



AGENCY:	City Council
MEETING DATE:	October 14, 2014
DEPARTMENT:	Community Dev.
PRESENTED BY:	M Jones

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER INTRODUCING, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 914-2014 REPEALING AND REPLACING CHAPTERS 15.05 (INTERNATIONAL FIRE CODE AND CALIFORNIA FIRE CODE) AND 15.06 (AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS) OF THE FORT BRAGG MUNICIPAL CODE

ISSUE:

Last year, the City's requirements for the installation of automated fire sprinklers in commercial remodel projects were tested by two large remodel projects (Surf & Sand Motel; Mendocino Sports Club) which experienced 'scope creep' over the course of construction. In the case of the Surf & Sand Motel, automated fire sprinklers were required to be installed after most of the remodel work had been completed. In the case of the Mendocino Sports Club, the owner's valuation of the work exposed a number of ambiguities in the wording of the ordinance and no sprinklers were required. In March and May of 2014, the City Council discussed potential modifications to Fort Bragg Municipal Code Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) and provided specific direction to staff regarding revisions to the ordinance to remedy the ambiguities and establish a clear process for the valuation of remodel projects. Those revisions are now brought back to the Council for a first reading of the ordinance.

RECOMMENDED ACTION:

Introduce, by title only, and waive further reading of Ordinance 914-2014 repealing and replacing Chapters 15.05 (International Fire Code and California Fire Code) and 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code; and set a public hearing date of November 10, 2014 to adopt the California Fire Code by reference.

ALTERNATIVE ACTION(S):

Continue action on the item and provide further direction to staff regarding desired modifications to the fire sprinkler ordinance.

ANALYSIS:

The City of Fort Bragg first adopted an ordinance regulating automatic fire sprinklers in 1985, and it was later amended in 1997, 1999, 2003, and 2007. The purpose of the ordinance is to ensure that new construction and significant remodels include installation of automatic fire sprinklers. Recent revisions to the ordinance included requiring installation of automatic fire suppression systems in all new commercial buildings and in projects that require a building permit and which include remodel, repair and/or maintenance activities with a value of more than \$50,000.

On March 10, 2014, the City Council considered the following possible modifications to the sprinkler ordinance: 1) modify key language in the ordinance to clarify the basis of valuing the remodel, repair and/or maintenance work; 2) revise the approval process for the sprinkler valuation; and 3) define a clear appeal process. At that time, the City Council sent the item to the

Community Development Committee (“CDC”) to consider changes to the ordinance and provide a recommendation to the City Council.

The CDC recommended that dry-rot, termite damage and exterior painting/stucco be excluded from the valuation in the Sprinkler Valuation Form. The CDC recommended changes to help ensure that the benefits of fire sprinklers are extended equitably to all remodel/repair and maintenance projects that exceed \$50,000 in value over a three-year period. CDC proposed the following changes to the ordinance:

1. Clarify that the remodel, maintenance and repair threshold is relative to the value/price of the improvements, which includes the cost of materials, installation, profit and overhead.
2. Require a complete Sprinkler Valuation Form with submission of a building permit.
3. Define an appeal process that places the burden on the appellant to prove, with evidence, that the value of the completed work is less than the \$50,000 threshold which triggers the automatic fire sprinkler requirement in remodel projects.

On May 12, 2014 the City Council discussed this item further and received additional input from the public. Staff provided information about the cost to install sprinklers, funding options and incentives to encourage installation, the cost and difficulty related to installation of backflow devices, the feasibility of providing a grace period for installation and/or utilizing fines to motivate installation, and feasibility of the City bidding out one large installation contract for all downtown businesses at one time. All of these topics were explored in the staff report and discussed at the May 12th City Council meeting. In addition, the City Council’s deliberations included discussion of the following:

- the pros and cons of including all repair and maintenance costs in the calculation for the valuation threshold;
- the need to protect life, safety and property from destruction by fire;
- the need to protect the very vulnerable downtown core from a fire disaster.

At the conclusion of the City Council discussion, the Council reached a compromise to include all costs of maintenance and repair in the valuation and to increase the valuation threshold from \$50,000 to \$75,000.

