

ORDINANCE NO. 2043

AN ORDINANCE OF THE CITY OF BURLINGAME AMENDING TITLE 19 OF THE BURLINGAME MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE (TITLE 24, PART 7, CWUIC), AND AMENDMENTS AND MODIFICATIONS THERETO; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15378, 15061(b)(3)

WHEREAS, the International Code Council modified the wildland-urban interface code requirements and separated them from the California Building and Fire Codes into its own volume; and

WHEREAS, it is the desire and intent of the City Council of the City of Burlingame to provide the public with the greatest degree of fire, life, health, and structural safety in buildings in the most effective manner by adopting the most current body of regulations; and

WHEREAS, On December 17, 2024, the Building Standards Commission voted to adopt the most up-to-date edition of the 2025 California Building Standards Code as amended by those various state agencies; and

WHEREAS, on July 1, 2025, the California Building Standards Code was published; and

WHEREAS, all local jurisdictions are required by State law to adopt and to enforce the most recent codes reviewed and approved by the California Building Standards Commission; and

WHEREAS, the 2025 California Building Standards Code will become effective on January 1, 2026; and

WHEREAS, on October 20, 2025, the City Council of the City of Burlingame held a duly noticed public hearing to consider the 2025 California Building Standards Code and local amendments at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing; and

WHEREAS, on November 3, 2025, the City Council of the City of Burlingame conducted the second reading and adopted the 2025 California Building Standards Code and local amendments; and

WHEREAS, California Health and Safety Codes Sections 13143.5, 17958.5, 17958.7, and 18941.5 allow the City, by ordinance, to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922 when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions, and where such amendments establish requirements more stringent than those provided in the state code; and

WHEREAS, amendments are necessary because of the climatic, geographical or topographical conditions unique to the City of Burlingame; and

WHEREAS, the Health and Safety Code requires that the City Council, before making any modifications and changes, makes an express finding that each modification or change is needed; and

WHEREAS, the City Council determines that the proposed ordinance establishes requirements equal to or greater than those set forth in 2025 edition of the Wildland-Urban Interface Code.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to adopt the 2025 California Wildland Urban Interface Code by repealing and replacing Title 19 of the Burlingame Municipal Code.

SECTION TWO. REQUIRED FINDINGS

The City of Burlingame is located between the Santa Cruz Mountains foothills and San Francisco Bay, with a number of substantial creeks flowing through highly developed residential and industrial areas. It is surrounded by large areas of open space maintained in natural condition, as well as having a significant natural canyon in the center of the residential area. The City normally receives no measurable precipitation between May and October, and this dry period can often extend into late October or early November. During this period, average temperatures range between 70° F and 90° F, and strong winds come down the foothills. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. Recent experience with statewide incidents proves that hazardous conditions exist year-round. In addition, many wood roofs over wood construction predominate the residential areas. The City is directly east of the San Andreas Fault, and much of the highly developed part of the City is located along the front of the Bay, some on fill. The foothill areas have a variety of soil formations with steep canyons and heavy precipitation. Fires in the community could quickly spread because of the extensive, natural vegetation throughout the City. The City has a number of highly developed commercial areas with older buildings, and an industrial area that is filled with mixed uses utilizing various materials that could be highly hazardous. In addition, heavily traveled approach and departure routes for San Francisco International Airport are immediately adjacent to or over the City. Much of the residential areas that are immediately adjacent to woodland and canyon are served by narrow one- or two-lane roads with challenging access caused by the steepness of the terrain. Access by fire suppression equipment is extremely limited by both topography and access. The City now also contains High and Very High Fire Hazard Severity Zones, as designated by the Office of the State Fire Marshal in February of 2025 and adopted locally as of May, 2025. It is only through strong building standards and effective fire prevention and containment programs that citizens will receive the protection they deserve, and that citizens will be able to obtain reasonably priced insurance for their homes and businesses. In seeking to attain these goals and provide clarity for residents, the wildland-urban interface construction standards in Title 19 are adopted.

SECTION THREE. REPEALING AND REPLACING TITLE 19 OF THE BURLINGAME MUNICIPAL CODE

Chapter 19.04 is amended to read as follows:

Chapter 19.04

CALIFORNIA WILDLAND-URBAN INTERFACE CODE

- 19.04.010** **Adoption of the California Wildland-Urban Interface Code and International Wildland-Urban Interface Code.**
- 19.04.020** **Amendments to the California Wildland-Urban Interface Code and International Wildland-Urban Interface Code**
- 19.04.025** **Scope and General Requirements**
- 19.04.030** **Code Compliance Agency**
- 19.04.031** **Examination of Documents**
- 19.04.035** **Permits and Fees**
- 19.04.036** **Investigation and Fees**
- 19.04.040** **Board of Appeals**
- 19.04.045** **RESERVED**
- 19.04.010** Adoption of text of the California Wildland-Urban Interface Code, International Wildland Urban Interface Code

There is adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or wildfire that certain codes which contains building standards known as the 2025 California Wildland-Urban Interface Code (International Wildland-Urban Interface Code, 2024 Edition as amended by the State of California), and the non-building standards known as the International Wildland-Urban Interface Code, 2024 Edition, together with appendix B, and the State of California amendments thereto, and the Public Resources Code, Division 4, Section 4291.

- 19.04.020** Amendments to the California Wildland-Urban Interface Code and International Wildland-Urban Interface Code

The California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code are amended or modified as follows:

- 19.04.025** Chapter 1, Division II, Section 101.1, CWUIC is amended – Scope and General Requirements

Section 101.1 is amended to insert “City of Burlingame”.

19.04.030 Chapter 1, Division II, Section 103.1, CWUIC is amended – Code Compliance Agency

Section 103.1 is amended to insert “Central County Fire Department”

19.04.031 Chapter 1, Division II, Section 106.9, CWUIC is amended as follows:

Section 106.9, CWUIC is deleted in its entirety and replaced with the following:

Section 106.9. Examination of documents. When required by the fire code official, plans submitted to the Building Official for a permit shall be reviewed by the Fire Chief to determine compliance with the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code. Upon review a written report shall be returned to the Building Official listing deficiencies or compliance with the Code.

19.04.035 Chapter 1, Section 108.2, CWUIC are amended as follows:

Section 108.2, CWUIC is deleted and replaced with as follows:

Section 108.2. Permits and Fees

- a. The fees for the permits and other services shall be as established by resolution of the Central County Fire Department Fire Board as amended from time to time. The fee shall be set to cover the cost of the Fire Department to review and inspect the intended activities, operations or functions. The fees must be applied to the appropriate agency, City of Burlingame or Central County Fire Department, depending on the type of service.

EXCEPTION: (1) The applicant for a given permit shall be exempt from the payment when the work to be conducted is for the City of Burlingame under written contract to the City or for events sponsored or co-sponsored by the City.

- b. In the case of multiple permits for an applicant, the permit applicant will be charged the single highest listed rate of all the permits required. The other permittable items will be charged at a rate of 50% of the listed fee as long as the permits are for the same address.
- c. Where processes or materials are inherent with a permittable item, subsequent fees may be waived at the discretion of fire chief.
- d. All permits shall have a set number of inspections per permit as set forth by the Central County Fire Department Fee Schedule. Additional inspections and additional re-inspections will be billed at an hourly rate consistent with the Central County Fire Department Fee Schedule.

