

**City of Culver City, California  
Agenda Item Report**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                        |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------|--|
| Meeting Date: 02/28/2011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | Item Number: <u>PH-2</u>                                                               |  |
| <b>CITY COUNCIL AGENDA ITEM - PUBLIC HEARING (1) Introduction of an Ordinance Repealing and Replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and Adopting by Reference the 2010 California Fire Code with Local Amendments; and (2) Adoption of a Resolution Making Express Findings for the Modification of the Fire Code Based on Local Climatic, Geological and Topographical Conditions.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                        |  |
| Contact Person/Dept.: Michael Bowden,<br>Fire Prevention                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | Phone Number: (310) 253-5926                                                           |  |
| Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>      |  |
| Public Hearing: <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |  |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Date: _____                                                                            |  |
| Public Notification:<br>Publication in the Culver City News on February 17, 2011; Meetings and Agendas – City Council (02/23/11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                        |  |
| Department Approval:<br>Chris Sellers (by M. Bowden 2/16/11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | City Attorney Approval:<br>Carol Schwab (by L. Vidra 2/16/11)                          |  |
| Chief Financial Officer Approval:<br>Jeff Muir (by M. Noller) (02/23/11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | City Manager Approval:<br>John M. Nachbar (02/23/11)                                   |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council, subsequent to conducting a Public Hearing: (1) introduce an ordinance repealing and replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and adopting by reference the 2010 California Fire Code (CFC) with local amendments; and (2) adopt a resolution making express findings for modification to the Fire Code based on local climatic, geological and topographical conditions.</p> <p><b><u>PROCEDURE:</u></b></p> <ol style="list-style-type: none"><li>1. Mayor requests a motion to receive and file the affidavit of publication and posting of notice of public hearing;</li><li>2. Mayor calls for a staff report;</li><li>3. The City Council poses questions to staff as desired;</li><li>4. Mayor opens public hearing, invites public comments;</li><li>5. Mayor requests a motion to close the public hearing;</li><li>6. The City Council discusses the matter and takes desired actions.</li></ol> |  |                                                                                        |  |

**City of Culver City, California**  
**Agenda Item Report**

**BACKGROUND:**

In California, the State Fire Marshal has adopted the 2010 CFC based upon the 2009 International Fire Code (IFC) as Part 9 of Title 24 of the California Code of Regulations. Title 24 is commonly referred to as the California Building Standards Code.

The IFC is a model code developed by the International Code Council which combined three of the major model code groups into one council with the intent to create one universal code for the entire United States.

During 2009, the State Fire Marshal amended the 2009 IFC which became the 2010 CFC. It became state law on January 1, 2011. Local jurisdictions may amend and adopt the CFC to fit local requirements. If no action is taken, the local jurisdiction is required to operate solely under State regulations. Culver City is currently using the 2007 California Fire Code, with local amendments.

**DISCUSSION**

The Fire Department is requesting the current Culver City Fire Code, contained in Culver City Municipal Code (CCMC) Chapter 9.02, be repealed, and a new ordinance adopting the 2010 California Fire Code with local amendments be adopted in its place. There are minor changes based on text for reorganization, text adjustments, and amendments to Chapters 1 through 48, and various appendix sections being proposed. Most of the proposed changes to Chapter 9.02 of the CCMC involve section number changes due to numbering revisions in the 2007 California Fire Code or deleted items due to the new code meeting or exceeding the local amendments.

Health and Safety Code Sections 17921 and 17922, as well as the City's Charter Section 618, permit adoption of the CFC by reference.

Health and Safety Code Section 13143.5 allows the City, by ordinance, to make changes or modifications that are more stringent than the requirements set by the State.

Pursuant to Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations that are more restrictive than the State standards, certain findings of fact must be made. These findings are presented in a proposed resolution along with the introduction of the new ordinance (this adoption cycle, there are only minor new local requirements; the majority of this process will simply

**City of Culver City, California**  
**Agenda Item Report**

reaffirm existing local amendments). A copy of these findings will be filed with the State of California, Building Standards Commission.

Pursuant to Government Code Section 50022.3, there shall be a public hearing, and notice of the hearing date, time and location shall be published in a local newspaper. The public notice was published in the Culver City News on February 17, 2011. Per Government Code Section 50022.6, a copy of the 2010 California Fire Code was filed with the Office of the City Clerk and will be kept there for public inspection until after adoption of the 2010 CFC by reference, at which time it will be kept in the Office of the Culver City Fire Marshal located in Fire Prevention.

**FISCAL ANALYSIS:**

Because the proposed code has no significant changes from the existing code, there is no fiscal impact expected as a result of adopting the amended CFC.

**ATTACHMENTS:**

1. Proposed Ordinance
2. Proposed Resolution
3. Culver City Municipal Code Chapter 9.02
4. Copy of Public Notice

**MOTION:**

That the City Council:

1. Introduce an Ordinance repealing and replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and adopting by reference the 2010 California Fire Code, with local amendments; and
2. Adopt a resolution making express findings for modification to the Fire Code based on local climatic, geological and topographical conditions.