



CITY OF LONG BEACH **ORD-24**

FIRE DEPARTMENT

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ALAN M. PATALANO
FIRE CHIEF

September 6, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Review and approve the Fire Department's Residential Inspection Program and the fee methodologies associated with the Residential Inspection Program and the Fire Sprinkler Retrofit Alternative Ordinance; and

Declare the attached Ordinance adopting the Fire Sprinkler Retrofit Alternative Process for existing commercial and residential high-rise buildings, multi-family residences and hotels and motels with 50 or more units under one roof, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

The Long Beach Fire Department (LBFD), through its Fire Prevention Bureau, works towards the primary goal of preventing fires before they happen. One of the means of achieving this goal is to perform regular inspections of multi-family dwellings (apartments, condominiums, hotels, and motels) to ensure that proper life safety systems are in place and that the buildings are free of fire hazards. To this end, the LBFD is requesting City Council approval of its Residential Inspection Program and Fire Sprinkler Retrofit Alternative Ordinance, as well as their associated fee methodologies.

Residential Inspection Program

The State of California Health and Safety Code mandates annual inspections of non-high-rise, multi-family (3 or more units) apartments, condominiums and hotels/motels, and allows for the recovery of associated costs through the charging of fees. According to national statistics, 80 percent of all fire fatalities and injuries occur in residential dwellings. Therefore, the goal of the Residential Inspection Program is to provide for a safer community through the elimination of fire hazards in multi-family dwellings. The fire inspections are performed with a focus on ensuring that the building's life safety features are operating correctly and that the building is free from hazardous conditions.

During the FY 11 Budget adoption process, several stakeholders expressed concern over the \$20 per unit permit fee initially associated with the program. Their concerns were, first, that it was an excessive fee given the current economic times and, second, that they had not been adequately engaged during the previous fee adoption process.

Aware of these concerns, the City Council directed the Fire Department on September 14, 2010, to conduct additional community outreach meetings with stakeholders prior to implementation of the program.

The Fire Department initially completed four outreach meetings; two with the Apartment Association of Southern California and two additional community-wide meetings. Staff has applied the City's cost recovery principles and the recommendations received from the stakeholders to develop a new methodology for the fee structure. This methodology involved two studies to determine the time and cost involved in conducting the inspections; one conducted by Fire Inspectors, and a second conducted by sworn fire staff assigned to engine companies. Both studies accounted for the supervisory, clerical, and administrative costs associated with the inspections.

The resulting proposed fee methodology is based on a sliding scale depending on the type of property, number of units, and whether the inspection is to be conducted by Fire Inspectors or Engine Companies. The proposed fees range from \$47 to \$465 per property. To ensure that impacted individuals and groups were aware of the proposed, revised fee methodology, the LBFD hosted three subsequent informational meetings, which covered the details of the Residential Inspection Program, the Sprinkler Retrofit Alternative Ordinance, and the methodology for determining the proposed permit fees. The meetings were held on June 29, July 15, and July 21, 2011, and included members of apartment associations, home-owner associations, hotel and motel associations, business associations, and the Chamber of Commerce.

Given this proposed fee structure, the Department would collect an estimated \$118,478 in annual revenue and recover all direct and indirect costs associated with providing residential inspections of apartment buildings with 11 or more units, all condominium properties, and all non-high-rise hotels and motels in the City (1,045 total properties). Not addressed in Phase 1 of the program are the 3-10 unit apartment properties (5,844 total properties). These would be added in Phase 2 after the Department has had an opportunity to evaluate the costs and revenue associated with the initial program phase.

Fire Sprinkler Retrofit Alternative Ordinance

On March 24, 2009, the City Council approved the recommendation brought forth by the Economic Development and Finance Committee to prepare an Ordinance adopting the fire sprinkler retrofit alternative process for existing commercial and residential high-rise buildings, multi-family residences, and hotels and motels with 50 or more units under one roof. The City Attorney's Office has prepared the Ordinance, with assistance from the Fire Department, which encompasses the recommendations approved by the City Council. There were delays in returning the Ordinance to the City Council for final approval, as several interest groups voiced their concerns over the fees and additional community outreach was necessary.

As a result of issues similar to those raised for the Residential Inspection Program, the Fire Department re-evaluated the \$25 per unit Retrofit Alternative fee using the same methodology used for the Residential Inspection Program. It was determined that a

retrofit alternative building requires more inspector time to comply with the Ordinance requirements than a non-retrofit building. Therefore, the fee is slightly higher.

