



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Introduce an Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2019 Intervening California Fire Code.

#### **BACKGROUND**

The International Fire Code (IFC) is a model fire code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC is in use or adopted in 42 states and is published every three years by the International Code Council. In California, the California Building Standards Commission adopts the IFC with new statewide amendments every three years. This adopted code is known as the California Fire Code (CFC) and is found in Part 9 of Title 24 of the California Code of Regulations. Title 24 is commonly referred to as the California Building Standards Code. Sunnyvale adopted the regular cycle 2019 California Fire Code on November 5, 2019, (RTC 19-1184) with local amendments, effective January 1, 2020.

In addition to the regular three-year code cycle, the State of California also adopted the 2019 Intervening California Fire Code, effective on July 1, 2021. All local jurisdictions are required to adopt this code with appropriate amendments by July 1, 2021 or accept by default the version adopted by the State.

If adopted, the 2019 Intervening Fire Code will allow residents, businesses, and contractors to utilize streamlined or clarified code requirements related to a variety of fire safety building features and operational requirements. The highlights include Energy Storage Systems (or "ESS"), elevator operations involving hazardous materials transportation, and building exit route design.

#### **EXISTING POLICY**

##### **Sunnyvale General Plan - Safety and Noise Sub-Element**

Goal SN-1, Acceptable Levels of Risk for Natural and Human-caused Hazards

Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

Goal SN-3, Safe and Secure City

Ensure a safe and secure environment for people and property in the community by providing effective public safety response, prevention, and education services.

Policy SN-1.5: Promote a living and working environment safe from exposure to hazardous materials.

#### **ENVIRONMENTAL REVIEW**

This action is exempt from the requirements of the California Environmental Quality Act (CEQA)

pursuant to CEQA Guidelines Section 15308 (Class 8 - Actions by Regulatory Agencies for the Protection of the Environment) and Section 15305 (Class 5 - Minor Alterations in Land Use Limitations) and Section 15061 because it can be seen with certainty that there is no possibility that the local amendments adopted will have a significant effect on the environment.

## **DISCUSSION**

### **Significant Updates to the California Fire Code and Sunnyvale Fire Code Regarding Energy Storage Systems (ESS)**

Energy Storage Systems are one of the most rapidly advancing technologies on the market today. These stationary battery systems often are used in conjunction with photovoltaic (PV) solar panels installed at a home or place of business. In this arrangement, the solar energy collected from the PV panels charges the onsite ESS batteries and once fully charged, forwards additional energy to the electrical power grid. The energy stored in the ESS is then utilized at the user's discretion, including: (1) Peak grid usage timeframes to reduce strain on the electrical grid as well as reducing cost of purchasing electricity, commonly known as peak shaving; (2) Hours of darkness when PV panels are not actively producing electricity; and (3) Power grid interruptions such as Public Safety Power Shutoffs (PSPS) or grid maintenance.

The full text of the 2019 Intervening California Fire Code Amendments and Final Express Terms can be found in Attachment 2 of this report.

Due to the rapid advancements and development of ESS technologies at the time of the initial code hearing process, the California Buildings Standards Commission and Office of the State Fire Marshal elected to postpone specific ESS rulemaking to the intervening code cycle process. State agencies completed the pertinent code revisions in July 2020 and will become effective statewide July 1, 2021.

This early adoption does not impact any existing zoning or land use regulations and no existing local ordinances are impacted by the 2019 Intervening Fire Code. Early adoption does not result in any retroactive compliance requirements or new fees for residents, businesses, or contractors.

Early adoption presents numerous potential benefits to the City, including streamlined plan review and permit workflows, as well as reduction in staff time required per project. The volume of new construction inspection requests for the Fire Protection Engineering workgroup continues to rise. Early adoption is intended to free up staff hours for additional field inspections, while also decreasing overtime and reliance on the contracted professional support services to meet performance objectives.

## **FISCAL IMPACT**

No fiscal impact is expected. Updated fees associated with these changes may be necessary which will be brought for Council approval with other Department-wide fee adjustments. Additional training and fire code materials may be absorbed in existing budgetary allocations.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

## **ALTERNATIVES**

1. Introduce an Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2019 Intervening California Fire Code and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15308, 15305, 15061.
2. Do not introduce the proposed ordinance.

## **STAFF RECOMMENDATION**

Alternative 1: Introduce the Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2019 Intervening California Fire Code and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15308, 15305, and 15061.

Alternative 2: Do not introduce the Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code.

To best serve the Sunnyvale community, staff recommends this Ordinance to adopt the code updates effective thirty days after adoption, ahead of the July 1, 2021 statewide effective date. This early adoption allows residents, businesses, and contractors to utilize streamlined code requirements, thus decreasing the time associated with ESS system design and permitting.

Prepared by: Vincent A. Anderson, Fire Marshal

Reviewed by: Phan S. Ngo, Director, Department of Public Safety

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

1. Proposed Ordinance Amending Sunnyvale Municipal Code Chapter 16.52 to Adopt by Reference the 2019 Intervening California Fire Code
2. 2019 Intervening California Fire Code Amendments and Final Express Terms published by the California State Fire Marshal on file with the California Building Standards Commission