 5706.2.4.4 of the California Fire Code is amended by adding the following paragraph at the end of the section:

The storage of flammable or combustible liquids in above-ground outside storage tanks is prohibited in all areas of the City except for those areas with the zoning designation of Public Facilities District. Notwithstanding the foregoing, the Fire Chief may grant a permit for such storage in other areas of the City if the Chief determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Chief may impose such conditions and requirements upon the issuance of the permit, as the Chief deems necessary or appropriate.

Sec. 4-3.117. Amendments: Section 6104.2 ("Maximum capacity within established limits").

Section 6104.2 of the California Fire Code is amended by adding the following paragraph at the end of the first paragraph:

The aggregate storage of liquefied petroleum gas at any one installation in excess of two thousand (2,000) gallons (7,570 L) is prohibited in all areas of the City except for those areas with the zoning designation of Public Facilities District. Notwithstanding the foregoing, the Fire Chief may grant a permit for such storage in other areas of the City if the Chief determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Chief may impose such conditions and requirements upon the issuance of the permit, as the Chief deems necessary or appropriate.

Sec. 4-3.118. Amendment Appendix D, Section D101 ("General").

Section D101.2 is added to Appendix D of the California Fire Code to read as follows:

*D101.2 - Definition.* Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.

Sec. 4-3.119. Amendments: Appendix D, Section D102 ("Required access").

1. Section D102.2 is added to Appendix D of the California Fire Code to read as follows:

*Section D102.2.* Fire apparatus access roads shall extend to within 50 feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

*Exception:* One- or two-family dwellings or townhouses protected with 13D or 13R may be permitted to be increased to 150 ft. (46 m).

2. Section D102.3 is added to Appendix D of the California Fire Code to read as follows:

*Large Buildings.* Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft. (46 m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.



3. Section D102.4 is added to Appendix D of the California Fire Code to read as follows:  
Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 ft. 6 in. (4.1 m).

4. Section D102.5 is added to Appendix D of the California Fire Code to read as follows:  
*Exception:* When fire apparatus access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the Fire Marshal shall be authorized to require fire protection features in addition to those already required.

Sec. 4-3.120. Appendix D, Section D103 ("Minimum specifications").

Section D103.7 is added to Appendix D of the California Fire Code to read:

*D103.7 – Markings.* Where fire lanes on private property have been designated by the Fire Marshal, curbs shall be painted red on the side or sides of the street or access route where parking is prohibited and no parking signs or other appropriate notice prohibiting obstructions, as approved by the Fire Marshal, shall be provided and maintained by the owner.

**Section 28. Severability.** The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 29. Effective Date.** This Ordinance shall become effective thirty days following adoption or on January 1, 2023, whichever is later. However, where applications and plans for buildings have been filed and are pending for building permits prior to the effective date of this Ordinance, such permits may be issued, and the applicant may proceed with construction in strict compliance with the California Building Standards Codes, 2019 Editions, California Code of Regulations, Title 24, as previously adopted and amended by any ordinances of the City of Pacifica, but only to the extent that the issuance of such permit is required by Health and Safety Code section 18938.5 and any other applicable law.

**Section 30. Publication, Filing.** The City Clerk shall cause this ordinance to be published in a newspaper of general circulation as required pursuant to state law and shall cause this ordinance to be entered into the Pacifica Municipal Code. The City Clerk shall file this ordinance with the California Building Standards Commission in the manner as may be required by law.

\* \* \* \* \*

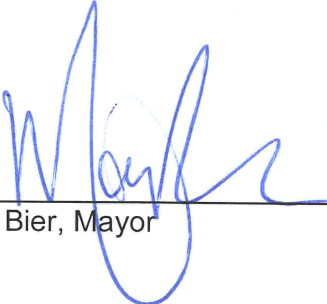
The foregoing ordinance was introduced on November 14, 2022, and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on November 28, 2022, by the following vote:

**AYES**, Councilmembers: Beckmeyer, Bier, Bigstycck, O'Veill, Vaterlaus

**NOES**, Councilmembers: n/a

**ABSENT**, Councilmembers: n/a

**ABSENT**, Councilmembers: n/a

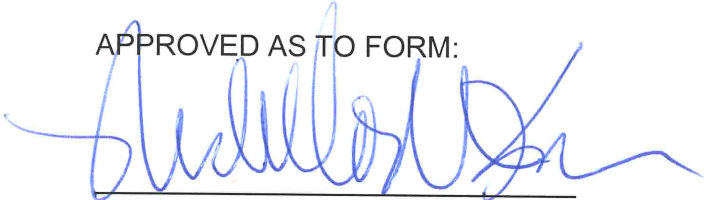


\_\_\_\_\_  
Mary Bier, Mayor

ATTEST:

