

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director 

**DATE:** December 2, 2010 (CC Meeting of 12/15/2010)

**SUBJECT:** Consider a Resolution Ratifying Ventura County Fire Protection District Ordinance No. 27 Section 610 and Appendix L, Pertaining to Building Standards for Application within the Jurisdictional Boundaries of the City of Moorpark and Rescinding Resolution No. 2007-2665

**BACKGROUND**

The State of California Health and Safety Code requires all jurisdictions to enforce the most recent editions of various building standards. Although the State requires the enforcement of certain standards, it allows local jurisdictions to amend these standards in order to address local concerns. The State, however, does limit the local jurisdiction's ability to amend the prescribed building standards to amendments that are reasonably necessary for reasons relating to local climate, geology and topography. On November 23, 2010, the Ventura County Fire Protection District adopted building standards more restrictive than those adopted by the State Fire Marshal and contained within the California Building Code. The California Health and Safety Code Section 13869.7 authorizes the Fire District to adopt such standards, but requires ratification by the legislative body where the standards apply; in this case the cities that are served by the Ventura County Fire Protection District.

**DISCUSSION**

The attached draft resolution ratifies Section 610 and Appendix L of the Ventura County Fire Protection District Ordinance 27. Section 610 and Appendix L adopt building standards, relating to fire and life safety, which are more restrictive than those adopted by the State Fire Marshal and contained within the California Building Standards Code.

Section 610 includes new requirements for placement of photovoltaic panels on roofs of buildings as developed by the California State Fire Marshal's Office and industry stakeholders that provides for firefighter safety. Similar building standards contained in Appendix L have been in effect since June 3, 1982 and are an integral part of the Fire District's fire protection plan. Modifications were recently adopted in May 2007 and are contained in the current Appendix L. These modifications include provisions to require the installation of an automatic sprinkler system in all occupancies except Group U, when approved.

California Health and Safety Code Section 13869.7 requires the Fire District to file findings that support the need for more restrictive building standards based on local climatic, geological, or topographical conditions. Those findings are as follows:

### **Section 610 and Appendix L Findings**

1. **Climatic.** Ventura County experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire District commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection or where rooftop photovoltaic equipment hinders standard fire-fighting operations.
2. **Geological.** Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Proper location of roof top photovoltaic equipment will assist fire fighters in extinguishing or controlling fires in structures by not unduly delaying fire fighting operations, which will increase the availability of firefighting resources after seismic activity. Additionally, built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after seismic activity.
3. **Topographical.** Ventura County has rural areas that are in high fire hazard areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. Built-in fire protection and proper location of roof top photovoltaic equipment will assist fire fighters in extinguishing or controlling fires in structures in a timely manner by not unduly delaying fire fighting operations, which will help prevent the spread of fire to the Wildland areas and will increase the availability of firefighting resources available for Wildland fires

**STAFF RECOMMENDATION**

1. Adopt Resolution No. 2010-\_\_\_\_, ratifying Ventura County Fire Protection District Ordinance No. 27, Section 610 and Appendix L, pertaining to building standards for application with the jurisdictional boundaries of the City of Moorpark and rescinding Resolution No. 2007-2665.
2. Direct the Building Official to file a copy of the findings of the Ventura County Fire Protection District together with a copy of Section 610 and Appendix L of Ordinance 27 to the California Department of Housing and Community Development and California Building Standards Commission.

Attachment: Resolution No. 2010-\_\_\_\_

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RATIFYING VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 27, SECTION 610 AND APPENDIX L, PERTAINING TO BUILDING STANDARDS FOR APPLICATION WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY OF MOORPARK AND RESCINDING RESOLUTION NO. 2007-2665

WHEREAS, the City of Moorpark lies within the jurisdictional boundaries of the Ventura County Fire Protection District and the Ventura County Fire Protection District has responsibility for fire protection within said jurisdictional boundaries; and

WHEREAS, the Ventura County Fire Protection District adopted Fire Protection District Ordinance No. 27 on November 23, 2010, adopting the 2010 California Fire Code and the 2009 edition of the International Fire Code including local amendments; and

WHEREAS, Section 610 and Appendix L of said amendments, attached as Exhibit A, constitute amendments to building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code; and

WHEREAS, pursuant to Section 13869.7(c) of the California Health and Safety Code, amendments containing such building standards are not effective within the jurisdictional boundaries of the City until ratified by the City Council; and

WHEREAS, said Section 610 includes new requirements for placement of photovoltaic panels on roofs of buildings as developed by the California State Fire Marshal's Office and industry stakeholders that provide for firefighter safety; and

WHEREAS, said Appendix L contains similar building standards that have been in effect and enforced within the current City boundaries since June 3, 1982, prior to incorporation; and

WHEREAS, the building standards contained within Section 610 and Appendix L are an integral part of the Ventura County Fire Protection District fire protection response plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

**CC ATTACHMENT 1**

SECTION 1. CITY COUNCIL RATIFICATION: The City of Moorpark ratifies, without modification, Section 610 and Appendix L of Ventura County Fire Protection District Ordinance No. 27 to be effective within the jurisdictional boundaries of the City of Moorpark.