The proposed permit fees are for a single inspection and will be charged once a building owner has agreed to comply with the Sprinkler Retrofit Alternative Ordinance in lieu of installing a fire sprinkler system, and after the initial inspection is completed. Proposed fees for multi-family properties, hotels/motels, and condominiums range from \$117 to \$171 per property, while high-rise buildings (75' and higher) operating under the retrofit Ordinance are inspected under the Fire High-rise Inspection Program. The high-rise buildings have a set fee of \$2,202 per building regardless of the number of units. Based on the proposed fee schedule, the Department would generate an estimated \$60,798 annually from this program.

This item was reviewed by Principal Deputy Attorney Charles Parkin and Budget Officer Victoria Bell on August 3, 2011.

TIMING CONSIDERATIONS

If the City Council approves the Residential Inspection Program and the fee methodologies associated with the Residential Inspection Program and the Fire Sprinkler Retrofit Alternative Ordinance, the proposed fees will be included in the Master Fee and Charges Schedule as part of the FY 12 Budget adoption process. Therefore, City Council action is requested on September 6, 2011.

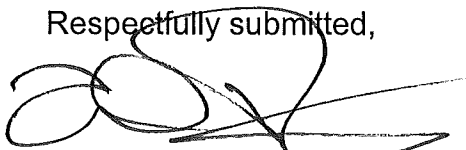
FISCAL IMPACT

Approval of the program and adoption of the ordinance will have no fiscal impact. However, approval of the associated fees during the FY 12 Budget adoption process will result in an estimated \$179,276 in additional annual General Fund revenue. There is no local job impact associated with the recommendation.

SUGGESTED ACTION:

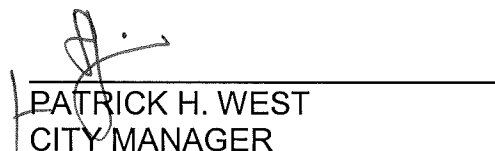
Approve recommendation.

Respectfully submitted,



ALAN M. PATALANO
FIRE CHIEF

APPROVED:



PATRICK H. WEST
CITY MANAGER

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTIONS 18.48.700 AND
18.48.710, BOTH RELATING TO THE FIRE CODE

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 18.48.700 is added to the Long Beach Municipal
Code to read as follows:

18.48.700 Fire Sprinkler Retrofit Alternatives.

Fire sprinkler retrofit alternatives for existing high-rise buildings
(Commercial and Residential) and existing residential multiple-family
dwellings, hotels, motels, with fifty (50) or more units under one (1) roof.

All existing unsprinklered high-rise buildings and existing
unsprinklered residential multiple-family dwellings, hotels and motels with
fifty (50) or more units under one (1) roof, that are not retrofitted with a fire
sprinkler system, shall comply with the following requirements:

A. A notice of intent letter shall be provided from the Responsible
Party to the Fire Marshal of the City of Long Beach, indicating that they are
electing to comply with the fire sprinkler retrofit alternatives, in lieu of
installing a fire sprinkler system.

B. Within six (6) months of submitting the letter of intent electing
to comply with retrofit alternatives, the Responsible Party shall provide a
"Fire Evacuation" and "Fire Safety" plan to the City's Fire Marshal for
approval.

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C. Definitions:

As used in this Chapter, the following definitions apply.

1. "High Rise Building" shall mean every building of any type of construction or occupancy having floors used for human occupancy located more than seventy-five (75) feet above the lowest floor level having building access or lowest level of fire department vehicle access.

2. "Hotel" is defined at Section 21.15.1380 of the Long Beach Municipal Code.

3. "Motel" is defined at Section 21.15.1800 of the Long Beach Municipal Code.

4. "Multiple-family dwelling" is defined at Section 21.15.920 of the Long Beach Municipal Code.

5. "Responsible Party" shall mean the building owner, property manager, or homeowner association President.

D. The Fire Evacuation Plan (FEP) shall provide the following information:

1. Emergency egress and escape routes (primary and secondary);

2. Procedures for employees who must remain to operate critical fire safety equipment before evacuating;

3. Procedures for accounting for employees and occupants after evacuations have been completed;

4. Identification and assignment of personnel responsible for rescue or emergency medical aid (Floor Wardens);

5. The preferred and alternate means of notifying occupants of a fire or emergency;

6. The preferred and alternate means for reporting fires and other emergencies to the Fire Department;

- 1 7. Identification and assignment of personnel who can be
2 contacted for further information or explanation of duties under the plan;
- 3 8. A description of the emergency voice/alarm
4 communication system alert tone and preprogrammed voice messages
5 where provided;
- 6 9. Twenty-four (24) hour contact information of a
7 Responsible Party.
- 8 E. The Fire Safety Plan (FSP) shall provide the following
9 information:
- 10 1. The procedures for reporting a fire or other emergency;
11 2. The procedures for notifying and evacuating
12 occupants;
- 13 3. A site plan indicating the following:
14 a. The occupancy/building assembly point;
15 b. The location of fire hydrants;
16 c. The normal routes of fire department vehicle
17 access.
- 18 4. Floor plans identifying the locations of the following:
19 a. Exits;
20 b. Primary evacuation routes;
21 c. Secondary evacuation routes;
22 d. Accessible egress routes;
23 e. Areas of refuge;
24 f. Manual fire alarm boxes;
25 g. Fire extinguishers;
26 h. Occupant use hose stations;
27 i. Fire alarm annunciators and controls.
- 28 5. A list of major fire hazards associated with the normal

1 use and occupancy of the premises.

2 6. Identification and assignment of personnel responsible
3 for the maintenance of systems and equipment installed to prevent or
4 control fires, or to warn of fires.

5 7. Identification and assignment of personnel responsible
6 for maintenance, housekeeping and controlling fuel hazard sources.

7 F. The Fire Safety and Evacuation Plans shall be reviewed
8 annually by the Responsible Party, and updated as necessary by changes
9 in staff assignments, occupancy of the building, or the physical
10 arrangement of the building, and shall be available within the building for
11 review at all times by employees, building occupants, and the Long Beach
12 Fire Department.

13 G. Fire Safety and Fire Evacuation Plans shall be provided and
14 issued to all tenants/units in the building.

15 H. Fire evacuation training/drills for the building shall be
16 conducted annually and be witnessed and documented by the Responsible
17 Party. A Fire Department witnessed evacuation drill shall be conducted tri-
18 annually. The witnessed evacuation drill shall be coordinated with the
19 annual inspection of the building.

20 I. A Fire Department Inspector shall attend a Board Meeting of the
21 Home Owner's Association on a tri-annual basis. This meeting will be deemed the
22 Fire Safety Board Meeting (FSBM) and will be utilized to discuss fire and life
23 safety, including fire extinguisher and smoke alarm requirements, specific building
24 issues and/or concerns, and to provide an overview of safety issues addressed in
25 the Fire Evacuation and Fire Safety Plans.

26 J. The Responsible Party shall be held responsible for the
27 completion of a self-inspection checklist for the common areas on each
28 floor. The completed checklists shall be maintained within the building for a

1 period of one (1) year. In addition, each tenant/unit shall be provided with a
2 self-inspection checklist annually. The tenant shall be encouraged to
3 inspect their individual units for hazards listed, with a special emphasis on
4 functional smoke detectors and fire extinguishers. (Self-inspection
5 checklists may be found on the Long Beach Fire Department website).

6 K. Exit signs and emergency lighting shall be provided in all
7 common areas, including emergency lighting in stairs, as required by the
8 California Fire Code.

9 L. Low-level exit signs shall be provided in all interior corridors,
10 as required by the California Fire Code.

11 M. All high-rise buildings shall contain a small cache of lifesaving
12 evacuation rescue equipment: (stair chairs, carry all and/or rescue boards)
13 to be used by Fire Department personnel. This supply cache is to be kept
14 every three (3) to five (5) floors, as feasible, to assist with needed
15 evacuation and movement of occupants.

16 N. Evacuation signage, approved by the Fire Department, shall
17 be posted at all stairways, elevators and within the main entrance.

18
19 Section 2. Section 18.48.710 is added to the Long Beach Municipal
20 Code to read as follows:

21 18.48.710 Penalties.

22 Failure to comply with the alternative plan outlined in Section
23 18.48.700 shall result in the following:

24 A. First offense.

25 1. First corrective notice given to the Responsible Party
26 that the building is in violation of Section 18.48.700. The notice will show
27 the specific violation(s) and a date for the violation(s) to be corrected. The
28 first notice shall allow for a correction time of forty-five (45) days to comply.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2011, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor