

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 15 CHAPTERS 15.05, 15.08, 15.11, 15.12, 15.14, 15.16, 15.17, 15.18, 15.20, 15.22, 15.23 AND TITLE 8 CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND, ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING IN PART OF THE 2022 ADMINISTRATIVE CODE, THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA FIRE CODE, THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE, AND THE 2022 CALIFORNIA REFERENCED STANDARDS CODE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS

WHEREAS, Health & Safety Code Section 17958 mandates that the City of San Clemente (“City”) adopt ordinances or regulations imposing the requirements of certain uniform industry codes adopted by the State pursuant to Health & Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the uniform codes. The State adopts and publishes codes every three years for building and construction throughout the State (hereinafter referred to collectively as “Codes”); and

WHEREAS, the California Building Standards Commission recently adopted the 2022 Edition of the California Building Standards Code; and

WHEREAS, pursuant to Government Code section 50022.1 *et seq.*, the City may adopt by reference the California Building Standards Code, 2022 Edition as provided in Title 24 of the California Code of Regulations and other codes; and

WHEREAS, Health & Safety Code Section 17958.5 and 18941.5 permit the City to adopt the California Building Standards Code and to make such changes or

modifications to the Codes as are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the Building Official and Director of Community Development have recommended that changes and modifications be made to certain Codes and have advised that said changes and modifications to the California Building Code, 2022 Edition; the California Residential Code, 2022 Edition; the California Electrical Code, 2022 Edition; the California Mechanical Code, 2022 Edition; the California Plumbing Code, 2022 Edition; and the Existing Building Code, 2022 Edition are reasonably necessary due to local conditions in the City of San Clemente and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of San Clemente. Also the various parts of the California Building Standards Code shall also be adopted by ordinance to include the 2022 California Administrative Code, the 2022 California Energy Code, the 2022 California Green Building Standards Code, the 2022 California Historical Building Code, and the 2022 California Referenced Standards Code with no local amendments.

The California Fire Code, 2022 Edition changes and modifications developed by Orange County Fire Authority are included in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council for the City of San Clemente as follows:

The City of San Clemente adopts the following parts of the 2022 California Building Standards Codes with certain local additions, amendments, and deletions, amending the San Clemente Municipal Code,

Title 15 Buildings and Construction

- Chapter 15.08 Building Code
- Chapter 15.12 Electrical Code
- Chapter 15.16 Mechanical Code
- Chapter 15.20 Plumbing Code
- Chapter 15.22 Residential Code
- Chapter 15.23 Existing Building Code

Title 15 Building and Construction, the remaining parts of the 2022 California Building Standards Codes that the City is not amending.

- Chapter 15.05 Administrative Code
- Chapter 15.11 Energy Code
- Chapter 15.14 Green Building Standards Code
- Chapter 15.17 Historical Building Code
- Chapter 15.18 Referenced Standards Code

Title 8 Health and Safety

- Chapter 8.16 Fire Code Amended by Orange County Fire Authority

**Section 1. Recitals.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Findings.** Based on the foregoing and the below findings, the City Council of the City of San Clemente does hereby find that the proposed amendments to each of the sections of the 2022 Edition of the California Building Standards Code to be amended, added, modified, changed, or deleted are reasonably necessary for reasons of local climatic, geologic, and topographic conditions as set forth in “Exhibit A” of this Ordinance. The City Council finds and determines there is a need to adopt the changes or modifications to the Codes because of local climatic, topographical, and geological conditions as follows:

**Section 2. Findings.** The City Council finds and determines there is a need to adopt the changes or modifications to the Codes because of local climatic, topographical, and geological conditions as follows:

I. **Climatic Conditions**

- A. The jurisdiction of San Clemente is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 m.p.h. or greater are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area.
- B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the local fire authority’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.
- C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and, although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption and a limited amount of rainfall, future water allocation is not fully dependable. This necessitates the need for additional on-site fire protection features.
- D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection.

The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

- E. These climatic conditions are applicable to amendments to the 2022 California Building Code Sections 901.2, 903.2, 903.2.8, 1505.1, and to the 2022 California Fire Code Sections 903, 1201, 2808, 4906.3.

II. Topographical Conditions:

- A. Natural slopes of 15 percent or greater generally occur throughout the City. The elevation change caused by the hills creates the geological foundation on which communities within the City are built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and greater constraints in terrain.
- B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout the City.
- C. These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.
- D. These topographical conditions are applicable to amendments to 2022 California Building Code Sections 3109.2, the 2022 California Residential Code Sections R313., R404.2, R602, R1001, the 2022 California Fire Code Sections 305, 307, 903, 1201, 2808, 4909.

III. Geological Conditions:

- A. The City is a densely populated area that has buildings constructed over and/or near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area that ran from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the City of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.
- B. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under sections above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When

combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. The State Department of Conservation noted, in their 1988 report (Planning Scenario on a Major Earthquake on the Newport Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”

- C. Road circulation features located throughout the City also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause roadway flooding and landslides and at times may make an emergency access route impassable.
- D. Soils throughout the City possess corrosive properties that reduce the expected usable life of water services when metallic pipes come in contact with these soils.
- E. Expansive soils throughout the City combined with predominant hillside conditions, groundwater and occasional flooding raise the potential for ground slippage, ground erosion, slope failure and building damage.
- F. Portions of Orange County contain active or former oil production fields. These areas contain a variety of naturally occurring gasses, liquids and vapors. These compounds present toxicity or flammability hazards to building occupants. Evaluation of these hazards and the risks they pose to development is necessary implement for appropriate mitigation.
- G. Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) requirements for a given structures. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.
- H. These geological conditions are applicable to amendments to the 2022 California Building Code Sections 1502.4, 1505, tbl 1807.1.6, 1904, the 2022 California Electrical Code Section 300.5 the 2022 California Mechanical Code Sections 504.3, 1308, the 2022 California Plumbing Code Sections 604.2, 609.3, 610.8, 701.1, 1208.5.3.1, the 2022 California Residential Code Sections R402.2, R404.2, R602.

Furthermore the City Council finds that the proposed amendments to the various codes meets the State mandate for local modifications to the State Standard Building Codes being more restrictive and reasonably necessary because of local climatic, geological or topographical conditions.

Additional amendments are found to be either administrative or procedural in nature or to concern themselves with subjects not covered in the Codes. They are necessary for administrative clarification, and do not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7, and/or 18941.5. These administrative amendments establish administrative standards for the effective enforcement of the building standards in the City. The changes made include provisions making each of said Codes compatible with other codes enforced by the City and fee schedules.

A copy of this Ordinance adopting the 2022 California Building Standards Code, as amended, shall be filed with the California Building Standards Commission by the City Clerk of the City of San Clemente.

**Section 3. CEQA Findings.** The City Council finds that this ordinance is not subject to the requirements of California Environmental Quality Act (“CEQA”) for the following reasons:

- A. This Ordinance is not a “project” within the meaning of State CEQA Guidelines, section 15378, because it has no potential for resulting in direct or indirect physical change in the environment.
- B. This Ordinance is exempt under section 15061(b)(3), the general rule exemption, because it can be seen with certainty that there is no possibility that this code amendment will have a significant effect on the environment.

**Code Amendments.** Based on the foregoing, the City Council of the City of San Clemente does hereby find that the proposed amendments to the 2022 Edition of the California Building Standards Code are reasonably necessary for reasons of local climatic, geologic, and topographic conditions as set forth in “Exhibit A” of this Ordinance. The following amendments are made to the below-listed sections, subdivisions, and subsections of Title 15 of the San Clemente Municipal Code:

**Section 4.**

**“Section 15.05.010 2022 Administrative Code Adopted**

Where Filed, is hereby amended to read as follows:

The 2022 California Administrative Code is hereby adopted and a copy held for public review in the Building Division.

**Chapter 15.08. 2022 Building Code** is hereby amended as follows:

**Chapter 15.08 BUILDING CODE**

- 15.08.010 Building Code Adopted – Where filed.
- 15.08.020 Division II of Chapter 1 amended — administration.
- 15.08.025 Chapter 2 amended — Definitions.
- 15.08.030 Chapter 4 amended — Special Detailed Requirements Based on Use and Occupancy.
- 15.08.035 Chapter 7A amended — Materials and Construction Methods for Exterior Wildfire Exposure.
- 15.08.040 Chapter 9 amended — Fire Protection Systems.
- 15.08.050 Chapter 15 amended — Roof Assemblies and Rooftop Structures.
- 15.08.060 Chapter 18 amended — Soils and Foundations.
- 15.08.070 Chapter 31 amended — Special Construction.
- 15.08.080 Reserved.
- 15.08.090 Reserved.
- 15.08.100 Construction of Off-Street Parking Lots.

**Section 15.08.010 Building Code Adopted – Where filed.**

For the purpose of prescribing regulations for erection, construction, enlargement, alteration, replacement, repair, improvement, removal, movement, conversion, demolition, use and occupancy, equipment, height, location, maintenance, and areas of every building or structure or any appurtenances connected or attached to such building or structure in the City, the California Building Code (“CBC”), 2022 Edition, based on the 2021 International Building Code as published by the International Code Council, including Chapter 1 and Appendix I, is hereby adopted, as modified in this Chapter. A copy is on file for public examination in the City's Building Division Office.

**15.08.020 Division II of Chapter 1 amended — Administration.**

Division II of Chapter 1 of CBC is hereby amended as follows:

- A. Subsection 101.1 is hereby amended to read in its entirety as follows:

**101.1 Title.** These regulations shall be known as the San Clemente Building Code, hereinafter referred to as “this code.”

- B. Subsection 101.2 is hereby amended to read in its entirety as follows:

**101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with the California Residential Code.

The provisions of these codes shall apply to and affect all of the territory of the City of San Clemente, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency, and except as exempted by these codes.

