



## City Council Staff Report

DATE: March 6, 2012 PUBLIC HEARING

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1817, PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

---

### SUMMARY:

The City Council will consider adoption of Ordinance No. 1817.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Waive further reading and adopt Ordinance No. 1817, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS."

### STAFF ANALYSIS:

On February 20, 2013, Ordinance No. 1817 was introduced for first reading, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS."

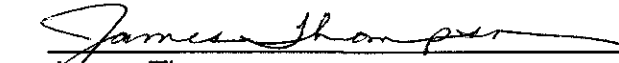
**ACTION:** 1) Waive full reading of the ordinance text and introduce by title only on first reading Ordinance No. 1817, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510

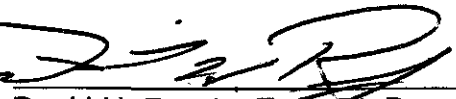
Item No. **1.A.**

OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS;" and 2) Direct staff to schedule a public hearing on March 6, 2013, to consider the adoption of the proposed Ordinance. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The public hearing notice was published and posted pursuant to Government Code Sections 50022.3 and 6066.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

  
James Thompson  
City Clerk

  
David H. Ready, Esq., Ph.D.  
City Manager

/kdh

Attachment: Ordinance No. 1817  
Public Hearing Notice  
Draft February 20, 2013 Minutes

ORDINANCE NO. 1817

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS.

City Attorney Summary

*The current provisions of the Palm Springs Fire Code generally require the installation of fire sprinkler systems for all new construction involving A-2 occupancies, an assembly classification that includes restaurants and bars. This requirement exceeds the requirements of the State Fire Code. This Ordinance will reinstate the minimum State Fire Code requirements for existing A-2 occupancies and restate a requirement for fully enclosed areas, thereby effectively allowing the addition of ground level patios to existing structures without triggering imposition of more restrictive Palm Springs Fire Code requirements for fire sprinklers for restaurants and bars while still requiring compliance with minimum State Fire Code requirements.*

The City Council of the City of Palm Springs ordains:

SECTION 1. Subsection 27 of Section 8.04.510 of the Palm Springs Municipal Code (Section 903.2.1.2 of the State Fire Code) is amended to read:

27) Amend Section 903.2.1.2 Group A-2 to read:

**903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for existing Group A-2 occupancies where one of the following conditions exist:

1. The fully enclosed area exceeds 3,000 square feet. For the purposes of this Section, the term "fully enclosed area" means an area enclosed by fire walls, fire barriers, or exterior walls extending from floor to ceiling but does not include patio areas included solely within the horizontal projection of the roof or floor next above.
2. The fire area exceeds 5,000 square feet.
3. The fire area has an occupant load of 100 or more.
4. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

- 5. The structure exceeds 5,000 square feet, contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 20<sup>TH</sup> DAY OF FEBRUARY, 2013.

\_\_\_\_\_  
Stephen P. Pougnet, Mayor

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1817 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Spring City Council on the 20<sup>th</sup> day of February, 2013, and adopted at a regular meeting of the City Council held on the 6<sup>th</sup> day of March, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



---

Date: March 6, 2013  
Subject: FY Fire Code Amendment

---

**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on February 16 and February 23, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Kathie Hart", is written over a horizontal line.

Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on February 14, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Kathie Hart", is written over a horizontal line.

Kathie Hart, CMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

AMENDMENT TO THE 2010 FIRE CODE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a Public Hearing at its meeting of March 6, 2013. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, California.

The purpose of this hearing is to consider approval of an ordinance pertaining to fire sprinkler requirements for A-2 (Assembly) occupancies, including restaurants and bars.

**REVIEW OF INFORMATION:** The staff report and other supporting documents regarding this matter for public review at City Hall between the hours of 7:00 a.m. to 11:00 a.m. and 2:00 p.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

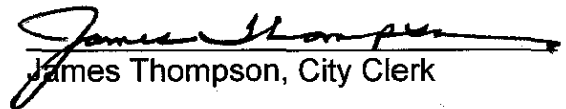
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this may be directed to John Allen, Fire Chief, at (760) 323-8181.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.

  
James Thompson, City Clerk

~~City Manager to execute all necessary documents. A6272. **Approved as part of the Consent Calendar.**~~

~~**2.M. ZONING MAP UPDATE AND CONVERSION TO GRAPHIC INTERFACE SYSTEM (GIS) FORMAT (CASE 5.1287):**~~

~~**ACTION:** Receive and file the zoning map update and conversion to GIS format. **Approved as part of the Consent Calendar.**~~

**EXCLUDED CONSENT CALENDAR:**

~~**2.L. SCULPTURE EXHIBITION PROPOSAL SUBMITTED BY THE SCULPTURE FOUNDATION:**~~

~~Mayor Pougnet and Councilmember Lewin provided background information on the Sculpture Exhibition Program.~~

~~**ACTION:** Direct the Public Arts Commission to review and make a recommendation to the City Council. **Motion Councilmember Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**~~

**3. LEGISLATIVE:**

**3.A. INTRODUCTION OF AN ORDINANCE PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS:**

City Manager Ready and John Allen, Fire Chief, provided background information as outlined in the staff report dated February 20, 2013.

Councilmember Foat requested staff review other City codes to ensure City codes are reasonable.

Mayor Pro Tem Mills stated his support for the proposed ordinance, and notes the enhancements to the City Code.

**ACTION:** 1) Waive full reading of the ordinance text and introduce by title only on first reading Ordinance No. 1817, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS;" and 2) Direct staff to schedule a public hearing on March 6, 2013, to consider the adoption of the proposed Ordinance. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**