



AGENCY: City Council
MEETING DATE: September 9, 2019
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution Adopting Legislative Findings Supporting Amendments and Changes to the California State Building Standards Code as Contained in the Fort Bragg International Fire Code and California Fire Code, Chapter 15.05 of the Fort Bragg Municipal Code

ISSUE:

On July 17, 2019 the Public Safety Committee reviewed the City's current Fire Sprinkler requirements and recommended changes to the ordinance to create a more consistent method for determining the threshold value which triggers the automatic fire sprinkler requirement for commercial and multifamily building remodels and additions. The Public Safety Committee recommended that the City Council consider the following changes:

1. Removing from the threshold valuation, improvements that are not subject to the building permit such as roofs, interior and exterior finishes such as flooring, cabinets, countertops, sidewalks and driveways, and most plug-in appliances. The valuation threshold would be tied to the building permit valuation methodology used by the Mendocino County Building Department when an applicant applies for a building permit.
2. Remove the 36-month cumulative cost of improvements from the threshold calculation. Instead, the \$75,000 threshold will be evaluated on a project or single building permit valuation, so long as the property owner does not have more than one active permit at a time for the same location.
3. Require the Fire Marshal to review and determine if fire sprinklers are required, prior to issuance of the building permit and upon any change in the permit and building permit valuation.

In order for the City Council to depart from the California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition, as adopted by reference in the City's Municipal Code as Chapter 15.05 (California Fire Code), the City Council must first find that certain changes or amendments, which must be more restrictive, are required to protect public health, safety and welfare because of local climatic, geological and/or topographic conditions.

Those findings are set forth in Resolution No. XXXX-2019. Action on the proposed Ordinance is the next agenda item, but this staff report will address both the Resolution and Ordinance.

ANALYSIS:

The issue of fire suppression is important for the City of Fort Bragg and the Fort Bragg Fire Department. The Fort Bragg Fire Department is a volunteer organization whose members

risk their lives to fight fires and as a result the Fire Department has consistently pushed to reduce risk both to their volunteers and to our community. Fire suppression and prevention is extremely important, as a volunteer department response time to a fire may be delayed, as volunteers commute from work, family and personal activities to the site of a fire.

The Central Business District is especially vulnerable to fire as these structures are generally older, constructed from wood and positioned very close together. The use and design of a commercial structure also plays a role in how vulnerable the building is to fire and the risk of life and financial loss.

The City of Fort Bragg first adopted an ordinance regulating fire sprinklers in 1985, which was later amended in 1997, 1999, 2003, 2007, and 2014. The purpose of the Ordinance is to ensure that new construction (now a State requirement) and significant remodels (currently \$75,000 or more over a 36-month period) require the installation of automatic fire sprinklers. However, there have been challenges implementing and enforcing the ordinance:

- The municipal code requires an applicant to submit the value of all work on a sprinkler valuation form, until recently the City depended on an applicant's valuation of the improvements as stated on the building permit application. These values may be estimated low in an attempt to avoid the sprinkler requirement and to limit the cost of building permit fees. City permit fees were directly tied to the permit valuation provided by the applicant until August 1, 2019.
- Some applicants underestimate the value of improvements and upon final inspection, the Fire Marshal determines the project exceeded the threshold and requires fire sprinklers to be installed. The same can result from changes in the project as it develops. It is not uncommon for a project to change direction, expand or run into unexpected damage or repairs that add to the cost. This creates a significant challenge for the applicant as the construction finishes are already complete and installation of sprinklers is more complex and costly.
- What costs are included and excluded in determining the \$75,000 threshold are not explicitly clear. Value is defined in the Municipal Code as:

*The value of completing all repairs, maintenance and remodel work.
This includes the cost of materials and labor and profit and overhead.
The value is the price charged to a client for work completed by a
licensed independent contractor.*

However, this isn't consistent with what is included in the Permit Valuation, the requirements set forth in the definition of Sprinkler Valuation Form or the definition of Valuation in the City's code.

Further, the definition of "Value" does not consider the value of work performed by the owner, materials purchased outside of a contractor (such as directly by the owner) or that different contractors may charge very different prices for the same work. Roof replacements are excluded by the Code, but equipment and furniture are less clear.