- C. **Section 101.2.1 Appendices** is amended to add a sentence to read: Appendix I Patio Covers is adopted by reference.

- D. Subsection 101.4. is hereby amended to read in its entirety as follows:

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

- E. A new Subsection 101.4.8 is hereby added to Section 101 to read in its entirety as follows:



**101.4.8 Green Code.** The provisions of the California Green Building Standards Code shall apply to design and construction of buildings for sustainability.

- F. Subsection 105.2 is hereby amended by deleting items 1 through 13 under the heading “Building” and replacing them with the following:

**Building:**

1. One-story detached accessory buildings and structures used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet or a wall height of 8 feet. Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Fences not over 6 feet high. Masonry fences under 42 inches in height above finish grade.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of footing to the top of wall unless supporting a surcharge, impounding Class I, II or IIIA liquids, or if on a slope less than 1 in 3. Retaining walls on slopes greater than 1 in 3 are required to be reviewed by engineering and planning divisions to determine if permitting is required.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1 and not on or within 7 feet of a descending slope.
6. Detached decks, platforms or similar structures not exceeding 200 square feet in area, walkways, sidewalks and driveways that are not more than 30 inches above adjacent grade, and not over any basement or story below, and are not part of a

required exit means of egress, and are not part of an accessible route.

7. Painting, papering, tiling (except shower enclosures), carpeting, cabinets, counter tops and similar finish work that does not involve electrical, mechanical or plumbing work.
8. Temporary motion picture, television and theater stage sets and scenery when approved by special use permit.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems that meet zoning requirements.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Ground mounted Radio and television antenna, and flagpoles not higher than the setback from the property line and not more than 20 feet (20) feet in height measured from grade. Small dish receivers mounted on Residential uses.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

- H. Subsection 105.3 #8 is hereby added to read in its entirety as follows:

8. Electric Vehicle Charging Stations shall be expedited per AB 1236. The checklist derived from the Zero-Emission Vehicles in California posted on the City web site may be used to apply for permits and may be submitted electronically. HOA approval not required.

- I. Subsection 105.3.2 is hereby amended to read in its entirety as follows:

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing, unless such application has been pursued in good faith or permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. The total period of application extensions granted shall not exceed an additional 18 months. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

- J. Subsection 105.5 is hereby amended to read in its entirety as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended, abandoned, or if an inspection is not requested within a period of 180 days and an approved inspection that shows work is progressing.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required. The extension shall be requested in writing prior to the permit expiring and show justifiable cause demonstrating that circumstances beyond the control of the permittee have prevented action from being taken. Pursuant to this paragraph, the Building Official or his/her designee is authorized to grant, in

writing, one or more extensions of time for a period not more than 180 days. The completion of construction shall not extend beyond the timeframes mandated in Section 105.8 of this code even with such extension.

Before such work can be recommenced after a permit expires, a new permit shall first be obtained, and a fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after this one year time period, the permittee shall pay a new full permit fee.

- K. A new Subsection 105.8 is hereby added to Section 105 to read in its entirety as follows:

**105.8 Completion of construction.** Notwithstanding subsection 105.5 above, all construction shall be completed by the owner, owner's agent, or the permittee and approved by the City within the following time frame:

- a. New residential buildings construction . . . 24 months
- b. Residential room additions and remodels . . .  
12 months
- c. Tenant improvements . . . 12 months
- d. Pools/spas . . . 12 months
- e. Patio covers and similar structures . . . 6 months
- f. Fences and/or retaining walls . . . 6 months
- g. Water heaters, water softeners, and air conditioners . . .  
6 months
- h. All other minor alterations . . . 6 months

Upon written request of the owner or permittee, the Building Official and/or his/her designated representative may extend the period for completion of construction for a period not to exceed one hundred eighty (180) days. The written request must demonstrate that (1) due to circumstances beyond the owner's or permittee's control, construction could not be completed in the required construction period; (2) that reasonable progress has been made; (3) that the condition of the property presents no health or safety hazard; and (4) that the continued delay will not

create any unreasonable visual or physical detriment to the neighborhood. Any extension beyond one hundred eighty (180) days must be approved by the City Manager.

- L. A new Subsection 105.9 is hereby added to Section 105 to read in its entirety as follows.

**105.9 Maintenance of property during construction.** During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A waiver of this requirement may be obtained from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations. Any building that is left unsecured by the absence of doors or windows during construction shall secure those openings or provide fencing to prevent unauthorized entry.

- M. A new Subsection 107.2.9 is hereby added to Section 107 to read in its entirety as follows:

**107.2.9 Soil report.** A Soil Report shall be submitted with all permit applications for new construction and additions. Soil Reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement if he/she finds that the scope of work applied for does not necessitate a soil report.

- N. Subsection 107.3 is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section 109.2 and are in

addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution.

- O. Subsection 107.5 is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application, inspection card and other construction documents required by the Building Official shall be imaged after the final inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit.

- P. Subsection 109.2 is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by the code.

- Q. Subsection 109.3 is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

- R. Subsection 109.4 is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- S. Subsection 109.6 is hereby amended to read in its entirety as follows:

**109.6 Refunds.** The building official is authorized to establish a refund policy. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected as provided below.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of payment.

- T. Subsection 109.7 is hereby added to Section 109 to read in its entirety as follows:

**109.7 Deposit.** The Building Official may require a deposit or bond from the applicant for a certain project or work in order to secure the request of final inspection approvals from the applicant or the repairing of damaged City properties during the period of construction. The deposit money will be refunded to the applicant when the final inspections are approved or the damages are repaired to the satisfaction of the City. The deposit amount shall not be more than twice the permit fee.

- U. Subsection 110.7 is hereby added to Section 110 to read in its entirety as follows:

**110.7 Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which an inspection is

requested is not complete or when previous corrections are not corrected.

This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise made available on the work site, or when the approved plans are not readily available to the inspector, or for failure to provide access on the date for which inspection is requested.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as established by the City Council Fee Resolution. In instances where re-inspection fees have been assessed, no additional inspection of work will be performed until the required re-inspection fees have been paid.

#### **15.08.025 Chapter 2 amended — Definitions.**

Chapter 2 of CBC is hereby amended as follows:

- A. The definition of “**Bedroom**” is added to Section 202 to read as follows:

**Bedroom.** A room, space, or area used for sleeping. A bedroom may also be determined by having a privacy door, an emergency escape and rescue opening, smoke alarms, a closet, location, minimum ceiling height and floor areas, and design typically found for bedrooms. Indicating on building plans other designated uses does not permit the elimination of the habitation and life safety measures the code established for sleeping areas.

- B. The definition of “**Kitchen or Kitchenette**” in Section 202 is hereby amended to read as follows:

**Kitchen or Kitchenette.** A room, space, or area for the preparation and cooking of food. The installation of equipment, appliances, kitchen sink, garbage disposal,



240 volt outlets, gas piping, refrigerator, dedicated 20amp outlets, exhaust hood, counters, under or over counter cabinetry. Singly or a combination of any may be used to identify a kitchen use.

- C. The Definition of Spark Arrester in Section 202 is hereby amended to read as follows:

**SPARK ARRESTER.** A listed device constructed of noncombustible material specifically for the purpose of preventing embers from the burning of solid fuel from leaving the flue. All fireplaces that burn solid fuel in accordance with California Building Code Chapter 28 shall be provided a spark arrester. (note: no new fireplaces burning solid fuel are permitted)

- D The Definition of “Swimming Pool” in Section 202 is hereby amended to read as follows:

**SWIMMING POOL.** Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

**15.08.030 Chapter 4 amended — Special Detailed Requirements Based on Use and Occupancy.**

Chapter 4 of CBC is hereby amended as follows:

- A. Subsection 406.2.4 **Floor Surfaces.** is hereby amended by restating the second sentence as follows, and by deleting exception #1:

The area of floor used for the parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. A drainage system equipped with a trench drain or floor drains leading to an approved oil separator discharging to sewers in accordance with the California Plumbing Code except garages of R-3 occupancies.

**15.08.035 Chapter 7A amended — Materials and Construction Methods for Exterior Wildfire Exposure.**

Chapter 7A of CBC is hereby amended as follows:

Subsection 710A.3.3 is hereby amended to read in its entirety as follows:

**710A.3.3** Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

**15.08.040 Chapter 9 amended — Fire Protection Systems.**

Chapter 9 of CBC is hereby amended as follows:

Subsection 901.2 **Fire protection systems** is hereby amended by adding:

Technical changes to this chapter are found in the amendments to the California Fire Code as amended including the referenced standards.

Subsection 903.2 is hereby amended to read in its entirety as follows:

**903.2 Where required.** Approved automatic sprinkler systems in buildings and structures shall be provided in the locations described in this section and in Section 903.2 of the California Fire Code as amended by the City of San Clemente when one of the following conditions exists:

1. **New buildings:** In addition to the requirements of section 903.2.1 through 903.2.19, approved automatic sprinkler systems in new buildings, structures and change of use shall be provided as follows (Exception: Group R Detached one- two-family dwellings and townhouses as required by section 903.2.8):
  - i) Throughout all Groups A, I, E, and H Occupancies
  - ii) Throughout all Group B, F, M, and S Occupancies exceeding 1,000 square feet
  - iii) Throughout all Group U-1 Occupancies exceeding 6,000 square feet

For the purposes of this section, fire walls shall not define separate buildings.

**2. Alteration:** When the floor area of the Alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade.

**3. Addition:** Sprinkler protection shall be provided throughout the entire building when:

1. Existing unsprinklered building less than 5,000 ft<sup>2</sup>: where 20% or more is added and the gross floor areas exceed 5,000 square feet.
2. Existing unsprinklered building equal or greater than 5,000 ft<sup>2</sup>: where more than 1,000 ft<sup>2</sup> is added.
3. Fire sprinklers shall be provided in additions to an existing building that has fire sprinklers installed.
4. Change of use when required by that use.

Subsection 903.2.8 is hereby amended to read in its entirety as follows:

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Subsection 903.3 of Section 903 of this code and Subsection 903.3 of Section 903 of the California Fire Code as amended by the City of San Clemente shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved

5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to existing building that has fire sprinklers installed.

**Exceptions:**

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with CBC Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in for an increase in height or area, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

**15.08.050 Chapter 15 amended — Roof Assemblies and Rooftop Structures.**

Chapter 15 of CBC is hereby amended as follows:

- A. Subsection 1502.4 is hereby added by adding a paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain, street gutter, or other locations approved by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement.

- B. Table 1505.1 in Subsection 1505.1 is hereby amended to read as follows:

**TABLE 1505.1<sup>a</sup>  
MINIMUM ROOF COVERING CLASSIFICATION  
FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

a. Unless otherwise required in accordance with *Chapter 7A*.

- C. Subsections 1505.1.1, 1505.1.2, 1505.1.3 are hereby deleted and replaced with a new Subsection 1505.1.1 to read in its entirety as follows:

**1505.1.1 Roof Coverings.** The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in CBC Section 1505.2. Non-combustible roof covering may be applied in accordance with the manufacturer’s requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. For existing structure when ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For existing structure when less than ten percent (10%) of

the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

**15.08.060 Chapter 18 amended — Soils and Foundations.**

Chapter 18 of CBC is hereby amended as follows:

Subsection 1807.1.6 is hereby amended to read in its entirety as follows:

**1807.1.6 Prescriptive design of concrete and masonry foundation walls.** Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, except for detached garages, sheds, detached decks, and additions 200 sq. ft. or less. Structures within 7 feet of a descending slope may be required to have engineered foundation systems.

**15.08.070 Chapter 31 amended—Special Construction.**

Section 3109 Swimming Pools, Spas and Hot Tubs is hereby amended as follows:

**3109.2 California swimming pool safety act (statewide)** is amended as follows:

**115921 (c)** “Enclosure” is amended to read as follows:

**(c)** “Enclosure” means a fence, wall, or other barrier that isolates a pool from access to the home and access from adjacent properties and public ways.

**115922 (a)** is amended to read as follows: With the exception of item #1, Items #2 through #7 of 115922(a) are unamended.

**(a)** Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single -family home

all pools shall be enclosed by an enclosure that meets the provisions of 115923 and in addition a second drowning prevention safety feature shall be added. When the dwelling is a part of the enclosure two additional safety features from the items # 2 through #7, inclusive, shall be installed.

**115922 (1)** is amended to read as follows:

(1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single family home and access from adjacent properties and public ways.

**115923 (e)** is amended by adding to the end: “Where the barrier is composed of vertical and horizontal members the maximum distance between the vertical members shall be 4 inches. The minimum distance between horizontal members shall be 45 inches to prevent a climbable condition. Decorative embellishments shall not cause a climbable condition and are limited to  $\frac{3}{4}$  inch projection or 60 degree slope.”

**115928** is amended by adding: (d) **Sound Attenuation**, to read as follows:

(d) Filters, heating systems, and pumps installed to serve pool, spa, hot tub, waterfall or any body of water, shall be enclosed and soundproofed. An acoustical report prepared by a licensed or approved acoustical professional can be used to substitute for sound wall enclosures as long as the report demonstrates the compliance of the requirements specified in Chapter 8.48 of the San Clemente Municipal Code.

**Section 5. Chapter 15.11.** Chapter 15.11 of the San Clemente Municipal Code “Energy Code” is hereby amended to read as follows:

### **Chapter 15.11 ENERGY CODE**

#### **15.11.010 Energy Code Adopted – Where filed.**

The 2022 California Energy Code and its provisions relating to the use of all forms of energy and the conservation thereof is hereby adopted and a copy held for public review in the Building Division.

**Section 6. Chapter 15.12.** Chapter 15.12 of the San Clemente Municipal Code “Electrical Code” is hereby amended to read as follows:

**Chapter 15.12 ELECTRICAL CODE**

15.12.010 Electrical Code Adopted – Where filed.  
15.12.020 Amendments, additions and deletions

**15.12.010 Electrical Code Adopted – Where filed.**

The City Council of the City of San Clemente hereby adopts by reference California Code of Regulations Title 24, Part 3, known and designated as the California Electrical Code, 2022 Edition based on the National Electrical Code (NEC), 2020 Edition, as published by the National Fire Protection Association with the modifications set forth below for the purpose of prescribing regulations for the installation, arrangement, alteration, repairing, replacement, remodeling, or use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The provisions of this code shall constitute the electrical code regulations of the City. The California Electrical Code is on file for public examination in the City’s Building Division office.

**15.12.020 Amendments, additions and deletions.**

A. A new Section 90.0 of Article 90 of the California Electrical Code is hereby added to read in its entirety as follows:

**90.0 Administration and Fees.**

Administrative provisions contained in Division II of Chapter 1 of the California Building Code and California Residential Code, as amended by the City of San Clemente, shall apply to the California Electrical Code, as adopted and amended by the City of San Clemente.



- B. A new Subdivision (L) is hereby added to Section 300.5 of Article 300 of Chapter 3 of the California Electrical Code to read in its entirety as follows:

**(L) Underground utilities required.** Overhead wiring shall not be installed outside on private property. The building official, as a condition precedent to the issuance of a building permit, shall require all utility services located within any lot to be installed underground if:

- (a) The property is to be developed with a new or relocated main building

For purposes of this section, “main building” shall mean a building in which is conducted the principal use of the lot or building site on which such building is located.

The owner or developer of the property shall be responsible for complying with the requirements of this section and shall provide all the necessary facilities on the property to receive such services from the supplying utilities. If the building official determines that application of this requirement causes extraordinary hardship, the building official may modify or delay the imposition of the undergrounding requirement upon approval of property owner’s application therefore. If the building official determines to delay the installation of the requirement, he may require a recorded agreement guaranteeing the future performance of the work, together with adequate performance security in the form of a cash, surety bond, or letter of credit.

For purposes of this section, appurtenances and associated equipment, such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground.

**Section 7. Chapter 15.14.** Chapter 15.14 of the San Clemente Municipal

Code, “Green Building Standards Code” is hereby amended to read as follows:

**Chapter 15.14 GREEN BUILDING STANDARDS CODE**

**15.14.010 Green Building Standards Code Adopted – Where filed.**

The 2022 California Green Building Standards Code and its provisions relating to the sustainability of construction resources and the conservation thereof is hereby adopted and a copy held for public review in the Building Division.

**Section 8. Chapter 15.16.** Chapter 15.16 of the San Clemente Municipal Code, “Mechanical Code” is hereby amended to read as follows:

**Chapter 15.16 MECHANICAL CODE**

15.16.010 Mechanical Code Adopted – Where filed.  
15.16.020 Amendments, additions and deletions

**15.16.010 Mechanical Code Adopted – Where filed.**

The City Council of the City of San Clemente hereby adopts by reference California Code of Regulations Title 24, Part 4, known and designated as the California Mechanical Code, 2022 Edition based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other heat-producing appliances in the City. The provisions of this code shall constitute the mechanical code regulations of the City. The California Mechanical Code is on file for public examination in the City’s Building Division office.

**15.16.020 Amendments, additions and deletions.**

- A. Sections 104.4.3, and 104.5 of Division II of Chapter 1 of the California Mechanical Code are hereby deleted and replaced by the following:

**104.5 Administration and Fees.** Administrative and fee provisions contained in Division II of Chapter 1 of the California Building Code and California Residential Code, as amended by the City of San Clemente, shall apply to the California Mechanical Code, as adopted and amended by the City of San Clemente.

- B. The first paragraph of Subsection 504.3 of the Section 504 of the California Mechanical Code is hereby amended to read as follows:

**504.3 Domestic Range Hoods and Vents.** Kitchen range hoods shall be installed for cooking facilities with an approved forced-draft system of ventilation vented to the outside of the building. Ducts used for domestic kitchen range ventilation shall be of metal, or other approved material, and shall have smooth interior surfaces. Ducts for domestic range hoods shall only serve cooking appliances. *(Balance of the subsection to remain unchanged.)*

- C. Subsection 1308.5 of Section 1308 of California Mechanical Code is hereby amended by adding the following sentences to the end of the paragraph:

Approved PE pipe and fittings shall be used in exterior buried gas piping systems. Ferrous gas piping is not permitted to be installed underground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material.

**Section 9. Chapter 15.17.** Chapter 15.17 of the San Clemente Municipal Code is hereby amended to read as follows:

### **Chapter 15.17 HISTORICAL BUILDING CODE**

#### **15.17.010 Historical Building Code Adopted – Where filed.**

The 2022 California Historical Building Code and its provisions relating to historic buildings and structures to preserve historic and cultural buildings is hereby adopted and a copy held for public review in the Building Division.

**Section 10. Chapter 15.18.** of the San Clemente Municipal Code “Referenced Standards Code” is hereby amended to read as follows:

**Chapter 15.18 REFERENCED STANDARDS CODE**

**15.18.010 Referenced Standards Code Adopted – Where filed.**

The 2022 California Referenced Standards Code and its provisions relating to the use of various materials in construction is hereby adopted and a copy held for public review in the Building Division.

**Section 11. Chapter 15.20.** Chapter 15.20 of the San Clemente Municipal Code “Plumbing Code,” is hereby amended to read as follows:

**Chapter 15.20 PLUMBING CODE**

15.20.010 Plumbing Code Adopted – Where filed.  
15.20.020 Amendments, additions and deletions

**15.20.010 Plumbing Code Adopted – Where filed.**

The City Council of the City of San Clemente hereby adopts by reference California Code of Regulations Title 24, Part 5, known and designated as the California Plumbing Code, 2022 Edition based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems in the City including Appendices A, B, C, D, and I. The provisions of this code shall constitute the plumbing code regulations of the City. The California Plumbing Code is on file for public examination in the City’s Building Division office.

