



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Montecito Fire
Protection District
Department No.:
For Agenda Of: February 4, 2020
Placement: Administrative
Estimated Tme: 2 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: County Counsel on behalf of
the Montecito Fire Protection
District

Contact Info: Fire Chief Kevin Taylor
969-7762

Jerry F. Czuleger, Senior Deputy County Counsel
x2950

SUBJECT: Ratification of Montecito Fire Protection District's adoption of building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code

County Counsel Concurrence

As to form: Yes

Other Concurrence: Select_Other

As to form: Select_Concurrence

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

- (a) Adopt attached resolution ratifying Montecito Fire Protection District's Ordinance 2019-02 that 1. Adopts by reference and amends the 2019 California Fire Code and Appendix Chapters and Appendix Standards Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire, Hazardous Materials or Explosion; 2. Adopts by reference the Montecito Fire Protection District Development Standards; 3. Provides for the Issuance of Permits for Hazardous Uses or Operations; 4. Establishes a Bureau of Fire Prevention and provides Officers therefore and Defines their Powers and Duties within the District; 5. Amends section R313 of the California Residential Code; 6. Amends section 1505 of the 2019 California Building Code; and 7. Repeals Montecito Fire Protection District's Ordinance Nos. 2016-01, 2017-01, 2018-01 & 2019-01. (Attachment A)

- (b) Upon ratification of the Ordinance, instruct staff to forward a copy of the Board's ratifying Resolution, and the Fire Protection District's Ordinance (including the Fire Protection District's findings which are set forth in Article 11 of the Ordinance), to the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7.
- (c) Determine that the adoption of this resolution is categorically exempt from the California Environmental Quality Act in compliance with Section 15061 (b), (3), (No possibility of impact on the environment).

Summary Text:

Montecito Fire Protection District has adopted by ordinance, building standards relating to fire and panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the California Residential Code and the California Building Standards Code. No ordinance adopted by a fire protection district shall be effective unless ratified by the County where the ordinance will apply. The county may ratify, modify or deny any such ordinance.

Background:

On December 23, 2019, the Montecito Fire Protection District adopted Ordinance No. 2019-02 which adopted by reference and amended the 2019 California Fire Code and Appendix Chapters and Appendix Standards that prescribes regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. The Ordinance also adopts by reference the Montecito Fire Protection District Development Standards, and provides for the issuance of permits for hazardous uses or operations and establishes a Bureau of Fire Prevention. Further, the Ordinance amends section R313 of the 2019 California Residential Code, and amends section 1505 of the 2019 California Building Code; these amendments are more restrictive than the requirements contained in the State Codes.

Health and Safety Code Section 13869.7 provides that a fire protection district may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. More stringent building standards are contained in Montecito Fire Protection District's Ordinance No. 2019-02. The related findings are in Article 11 of the Ordinance.

Pursuant to Health and Safety Code Section 13869.7, Montecito Fire Protection District has forwarded Ordinance 2019-02 to the County and has requested ratification by the Board of Supervisors. (December 26, 2019 Letter from Mark S. Manion, attorney for Montecito Fire Protection District and Ordinance 2019-02 are attached and marked as Attachment B and Attachment C respectively). The Board may ratify, modify or deny the adopted ordinance and transmit its determination to the District within 15 days of its determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. Montecito Fire Protection District's Ordinance is not effective unless ratified by the Board of Supervisors.

Copies of the Ordinance were provided by the Fire District to Supervisor Das Williams, the County Building Official and County Fire Marshal on or about November 22, 2019. County Building

Official Massoud Abolhoda sent comments to the Fire District regarding the content of the Ordinance. Mr. Abolhoda's comments were addressed to his satisfaction.

Fiscal and Facilities Impacts:

Not applicable.

Staffing Impacts:

Not applicable.

Special Instructions:

- (a) Transmit a copy of the resolution to Montecito Fire Protection District within 15 days of its adoption.
- (b) Upon ratification of the Ordinance, instruct staff to forward a copy of the Board's ratifying Resolution and the District's Ordinance (which includes the findings set forth in Article 11), to the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7.

Attachments:

Attachment A – Resolution Ratifying Ordinance 2019-02

Attachment B - December 26, 2019 letter from Mark S. Manion, attorney for Montecito Fire Protection District

Attachment C - Montecito Fire Protection Ordinance 2019-02

Authored by:

Jerry F. Czuleger
Senior Deputy County Counsel

cc:

Kevin Taylor, Fire Chief
Montecito Fire Protection District

Mark S. Manion
Price Postel and Parma

Massoud Abolhoda
County Building Official

Rob Hazard
County Fire Marshal