

**NOTICE AND SUMMARY OF ORDINANCE No. 621  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE  
AMENDING CHAPTER 3-5 "FIRE SAFETY" OF TITLE 3 OF THE LAFAYETTE MUNICIPAL CODE**

At its regular meeting on June 24, 2013 the City Council of the City of Lafayette adopted Ordinance 621 by the following vote:

**AYES: M. Anderson, Tatzin, B. Andersson, Mitchell and Reilly**

**NOES: None**

**ABSTAIN: None**

**ABSENT: None**

The following is a summary of Ordinance 621: Amendments to Chapter 3-5: Adds definitions for fire area, high fire hazard area, and substantial addition or expansion; requires new construction located in a high fire hazard area to meet minimum standards for roof assemblies and exterior wall surfaces; requires an automatic sprinkler system throughout all existing single-family and duplex residential buildings (Group R-3) where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet; and eliminates exceptions to the chapter.

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: July 1, 2013  
Joanne Robbins, City Clerk

1 **BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**

2 **IN THE MATTER OF:**

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An Ordinance of the City Council of the City )  
of Lafayette Amending Chapter 3-5 "Fire )  
Safety" of the Lafayette Municipal Code )

Ordinance No. 621

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7 The City Council of the City of Lafayette does ordain as follows:

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9 **Section 1. Findings.** The City Council finds the following:

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11 (a) The city council finds that amendments to the California Building Code ("CBC") are necessary due  
12 to the climatic, geologic and topographical conditions (the "conditions") which exist in the city. These  
13 conditions establish a fire hazard within the community which requires specific amendments to the CBC.

14

15 (1) The city is located in the rolling hills of central Contra Costa County. The city experiences the  
16 hot, dry summer weather that is characteristic of central Contra Costa County but receives the  
17 increased rainfall of the East Bay hills. This climate has promoted the rapid growth of native grass  
18 lands, chaparral, trees and other flammable plant species in the area. The climate has encouraged  
19 the development of the city, with the addition of primarily residential uses within the community  
20 and the addition of non-indigenous plant species. Due to its location near the East Bay hills and in  
21 a valley, the city often experiences air movements which are not common to other communities.

22

23 (2) Incrementally and over time Lafayette has been transformed from a small centralized  
24 agrarian community to one characterized by scattered residential development interspersed with  
25 large areas of steeper hills. These areas within the urban/wildland interface contain large  
26 quantities of potential fuel, including grass, brush and trees. The majority of the roads penetrating  
27 the hill areas are narrow and curving and frequently end in cul-de-sacs which limits fire equipment  
28 access and increases response time.

29

30 (3) The topographic and geologic conditions in the city have not permitted the establishment of  
31 an infrastructure which permits adequate fire protection to be provided when new development  
32 occurs. It is difficult to widen existing streets or to create interconnections with other streets to  
33 meet present response time standards. Fire hydrants, especially in the hillside areas, often have  
34 less than optimum water pressure levels. The terrain often causes response times for the fire  
35 department to exceed minimum standards and makes the physical fighting of a fire more difficult.

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37 (4) The October, 1991 fire storm which occurred in the Oakland/Berkeley hills was an indication  
38 of the potential for a similar fire which could occur in the city. Many of the same conditions which  
39 contributed to the loss of the property and life in that fire exist in the city. In addition, unlike the  
40 situation in Oakland/Berkeley, there is a significant amount of ungrazed open space on the  
41 surrounding undeveloped hillsides. Either wildfires or house fires could initiate such a firestorm in  
42 the city.

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1 (b) The city council finds, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, that the  
2 climatic topographic and geologic conditions existing in the city require changes and modifications in the  
3 codes which are more stringent than the State Fire Marshal's Standards for fire and public safety.  
4

5 **Section 2.** Amending Chapter 3-5 of the Lafayette Municipal Code to read as follows:  
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7 **Chapter 3-5**  
8 **Fire Safety**

9 **Sections:**

10  
11 3-501 - General.

12 3-502 - Definitions.

13 3-503 - Building and landscaping criteria.  
14

15 **3-501 - General.**

16  
17 (a) The city council finds, pursuant to Health and Safety Code Sections 17958.5 and 17958.7, that the  
18 climatic topographic and geologic conditions existing in the city require changes and modifications in the  
19 codes which are more stringent than the State Fire Marshal's Standards for fire and public safety.  
20

21 (b) This chapter regulates the use of construction materials and requires the installation of specific fire  
22 safety features in new construction in the city. Except as set forth in Sections 3-501(b) and 3-503(a), this  
23 chapter does not apply to existing structures.  
24

25 (c) This chapter does not require that an existing building be retrofitted to meet its requirements  
26 unless 50 percent or more of the building is destroyed by fire, earthquake, explosion, collapse, act of  
27 God or other natural disaster.  
28