**15.20.020 Amendments, additions and deletion.**

A. Sections 104.4 and 104.5 of Division II of Chapter 1 of the California Plumbing Code are hereby deleted and replaced by the following:

**104.4 Administration and Fees.** Administrative provisions contained in Division II of Chapter 1 of the California Building Code and California Residential Code, as amended by the City of San Clemente, shall apply to the California Plumbing Code, adopted and amended by the City of San Clemente.

- B. Subsection 604.1 of Section 604.0 of the California Plumbing Code is hereby amended by adding a sentence to end of the third paragraph to read as follows:

Ferrous materials are prohibited for water pipe and fittings when installed in the ground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material. (*Balance of the section to remain unchanged*)

- C. Subsection 604.2 of Section 604.0 of the California Plumbing Code is hereby amended to read in its entirety as follows:

**604.2** Copper tube for water piping shall have a weight of not less than Type K.

Exceptions:

1. Type L copper tubing may be used for water piping when piping is underground and not within the footprint of the building foundation.
2. Type M copper tubing may be used for water piping when piping is aboveground in, or on, a building.

- D. Item no. (2) in Subsection 609.3 of Section 609.0 of the California Plumbing Code is hereby amended to read in its entirety as follows:

(2) Copper water piping installed under concrete floor slabs within a building or structure shall be copper tube Type "K" and shall be installed without joints where possible. Where joints are permitted, they shall be brazed and fitting shall be wrought copper. Such copper tubing shall be placed in a sand bed a minimum of three inches

(3”) in depth, and properly protected penetrates concrete and similar materials.

*(Balance of the section to remain unchanged)*

- E. Subsection 610.8 of Section 610.0 of the California Plumbing Code is hereby amended by deleting the last paragraph and replacing it with the following:

No building supply pipe shall be less than one inch (1”) in diameter unless a design or calculations are submitted and approved by Administrative Authority. Each main building shall have a minimum of two three-quarter-inch (3/4”) hose bibs; one located readily accessible to the front yard and one to the back yard.

- F. Item no. (7) is hereby added to Section 701.1 of the California Plumbing Code to read as follows:

(7) Cast iron shall not be used for drainage and waste piping when installed in the ground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material.

- G. Subsection 1208.5 of Section 1208 of California Plumbing Code is hereby amended by adding the following sentences to the end of the paragraph:

Approved PE pipe and fittings shall be used in exterior buried gas piping systems. Ferrous gas piping is not permitted to be installed underground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material.

**Section 12. Chapter 15.22.** Chapter 15.22 of the San Clemente Municipal Code “Residential Code” is hereby amended to read as follows:

### **Chapter 15.22 RESIDENTIAL CODE**

- 15.22.010 Residential Code Adopted – Where filed.
- 15.22.020 Division II of Chapter 1 amended — Administration.
- 15.22.025 Reserved.
- 15.22.030 Chapter 3 amended — Building Planning.
- 15.22.040 Chapter 4 amended — Foundations.

- 15.22.050 Chapter 6 amended — Wall Construction.
- 15.22.060 Chapter 9 amended — Roof Assemblies.
- 15.22.070 Chapter 44 amended — Referenced Standards (NFPA 13, NFPA 13R, NFPA 13D).

**15.22.010 Residential Code Adopted – Where filed.**

For the purpose of prescribing regulations for erection, construction, enlargement, alteration, replacement, repair, improvement, removal, movement, conversion, demolition, use and occupancy, equipment, height, location, maintenance, and areas of detached one–and two-family residential dwellings, townhomes and structures accessory thereto in the City, subject to the modifications set forth in this Chapter, the City Council of the City of San Clemente hereby adopts by reference California Code of Regulations Title 24, Part 2.5, known and designated as the California Residential Code (CRC), 2022 Edition, based on the 2021 International Residential Code as published by the International Code Council including Appendix H. A copy of this code is on file for public examination in the City’s Building Division office.

**15.22.020 Division II of Chapter 1 amended — Administration.**

Division II of Chapter 1 of CRC is hereby amended as follows:

- A. Subsection R101.1 is hereby amended to read in its entirety as follows:

**R101.1 Title.** These regulations shall be known as the California Residential Code, and may be cited as such and will be referred to herein as “this code”.

- B. Subsection R101.2 is hereby amended by adding a second paragraph to read as follows:

The provisions of this code shall apply to and affect all of the territory of the City of San Clemente, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency, and except as exempted by these codes.

- C. Subsection R105.2 is hereby amended by deleting items 1 through 10 under the heading “Building” and replacing them with the following:

**Building:**

1. One-story detached accessory buildings and structures used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet or a wall height of 8 feet. Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Fences not over 6 feet high. Masonry fences under 42 inches in height above finish grade.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of footing to the top of wall unless supporting a surcharge, impounding Class I, II or IIIA liquids, or if on a slope less than 1 in 3. Retaining walls on slopes greater than 1 in 3 are required to be reviewed by engineering and planning divisions.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1 and not on or within 7 feet of a descending slope.
6. Detached decks, platforms or similar structures not exceeding 200 square feet in area, walkways, sidewalks and driveways that are not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below, and are not part of a required exit means of egress, and are not part of an accessible route.
7. Painting, papering, tiling (except shower enclosures), carpeting, cabinets, counter tops and



similar finish work that does not involve electrical, mechanical or plumbing work.

8. Temporary motion picture, television and theater stage sets and scenery when approved by special use permit.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems that meet zoning requirements.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Ground mounted Radio and television antenna, and flagpoles not higher than the setback from the property line and not more than 20 feet (20) feet in height measured from grade. Small dish receivers mounted on Residential uses.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

- D. Subsection R105.3.2 is hereby amended to read in its entirety as follows:

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 360 days after the date of filing, unless such application has been

pursued in good faith or permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. The total period of application extensions granted shall not exceed an additional 18 months. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

- E. Subsection R105.5 is hereby amended to read in its entirety as follows:

**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work commenced.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required. The extension shall be requested in writing prior to the permit expiring and show justifiable cause demonstrating that circumstances beyond the control of the permittee have prevented action from being taken. Pursuant to this paragraph, the Building Official or his/her designee is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days. The completion of construction shall not extend beyond the timeframes mandated in Section R105.10 of this code even with such extension.

Before such work can be recommenced after a permit expires, a new permit shall first be obtained, and a fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after

this one year time period, the permittee shall pay a new full permit fee.

- F. A new Subsection R105.10 is hereby added to Section R105 to read in its entirety as follows.

**R105.10 Completion of construction.**

Notwithstanding subsection R105.5 above, all construction shall be completed by the owner, owner's agent, or the permittee and approved by the City within the following time frame:

- a. New residential buildings construction . . . 24 months
- b. Residential room additions and remodels . . . 12 months
- c. Pools/spas . . . 12 months
- d. Patio covers and similar structures . . . 6 months
- e. Fences and/or retaining walls . . . 6 months
- f. Water heaters, water softeners and air conditioners . . . 6 months
- g. All other minor alterations . . . 6 months

Upon written request of the owner or permittee, the Building Official and/or his/her designated representative may extend the period for completion of construction for a period not to exceed one hundred eighty (180) days. The written request must demonstrate that (1) due to circumstances beyond the owner's or permittee's control, construction could not be completed in the required construction period; (2) that reasonable progress has been made; (3) that the condition of the property presents no health or safety hazard; and (4) that the continued delay will not create any unreasonable visual or physical detriment to the neighborhood. Any extension beyond one hundred eighty (180) days must be approved by the City Manager.

- G. A new Subsection R105.11 is hereby added to Section R105 to read in its entirety as follows.

**R105.11 Maintenance of property during construction.** During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the

building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A waiver of this requirement may be obtained from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations. Any building that is left unsecured by the absence of doors or windows during construction shall secure those openings or provide fencing to prevent unauthorized entry.

- H. A new Subsection R106.1.4 is hereby added to Section R106 to read in its entirety as follows:

**R106.1.4 Soil report.** A Soil Report shall be submitted with all permit applications for new construction and additions. Soil Reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement if he/she finds that the scope of work applied for does not necessitate a soil report.

- I. Subsection R106.3 is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section R108 and are in addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution.

- J. Subsection R106.5 is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application, inspection card and other construction documents required by the Building Official shall be imaged after the final inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit.

- K. Subsection R108.2 is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by the code.

- L. Subsection R108.3 is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

- M. Subsection R108.5 is hereby amended to read in its entirety as follows:

**R108.5 Refunds.** The building official is authorized to establish a refund policy. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected as provided below.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the

original permittee not later than 180 days after the date of payment.

- N. Subsection R108.6 is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

- O. A new Subsection R108.7 is hereby added to Section R108 to read in its entirety as follows:

**R108.7 Deposit.** The Building Official may require a deposit from the applicant for a certain project or work in order to secure the request of final inspection approvals from the applicant or the repairing of damaged City properties during the period of construction. The deposit money will be refunded to the applicant when the final inspections are approved or the damages are repaired to the satisfaction of the City. The deposit amount shall not be more than twice the permit fee.

- P. A new Subsection R109.5 is hereby added to Section R109 to read in its entirety as follows:

**R109.5 Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which an inspection is requested is not complete or when previous corrections are not corrected.

This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise made available on the work site, or when the approved plans are not readily available to the inspector, or for failure to provide access on the date for which inspection is requested.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as established by the City Council Fee Resolution. In instances where re-inspection fees have been assessed, no additional inspection of work will be performed until the required re-inspection fees have been paid.

**15.22.030 Chapter 3 amended — Building Planning.**

Chapter 3 of CRC is hereby amended as follows:

- A. Table R301.2(1) in Section R301 is hereby amended to read in its entirety as follows:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDER-LAYMENT REQUIRED	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects	Special Wind Region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line Depth <sup>b</sup>	Termite <sup>c</sup>					
Zero	110	No	No	No	D <sub>1</sub> or D <sub>2</sub>	Negligible	12"	Very Heavy	43	No	Footnote "g" Below	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. Hazard Maps

FEMA - National Flood Insurance Program (NFIP)

Community Name	Community Number	FIRM Panel Number	Initial NFIP Map Date	Initial FIRM Date	Most Recent FIRM Panel
San Clemente	060230	06059C0507J 06059C0508J 06059C0509J 06059C0517J 06059C0526J 06059C0527J 06059C0528J 06059C0529J 06059C0536J 06059C0537J 06059C0538J 06059C0539J	06/14/1974	12/04/1979	12/03/2009

FEMA—Federal Emergency Management Agency

NFIP—National Flood Insurance Program

FIRM—Flood Insurance Rate Map

Also see—San Clemente Municipal Code Chapter 15.76—Flood Damage Prevention

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).



- B. A new Subsection R301.9 is hereby added to Section R301 to read in its entirety as follows:

**R301.9 Fuel Modification Requirements for New Construction.** All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved using guidance from the OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program.”

- C. Table R302.1(2) in Section R302 is hereby amended by deleting footnote “a” (*balance of the Table to remain unchanged*).

- D. Subsection R313.1 is hereby amended to read in its entirety as follows:

**R313.1 Townhouse automatic fire sprinklers systems.** An automatic fire sprinkler system designed and installed per Section R313.3 shall be provided in Townhouses per Section R313.1.1 and R313.1.2.

**R313.1.1 New buildings:** An automatic sprinkler system shall be installed throughout all new townhouse buildings, including the attached garages.

**R313.1.2 Existing buildings:** An automatic sprinkler system shall be installed throughout existing buildings and their additions, including the attached garages, when any of the following conditions exist:

1. The total floor area increases by 50% of the existing area over a two-year period; or
2. The total area increases by 750 square feet or more over a 2-year period; or
3. An additional story is added to the structure regardless of the area involved; or
4. The floor area of the alteration or combination of an addition and alteration, within any two-year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building Official determines that the complexity of installing a

- sprinkler system would be similar as in a new building; or
5. Any addition to an existing building that has fire sprinklers installed.

**Exceptions:**

1. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
2. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

- E. Subsection R313.2 is hereby amended to read in its entirety as follows:

**R313.2 One- and two-family dwellings automatic fire sprinklers systems.** An automatic fire sprinkler system designed and installed per Section R313.3 shall be required in one- and two-family dwellings per Sections R313.2.1 and R313.2.2.

**R313.2.1 New buildings:** An automatic sprinkler system shall be installed throughout all new one- and two-family dwellings, including the attached garages.

**R313.2.2 Existing buildings:** An automatic sprinkler system shall be installed throughout existing buildings and their additions, including the attached garages, when any of the following conditions exist:

1. The total floor area is increased by 50% of the existing area over a 2-year period; or
2. The total area is increased by 750 square feet or more over a 2-year period; or
3. An additional story is added to the structure regardless of the area involved; or

4. The floor area of an alteration or combination of an addition and alteration, within any two-year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building Official determines that the complexity of installing a sprinkler system would be similar as in a new building; or
5. Any addition to an existing building that has fire sprinklers installed.

**Exceptions:**

1. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
  2. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
- F. The first paragraph of subsection R313.3.6.2.2 is hereby deleted and replaced to read as follows:

**R313.3.6.2.2 Calculation procedure.** Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.3.

- G. Subsection R322.1 is hereby amended to read as follows:

**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with the provisions contained in this section and in accordance

with Chapter 15.76 of the San Clemente Municipal Code.

Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24 and in accordance with Chapter 15.76 of the San Clemente Municipal Code.

#### **15.22.040 Chapter 4 amended — Foundations.**

Chapter 4 of CRC is hereby amended as follows:

- A. Subsection **R402.2 Concrete** is hereby amended by adding at the end: Due to corrosive soils concrete shall be 4500 psi Type 5 to protect the reinforcing from corrosion. Special Inspections are not required unless part of the structural design.
- B. Subsection R405.1 is hereby amended by deleting the exception (*balance of subsection to remain unchanged*).

#### **15.22.050 Chapter 6 amended — Wall Construction.**

Chapter 6 of CRC is hereby amended as follows:

- A. Section R602.10.4.1 Mixing Methods is hereby amended by adding at the end of #1: “The use of the GB method of bracing as the sole means for bracing is not permitted. No more than 50% of braced wall line shall use this method and shall be supplemented by any of the other bracing methods.

#### **15.22.060 Chapter 9 amended — Roof Assemblies.**

Chapter 9 of CRC is hereby amended as follows:

- A. First paragraph of subsection R902.1 is amended to read in its entirety as follows:

**R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A roofing shall be

installed in areas designated by this section. Classes A roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108. *(balance of subsection to remain unchanged)*.

- B. Subsections R902.1.1, R902.1.2, R902.1.3 are hereby deleted and replaced with a new Subsection R902.1.1 to read in its entirety as follows:

**R902.1.1 Roof Coverings.** The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in CBC Section 1505.2. Non-combustible roof covering may be applied in accordance with the manufacturer's requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. For existing structure when ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For existing structure when less than ten percent (10%) of the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

- C. The first paragraph of Subsection R902.2 is hereby amended to read as follows:

**R902.2 Fire-retardant-treated shingles and shakes.** Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A. *(balance of subsection to remain unchanged)*.

- D. **Subsection R903.4 Roof Drainage** is hereby amended by adding a second paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain,

street gutter, or other locations approved by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement.

**15.22.065 Chapter 10 amended—Chimneys and Fireplaces.**

Chapter 10 of CRC is hereby amended as follows:

A. Section R1001.13 is hereby added as follows:

**R1001.13 Outdoor gas Fireplaces, Fire Pits, Fire Rings, or similar devices.** Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking

B. Section R1001.13.1 is hereby added as follows:

**R1001.13.1 Gas-fueled devices.** Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may abut this column between the bottom of the hood and the vent opening.

C. Section R1001.13.2 is hereby added as follows:

**R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas.** Fireplaces burning wood or other solid fuel are not permitted. Decorative logs in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an

installed and maintained enclosure except exterior installed units.

- D. Section R1001.13.3 is hereby added as follows:

**R1001.13.3 Where prohibited.** The burning of wood and other solid fuels is prohibited. Wood and other solid fuel burning fires in devices other than existing permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones (FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ

**15.22.070 Chapter 44 amended — Referenced Standards (NFPA 13R & D).**

The Referenced Standards in Chapter 44 of CRC are hereby amended as follows:

- A. **NFPA 13, 2016 Edition, Installation of Sprinkler Systems** is hereby amended as follows:

1. Section 6.7.3 is hereby revised to read in its entirety as follows:

**6.7.3** Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided

B. **NFPA 13D 2016 Edition Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes** is hereby amended as follows:

1. Section 7.1.2 is hereby revised to read in its entirety as follows:

**7.1.2** The system piping may have a separate control valve when permitted.

**Section 13. Chapter 15.23.** Chapter 15.23 of the San Clemente Municipal Code, “Existing Building Code” is hereby amended to read in its entirety sa follows:

**Chapter 15.23 EXISTING BUILDING CODE**

**15.23.010 Existing Building Code Adopted – Where filed.**

For the purpose of prescribing regulations for erection, construction, enlargement, alteration, replacement, repair, improvement, removal, movement, conversion, demolition, use and occupancy, equipment, height, location, maintenance, and areas of every building or structure or any appurtenances connected or attached to such building or structure in the City, subject to the modifications set forth in this Chapter., the City Council of the City of San Clemente hereby adopts by reference California Code of Regulations Title 24, Part 10, known and designated as the California Existing Building Code (CEBC), 2022 Edition, based on the 2021 International Existing Building Code as published by the International Code Council. A copy of this code is on file for public examination in the City's Building Division Office.

**15.23.020 Chapter 3 amended—Provisions For All Compliance Methods.**

- A. New Subsections 302.6 and 302.7 are hereby added to Section 302 to read as follows:

**302.6 Requirements.** It shall be unlawful for any person to move any house, building or structure of any kind or



description, except fabricated structures approved by the Building Official, from any point outside of the City limits of the City, onto any property or lot within the City limits of the City of San Clemente. No building or structure shall be moved or relocated until such building or structure is approved by the Planning Commission under a Conditional Use Permit. A permit to relocate the building or structure, issued by the Building Official to the owner of the premises to which the particular building or structure is proposed to be moved, is also required.

**302.7 Relocation Permit Fee.** Before any application for a Relocation Permit is accepted for filing, a fee as set forth in the City Council Fee Resolution shall be paid by the applicant to the City of San Clemente to cover City's cost for the investigation of the condition of the building to be moved and the inspection of the proposed new location. The application fee herein provided for shall be in addition to the building permit fee required by this code and any other fee or charge required by law or ordinance where a main building and building accessory thereto are to be moved.

**Section 14. Fire Code.** Chapter 8.16 of the San Clemente Municipal Code, "Fire Code," is amended to read as follows:

#### **"Chapter 8.16 FIRE CODE**

##### **8.16.010 Fire Code Adopted – Where filed.**

The 2022 California Fire Code, based on the International Fire Code, 2021 Edition, as amended by the State of California, published by the International Code Council (ICC), including Appendices listed is hereby adopted by the City of San Clemente for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion, save and except such portions as are hereinafter added, deleted, modified or amended. A copy of this Code is on file in the City's Building Division office for public inspection and is adopted with the same force and effect as through set out herein in full.

##### **8.16.020 - Enforcement and Inspections.**

The California Fire Code as amended by the City of San Clemente shall be enforced by the Orange County Fire

Authority, which shall be operated under the Fire Chief of the Orange County Fire Authority. The Fire Chief of the Orange County Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

**8.16.030 - Division II of Chapter 1 amended—Administration.**

**Chapter 1  
Scope and Administration**

**Chapter 1 General Requirements.** Adopt Chapter 1 in its entirety, with the following amendments:

**Section 112.4 Violation penalties** is hereby revised as follows:

**112.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 112.4.2 Infraction and misdemeanor** is hereby added as follows:

**112.4.2 Infraction and misdemeanor.** Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

**8.16.040 Chapter 2 Definitions** is adopted in its entirety as amended by SFM with the following amendments:

**Sections 202 General Definitions** is hereby revised by adding “OCFA” and “Spark Arrester” as follows:

**202 General Definitions**

**OCFA:** *Orange County Fire Authority, authority having jurisdiction.*

**SPARK ARRESTER.** *A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:*

1. *Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.*
2. *Existing Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.*

**8.16.050 Chapter 3 General Requirements.** Adopt Chapter 3 in its *entirety* with the exception of Sections 308.1.4, 311.5 through 311.5.5, 318, and 319, and with the following amendments:

**Section 304.1.2 Vegetation** is hereby revised as follows:

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in Very high fire severity areas shall be in accordance with Chapter 49. *Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, slope, or similarly hazardous area using guidance from OCFA Guideline C-05 “Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program.”*

**Section 305.6 Hazardous Conditions** is hereby added as follows:

**305.6 Hazardous conditions.** *Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:*

1. when predicted sustained winds exceed 8 MPH and relative humidity is less than 25%, or a red flag condition has been declared
2. when an official sign was caused to be posted by the fire code official, or a public announcement is made

No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH or when such fires present a hazard as determined by the fire code official.

**Section 305.7 Disposal of rubbish** is hereby added as follows:

**305.7 Disposal of rubbish.** Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

**Section 307 Open burning, recreational fires and portable outdoor fireplaces** is hereby revised as follows:

**SECTION 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS, AND PORTABLE OUTDOOR FIREPLACES**

**Sections 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies** is hereby added as follows:

**307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies.** Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R occupancies shall comply with this section.

**Exception:** Barbeques, grills, and other portable devices intended solely for cooking.

**Section 307.6.1 Gas-fueled devices** is hereby added as follows:

**307.6.1 Gas-fueled devices.** Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies,

combustible construction and vegetation shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening.

Exceptions:

1. *Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3' from combustible construction at R-3 occupancies,*
2. *Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.*

**Section 307.6.2.1 Where prohibited** is hereby added as follows:

**307.6.2.1 Where prohibited.** The burning of wood and other solid fuels shall not be conducted within a fuel modification zone or very high hazard fire severity zone,

Exceptions:

1. Permanent fireplaces that are not located in a fuel modification zone
2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

**Section 307.7 Fire Prevention** is hereby added as follows:

#### **Section 307.7 Fire Prevention**

- A. Except as provided in subsection B, authorized in the San Clemente Municipal Code, or permitted by the City or the Orange County Fire Authority, no person shall kindle, build, light, or maintain a fire in:
1. The public right-of-way;
  2. Property owned or managed by the City;

3. Property that is zoned or designated by the City as "Open Space," "Public," "Civic Center" or "Institutional;" or
4. Vacant or unimproved portions of property that are zoned or designated by the City as "Inland Canyon," "Coastal Canyon" or "Coastal Bluff."

Enforcement personnel may order the immediate extinguishment of any fire in violation of this subsection A.

- B. The prohibitions provided in subsection A do not apply in any public or private park where fires are permitted so long as all of the following conditions are met:
  1. The fire is in a designated fire ring or pit, of a maximum horizontal distance of 3 feet by 2 feet, or contained within a commercially manufactured appliance that is elevated off of the ground (e.g., a hibachi or barbeque grill);
  2. Only wood, charcoal, or paper products are used as fuel;
  3. No painted or chemically treated wood is burned;
  4. All fuel material fits within the inside edge of the fire ring, pit, or elevated appliance; and
  5. The fuel materials do not rise higher than approximately two (2) feet above the top edge of the fire ring, pit, or elevated appliance.
  6. Hazardous conditions identified in Section 305.6 do not exist.
- C. Enforcement personnel may order the extinguishment of any fire otherwise permitted under subsection B for any public safety or welfare reason. Such reasons include, but are not limited to, the fire's location or proximity to a hazardous fire area, types of fuel, wind speed, wind direction, flying embers, or other hazardous conditions described in Section 305.6 exist.
- D. This section shall be enforced by the Orange County Fire Authority, the Orange County Sheriff's Department, and employees designated by the City Manager in the City's Marine Safety, Code Compliance, and Park Ranger Divisions (collectively referred to herein as "Enforcement Personnel").

**Section 324 Fuel Modification Requirements for New Construction** is hereby added as follows:

***324 Fuel Modification Requirements for New Construction.*** All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved using guidance from OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”

***Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire***

**Section 325 Clearance of brush or vegetation growth from roadways** is hereby added as follows:

***325 Clearance of brush or vegetation growth from roadways.***

***The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.***

***Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.***

**Section 326 Unusual Circumstances** is hereby added as follows:

***326 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:***

- 1. Difficult terrain.***

2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

**Section 327 Use of Equipment** is hereby added as follows:

**327 Use of equipment.** Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

**Exceptions:**

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

**Section 327.1 Use of Equipment and Devices Generating Heat, Sparks or Open Flames** is hereby added as follows:

**327.1 Equipment and devices generating heat, sparks or open flames.** During any time of the year within very high fire hazard severity zone, within or immediately adjacent to any forest- or brush-covered land or non-irrigated grass-covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:



1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30-foot clearing cannot be achieved, then an alternate method shall be approved by the AHJ prior to work starting.
2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.
3. Stop work when winds are 8 MPH or greater during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.
4. Keep a cell phone nearby and call 911 immediate in case of fire.

**Section 327.2 Spark Arresters** is hereby added as follows:

**327.2 Spark arresters.** Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 327 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

**8.16.060 Chapter 4 amended—Emergency Planning and Preparedness.**

**Chapter 4: Emergency Planning and Preparedness.**

Adopt only those sections and subsections adopted by SFM with the following amendment.

**Section 407.5** is revised as follows:

**407.5 Hazardous Materials Inventory Statement.** Where required by the fire code official, each application for a permit shall OCFA's Chemical Classification Guideline in accordance with Section 5001.5.2.

**8.16.070 - Chapter 5 amended—Fire Service Features.**

**Chapter 5 Fire Service Features** is adopted in its entirety as amended by SFM with the following amendments:

**SECTION 501.1 Scope** is revised as follows:

**501.1 Scope.** Fire service features for buildings, structures and premises shall be designed with this chapter and reviewed by the fire code official, with the recommendations of OCFA Guideline B-01, "Fire Master Plan for Commercial & Residential Development."

**Section 510.1 Emergency responder coverage in new buildings** is revised as follows:

**510.1 Emergency responder radio coverage in new buildings.** All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the requirements of the Orange County Sheriff's Department, Communications and Technology Division, and where the functionality of performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. In buildings or structures where it is determined by the fire code official that the radio coverage system is not needed, including but not limited to the following:
  - a. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
  - b. Elevators.
  - c. Structures that meet all of the following:
    - i. Three stories or less, and
    - ii. Do not have subterranean storage or parking, and
    - iii. Do not exceed 50,000 square feet on any single story.
  - d. Structures that meet all of the following:
    - i. Residential structures four stories or less, and
    - ii. Constructed of wood, and

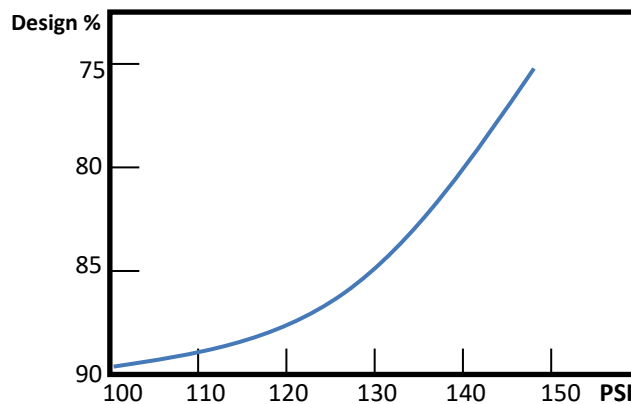
- iii. Do not have subterranean storage or parking, and
  - iv. Are not built integral to an above ground multi-story parking structure.
- Should a structure that is three stories or less and 50,000 square feet or smaller on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.

**8.16.080 Chapter 9 Fire Protection and Life Safety Systems** is adopted in its entirety with the following addition:

**903.3.5.3 Hydraulically calculated systems.** The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

**Exception:** When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

**TABLE 903.3.5.3  
Hydraulically Calculated Systems**



**8.16.090 Chapter 11 Construction Requirements for Existing Buildings.** Adopt only those sections and subsections adopted by SFM.

**Chapter 25  
Fruit and Crop Ripening**

**8.16.100 Chapter 25 Fruit and Crop Ripening** is not adopted.

**Chapter 26  
Fumigation and Insecticidal Fogging**

**8.16.101 Chapter 26 Fumigation and Insecticidal Fogging** is not adopted.

**8.16.102 Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities** is adopted in its entirety with the following amendments:

**Section 2801.2 Permit** is hereby revised as follows:

**2801.2 Permit.** Permits shall be required as set forth in Section 105.5 and 105.5.29.

**Section 2808.2 Storage site** is hereby revised as follows:

**2808.2 Storage site.** Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned, and approval obtained from the fire code official before transferring wood products to the site.

**Section 2808.3 Size of piles** is hereby revised as follows:

**2808.3 Size of piles.** Piles shall not exceed 15 feet in height, 50 feet in width, and 100 feet in length.

**Exception:** The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including

provisions for monitoring the internal condition of the pile.