  
\_\_\_\_\_  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

# **EXHIBIT A**



**FINDINGS SUPPORTING LOCAL AMENDMENTS**

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions. Also, amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

<b>Section Of Ordinance</b>	<b>Title</b>	<b>Justification (See Below For Key)</b>
<i>Section 5. Replacement: Adoption Of Chapter 1 Of Title 8 (All Amendments Identified in Section 5, Including Appendix J)</i>	Chapter 1 - Building Code	A, B, C
<i>Section 9. Replacement: Adoption Of Chapter 3 Of Title 8 (All Amendments Identified in Section 9)</i>	Chapter 3 - Plumbing Code	A, B, C
<i>Section 11. Replacement: Adoption Of Chapter 4 Of Title 8 (All Amendments Identified in Section 11)</i>	Chapter 4 - Electrical Code	A, B, C
<i>Section 13. Replacement: Adoption of Chapter 5 of Title 8. (All amendments Identified in Section 13)</i>	Chapter 5 – International Property Maintenance Code	No justification required – administrative amendment only
<i>Section 17. Replacement: Adoption Of Chapter 7 Of Title 8 (All Amendments Identified in Section 17)</i>	Chapter 7 - Green Buildings Standards Code	A, B, C
<i>Section 19. Replacement: Adoption Of Chapter 7.5 Of Title 8 (All Amendments Identified in Section 19)</i>	Chapter 7.5 - Residential Code	A, B, C
<i>Section 27. Replacement: Adoption Of Article 1 Of Chapter 3 Of Title 4 (All Amendments Identified in Section 27, including amendments to Appendix D)</i>	Article 1 - Fire Code	A, B, C

## Key to Justification Supporting Amendments to Title 24 of the California Code of Regulations

### A. CLIMATIC CONDITIONS

- I. The City of Pacifica is unique in its climatic conditions. According to records found at the National Weather Service, the average yearly rainfall for the City is approximately 25" to 30", with a high of 65" in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80's to 90's Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wild land interface that surrounds the City, the potential for a major fire is high.
- II. Pacifica is exposed to more extreme weather than elsewhere in the Bay Area, including strong winds, almost constant exposure to salt air and frequent heavy rains during the winter months. The off-shore high pressure system and upwelling of deeper, cold water just off the coast result in frequent summer fog.
- III. Pacifica's periodic extreme seasonal dryness and high temperatures, combined with an extensive network of overhead utility lines, increases the risk of fire danger in Pacifica. Overhead utility lines are a leading cause of major fires, as evidenced by the 2021 Dixie Fire, which burned close to 1 million acres and destroyed over 1,000 structures, and was caused by a tree contacting electrical distribution lines. Other major fires caused by overhead utilities included the 2015 Butte Fire and the 2018 Paradise fire, which resulted in the deaths of 85 people and the destruction of the entire town of Paradise, California

### B. GEOLOGICAL CONDITIONS

- I. Pacifica is located adjacent to the Pacific Ocean and significant areas of the City are subject to extreme wave heights, severe bluff erosion and flooding which cause damage to public facilities and private property, especially during heavy rainfall and El Nino winters.
- II. Due to its proximity to the Pacific Ocean, Pacifica is at risk from a potential tsunami hazard if a major earthquake occurs in the Pacific Ocean resulting in a wave run-up. The approximate wave run-up height of 20 feet presents a risk to structures and individuals in the area, as there are approximately 900 existing dwelling units within Pacifica's tsunami run-up area, as well as important community services and facilities.
- III. Pacifica is framed by ridges of the Coast Range on the east and is home to 37 mountain summits and peaks. Hillside stability is a critical hazard. Slope failures and superficial landslides are a significant hazard, and runoff from heavy rain or ground-shaking are most likely to activate landslides in the hilly terrain.
- IV. Pacifica is one of a minority of California local jurisdictions that is located within the Coastal Zone, where the intensity of coastal waves and flooding are projected to increase as a result of sea level rise and climate change. A primary cause of climate change is earth's increasing temperature that is the result of greenhouse gases released from the burning of fossil fuels, including natural gas used for heating and cooking within new and existing buildings.

### C. TOPOGRAPHICAL CONDITIONS

- I. The City of Pacifica is comprised of a number of cul-de-sacs off of Highway 1, which divides the City into distinct districts. Each of these districts is isolated from each other by the

- topography of the City. The City is bordered to the west by the Pacific Ocean and to the east by hills that separate the City from the other communities.
- II. A series of overpasses span Highway 1. The collapse of one or more of these overpasses would greatly restrict access to the majority of the City. Highway 1 narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City. Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are steep, between 10 to 19 percent in grade, and wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas.
  - III. The City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone, as shown in the Alquist-Priolo Earthquake Fault Zone Act of 1972. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning. A major seismic event would create a Citywide demand on fire protection service, which would be beyond the response capacity of the fire department. Structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the City.