29 (d) This chapter implements the safety element of the city's general plan to:  
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31 (1) Comply with the general plan standards for response time due to the substandard street  
32 layout and design in the city;  
33

34 (2) Coordinate the review of development applications between the city and the fire district; and  
35

36 (3) Regulate the design of building, siting and vegetation management to enhance maximum fire  
37 prevention and protection.  
38

39 (e) To the extent that a provision of this chapter conflicts with a provision of the California Building  
40 Code, or any sections of the Contra Costa County Code which have adopted the above code by reference  
41 and which have been adopted by reference into this code, this chapter shall prevail. This chapter  
42 regulates building construction in the city due to the characteristics of the city's climate, topography and  
43 geology which necessitate variations from the California Building Code.  
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1 **3-502 - Definitions.**

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3 As used in this chapter:

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5 (a) "Fire district" means the Contra Costa Fire Protection District or authorized fire protection agency  
6 for Lafayette.

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8 (b) "Fire area" means the aggregate floor area enclosed and bounded by fire walls, fire barriers,  
9 exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding  
10 walls shall be included in the fire area if such areas are included within the horizontal projection of the  
11 roof or floor next above.

12  
13 (c) "High fire hazard area" means a lot or parcel identified on the map adopted by the city council  
14 indicating potential areas of high fire hazard and risk.

15  
16 (d) "Substantial addition or expansion" means an addition, expansion, remodel, or renovation of any  
17 structure where the addition of new fire area exceeds fifty percent of the existing fire area.

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19 **3-503 - Building and landscaping criteria.**

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21 (a) Roof Covering Requirements. All roof covering on new construction located in a high fire hazard  
22 area shall have a minimum Class "A" roofing assembly rating (based on U.L. 790 Test Standard), except  
23 that for additions to an existing structure of less than 25 percent of the existing roof area, the roofing  
24 assembly may be Class B. Replacement roofing shall have a minimum Class "B" roofing assembly rating,  
25 except for repair to an existing roof less than 25 percent of the total roof area.

26  
27 (b) Wood Shingles and Shakes. Wood shingles and shakes may be permitted on exterior wall surfaces  
28 provided they are fire retardant treated in accordance with ASTM E 108 or UL790 and ASTM D 2898.

29  
30 (c) Landscaping. Landscaping should be planned to minimize fire hazards. Where subject to design  
31 review, review of the landscape plan for fire hazard will be administered according to the specific site  
32 characteristics and with consideration of the other requirements of the plan.

33  
34 Goals of the plan should be to:

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36 (1) Eliminate as much as possible the use of the highly flammable plants. (As listed in the EBMUD  
37 publication "Firescape: Landscaping to Reduce Fire Hazard).

38  
39 (2) Space plants so as not to create fireladders.

40  
41 (3) Create low-fuel fire breaks where appropriate.

42  
43 (4) Incorporate fire-resistant plants where appropriate.

44  
45 (5) Require removal of flammable weeds and debris within 30 feet of the house.

1  
2 **Section 3. CEQA.** The City Council finds that adoption of this Ordinance is not a "project," as defined in  
3 the California Environmental Quality Act because it does not have a potential for resulting in either a  
4 direct physical change in the environment or a reasonably foreseeable indirect physical change in the  
5 environment and concerns general policy and procedure making.  
6

7 **Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of  
8 this Chapter 3-5, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective  
9 by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the  
10 remaining portions of this Chapter 3-5 or any part thereof. The City Council hereby declares that it  
11 would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this  
12 Chapter 3-5 irrespective of the fact that one or more sections, subsections, subdivision, paragraphs,  
13 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the  
14 provisions of this Chapter 3-5 are declared to be severable.  
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16 **Section 5. Effective Date.** This ordinance becomes effective thirty (30) days after its adoption.  
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18 **Section 6. Publication.** The City Clerk shall either (a) have this ordinance published in a newspaper of  
19 general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this  
20 ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption  
21 and again within fifteen (15) days after adoption.  
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23 The foregoing ordinance was introduced at a meeting of the City Council of the City of Lafayette held on  
24 June 10, 2013, and was adopted and ordered published at a meeting of the City Council held on June 24,  
25 2013 by the following vote:  
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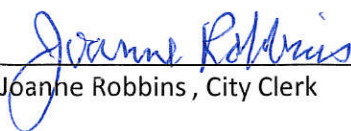
27 **AYES: M. Anderson, Tatzin, B. Andersson, Mitchell and Reilly**

28 **NOES: None**

29 **ABSTAIN: None**

30 **ABSENT: None**  
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32

33 ATTEST:

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36 Joanne Robbins, City Clerk  
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APPROVED:

  
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Mike Anderson, Mayor