- e. Application for "event" type permits shall be submitted 14 days prior to the event date. Applications submitted within 13 days prior to the event date shall be charged double the regular permit rate as established by the Central County Fire Department Fee Schedule.
- f. "After Hours" inspections shall be invoiced at a rate of one and one-half time the normal hourly rate of the inspecting fire personnel. "After Hours" inspections will be billed at a rate of three hours minimum. "After Hours" inspections are defined as follows: Inspections conducted outside of normal business hours, as defined on the Central County Fire Department website and based upon personnel availability.
- g. Any person, group, organization, institution or business failing to pay the applicable fees under this Article shall after 30 days of the due date, for either existing or new permit applicants, shall be issued a citation for non-payment of the required permit fee. The penalty for all permit payments delinquent after 30 days shall be a doubling of the original fee.

19.04.036 Chapter 1, Section 108.4, CWUIC is amended as follows:

Section 108.4 CWUIC is deleted in its entirety and replaced with the following:

Section 108.4. Investigation. Whenever construction or work for which a permit is required by this code and has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. All work done without a required permit, including demolition of all or part of a structure or system shall be subject to the investigation and fees imposed by this section.

Section 108.4.1. is added to this code and shall read as follows:

Section 108.4.1. Fee – Work without a permit. In the event work is done without an issued permit, an investigation fee, in addition to the permit fee, shall be collected as a civil penalty, whether or not a permit is then or subsequently issued. The investigation fee shall be up to 10 times the permit fee. The investigation fee shall be determined by the Fire Chief and shall be based on the staff time reasonably required to resolve all of the issues related to the work that has been performed without a permit. No construction work permit shall be issued until the investigation fee has been paid in full.

Nothing in this section shall relieve any persons from fully complying with the requirements of this code, in the execution of the work, or from any other fees or penalties prescribed by law.

19.04.040 Chapter 1, Section 112, CWUIC is amended

Section 112, CWUIC is deleted in its entirety and replaced with the following:

Section 112. Appeal and review.

(a) The chief of the fire department shall be charged with the duty and responsibility of administering the provisions of this chapter.

(b) Whenever it is provided herein that certain actions shall be done in accordance with an order of the fire department, such order shall be complied with. Any person aggrieved thereby, may appeal to the fire chief in writing within ten (10) days after the date of such order, except as otherwise provided in this chapter. The fire chief shall issue a written decision to affirm, modify or reverse the order within two (2) business days of the receipt of the appeal. The fire chief's written decision may be appealed to the City Council no later than ten (10) days from the date of the fire chief's written decision. The City Council's decision shall be final and conclusive. Except in the cases of immediate hazard, the enforcement of the order shall be suspended until such person has exhausted the appeal process as described above.

SECTION FOUR. CEQA DETERMINATION

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

SECTION FIVE. EFFECTIVE DATE

This Ordinance shall be effective January 1, 2026.

An application for a building permit received after December 31, 2025 must comply with this Ordinance unless specific land use provisions for the project were approved by the City of Burlingame prior to 5:00 p.m. on December 31, 2025. If the Planning Commission approves the project prior to the effective date of this ordinance, then the building permit application for that project may use the provisions found in the 2022 California Building Codes including all amendments as adopted in Ordinance 1856-2010, 1889-2013, 1933- 2016, 1969-2019, and 2010-2022 as applicable.

SECTION SIX. SEVERABILITY

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

SECTION SEVEN. PUBLIC NOTICE

This Ordinance shall be published in a newspaper of general circulation in accordance with California Government Code Section 36933, published, and circulated in the City of Burlingame, and shall be in full force and effect on January 1, 2026, or when the ordinance is filed with the Building Standards Commission, whichever occurs later.

SECTION EIGHT. CODIFICATION

Section Three of this Ordinance shall be codified in the Burlingame Municipal Code. Sections One, Two, Four, Five, Six, Seven, and Eight shall not be so codified.

Peter Stevenson, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing

ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 20th of October, 2025, and adopted thereafter at a regular meeting of the City Council held on the 3rd day of November 2025, by the following vote:

AYES:	Councilmembers: Brownrigg, Colson, Pappajohn, Stevenson, Thayer
NOES:	Councilmembers: None
ABSENT:	Councilmembers: None

Meaghan Hassel-Shearer, City Clerk