3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified, and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

**Section 2808.4 Pile Separation** is hereby revised as follows:

**2808.4. Pile separation.** Piles shall be separated from adjacent piles by a minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

**Section 2808.7 Pile fire protection** is hereby revised as follows:

**2808.7 Pile fire protection.** Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

**Section 2808.9 Material-handling equipment** is hereby revised as follows:

**2808.9 Material-handling equipment.** All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved

spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

**Section 2808.11 Temperature control** is hereby added as follows:

**2808.11 Temperature control.** *The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.*

**Section 2808.11.1 Pile temperature control** is hereby added as follows:

**2808.11.1 Pile temperature control.** *Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.*

**Section 2808.11.2 New material temperature control** is hereby added as follows:

**2808.11.2 New material temperature control.** *New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.*

**Section 2808.12 Water availability** is hereby added as follows:

**2808.12 Water Availability.** *Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2-hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method*

shall be provided to maintain the required amount of water within the tank(s).

**Section 2808.13 Tipping area** is hereby added as follows:

**2808.13 Tipping areas shall comply with the following:**

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20-foot-wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
5. All material within a tipping area shall be processed within 5 days of receipt.

**Section 2808.14 Emergency Contact** is hereby added as follows:

**2808.14 Emergency Contact.** The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

**Section 2808.15 Maximum Grid of Piles and Rows** is hereby added as follows:

**2808.15 Maximum Grid of Piles and Rows, Rows of Piles shall not exceed 500 feet by 500 feet. Grids shall be separated by a minimum 50 foot clear space used for no other purpose.**

**2808.16 Push-out / Clear area** is hereby added as follows:

**2808.16 Push-out / Clear area** Piles exceeding 20 cubic yards shall be provided with push-out areas. Push-out areas shall be maintained clear at all times to allow for the largest pile to be spread out to a depth of 2 feet in height. Push-out areas shall be located within 250 feet of all edges of any pile and shall be located a minimum of 20 feet from any building.

**8.16.103 Chapter 49 Requirements for Wildland-Urban Interface Fire Areas** is adopted in its entirety with the following amendment:

**Section 4903.3 Fuel Modification Plans** is hereby added as follows:

**4903.3 Fuel Modification Plans.** *Fuel modification plans shall be reviewed and approved by OCFA for all new buildings to be built or installed in a Very High Fire Hazard Severity Zone and identified fuel modification zone. Plans shall reference the recommendations set forth in OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program." R-3 occupancies may submit owner builder plans developed by others with proficiency in vegetation management.*

**8.16.104 Chapter 50 Hazardous Materials – General Provisions** is adopted in its entirety as amended by SFM with the following amendments.

**Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS)**, is hereby revised as follows:

**5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Where required by the fire code official, an application for a permit shall include. Orange County Fire Authority's-Chemical Classification Guideline, which shall be completed and approved prior to approval of plans, and/or the storage, use, or handling of chemicals on the premises.

**Section 5003.1.1.1 Extremely Hazardous Substances** is hereby added as follows:

**5003.1.1.1 Extremely Hazardous Substances.** *No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.*

**8.16.105 Chapter 56 Explosives and Fireworks** is adopted in its entirety as amended by SFM with the following amendments:



**Section 5608.2 Firing** is hereby added as follows:

**5608.2 Firing.** *All fireworks display, regardless of mortar, device, or shell size, shall be electrically fired.*

**Section 5608.3 Application for Permit** is hereby added as follows:

**Section 5608.3 Application for Permit.** *A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.*

## **Chapter 80 Referenced Standards**

**8016.106 Chapter 80 Referenced Standards** is adopted in its entirety with the following amendments:

**NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems** is hereby amended as follows:

**Section 16.12.3.3** is hereby revised as follows:

**16.12.3.3** Fire department connections (*FDC*) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

**Section 9.4.3.1** is hereby revised as follows:

**9.4.3.1** When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-

response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

- (1) Quick-response type as defined in 3.3.215.4.16
- (2) Residential sprinklers in accordance with the requirements of Chapter 12
- (3) Quick response CMSA sprinklers
- (4) ESFR sprinklers
- (5) Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
- (6) Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

**Section 9.2.1.7** is hereby revised as follows:

**9.2.1.7** Concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved by fire code official.

**NFPA 13D 2022 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes** is hereby amended as follows:

**Section 7.1.2** is hereby revised as follows:

**7.1.2** The sprinkler system piping may have separate control valves installed when permitted.

**NFPA 14, 2019 Edition, Installation of Standpipe and Hose Systems** is amended as follows:

**Section 7.3.1.1** is hereby is deleted in its entirety.

**NFPA 24, 2019 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances** is hereby amended as follows:

**Section 6.2.8.1** is hereby added as follows:

**6.2.8.1** All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

**Section 6.2.9** is hereby amended as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
  - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
  - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

**Section 10.1.5** is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2-inch-wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings.

**Section 10.4.1.1** is hereby revised as follows:

**10.4.1.1** Coatings. All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

**Section 10.4.1.1.1** is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

**Section 10.4.3.2** is hereby deleted.

## **Appendices**

**Appendix A** is deleted in its entirety.

**Appendix B** is adopted in its entirety.

**Appendix BB** is adopted in its entirety.

**Appendix C** is adopted in its entirety.

**Appendix CC** is adopted in its entirety.

**Appendix D** is deleted in its entirety.

**Appendix E** is deleted in its entirety.

**Appendix F** is deleted in its entirety.

**Appendix G** is deleted in its entirety.

**Appendix H** is adopted in its entirety.

**Appendix I** is deleted in its entirety.

**Appendix J** is deleted in its entirety.

**Appendix K** is deleted in its entirety.

**Appendix L** is deleted in its entirety.

**Appendix M** is deleted in its entirety.

**Appendix N** is deleted in its entirety.

**Appendix O** is deleted in its entirety.”

**Section 15. Severability.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

**Section 16. Effective Date.** This Ordinance takes effect on January 1, 2023, consistent with section 18941.5 of the California Health and Safety Code, or 30 days after its final passage and adoption, whichever is later, consistent with California Government Code section 36937.

**Section 17. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of  
San Clemente, California

APPROVED AS TO FORM:

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City Attorney

## Exhibit A

### Findings to Support Local Amendments to the 2022 Edition of the California Building Standards Code and Related Codes

Pursuant to California Health & Safety Code sections 17958.5, 17958.7, and 18941.5, this Exhibit A to Ordinance No. \_\_\_\_ of the City of San Clemente sets forth the City Council's express findings and determinations justifying the City's local amendments to the 2022 Edition of the California Building Standards Code as reasonably necessary because of local climatic, geologic, and/or topographic conditions.

#### Chapter 15.08      Amendments to California Building Code (CBC)

<b>Municipal Code Section</b>	<b>CBC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. <span style="background-color: yellow;">      </span>)</b>	<b>Justification (see key below)</b>
15.08.020	101.1	Title updated	Admin
	101.2	Scope updated	Admin
	101.2.1	Adopt by reference Appendix I, Patio Covers.	Admin
	101.4	List referenced codes under Section 101.4 considered part of this Code	Admin
	101.4.8	Adoption of Green Building Standards Code	Admin

	105.2	Amendment of “Building” list and associated items for which permits are not required	Admin
	105.3	Add Item #8 re Electric Vehicle Charging Stations expedited review under AB 1236	Admin
	105.3.2	Time limitation of application	Admin
	105.5	Expiration of permits	Admin
	105.8	Completion of construction	Admin
	105.9	Maintenance of Property During Construction	Admin
	107.2.9	Requirement to submit soil report	Admin & II
	107.3	Requirement to pay plan review fee at time of document submittal	Admin
	107.5	Requirement to image plans	Admin
	109.2	Fee for permits	Admin



	109.3	Building Official determination of value or valuation	Admin
	109.4	Investigation fee	Admin
	109.6	Building Official authorized to establish refund policy	Admin
	109.7	Deposit or bond requirement for final inspection approvals	Admin
	110.7	Re-inspections	Admin
15.08.025	202	Add definitions for Bedroom, Kitchen or Kitchenette, Spark Arrester, and Swimming Pool to general definitions	Admin
15.08.030	406.2.4	Floor surfaces; exception #1 deleted	II & III
15.08.035	710A3.3	Detached accessory structures within 50 feet of an applicable building must comply	I, II, & III
15.08.040	901.2	Fire protection systems	I, II, & III
	903.2	New sprinklers, where required	I, II, & III

	903.2.8	Group R, sprinkler installation	I, II, & III
15.08.050	1502.4	Water accumulating on roof must be effectively drained	II & III
	T1505.1	All roofs must be Class A	I
	1505.1.1	Roof coverings	I
15.08.060	1807.1.6	Prescriptive design of concrete and masonry foundation walls	II & III
15.08.070	3109.2	Amend definition of Enclosure, amend Exception #1 of 115922(a), add section 115928 related to Sound Attenuation	II & III

**Chapter 15.12      Amendments to California Electrical Code (CEC)**

<b>Municipal Code Section</b>	<b>CEC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. [redacted])</b>	<b>Justification (see key below)</b>
15.12.020	90	Administration and Fees	Admin
	300.5(L)	Overhead writing not to be installed outside on private property	Admin, I

**Chapter 15.16**

**Amendments to California Mechanical Code (CMC)**

<b>Municipal Code Section</b>	<b>CMC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. <span style="background-color: yellow;">      </span>)</b>	<b>Justification (see key below)</b>
15.16.020	104.4.3 & 104.5	Administration and Fees	Admin
	504.3	Domestic Range Hoods and Vents	I, II, & III

**Chapter 15.20****Amendments to California Plumbing Code (CPC)**

<b>Municipal Code Section</b>	<b>CPC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. [REDACTED])</b>	<b>Justification (see key below)</b>
15.20.020	104.4 & 104.5	Administration and Fees	Admin
	1308.5	Requirement of approved PE pipe and fittings for exterior buried gas piping, prohibition on ferrous piping absent soil analysis	I, II, & III
	104.4 & 104.5	Administration and Fees	Admin
	604.1	Prohibition on ferrous materials in water pipe	I, II, & III
	604.2	Copper tube piping, weight not less than Type K	I, II, & III
	609.3	Amend Item #2	I, II, & III
	610.8	Add prohibition on building supply pipes less than 1" in diameter	I, II, & III
	701.1	Prohibition on cast iron for drainage and waste piping	I, II, & III
	1208.5	Requirement of approved PE pipe and fittings for exterior buried gas piping, prohibition on ferrous piping absent soil analysis	I, II, & III
	1308.5	Requirement of approved PE pipe and fittings for exterior buried gas piping, prohibition on ferrous piping absent soil analysis	I, II, & III

**Chapter 15.22****Amendments to California Residential Code (CRC)**

<b>Municipal Code Section</b>	<b>CRC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. [redacted])</b>	<b>Justification (see key below)</b>
15.22.020	R101.1	Title	Admin
	R101.2	Scope	Admin
	R105.2	Amend Items 1–10 of “Building” heading re projects not requiring a permit	Admin
	R105.3.2	Time limitation of application	Admin
	R105.5	Expiration	Admin
	R105.10	Completion of construction limitation	Admin
	R105.11	Maintenance of property during construction	Admin
	R106.1.4	Soil report required	Admin, II, & III
	R106.3	Plan review fee	Admin
	R106.5	Plan imaging requirement	Admin
	R108.2	Fee set by Council resolution	Admin

	R108.3	Building Official determination as to value and valuation	Admin
	R108.5	Refunds	Admin
	R108.6	Investigation Fee	Admin
	R108.7	Deposit	Admin
	R109.5	Re-Inspections	Admin
15.22.030	TR301.2(1)	Amend Table R301.2(1) re wind design, seismic design, winter design, etc.	I, II, & III
	R301.9	Fuel Modification Requirements for New Construction	I, II, & III
	TR302.1(2)	Delete footnote "a" from Table	I, II, & III

	R313.1	Townhouse automatic fire sprinklers	I, II, & III
	R313.1.1	New buildings	I, II, & III
	R313.1.2	Existing buildings	I, II, & III
	R313.2	One- and two-family dwellings automatic fire sprinklers systems	I, II, & III
	R313.3.6.2.2	Calculation procedure re size for water distribution piping	I, II, & III
	R322.1	General construction in flood hazard areas, floodways, corresponding tables	I, II, & III
15.22.040	R402.2	Concrete, corrosive soils, reinforcement against	II & III
	R405.1	Exception deleted	II & III

15.22.050	R602.10.4.1	Mixing Methods	II & III
15.22.060	R902.1	Roofing covering materials	I, II, & III
	R902.1.1, R902.1.2, R902.1.3 deleted and replaced with R902.1.1	Roof Coverings requirements, flame retardant properties, surface area re- roofing requirements	I, II, & III
	R902.2	Fire-retardant-treated shingles and shakes	I, II, & III
	R903.4	Roof Drainage	II & III
15.22.065	R1001.13	Outdoor gas fireplaces, fire pits, fire rings, or similar devices	I, II, & III



	R1001.13.1	Gas-fueled devices	I, II, & III
	R1001.13.2	Devices using wood or fuels other than natural gas or liquefied-petroleum gas	I, II, & III
	R1001.13.3	Where prohibited	I, II, & III
15.22.070	NFPA 13: 6.7.3 NFPA 13D: 7.1.2	Fire Department Connections & Sprinkler System Installations	I, II, & III

**Chapter 15.23**

**Amendments to California Existing Building Code (CEBC)**

<b>Municipal Code Section</b>	<b>CEBC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. <span style="background-color: yellow;">      </span>)</b>	<b>Justification (see key below)</b>
15.23.020	302.6 & 302.7  302.7	Requirements to move structure  Relocation permit fee	I, II, & III  Admin

**Chapter 8.16**

**Amendments to California Fire Code (CFC)**

<b>Municipal Code Section</b>	<b>CFC Section Added or Amended</b>	<b>Substance of Amendment (full text in Ordinance No. <span style="background-color: yellow;">      </span>)</b>	<b>Justification (see key below)</b>
8.16.020	N/A	OCFA designated as enforcement and inspection authority	Admin
8.16.030	112.4	Violation penalties	Admin
	112.4.2	Infraction and misdemeanor	Admin
8.16.040	202	Add definitions for OCFA, Spark Arrester to general definitions	Admin
8.16.050	304.1.2	Vegetation	I, II, & III
	305.6	Hazardous Conditions	I, II, & III
	305.7	Disposal of rubbish	I, II, & III
	307.6	Open burning, recreational fires, fire pits, fire rings, and portable outdoor fireplaces used at Group R occupancies	I, II, & III
	307.6.1	Gas-fueled devices	I, II, & III

	307.6.2.1	Where prohibited	I, II, & III
	307.7	Fire prevention	I, II, & III
	324	Fuel Modification Requirements for New Construction	I, II, & III
	325	Clearing of Brush or Vegetation Growth from Roadways	I, II, & III
	326	Unusual Circumstances	I, II, & III
	327	Use of equipment	I, II, & III
	327.1	Use of equipment and devices generating heat, sparks or open flames	I, II, & III
	327.2	Spark arresters	I, II, & III
8.16.060	407.5	Hazardous Materials Inventory Statement	I, II, & III
8.16.070	501.1	Scope	I, II, & III

	510.1	Emergency responder communication coverage in new buildings	I, II, & III
8.16.080	903.3.5.3	Hydraulically calculated systems	I, II, & III
8.16.102	2801.2	Permit requirement	Admin
	2808.2	Storage sites must be level with ground and approved by fire code official before transfer of wood products to site	I, II, & III
	2808.3	Size of piles	I, II, & III
	2808.4	Pile separation	I, II, & III
	2808.7	Pile file protection	I, II, & III
	2808.9	Material-handling equipment	I, II, & III
	2808.11	Temperature control	I, II, & III
	2808.11.1	Pile temperature control	I, II, & III

	2808.11.2	New material temperature control	I, II, & III
	2808.12	Water availability	I, II, & III
	2808.13	Tipping area	I, II, & III
	2808.14	Emergency contact	I, II, & III
	2808.15	Maximum Grid of Piles and Rows	I, II, & III
	2808.16	Push-out / Clear area	I, II, & III
8.16.103	4903.3	Fuel Modification Plans	I, II, & III
8.16.104	5001.5.2	Hazardous Materials Inventory Statement (HMIS)	I, II, & III
	5003.1.1.1	Extremely Hazardous Substances	I, II, & III
8.16.105	5608.2	Firing	I, II, & III

	5608.3	Application for Permit	Admin & I
	NFPA 13: 9.2.1.7, 9.4.3.1, 16.12.3.3,  NFPA 13D: 7.1.2  NFPA 14: 7.3.1.1  NFPA 24: 6.2.8.1, 6.2.9, 10.1.5, 10.4.1.1, 10.4.1.1.1 10.4.3.2	Assorted adjustments to NFPA handbook values	I, II, & III

**Justifications KEY:**

**Admin** – This is an administrative amendment, which does not modify a building standard as defined in California Health & Safety Code section 18909. The amendment establishes administrative procedures for the effective enforcement of the building standards in the City of San Clemente.

**I** – Climatic Conditions

- A. The jurisdiction of San Clemente is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 m.p.h. or greater are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area.
- B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the local fire authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.
- C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and, although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption and a limited amount of rainfall, future water allocation is not fully dependable. This necessitates the need for additional on-site fire protection features.
- D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.
- E. These climatic conditions are applicable to amendments to the 2022 California Building Code Sections 901.2, 903.2, 903.2.8, 1505.1, and to the 2022 California Fire Code Sections 903, 1201, 2808, 4906.3.

**II** – Topographical Conditions:

- A. Natural slopes of 15 percent or greater generally occur throughout the City. The elevation change caused by the hills creates the geological foundation on which communities within the City are built and will continue to build. With



much of the populated flatlands already built upon, future growth will occur on steeper slopes and greater constraints in terrain.

- B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout the City.
- C. These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.
- D. These topographical conditions are applicable to amendments to 2022 California Building Code Sections 3109.2, the 2022 California Residential Code Sections R313., R404.2, R602, R1001, the 2022 California Fire Code Sections 305, 307, 903, 1201, 2808, 4909.

### III – Geological Conditions:

- A. The City is a densely populated area that has buildings constructed over and/or near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area that ran from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the City of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.
- B. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under sections above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. The State Department of Conservation noted, in their 1988 report (Planning Scenario on a Major Earthquake on the Newport Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”
- C. Road circulation features located throughout the City also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause

- roadway flooding and landslides and at times may make an emergency access route impassable.
- D. Soils throughout the City possess corrosive properties that reduce the expected usable life of water services when metallic pipes come in contact with these soils.
  - E. Expansive soils throughout the City combined with predominant hillside conditions, groundwater and occasional flooding raise the potential for ground slippage, ground erosion, slope failure and building damage.
  - F. Portions of Orange County contain active or former oil production fields. These areas contain a variety of naturally occurring gasses, liquids and vapors. These compounds present toxicity or flammability hazards to building occupants. Evaluation of these hazards and the risks they pose to development is necessary implement for appropriate mitigation.
  - G. Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) requirements for a given structures. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.
  - H. These geological conditions are applicable to amendments to the 2022 California Building Code Sections 1502.4, 1505, tbl 1807.1.6, 1904, the 2022 California Electrical Code Section 300.5 the 2022 California Mechanical Code Sections 504.3, 1308, the 2022 California Plumbing Code Sections 604.2, 609.3, 610.8, 701.1, 1208.5.3.1, the 2022 California Residential Code Sections R402.2, R404.2, R602.