

NORTH COUNTY FIRE PROTECTION DISTRICT

Policy and Procedure Manual

FIRE PREVENTION
PLANS AND PERMITS

SECTION 340.08

11/30/04

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Fire Code Appeals

PURPOSE: To provide a guideline for developers and North County Fire Protection District employees to follow in honoring and executing appeals to the findings stipulated by NCFPD during the plan review process.

POLICY: The District is vested discretionary authority in specific codified matters. District employees may not waive specified codified requirements. Such requirements may be reduced to the minimum allowable specification, with compensatory mitigation, if the developer can demonstrate that strict compliance is not feasible due to physical, geographical, or topographical constraints. District employees may not reduce code requirements over which they do not retain jurisdictional authority.

AUTHORITY: As stipulated in the Health & Safety Code, the California Fire Code, the California Building Code, the San Diego County Building and Fire Codes, and the District's Local Fire Code, the North County Fire Protection District is vested with the authority to enforce these codes.

SCOPE: This Plan Review Appeals process applies to all plans submitted to the Fire Prevention Bureau of the North County Fire Protection District and pertains to all codified provisions over which this agency is vested jurisdiction.

PROCEDURE:

- I. **SUBMISSION OF PLANS.** Requests for official agency comment requires submission of a scaled site plan and all applicable documentation (legal land description, parcel map, etc.).
- II. **ALTERNATIVE MATERIALS AND METHODS/PRACTICAL DIFFICULTIES.** Sections 103.1.2 and 103.1.3 of the California Fire Code vest the Fire Marshal with discretionary authority in applying fire code provisions. Where a reduction in the code requirement is sought, compensatory mitigation is required. Therefore, the initial step of appeal is for the owner/builder to provide a written list of practical fire code alternatives. A list of standard mitigation measures is located in the Firehouse RMS database. Refer to section IV below for appeal of county codes.
- III. **ADMINISTRATIVE REVIEW.** If the owner/builder is dissatisfied with the proposed alternatives, they may request a meeting to appeal the decision. Compliance options should be reduced to writing during each phase of this appeal process. The appellant is to be scheduled an appeal meeting with following personnel (in the following successive hierarchical order):
 - A. Fire Marshal.

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- B. Deputy Fire Chief
 - C. Fire Chief
- III. BOARD OF APPEALS. For matters pertaining strictly to maintenance portions of the California Fire Code, appeals are ultimately heard through the Board of Directors. For matters pertaining to building standards contained within the fire code, refer to County Code issues below. If the appellant is dissatisfied with the requirements imposed by their meeting with the Fire Chief, they may request a hearing with the Board of Appeals. This hearing is to be scheduled for the next regularly scheduled Board meeting. The North County Fire Protection District Board of Directors serves as the Board of Appeals. The Fire Chief serves as an ex officio member and acts as the secretary of the Board. The Board of Directors conducts business pursuant to the [Board of Directors Operations policy](#). The Board shall render a decision and findings in writing to the Fire Chief and to the Appellant. Said findings are binding and non-grievable.
- IV. APPEAL OF COUNTY CODES AND ORDINANCES. Where the issue to be appealed concerns a building code or building standards issue within the local fire code or County code or ordinance, and that matter is not resolved via the administrative review process, as noted above, appeals are coordinated through the County of San Diego.
- A. Building and Fire Code Requirements. Building and Fire code requirements which pertain to building code or building standards are handled through the Regional Fire Board of Appeals (through DPLU County Fire Marshal).
 - B. Zoning Requirements. Zoning appeals are heard through the Code Enforcement division.
 - C. Road Requirements. Road appeals are heard through the Dept. of Public Works. Appeals are made with the Request for Exception from Road Standards.