SECTION 2. Resolution No. 2007-2665 is hereby rescinded in its entirety.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 15th day of December, 2010.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Exhibit A: Ventura County Fire Protection District Ordinance No. 27, Section 610 and Appendix L

# EXHIBIT A

## Chapter 6

Section 610 is added to read as follows:

### 610 Photovoltaic Systems

**610.1 General.** The installation of photovoltaic systems shall comply with this section and the California Building and Electrical Codes and the requirements of the local Building Department having jurisdiction.

**Exception:** Photovoltaic systems installed on one and two family dwellings are exempt from this section.

**610.2 Permits.** See Section 1.5.7.9.1

**610.3. Plans.** Construction plans that include a roof layout of the proposed photovoltaic system panels and equipment shall be submitted to the fire code official for approval prior to installation.

**610.4 Design.** Photovoltaic system shall be designed in accordance with the SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINE issued by the California State Fire Marshal Office April 22, 2008. with an amendment to Section 2.2.1 (page 10) as follows:

Section 2.2.1 on Pg 10 of the SFM SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINE is amended to read as follows:

#### 2.2.1 Access.

There shall be a minimum six foot (6') wide clear perimeter around the edges of the roof, as measured from the exterior bearing walls of the building to the nearest photovoltaic panel. Examples #5 to #8 shall reflect this requirement.

**Exception:** If either axis of the building is 250 feet or less in length, there shall be a minimum four feet (4') wide clear perimeter around the edges of the roof, as measured from the exterior bearing walls of the building to the nearest photovoltaic panel.

### 610.5 Findings

**610.5.1 General.** After due consideration the VCFPD's Board of Directors hereby finds that due to the local climatic, geologic and topographic conditions stated in this section, the modifications and changes to the current California Building Code and California Fire Code set forth herein are reasonably necessary to provide sufficient and effective protection of life, health and property in this jurisdiction.

**610.5.2 Climatic.** Ventura County experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire District commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures where roof top photovoltaic equipment hinders standard fire-fighting operations.

**610.5.3 Geological.** Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Proper location of roof top photovoltaic equipment will assist fire fighters in extinguishing or controlling fires in structures by not unduly delaying fire fighting operations, which

will increase the availability of firefighting resources after seismic activity.

**610.5.4 Topographical.** Ventura County has rural areas that are in hazardous fire areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. Proper location of roof top photovoltaic equipment will assist fire fighters in extinguishing or controlling fires in structures in a timely manner by not unduly delaying fire fighting operations, which will help prevent the spread of fire to the Wildland areas and will increase the availability of firefighting resources available for Wildland fires.

**610.6 Ratification.** Before Section 610 of Ordinance No. 27 is effective in the County of Ventura or in any city within jurisdiction of the VCFPD, the legislative body of the County or of any such city shall ratify Section 610 in accordance with subdivisions (b) and (c) of California Health and Safety Code Section 13869.7.

(Continued on next page)

Appendix L is added to read as follows:

**APPENDIX L  
FIRE PROTECTION SYSTEMS**

**L101 General.** An automatic fire extinguishing system shall be installed in all occupancies and locations as set forth in Appendix L and Chapter 9.

**L102 Definitions**

**Building, Existing** – as defined in the California Building Code.

**Floor Area** - as defined in the California Building Code.

**L103 Where required.** Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.

**L103.1 Buildings.** An automatic fire extinguishing system shall be installed in all buildings.

**Exceptions:**

1. Group U Occupancies when approved by fire code official.
2. Small Agricultural Produce Stands (as defined in the Ventura County Building Code (VCBC)) which comply with all of the following:
  - A. Shall not exceed 400 square feet of floor area.
  - B. Shall be constructed in accordance with the VCBC.
  - C. Shall be separated from other buildings a minimum of 30 feet.
3. Free standing restroom buildings which comply with all of the following:
  - A. Shall not exceed 400 square feet of floor area.
  - B. Shall be constructed primarily of non-combustible materials (wood frame with drywall or stucco covering is acceptable).
  - C. Shall have a minimum Class A roof.
  - D. Shall be separated from other buildings a minimum of 30 feet.
  - E. No other combined use is permitted (I.E: maintenance room, snack bar, storage, etc.).
4. Combination restroom with pool equipment shelter which complies with the requirements of exception # 3 above (other than 3.A. and D.) and the following
  - A. Shall not exceed 200 square feet of floor area.
  - B. Shall not have any habitable or storage space
  - C. Shall be separated from other buildings a minimum of 15 feet.
5. Picnic and lunch shelters structures which comply with all of the following:
  - A. Use is defined as a Group A, Division 2 or 3 occupancy by the Building Department.
  - B. Shall not exceed 1,500 square feet for A-2 Occupancy or 4,500 square feet of floor area for A-3 Occupancy.
  - C. Shall be separated from other buildings a minimum of 30 feet.
  - D. Only picnic tables and chairs are located underneath the shelter.
  - E. Shall not have any enclosed space underneath the shelter covering.
  - F. Shall be located at grade level around the entire shelter.
  - G. Open on all sides from finished grade to a height of 10 feet above finished grade.

