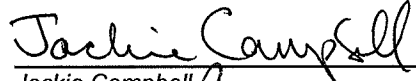


STAFF REPORT
COUNCIL MEETING DATE
February 28, 2011

ITEM FOR COUNCIL CONSIDERATION

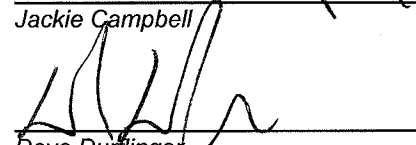
Amendment of Carpinteria Municipal Code Chapter 8.24 to require fire sprinkler systems in all new single family dwellings.

Report prepared by:
Community Development Director



Jackie Campbell

Reviewed by:
City Manager



Dave Durlinger

STAFF RECOMMENDATION

Action Item Non-Action Item

Adopt the attached Ordinance No. 651, thereby amending Chapter 8.24 of the Carpinteria Municipal Code, Fire Safety/Standards

Motion 1 I move to approve and adopt Ordinance Number 651, as read by title only (first reading), to amend CMC Chapter 8.24 to require fire sprinkler systems in all new single family dwellings.

Motion 2 I move to continue this item to the City Council meeting of March 14, 2011 for final adoption of Ordinance Number 651 (second reading).

I. Background

City staff works with Carpinteria-Summerland Fire Protection District personnel on the permitting of all new structures and additions in the city. All new development that requires a building permit is first routed to the Fire District to ensure that all Fire Code requirements are met before a building permit is issued. The State Fire Code has changed to require that fire sprinkler systems be added to all new single family dwellings, however, the Municipal Code currently

exempts single family dwellings from this requirement. While the new law went into effect on January 1, 2011 and preempts current requirements of the Municipal Code, changing the language in the Municipal Code to match the Fire Code will align the Municipal Code with state law and will provide consistent information to applicants and developers who do work in the city.

II. Analysis

The California Constitution gives the State of California the right and power to regulate the development of residential structures within the state. The amendment in Ordinance No. 651 is proposed to make the Carpinteria Municipal Code consistent with State law by requiring that all single family dwellings, including manufactured and mobile homes, be equipped with fire sprinkler systems. The ordinance change will bring Carpinteria's fire sprinkler requirements into conformance with state law by deleting the exemption from the fire sprinkler requirement for single family dwellings.

District standards require compliance with fire sprinkler provisions for additions larger than 500 square feet to existing commercial buildings and residential additions larger than 1,000 square feet. By deleting the exemption for single family dwellings referenced in Section 8.24.040, all development regulated by the City will be subject to fire sprinkler standards applicable in greater Carpinteria-Summerland Fire Protection District jurisdictional area. The format of the amendment is consistent with other chapters in the CMC.

III. Alternatives

The Council could choose not to amend Chapter 8.24 at this time. Because local regulations are preempted by state law, failing to conform the City's Municipal Code to state law would not affect applicable fire sprinkler regulations. Therefore, the alternative of inaction is not recommended.

IV. Fiscal Impact

No fiscal impact to the City is expected. Building plan check and inspections in cooperation with the Carpinteria-Summerland Fire Protection District will be used to ensure compliance. Costs to applicants who build new single family dwellings will be increased, though this requirement is already in effect given the change in state law and is only reiterated in the Carpinteria Municipal Code. Many new residences include fire sprinkler systems even though they were only mandated for all new construction commenced after January 1, 2011.

V. Legal Impact

The City Attorney recommends this revision to update the City's regulations to harmonize the Carpinteria Municipal Code with the state law and existing local fire code requirements with regard to fire sprinklers. The required change does not subordinate City authority to regulate and does not change any other applicable City development standards.

VI. Environmental Review

The adoption of the proposed amendments is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(3) because this activity is

not a "project" as defined in §15378. There is no possibility that the adoption of this ordinance would cause a significant physical change in the environment because the ordinance merely adds one additional building type to the list of buildings that require fire sprinkler systems to prevent damage and injury caused by structure fires. And, as stated above, this requirement is already established in state law. For more information, please see Attachment 2.

