

**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 105
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 2**

SUBJECT: Conduct a public hearing to approve an ordinance amending Chapter 25-12, Article 7 of the City Code (*Fire Code*) to adopt the 2003 International Fire Code with local amendments.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Fire
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Jim Evans**

FOR MORE INFORMATION CONTACT: Jim Evans, Acting Fire Chief, 974-4100; Don Smith, Asst. Fire Marshal, 974-0160; Carl Wren, P.E./974-0160

PRIOR COUNCIL ACTION: April 6, 2000; Ordinance #000406-78

BOARD AND COMMISSION ACTION: Recommended by the Building & Fire Code Board of Appeals; and the Environmental Board.

PURCHASING: N/A

MBE / WBE: N/A

The Building and Fire Code Board is the body charged with review of amendments and is recommending adoption of the codes governing building construction. The Board has unanimously recommended these amendments which will adopt the 2003 International Fire Code and local amendments.

These recommendations follow extensive work by the Stakeholders, Fire Department Staff, and Review Board over a two year period in meetings, work sessions and public hearings. The Austin Fire Department supports these amendments which include the following elements:

- The local amendments presented for the adoption of the 2003 International Fire Code (IFC) are primarily refinements to and restructuring of the current local amendments to the 1997 Uniform Fire Code (UFC). The IFC is a compilation of and replacement for the national model codes in existence at the time of the city's adoption of the 1997 UFC;
- The local amendments presented for the adoption of the 2003 IFC along with the 2003 International Building Code (IBC) allows the City to tailor these two complementary codes to our community and comply with the intent of the state legislature in the passage of SB 1458;
- They allow a continuation of modern code format and building classifications supported by design professionals and stakeholders on a national level;
- They allow an increase in requirements for sprinkler protection in residential and other occupancy classifications;
- They provide accommodations and allowances in construction design, construction materials and interior finishes due to increased protection of sprinklered occupancies. Allows non-fire rated corridors to be built within single tenant office spaces as a trade off for the sprinklers and smoke detection system. Allows greater flexibility in design and provides equivalent protection for occupants while reducing the cost of construction;

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•The Neighborhood Housing and Community Development Department (NHCD) finds that the adoption of the 2003 International Fire Code will require multi-family development to meet nationally accepted standards for safety. NHCD finds that adoption of the 2003 International Building Code on balance will have no significant impact on housing affordability;

•They provide for the requirement of smoke alarms in all residential occupancies; the fire code applies to multi-family residential projects but does not apply to single family or duplex residences.

•They stipulate an annual operational permit requirement to operate a place of assembly which is not in possession of a properly approved certificate of occupancy or where 51% or more of the gross receipts at the location are from alcoholic beverage sales. (a Council approved fee structure is already in place);

•They stipulate a triennial operational permit requirement for the use of a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m²). (a Council approved fee structure is already in place).

Affordability Impact Statement

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

12/15/2005
ORDINANCE
FIRE

The Fire Department has met extensively with external stakeholders on adoption of the 2003 International Fire Code (IFC) and associated local amendments. The Neighborhood Housing and Community Development Department (NHCD) finds that the adoption of the 2003 International Fire Code will require multi-family development to meet nationally accepted standards for safety. NHCD finds that adoption of the 2003 International Building Code on balance will have no significant impact on housing affordability.

MAJOR CHANGES FROM THE 1994 UNIFORM BUILDING CODE INCLUDE

The 1997 Uniform Fire Code (UFC) has been the required construction code for multi-family housing (buildings with more than two housing units) in Austin. Housing that serves extremely low-income residents (some who earn less than 30% of the Median Family Income or less than \$15,000 annually) had been classified as an R (Residential) Occupancy. Under Chapter 3 of the 2003 IFC, housing such as boarding houses, assisted living facilities, halfway houses, group homes, congregate care facilities, and social rehabilitation facilities will be considered I (Institutional) Occupancies. The safety requirements for these facilities will become more expensive since Institutional occupancies are considered to create a higher level of hazard to occupants than do Residential occupancies. In addition, there will administrative challenges in translating existing certificates of occupancy into new certificates of occupancy under the 2003 IFC. In summary, the changes of occupancy classification will increase the costs of constructing new facilities and additions to existing facilities like halfway houses and group homes although accommodations in construction design, construction materials and interior finishes due to sprinklering may alleviate some of the increased expense.

The 2003 IFC will allow builders to construct three stories of wood-frame apartment or condominium occupancy above a parking garage at grade level and/or located in a basement. At a minimum, this could have the following benefits:

- Reduces the need for separate parking structures or shared parking agreements;
- Reduces the amount of parking spaces located outside the apartment building;
- Reduces challenges associated with connecting accessible parking spaces to accessible housing units in buildings with elevators;
- Reduces the amount of impervious cover on site;
- Reduces the amount of drainage infrastructure associated with the amount of impervious cover.

These benefits can impact housing affordability by reducing construction costs.

The 2003 IBC will require quick response and residential sprinklers in all apartment and condominium buildings containing 3 or more units; the 1994 UBC requires sprinklers in those buildings when the building has 16 or more units or is at least 3 stories tall. This means that fewer 2-story multi-family buildings with less than 16 units will be built. Similarly, all halfway houses will be required to be sprinklered under the 2003 IBC, whereas the 1994 UBC only required a fire sprinkler system when the building was 3 or more stories in height or had 20 or more guest rooms. Since the foundation and roof construction are often two of the most expensive elements of new housing, the new sprinkler requirements will allow design professionals to consider cost savings associated with increasing building height and residents will receive higher levels of protection from fire.

The 1994 Edition of the UFC contains 45 activities, operations or practices requiring permits. The City of Austin has adopted six of these permit requirements plus HazMat permits. The 2003 edition of the IFC contains 47 operational permits and 12 construction permits. The adoption of

new local amendments will allow eight operational permits plus HazMat permits (two additional permit requirements). These new permit requirements are: 1) An annual operational permit required to operate any place of assembly where 51% or more of the gross receipts at the location are from alcoholic beverage sales, and, 2) An operational permit required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m²).

Fees associated with these permits have been adopted by council.

LOCAL AMENDMENTS

The Fire Department is recommending local amendments to retain high-rise retrofit requirements. In addition, the Fire Department is recommending adoption of the 1997 Uniform Code for Building Conservation as the rehabilitation code for all existing residential and commercial buildings.