

## **ITEM 10.D.**

### **MOORPARK CITY COUNCIL AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** December 10, 2013 (CC Meeting of 12/18/2013)

**SUBJECT:** Consider Resolution Ratifying Ventura County Fire Protection District Ordinance No. 28 Appendix L, Pertaining to Building Standards for Application within the Jurisdictional Boundaries of the City of Moorpark and Rescinding Resolution No. 2010-2985

#### **BACKGROUND**

On December 10, 2013, the Ventura County Fire Protection District adopted Ordinance No. 28, containing 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 Appendix L of the Ventura County Fire Protection District Ordinance No. 28. Appendix L adopts 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. California law requires building standards adopted by local jurisdictions that are more restrictive than those adopted by the state to be enacted by ordinance within 180 days after the state adopts and publishes the California Building and Fire Code.

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 adopted in May of 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 (e.g. storage sheds, detached garages).

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:

### **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 firefighting 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.
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. 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 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.

Ordinance No. 28 of the Ventura County Fire Protection District amended the 2013 Edition of the California Fire Code and the 2012 Edition of the International Fire Code. It also repealed Fire Protection District Ordinance No. 27, which had amended the 2010 Edition of the California Fire Code and 2009 Edition of the International Fire Code. Since Section 610 and Appendix L of Fire Protection District Ordinance No. 27 were ratified by City Council Resolution No. 2010-2985, that resolution should now be rescinded.

### **STAFF RECOMMENDATION**

1. Adopt Resolution No. 2013-\_\_\_\_, ratifying Ventura County Fire Protection District Ordinance No. 28 Appendix L, pertaining to building standards for application with the jurisdictional boundaries of the City of Moorpark and rescinding Resolution No. 2010-2985.

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2. Direct the Building Official to file a copy of the findings of the Ventura County Fire Protection District together with a copy of Appendix L of Ordinance No. 28 with the California Department of Housing and Community Development and California Building Standards Commission.

Attachment: Resolution No. 2013-\_\_\_\_\_

RESOLUTION NO. 2013-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RATIFYING VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 28 APPENDIX L, PERTAINING TO BUILDING STANDARDS FOR APPLICATION WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY OF MOORPARK AND RESCINDING RESOLUTION NO. 2010-2985

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, on December 10, 2013, the Ventura County Fire Protection District adopted Fire Protection District Ordinance No. 28, adopting the 2013 California Fire Code and the 2012 edition of the International Fire Code by reference, together with portions of the Appendix Chapters thereof, and amendments thereto; and

WHEREAS, Appendix L of said amendments constitutes 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 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 Appendix L are an integral part of the Ventura County Fire Protection District fire protection response plan; and

WHEREAS, City Council Resolution No. 2010-2985 previously ratified Section 610 and Appendix L of Fire Protection District Ordinance No. 27, which was superseded by Fire Protection District Ordinance No. 28, and as such will no longer be valid and should be rescinded upon the effective date of Fire Protection District Ordinance No. 28.

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

SECTION 1. CITY COUNCIL RATIFICATION: The City of Moorpark ratifies, without modification, Appendix L of Ventura County Fire Protection District Ordinance

**CC ATTACHMENT**

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No. 28 to be effective within the jurisdictional boundaries of the City of Moorpark on and after January 1, 2014.

SECTION 2. Resolution No. 2010-2985 is hereby rescinded in its entirety, effective January 1, 2014.

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 18th day of December, 2013.

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

ATTEST:

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

Exhibit A: Appendix L of Fire Protection District Ordinance No. 28

**EXHIBIT A**  
**VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 28**  
**APPENDIX L**  
**FIRE PROTECTION SYSTEMS**

*Section L101 is added to read as follows:*

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

*Section L102 is added to read as follows:*

**L102.1 Definitions.** For the purpose of this appendix, certain terms are defined as follows:

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, EXISTING.** A building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

**FLOOR AREA, GROSS.** The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

**GROSS SQUARE FEET.** The sum of all areas on all floors of a building included within the outside faces of its exterior walls. Gross square feet is used in determining the automatic fire sprinkler retro-fit requirements for Group R-3 Occupancies, inclusive of attached garages.

*Section L103 is added to read as follows:*

**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 sprinkler system shall be installed in all buildings.

**Exceptions:**

1. Group U occupancies when approved by the fire code official.

2. Small Agricultural Produce Stands (as defined in the current edition of the Ventura County Building Code (VCBC)) which comply with all of the following:
  - A. Shall not exceed 400 square feet of gross 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 gross 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 30 feet.
  - E. No other combined use is permitted (i.e. maintenance room, snack bar, storage, etc.).
4. Combination restroom with pool equipment shelters which comply with all the following:
  - A. Shall not exceed 200 square feet of gross 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 not have any habitable or storage space.
  - E. Shall be separated from other buildings a minimum of 15 feet.
  - F. No other combined use is permitted (i.e. maintenance room, snack bar, storage, etc.).
5. Picnic and lunch shelter structures which comply with all 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 of gross floor area for A-2 occupancy or 4,500 square feet of gross 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 preparation surface area may be located along one opening, but shall not obstruct more than 20 feet or 10% of the opening length, whichever 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.
6. S-2 carport structures which comply with all of the following:
- A. Building shall be free standing and legally separated from all other buildings or uses.
  - B. Building shall be constructed of non-combustible materials.
  - C. Fire apparatus access shall extend to within 25 feet of all portions of the interior of the carport as measured by an approved route around the exterior of the building.

**L103.2 Buildings, Existing.** Additions to buildings shall require an automatic fire extinguishing system installed throughout, including areas not previously protected, except for buildings that meet any one of the following:

**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 gross 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 gross square feet.
- 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 with less than 701 square feet of floor area (701 gross square feet for Group R-3 Occupancies) 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 square feet, 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.

*Section L104 is added to read as follows:*

**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.

**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.

*Section L105 is added to read as follows:*

**L105 – MAINTENANCE OF AREA SEPARATION WALLS.**

**L105.1 General.** Area separation fire walls used to create fire areas less than 5,000 square feet of floor area (5,000 gross square feet for Group R-3 Occupancies) 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 an approved area separation fire walls with no openings.

- End -