- H. Structural columns and other architectural features may not obstruct more than 10% of the opening length around the structure.
- I. Shall have no obstructions that will hinder egress within 10 feet of the exterior perimeter of the shelter for a distance of 75% of the opening length around the shelter.
- J. A food prep surface area may be located along one opening, but shall not obstruct more than 20 feet or 10% of the opening length, which ever is smaller.
- K. May be constructed of any materials allowed by the California Building Code.
- L. Any roof covering shall be non-combustible if not an open trellis style shelter.

**L103.2 Buildings, Existing.** Buildings in existence at the time of the effective date of this Appendix may have their existing use continued if such use was legal at the time. Additions to buildings shall require an automatic fire extinguishing system installed throughout, including areas not previously protected, except for buildings that meet one of the following exceptions.

**Exceptions:**

1. All occupancies, except Group R, Division 3, where an addition is 25% or less of the existing floor area.
2. Occupancies classified as Group R, Division 3, including attached Group U occupancies, where an addition is 1,000 square feet or less, regardless of the percent of addition.
3. Occupancies classified as Group R, Division 3 including attached Group U occupancies, where an addition is 50% or less of the existing floor area.
4. Group U Occupancies when approved by the fire code official.

**L103.2.1 Concurrent permits.** Additions or modifications, where the application for building permit is submitted prior to the final inspection of any previously issued building permit(s) shall require the installation of an automatic fire extinguishing system throughout (including areas not previously protected by an automatic fire extinguishing system) when the area of addition or modification of the combined previously issued permits and the new application exceed the exceptions listed under section L103.2.

**L103.3. Previously Exempt Buildings and Uses.** To establish the fire sprinkler requirements for buildings and uses legally in existence that were previously exempt from automatic fire sprinklers due to limited size or use, and that are being increased above the exempt amount, or are changing the occupancy use that would not have been exempt when the building permit was issued, shall comply with requirements for automatic fire sprinklers as follows:

**L103.3.1 Additions.** Any existing building less than 701 sq ft previously exempt from fire sprinklers that would have been required to mitigate fire flow, access requirements, or distance to a fire station, at the time the building permit was issued, shall provide fire sprinklers within the entire building when any addition to the building brings the total square footage over the previous exempt amount of 700 sq ft, regardless of the percent of the addition. Exceptions 1 to 3 under Section L103.2 shall not apply.

**L103.3.2 Change of Use.** Any change of use of a Group U occupancy, that reclassifies to a new occupancy classification that would not have been exempt from fire sprinklers due to existing size, use, fire flow, access requirements, or distance to a fire station, under a previous Fire District Ordinance in effect at the time the building permit was issued, shall provide fire sprinklers within the existing building. The exceptions under Section L103.2 shall not apply. This section does not limit the requirements for fire sprinklers for the new occupancy classification under the current California Building and Fire Codes.

## **L104 Installation Requirements.**

### **L104.1 Modifications.**

**L104.1.1 Fire Walls.** For the purpose of this Appendix, fire walls shall not be considered as creating separate buildings.

**L104.1.2 Coverage.** Where allowed, sprinkler systems installed in accordance with NFPA 13D in Group R-3 occupancies shall provide sprinkler protection for attached Group U occupancies and all bathrooms.

**L104.1.3 Modifications Prohibited.** When NFPA 13R sprinkler systems are provided in Group R occupancies, exceptions to, or reductions in, code requirements are not allowed based on the installation of either a NFPA 13R or a NFPA 13 sprinkler system. This shall also include requirements in the California Code of Regulations Title 24, Part 2 and Part 9.

### **L105. Maintenance of Area Separation Walls**

**L105.1 General.** Area separation fire walls used to create fire areas less than 5,000 square feet in buildings, for which the original application for permit under which the building was constructed was accepted by Building and Safety before November 1, 2002, shall be maintained as approved area separation fire walls with no openings.

### **L106 Findings**

**L106.1 General.** After due consideration the Board of Directors of the VCFPD hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current California Building Code and California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property.

**L106.1.2 Climatic.** Ventura County experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire District commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection.

**L106.1.3 Geological.** Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after seismic activity.

**L106.1.4 Topographical.** Ventura County has rural areas that are in hazardous fire areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire.

## **L107 Ratification**

**L107.1 General.** Before Appendix L of Ordinance No. 27 is effective in the County of Ventura or in a city within the Fire Protection District, the legislative body of the County or of the city shall ratify Appendix L in accordance with California Health and Safety Code Section 13869.7.