VII. Attachments

1. Carpinteria Ordinance Number 651
2. CEQA Notice of Exemption dated March 14, 2011

ORDINANCE NO. 651

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,
CALIFORNIA, AMENDING CHAPTER 8.24 OF TITLE 8 (HEALTH AND
SAFETY) OF THE CITY OF CARPINTERIA MUNICIPAL CODE**

WHEREAS, Section 8.24.040, which requires automatic fire sprinkler systems be installed and maintained in all buildings except single family dwellings, was adopted by the City Council in 1987;

WHEREAS, in enacting that ordinance, at a duly noticed public hearing, the City Council found that Section 8.24.040 is effective as a preventative regulatory mechanism to address the problems associated with structure fires in the city;

WHEREAS, since 1987 California law has evolved such that the language of Section 8.24.040 requires updating to achieve consistency with the state Fire Code;

WHEREAS, applying the fire sprinkler system requirement to single family dwellings would prevent or reduce damage and injury caused by house fires;

WHEREAS, the City finds that applying the fire sprinkler system requirement to single family dwellings is necessary to preserve the public's health, safety and welfare;

WHEREAS, requiring installation of fire sprinkler systems in all buildings requires amendment of Chapter 8.24; and

WHEREAS, at its duly noticed regular meetings of February 28 and March 11, 2011, the City Council considered the facts and analysis as presented in the staff reports and presentations prepared for this matter; and conducted a public hearing to obtain public testimony on the proposed ordinance.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS.

The above recitals are true and correct and incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance.

**SECTION 2. AMENDMENT OF CHAPTER 8.24 OF TITLE 8 (HEALTH AND SAFETY)
OF THE CARPINTERIA MUNICIPAL CODE.**

Chapter 8.24 (Fire Prevention) of the Carpinteria Municipal Code shall hereby be amended by deleting the text shown in strike-out below in Section 8.24.040, which shall read as follows:

8.24 – FIRE PREVENTION

8.24.040 – Automatic fire sprinkler system.

A. Notwithstanding other provisions of this code of the city of Carpinteria, approved automatic fire sprinkler systems shall be installed and maintained in all buildings, ~~other than single family dwellings~~, hereafter constructed or placed upon real property including buildings or structures as defined in the current Uniform California Building Code which that require a permit from the building department division.

SECTION 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the ordinance; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 4: SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 5: CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(3) (this activity is not a "project" as defined in §15378).

PASSED, APPROVED AND ADOPTED this 14th day of March 2011, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

Mayor of the City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 14th day of March 2011.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Peter N. Brown, City Attorney

NOTICE OF EXEMPTION

March 14, 2011

TO: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

FROM: City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

 X Clerk of the Board
County of Santa Barbara
105 E Anapamu Street, Rm. 407
Santa Barbara, CA 93101

Project Title: Fire Sprinkler System Ordinance: Adoption of Ordinance No. 651 amending Chapter 8.24 of the Carpinteria Municipal Code

Project Location: City of Carpinteria

Description of Nature, Purpose and Beneficiaries of Project: This project will benefit the City of Carpinteria by providing clear regulations regarding the requirement for installing fire sprinkler systems in new residential development.

Name of Agency Approving Project: City of Carpinteria

Name of Person or Agency Carrying Out Project: City of Carpinteria

Exemption Status:

- Statutory [Article 18]
 Declared Emergency [§15269(a)]
 Emergency Project [§15269 (b) and (c)]
 Categorical [§15300-15333]
 X Not a Project Under CEQA [§15060(c)(3)]

Reasons why project is exempt: The City finds the proposed ordinance to be exempt from CEQA pursuant to State CEQA Guidelines §15060(c)(3) (this activity is not a “project” as defined in §15378). The Ordinance merely establishes the requirement for installation and maintenance of fire sprinkler systems in new single family dwellings which requirement is already mandated by state law in the California Fire Code.

Jackie Campbell, Community Development Director
(805) 684-5405 ext. 451

Date