The Council’s direction regarding recommended changes to the fire sprinkler ordinance was as follows:

1. The threshold for requiring installation of fire sprinkler systems should be raised from \$50,000 to \$75,000 in any three year period; and
2. All aspects of repair, maintenance and remodel should be included in the valuation form and included in the \$75,000 threshold calculation; and
3. All building owners in the most fire vulnerable block (the Laurel-Redwood-Franklin-Main block) should be required to connect to the City Installed Fire Sprinkler Risers and vaults within four years; and
4. City staff should work to identify funding options to help existing businesses on the Laurel-Redwood-Franklin-Main block fulfill the requirement to connect to the City installed sprinkler risers in the alley.

A revised ordinance and sprinkler valuation form which reflect City Council’s direction are attached.

During the ordinance review process, it was noted that Chapter 15.05 (International Fire Code and California Fire Code) also needs to be updated to reference the current 2013 version of the California Fire Code.

Because the California Building Standards Code will be adopted by reference, the City Council will set a public hearing following introduction of the ordinance. In accordance with Government Code Sections 50022.3 and 6066, noticing of the public hearing which is scheduled to take place on November 10, 2014 will be published twice in a newspaper of general circulation.

Every three years, the California Building Standards Commission, along with other state agencies, reviews the California "Building" Codes and adopts and amends Title 24 of the California Code of Regulations ("California Building Standards Code" or the "CBSC"). The CBSC contains several titles, including the California Fire Code that are applicable and enforceable at the local level. Once adopted by the state, local jurisdictions may then adopt additional amendments, as necessary, to the California Fire Codes to account for local climatic, geographical or topographical conditions. The City's proposed amendments will make modifications to the CBSC in order to add additional structural safeguards and procedures unique to Fort Bragg. The purpose of City Council's action is to introduce the ordinance that will repeal the City's previous Fire Code, and adopt and amend the 2013 edition of the California Fire Code, in order to reflect the City's current needs.

Lastly, staff has researched and summarized funding alternatives for downtown businesses that would be mandated to connect to the sprinkler system as described below:

- **PACE Program.** The PACE program provides homeowners and businesses with an option to fund the installation of solar panels with a tax assessment on their property. Council asked staff to explore the feasibility of utilizing this funding source to fund sprinkler installation. Unfortunately, the State legislation authorizing local governments to implement the PACE program limits participation to solar panel installation.
- **CDBG Commercial Rehabilitation Program.** In the future, the City of Fort Bragg may be able to establish a Commercial Rehabilitation program that would allow a combination of forgivable, deferred interest, and low interest loans for installation of sprinkler systems. The Commercial Rehabilitation program is not currently allowed under state CDBG regulations, so program particulars are unknown. CDBG staff hopes to implement regulation changes to allow this program in 2016.
- **City Loan.** Generally a City loan would trigger prevailing wage requirements which make City loans impractical as they increase the cost of installation more than the savings of the loan.

FISCAL IMPACT:

The installation of automatic sprinkler systems will reduce fire-fighting costs associated with responding to calls for service by the Fire Department. Thus the project will have a net positive fiscal impact on the City by reducing the cost of fire services. Using CDBG program income to fund forgivable loans for fire sprinkler installation in downtown will reduce the amount of program income for other City activities.

CONSISTENCY:

The proposed changes to the Municipal Code Fire Sprinkler Ordinance are consistent with the following goals and policies of Fort Bragg's General Plan (*italics added for emphasis*):

Goal SF-4 Reduce fire hazards.

Policy SF-4.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and *require mitigation measures to reduce the probability of fire.*

Policy SF-4.2 Maintain a High Level of Fire Protection: Work with the Fire Protection Authority to ensure a continued high level of fire protection.

Program SF-4.2.2: Develop a plan to provide sprinklers for commercial structures in the Central Business District. The plan shall include consideration of City funding to construct risers for this area.

Staff found no conflicts between the proposed changes to the Fire Sprinkler Ordinance and the General Plan.

IMPLEMENTATION/TIMEFRAMES:

If the first reading is waived and the ordinance introduced at the October 14th meeting, the ordinance will be brought back to the City Council for a public hearing and adoption on November 10, 2014. If adopted, the ordinance would become effective on December 10, 2014.

ATTACHMENTS:

1. Municipal Code Chapter 15.06 “Automatic Fire Sprinkler And Alarm Systems”
2. Sprinkler Ordinance Redline
3. Sprinkler Valuation Form

NOTIFICATION:

1. Steve Orsi, Fire Chief
2. Steve Wells, Fire Marshal

City Clerk’s Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		

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