

City Council

COUNCIL AGENDA: 10-26-10
ITEM: 4.3(b)

SUPPLEMENTAL



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: William McDonald

SUBJECT: See below

DATE: October 12, 2010

Approved *Paul Burk* Date 10/20/10

COUNCIL DISTRICT: City-Wide
SNI AREA: All

SUPPLEMENTAL MEMO

SUBJECT: Approval of an Ordinance amending Chapter 17.12 of the San Jose Municipal Code adopting the 2010 California Building Standards, CCR Title 24, Part 9, and the Standards referenced in CCR Title 24 Part 9, and adopting certain local amendments to the requirements relating to the design and installation of fire protection and special systems, hazardous material systems, and other fire safety requirements.

RECOMMENDATION

Approval of an Ordinance to amend Chapter 17.12 of the San Jose Municipal Code:

1. Adopt the 2010 edition of the California Fire Code (CFC), and the Standards referenced in 2010 CFC; and
2. Adopt local amendments regarding fire sprinkler requirements, firefighter elevator requirement for high-rise buildings, firefighter access requirements on roofs with photovoltaic panels, and the requirements relating to the design and installation of fire protection and special systems and hazardous material systems.

OUTCOME

Approval of the Ordinance will ensure consistency of the City of San Jose's -Fire Code with state standards and ensure that City codes provide additional protection of the health, welfare, and safety of local residents required due to local climatic, geological, and topographical conditions.

BACKGROUND

The Building Standards Commission (BSC) publishes triennial editions of the California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code. On July 4, 2010, the BSC published the 2010 edition of the California Building Standards Code. The 2010 California Building Standards Code will apply to any building or structure for which application for a building or fire permit is made on or after January 1, 2011. The 2010 California Fire Code (CFC) is based on the International Code Council published 2009 International Fire Code (IFC).

The State of California allows local municipalities to modify the state adopted building standards to make them more restrictive (not less), provided certain express findings are made that the proposed modifications are necessary due to special local climatic, geological, or topographical conditions that can affect the health, welfare, and safety of local residents.

ANALYSIS

SUMMARY OF THE ORDINANCE

The proposed ordinance accomplishes the following:

1. Adopt the 2010 edition of the California Fire Code (CFC) (CCR Title 24 Part 9), and the Standards referenced in 2010 CFC; adopt CFC Chapter 45 regarding Marinas with no amendments, adopt CFC Chapter 46 regarding Construction Requirements for Existing Buildings with no amendments.
2. Adopt local amendments to the California Fire Code.
3. Update or eliminate cross-references to match current code language.

A complete copy of the proposed Ordinance is attached. The Ordinance publishes the revised sections of Chapter 17.12 of the San Jose Municipal Code.

NEW AMENDMENTS

Staff proposes to adopt local amendments described below based upon the following express findings:

1. San Jose's dense population creates constant challenge for the Fire Department in providing overall effective service to the community by protecting life, property, and the environment through prevention and response.
2. The City of San José is located within a very active seismic area. Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on both private fire protection systems and equipment. The limited

- and widely dispersed resources of the Fire Department could result in failure to meet and provide the fire protection and life safety needs of the community.
3. The local geographic, topographic and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the City of San José, and may cause disruptions in operation of private fire protection systems and equipment and delayed fire response time, allowing for further fire growth and spread.
 4. The provisions of this Ordinance establishing certain more restrictive standards than the California Fire Code will better serve to prevent or minimize fire damage resulting from local conditions.

Previously adopted amendments to the California Fire Code (CFC) are preserved and the following is a summary of **new** amendments:

A. Fire Sprinkler Regulations (CFC Chapter 9 and NFPA 13D)

Fire sprinkler requirements are modified as follows:

- a. Require fire sprinkler coverage in room or space where sprinklers are considered undesirable because of the nature of the contents. Such room or space is currently exempted by the CFC, but the code language is too vague to enforce.
- b. Require fire sprinklers in new one- and two-family dwellings.
- c. Require fire sprinklers in existing detached one- and two- family dwellings where an increase of 500 square-feet is made to the floor area resulting in a total building floor area exceeding 3,600 square-feet.
- d. Disallow multi-purpose piping system in detached one- and two- family dwellings.

B. Elevator for Firefighter Use

Allow using designated Firefighter elevator as alternative to Firefighter Breathing Air Replenishment System currently mandated in San Jose Municipal Code for high-rise buildings. It does not trigger installation of any additional elevators. It will require additional fire protections for at least one of the elevators that are required in high-rise buildings.

C. Fire Access Requirements for Solar Photovoltaic Systems

Provide guidelines for the installation of solar photovoltaic systems on the roof of commercial buildings and apartment (including condo) buildings, so that adequate fire access can be provided for fire operations. One- and two-family dwellings are exempted from these requirements.

D. Referenced Standards (CFC Chapter 47)

Several referenced standards relating to the design and installation of fire protection and special systems and hazardous material systems are amended due to local climatic, geological, and topographical conditions.

EVALUATION AND FOLLOW-UP

The approval of this ordinance will not impact current performance measures. However, due to changes in the codes and standards, staff and the design professionals will need time to adjust and become familiar in the application of these new codes and standards. Current performance levels are expected to slightly decline in the first six months.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

Staff presented the proposed local amendments to design professionals, developers and contractors in roundtable meetings held last August 19, September 1, 2, 9 and 14. Based upon previous feedback, staff had modified the amendments so that one- and two-family dwellings will be exempted from proposed Fire Department Access requirements for Solar Photovoltaic Systems.

Staff, in its September 27, 2007 report briefed the Community and Economic Development (CED) Committee on the proposed local amendments to the 2010 California Building Standards Codes and on October 21, 2010, will present the same to the Public Safety, Finance and Strategic Support (PSFSS) Committee.

NO oral report to safety committee

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

The relevant sections of the proposed ordinance were coordinated with the Department of Planning, Building and Code Enforcement. This memorandum and proposed ordinance were coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

Due Date: October 12, 2010

Subject: Adoption of the California Building Standards with Local Amendments

Page 5 of 5

CEQA

Exempt – PP10-168.

/s/
William McDonald
Fire Chief

For questions please contact Ivan Lee, Fire Marshal, at (408) 535-7794.