

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 10.04 OF THE CITY OF DEL MAR MUNICIPAL CODE TO ADOPT THE INTERNATIONAL FIRE CODE 2021 EDITION AND THE CALIFORNIA FIRE CODE 2022 EDITION, INCLUDING APPENDIX B AND I, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS

WHEREAS, Chapter 10.04 of the Del Mar Municipal Code is the Del Mar Fire Code, which adopts by reference the International Fire Code and the California Fire Code; and

WHEREAS, Chapter 10.04 currently applies the 2018 version of the International Fire Code and the 2019 version of the California Fire Code; and

WHEREAS, there is a need to amend Chapter 10.04 because the State of California ("State"), pursuant to Health & Safety Code section 17922, has recently adopted the 2021 version of the International Fire Code and the 2022 version of the California Fire Code (together, the "Fire Code"); and

WHEREAS, California Health & Safety Code section 17958 mandates that cities such as the City of Del Mar shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to California Health & Safety Code section 17922; and

WHEREAS, Health & Safety Code section 17958.5 permits the City of Del Mar to make such changes or modifications to the Fire Code as are reasonably necessary to reflect conditions or circumstances unique to the local jurisdiction; and

WHEREAS, Health & Safety Code section 17958.7 requires that, before making any changes or modifications pursuant to section 17958.5, the City make findings that support such changes or modifications necessary due to the community's climatic, geological, or topographic conditions; and

WHEREAS, the Fire Code, together with the City of Del Mar amendments, shall be the City of Del Mar Fire Code for the purposes of prescribing the fire regulations for the City of Del Mar; and

WHEREAS, local amendments adopted by the City of Del Mar shall take precedence over the Fire Code; and

WHEREAS, sections 50022.1 through 50022.10 of the Government Code and section 13869 of the Health and Safety Code provide authority for the adoption by reference of codes, or portion of such codes; and

WHEREAS, the proposed amendments do not constitute an amendment to the City's certified Local Coastal Program, which means that the final decision on the ordinance will be made by the Del Mar City Council.

NOW THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE:

The City Council hereby confirms that the following findings are still applicable to conditions within the City of Del Mar pursuant to California Health and Safety Code section 17958.5:

Finding A

The City of Del Mar is adjacent to a major transportation corridor (Interstate 5) which traverses in a north/south direction. Interstate 5 is used to transport hazardous materials and is designated by the State of California as an approved route for transporting highly toxic and radioactive materials.

The City of Del Mar is bisected by a railroad line running north/south. Hazardous materials are transported on the railroad.

Underground pipes run parallel to the railroad line and carry natural gas under high pressure. Underground pipes run in a north/south direction in the eastern portion of the City and carry liquid petroleum under high pressure.

The transport, through the City, of hazardous, toxic and radioactive materials, as well as natural gas and liquid petroleum, on a regular basis, increases the threat of fire ignition and spread. This adds to the fire danger posed by the City's climatic, topographic and geological conditions.

Finding B

The City of Del Mar's topography is characterized by many large hillsides. The City's climate promotes the heavy growth of natural vegetation that covers the hillsides and is highly flammable, especially in the dry season. There are numerous areas of wildland-urban interface where structures, especially residences, are in close proximity to that natural vegetation.

The City's climate is characterized by Santa Ana conditions involving dry gusty winds. In summer and fall, the typical weather is hot and dry. In combination, these climatic conditions create an extreme fire danger to the community.

Seasonal winds also have the potential for impeding emergency vehicle access by toppling trees (especially eucalyptus and pine which are species that are prevalent in the City and susceptible to being felled by winds).

As a result of the above conditions, the risk of fire ignition is greater. Also, once a fire is ignited, it is more likely that embers will be blown into the air, increasing the spread of the fire into the community. Therefore, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding C

The City of Del Mar is situated on the west slope of the coastal foothills that contain drainages which contribute to flooding within the community.

Because flooding conditions can impede fire service vehicles reaching the site of a fire, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding D

The City of Del Mar is situated near the Rose Canyon Fault, the Elsinore Fault, and the Agua Caliente Fault. A cluster of faults known as the "South Coast Offshore Zone of Deformation" is located off the City's coast. These geologic conditions are capable of generating earthquakes of significant magnitude at any time.

An earthquake may: (1) cause fires; (2) impede emergency vehicles responding to fires; and (3) interrupt the City's water supply which is needed to fight fires.

Because the community is subject to damage from earthquakes, land use projects need to be developed to provide a greater ability to avoid fire ignition, suppress fires, and facilitate access of emergency vehicles.

Finding E

The City of Del Mar and Southern California are semi-arid regions and experience water shortages from time to time. Those shortages can have a severely adverse effect on water availability for fire fighting. Fires starting in sprinkled buildings are typically controlled by one to three sprinkler heads, flowing as little as 13 gallons per minute.

Hose streams used by engine companies on well established structure fires operate at approximately 250 gallons per minute each, and the estimated water needed for a typical residential fire is 1,250 to 1,500 gallons per minute, according to the Insurance Service Office and the International Fire Code. The water estimate for a commercial building is typically greater than that of a residential structure.

Under circumstances such as lack of water, infrastructure, earthquakes, multiple fires and wildland fires within a community, the limited water demand needs of residential fire sprinklers would control and extinguish many fires before they spread from building to wildland or building to building. In such a disaster, water demands needed for conflagration firefighting probably would not be available.

Finding F

Due to the sloping topography and coastal foothills in the City of Del Mar, the potential exists that new and future development will result in taller buildings on smaller parcels. Defining mid-rise buildings at 4 story building modifies the application of special provisions for these buildings to all occupancies. Because of the need to mitigate the potential danger of mid-rise this change is necessary.

In addition, the limitations of available firefighting equipment, limited availability of human resources in local fire departments, and the necessity to climb vertically up flights of stairs, greatly impacting the response time to reach an incident scene, it is necessary to define the height of mid-rise buildings. The reduced height and built-in protection will mitigate extended fire department response time and keep incidents manageable.

Finding G

Based upon the circumstances previously described, the protection of persons and property requires the City to adopt standards that are more stringent than those set forth in: (1) the State Building Standards Code Sections, 202, 308, 321, 503, 507, 902, 903, 905, 5608, 5704, 5705, 5706, 6104, B, I and Section 3 of the International Fire Code.

SECTION TWO:

In accordance with California Health and Safety Code section 17958.7, the matrix attached to the City of Del Mar Staff Report as Attachment D lists the findings made by the City Council herein regarding the climatic, geological and topographical circumstances unique to the Del Mar community along with the corresponding expressed amendments to the California Fire Code 2022 edition. Said matrix is available as a public record and shall be filed with the California Building Standards Commission.

SECTION THREE:

That Section 10.04.010 of the Municipal Code is amended to read as follows:

That a certain document, three copies of which are on file in the office of the City of Del Mar Fire Department being marked and designated as the 2021 International Fire Code and 2022 California Fire Code, including Appendix B and I, as published by the International Code Council, is hereby adopted as the fire code of the City of Del Mar, State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, or construction, erection, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the City of Del Mar Fire Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and revisions, if any, prescribed in this Chapter.

SECTION FOUR:

That Section 10.04.030 of the Municipal Code is amended to read as follows:

Chapter 2 - Definitions

Section 202 - General Definitions. This section is added or revised to read:

Fire Hazard - is any condition or conduct which: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or (b) may obstruct, delay, hinder or interfere with the operations of the Fire Department or egress of occupants in the event of fire.

Fireworks - is any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, roman candles, Daygo bombs, sparklers, snap caps, poppers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall not be permitted at all times. "Fireworks" shall include snap caps and poppers, regardless of the amount of explosive content included in each device.

Hazardous Fire Area - Any geographic area mapped by the State or designated by the local jurisdiction as a moderate, high or very high fire hazard area, or which the FAHJ has determined is a hazardous fire area based on the type and condition of vegetation, topography, weather, or structure density which may increase the possibility of the area being susceptible to wildfire.

Level - An area above or below grade including but not limited to; basements, garages, cellars, mezzanines, or similar uses.

Mid-Rise Commercial Building - a building four stories or more in height, but not exceeding 75 feet and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the underside of the roof or floor above the topmost space that may be occupied, to the lowest level of fire apparatus access road level. Nothing in section 324 shall imply or allow a building height in excess of current City of Del Mar Planning and Zoning requirements.

Wherever the terms "This Code" and "2021 International Fire Code" are used, they shall mean the 2022 California Fire Code as modified by the City of Del Mar with the additions, deletions and revisions set forth in the amendments.

SECTION FIVE:

That Section 10.04.040 is amended to read as follows:

Chapter 57 - Flammable and Combustible Liquids

Section 5704.2.9.6.1 - Locations where Above-ground Tanks are Prohibited. This section is revised to read:

In the City of Del Mar, (geographic limits in which the storage of class I and Class II liquids in above-ground tanks outside of buildings is prohibited): the limits referred to in Section 5704.2.9.6.1 and 5706.2.4.4 of the 2022 California Fire Code and the 2021 International Fire Code in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited are hereby established as the jurisdictional limits of the City of Del Mar.

EXCEPTIONS:

1. 2000 gallons maximum temporary (six months maximum) aboveground tanks meeting UL 2085 for private use on farms, agricultural and rural property, remote construction sites, earth moving projects, gravel pits or borrow pits. Such tanks shall be specially designed, approved and listed, and have features incorporated into their design which mitigates concerns for exposure to heat (two-hour fire resistance), ignition sources and mechanical damage. A Fire Department permit will be required.
2. Crankcase drainings may be stored in specially constructed aboveground storage tanks, approved by the Fire Code Official, with a maximum capacity of 550 gallons. Such tanks may be located within a building when the Fire Code Official deems appropriate, and the container meets the following: specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage.
3. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted in residential or institutional property. All installations require a Fire Department permit.
4. With the approval of the Fire Code Official, Class I and II liquids may be stored in aboveground tanks inside or outside of buildings in specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Class I liquids will be limited to 550 gallons and Class II liquids will be limited to 1,100 gallons. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. The Fire Code Official may disapprove the installation of such containers when in his opinion their use presents a risk to life or property.
5. With the approval of the Fire Code Official, temporary storage of a maximum 10,000 gallons of Class II liquids may be permitted for a period not to exceed ninety (90) days at remote construction sites, earth moving projects, gravel pits or borrow pits, consistent with 5704 and 5706.

Section 5706.2.4.4 - Locations where Aboveground Tanks are prohibited. This section is revised to read:

The geographic limits in which the storage of Class I and Class II liquids in aboveground tanks are prohibited in residential areas within the City of Del Mar.

Section 5706.4 - Bulk Plants or Terminals. This section is revised to read:

The geographic limits in which bulk plants and terminals of flammable and combustible liquids are received are prohibited for the protection of heavily populated and congested areas and is hereby established as jurisdiction limits of the City of Del Mar.

Chapter 61 - Liquefied Petroleum Gases

Section 6104.2 - Maximum Capacity within Established Limits. This section is revised to read:

The geographic limits in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Del Mar. The aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

SECTION SIX:

That Section 10.04.060 is amended to read as follows:

Chapter 3 - General Requirements Section 324 – Mid-Rise Buildings

Section 324.1 – General. This section is added to read:

All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete structural or non-structural renovation that requires the vacancy of the entire building to complete the renovation, shall comply with sections 324.1-324.3.

Exceptions:

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth-floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, or other similar structures with intermittent human occupancy.

Section 324.2 – Fire Equipment Control Room

A fire equipment control room for fire department operations shall be provided. The location and accessibility of the room shall be approved by the fire department and be separated from the remainder of the building by not less than a 1-hour barrier. The room shall contain the following at a minimum:

1. Voice alarm and public address panels.
2. Fire alarm control panel.
3. Status indicators and controls for air-handling systems.
4. Fire pump status indicators (if required).
5. Set of complete building plans.

Section 324.3 – Road Dimensions

Fire apparatus access roads serving buildings or portions of buildings or facilities that exceed 30 feet in height above the lowest level of fire department vehicle access shall have an unobstructed width of not less than 26 feet.

SECTION SEVEN:

That Section 10.04.070 is amended to read as follows:

Chapter 5 - Fire Service Features

Section 503 - Fire Apparatus Access Roads

Section 503.2.1 - Dimensions

Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet, except for single-family residential driveways; serving no more than two, single-family dwellings, shall have a minimum of 16 feet of unobstructed improved width.

EXCEPTION:

Fire access roadways, gated entrances with card readers, guard stations or center medians, which have separated lanes of one-way traffic, shall be not less than 14 feet wide per lane.

Section 503.2.3 - Surface. This section is revised to read:

New or improved fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. and shall be provided with an approved driving surface to provide all-weather driving capabilities.

Section 503.2.7 - Grade. This section is revised to read:

New or improved grades exceeding 15% on fire apparatus access roads shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the direction of travel. Maximum grade shall not exceed 20%.

Section 503.2.8 - Angles of Approach and Departure. This section is revised to read:

The angle of approach and departure of a fire access roadway shall not exceed 12% or as approved by the Fire Code Official.

Section 503.3 - Marking. This section is revised to read:

When required by the Fire Code Official, approved signs or other approved notices or markings shall be provided for all public and private fire apparatus access roads to identify such roads or prohibit obstruction thereof. Signs or notices or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. All new public roads, all private roads within major subdivisions and all private roads serving four or more parcels shall be named. Road name signs shall comply with City of Del Mar standards.

Section 503.6 - Security Gates. This section is revised to read:

Section 503.6 - Security Gates: No person shall install a security gate or security device across a fire access roadway without the Fire Code Official's approval.

1. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate.
2. A gate accessing more than four residences or residential lots, or a gate accessing any hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the Fire Code Official, which will activate the gate on the approach of the emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure.
3. An automatic gate shall meet Fire Department policies deemed necessary by the Fire Code Official for rapid, reliable access.
4. An automatic gate serving more than one dwelling or residential lot in existence at the time of adoption of this Chapter is required to install an approved emergency key-operated switch or other mechanism approved by the Fire Code Official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply.
5. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel.
6. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

SECTION EIGHT:

That Section 10.04.080 Fire Protection Water Supplies and Fire Service Features.

Chapter 507 Fire Protection Water Supplies

Section 507.2.2 Water Tanks. This section is revised to read:

Water storage tanks, when permitted by the Fire Code Official, shall comply with Table No. 507.2.2A.

WATER STORAGE TANKS
Table No. 507.2.2A

TABLE NO. 507.2.2A			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500	250	5,000	20
Over 1,500	250	10,000	40

When exposure distance is one hundred feet (100') or less from adjacent property or where additional hazards or higher fire flow exists, the required water storage may be modified by the fire code official.

1. Tank elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the fire department. Tank size may be increased to serve multiple structures on a single parcel.
2. Supply outlet shall be at least 4 inches in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall provide an approved means of controlling water flow.
3. The outlet shall be located along an access roadway and shall not be closer than 50 feet or further than 150 feet from the structure.
4. All exposed tanks and exposed supply pipes shall be of an alloy or other material listed for above ground use. Adequate support shall be provided.

Section 507.5.1 Where Required

This section is revised to read:

The location, type and number of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public or private street, or on the site of the premises to be protected or both. Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of section 503.

Section 507.5.1.01 Requirements for single-family dwellings

This section is revised to read:

In zones other than industrial, commercial and multi-family, fire hydrants shall be installed in accordance with Table No. 507.5.1.01A.

Table No. 507.5.1.01A

TABLE 507.5.1.01A	
Parcels ½ acre and larger:	Every 500 feet
Parcels less than ½ acre:	Every 350 feet

Section 507.5.1.02 Requirements for multi-family, commercial and industrial zones

This section is revised to read:

In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, or as approved by the fire code official, and every 300 feet of fire access roadways, regardless of parcel size.

SECTION NINE:

That Section 10.04.110 is amended to read as follows:

Section 112.4 - Violation Penalties. This section is revised to read:

- A. Any person, corporation, association or entity that violates the provisions of Sections 105, 106, 107, 109, 110, or 111 or 113 of the 2022 California Fire Code is guilty of a misdemeanor. Any person, corporation, association or entity that violates any other provisions of this chapter is guilty of a misdemeanor or infraction as determined under Chapter 1.08 Del Mar Municipal Code. The penalty for violations shall be determined under Chapter 1.08 of the Del Mar Municipal Code. Each day or portion thereof that a violation of this chapter exists shall constitute a separate violation. Each violation of this chapter, in addition to the offenses under this section, shall constitute a public nuisance.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION TEN:

The City Council finds that approval of this ordinance is not subject to the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) in that the adoption of the International and State fire codes will not have a significant effect on the environment.

SECTION ELEVEN:

This Ordinance was introduced on October 3, 2022.

SECTION TWELVE:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION THIRTEEN:

This ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this ordinance to be published pursuant to the provisions of state law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Del Mar, California, held on the 17th day of October 2022.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 993, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 17th day of October 2022, by the following vote:

AYES: Mayor Worden, Deputy Mayor Martinez, Councilmembers Druker, Gaasterland, and Quirk
NOES: None
ABSTAIN: None
ABSENT: None

Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar