



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: JULY 17, 2019
TO: PUBLIC SAFETY COMMITTEE
FROM: TABATHA MILLER, CITY MANAGER
SARAH MCCORMICK, ASSISTANT PLANNER
AGENDA ITEM TITLE: Receive Report and Provide Direction to Staff Regarding possible changes to the City's Fire Sprinkler Ordinance (Fort Bragg Municipal Code Section 15.06 – Automatic Fire Sprinkler and Alarm Systems)

BACKGROUND AND OVERVIEW:

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 sprinkler 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 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 only 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 are directly tied to the permit valuation provided by the applicant (Note: this methodology will change on 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 developed. 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 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 entirely 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.

Considerations For Review

- A method that definitively determines whether or not sprinklers are required before construction that could be included as a condition of the permit would serve all parties.
- Is \$75,000 the appropriate threshold, particularly if the valuation method is changed?
- Clarification of what portions of a project will be included in the value and whether it is price paid or value of work, keeping in mind the owner-builder, would be helpful.
- The 36-month rolling valuation period adds complexity to the threshold valuation process but prevents projects from being broken up into phases to avoid the \$75,000 threshold.
- Should the location, use of the commercial building, or age of the structure be considered in determining the requirement or the threshold?
- Relying solely on Building Permit Valuation will result in some construction costs not being included in the \$75,000 limit for fire sprinklers: paint finishes, flooring, cabinetry, appliances, etc. Additionally, decisions surrounding improvements of this type are generally made later in the project and would not necessarily be included in the project's fire sprinkler valuation. However, it creates a more consistent value that can be determined when the permit is issued or when revised.
- Does the sprinkler requirement create unwanted results such as discouraging remodels, necessary repairs and maintenance, emergency repairs and/or hinder economic growth?

Revised City Procedures

In a recent effort to improve the process of reviewing a building permit application for fire suppression, staff has implemented the following procedures:

1. At the time of application submittal, the applicant completes the top portion of the 'Fire Sprinkler Valuation' form and enumerate the value of all improvements associated with project that do not require a building permit (Attachment 1 – Fire Sprinkler Valuation Form).
2. The City will rely on the Mendocino County valuation of the building permit, for initial of project value. The County value confers a per-square foot valuation on the project from the ICC Valuation Tables. City staff will complete the 'Current Building Permit Valuation' portion of the form, following plan review by Mendocino County Building Inspectors, rather than utilize the value written by applicants. This will lead to more consistent valuations.

3. City staff will route the Fire Sprinkler Valuation form along with the application and plan set for the Fire Marshal Plan Review.
4. The Fire Marshall conducts review, including adding the valuation for building permits pulled on the address in the past three years, and will complete the form to preliminarily determine whether or not fire sprinklers are required. If the value, including work within the past 36-months exceeds \$75,000, the sprinkler requirement will be assumed triggered.
5. Fire Marshall will meet with the applicant and the applicant will be required to sign the form prior to issuance of the building permit. The form clearly states that the applicant understands and agrees to install fire sprinklers if the project exceeds \$75,000.

Staff has already implemented the improved procedure for Fire Marshal review. To simplify the valuation process and create a more consistent threshold value, staff recommends application of the County's Permit Valuation method. This will require revision of the existing Ordinance.

RECOMMENDATION:

Staff recommends revising the Ordinance to provide a more consistent method for determining the threshold value which triggers the Sprinkler requirement in commercial remodels. Staff is seeking direction from the Public Safety Committee on what revisions are desired.

ATTACHMENTS:

1. Chapter 15.06 Automatic Fire Sprinkler and Alarm Systems
2. Fire Sprinkler Valuation Form