Additional issues raised by members of the public at the Public Safety Committee meeting included:

- Including costs outside of the improvements subject to the permit can discourage property owners from improving their property. Such outside costs include paint finishes, flooring, cabinetry, appliances, driveways and solar panels. This also makes it more complex for staff, including the Fire Marshall to determine the actual value of the improvements.
- The 36-month cumulative total could hinder property owners from making necessary and even emergency repairs to buildings and properties.
- Generally, the \$75,000 threshold was considered too low and had been at that level for many years. Some members of the public thought it should be increased to match inflation.

Proposed Ordinance

The most significant change in the ordinance is to tie the valuation threshold which triggers the automatic sprinkler requirement for commercial remodels and additions to the value of building permit improvements rather than project improvements. This change limits the costs that apply, to those associated with the project work subject to the permit and will exclude interior finishes such as cabinets, countertops, painting, tiling, plug-in appliances and exterior finishes such as detached accessory structures under 120 square feet (such as sheds or playhouses), sidewalks, driveways and solar panels (excluding the work to attach and connect the system). The Public Safety Committee recommended retaining the current \$75,000 threshold with these changes because excluding finishes will reduce what is accounted for in determining the threshold value.

This provides a way to simplify tracking and calculating the threshold dollar valuation. The threshold can be tied to the Building Permit Valuation as reflected on the Mendocino County Building Permit Application. The County uses a formula to calculate/confirm this value. This also adds consistency to the value assigned and provides an easy determination as to whether the threshold has been met. The determination can be made at the application phase of the building permit which will avoid the difficulty of determining that a project has met or exceeded the threshold at the end of the project when all final costs are tallied and sprinklers are costlier to install.

The proposed ordinance also eliminates the 36-month cumulative cost of improvements from the threshold calculation. This simplifies the determination as to whether sprinklers are required and does not create a disincentive for property owners to complete necessary and required repairs and maintenance within three years of completing a project just to stay under the threshold.

Proposed Resolution

The City's fire sprinkler and alarm system requirements deviate from the California Fire Code as adopted in Chapter 15.05 of the City's Municipal Code. In order for a jurisdiction to depart from the California Fire Code, the amendments or changes must be more restrictive and reasonably necessary because of local climatic, geologic and/or topographic conditions (California Health and Safety Code § 17958.7). The governing body of a city or county must make express findings as to each amendment for need, prior to adopting the amendments or changes. To clearly establish that those findings occurred prior to adopting the ordinance,

the attached Resolution and Exhibit A set forth the findings and justifications for each amendment to the California Fire Code regarding fire sprinkler and fire alarm systems. The justifications and amendments must also be filed with the California Building Standards Commission to be valid.

RECOMMENDED ACTION:

Adopt City Council Resolution No. XXXX-2019 adopting legislative findings supporting amendments and changes to the California State Building Standards Code as contained in the Fort Bragg International Fire Code and California Fire Code, Chapter 15.05 of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Provide staff alternative direction on the text of the proposed Resolution.
2. Do not adopt the Resolution or Ordinance and retain the existing fire sprinkler requirements.

FISCAL IMPACT:

The revisions to the sprinkler requirements should have a nominal impact on the City's financial state. The changes may reduce the number of commercial remodels in which automatic sprinkler systems are required but any reduction in building permit fees will be offset by a reduction in staff time reviewing, processing and approving the building permit and application.

GREENHOUSE GAS EMISSIONS IMPACT:

Adoption of the Resolution by itself does not impact greenhouse gas emissions.

CONSISTENCY:

The changes in the sprinkler requirements are consistent with the City Council Priority:

Jobs/Industry

- Goal 1 – Become more business and customer service friendly
- Goal 3 – Foster and help sustain local businesses

IMPLEMENTATION/TIMEFRAMES:

The Resolution will be effective the same date as the corresponding Ordinance. Assuming the Ordinance is introduced on September 9, 2019 and adopted on September 23, 2019, it will become effective October 23, 2019.

ATTACHMENTS:

1. Proposed Resolution
2. Exhibit A

NOTIFICATION:

1. Paul Clark
2. Jeanette Colombi
3. Fort Bragg Downtown Businesses