

Winnetka Village Council
STUDY SESSION
Village Hall
510 Green Bay Road
Tuesday, April 14, 2015
7:00 PM

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council. Emails for a Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Sprinkler Requirements for Commercial Buildings2
- 3) Public Comment
- 4) Executive Session
- 5) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager’s Office at Village Hall (2nd floor).

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village’s web site: <http://winn-media.com/videos/>

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.



Agenda Item Executive Summary

Title: Sprinkler Requirements for Commercial Buildings

Presenter: Alan Berkowsky, Fire Chief

Agenda Date: 04/14/2015

Consent: YES NO

| | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input checked="" type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

On February 11, 2014, the Village Council reviewed information on the Village's current sprinkler requirements (adopted in February 1977). At that meeting, Staff was requested to prepare a draft Sprinkler Retrofit Ordinance. This concept Ordinance was presented to the Trustees at the June 26, 2014 Study Session. As a result of that meeting, Council asked Staff to determine the receptivity of the business community as it related to the concept of a retrofit Ordinance. At the November 11, 2014 Study Session, the survey results were presented.

Executive Summary:

As requested at the Council Study Session on November 11, 2014, attached is a memo and other supporting documentation addressing the questions identified by the Trustees. The memo delineates a means to determine which occupancies would be required to be sprinklered due to a greater hazard when a change of use occurs. In the last five (5) years, nineteen (19) properties have been sprinklered due to a "Change of Use". If the proposed "Change of Use" Table was applied to these installations, only nine (9) of the nineteen (19) would have required sprinklers.

Recommendation:

Staff seeks policy direction from the Village Council.

Attachments:

Berkowsky Memo, dated March 23, 2015
Attachment 1: Change of Use Table
Attachment 2: 5-Year Sprinkler Analysis
Attachment 3: Appeal Process

VILLAGE OF WINNETKA

INTERDEPARTMENTAL MEMO

TO: ROB BAHAN, VILLAGE MANAGER
FROM: ALAN BERKOWSKY, FIRE CHIEF
DATE: MARCH 23, 2015
SUBJECT: SPRINKLER ORDINANCE UPDATE

On November 11, 2014, Council was presented information from a survey that was conducted to determine the sentiment of business owners as it related to a proposed Sprinkler Retrofit Ordinance. From that discussion, the Council identified the following points:

- A Sprinkler Retrofit Ordinance may not be a good fit for Winnetka at this time.
- The current Ordinance should evaluate whether the “Change of Use” creates a greater hazard.

Based upon Staff’s review, it is also important to consider the following:

- An ordinance that allows for case-by-case evaluation will result in numerous appeals (to Council) based upon an individual’s interpretation of what creates a greater hazard.
- Our local Ordinance was enacted to establish higher standards (compared to the International Building Code) to protect our unique building stock for the following reasons:
 1. The proximity of the buildings to each other;
 2. The age of the buildings;
 3. Structural openings in walls/ceilings created over the years;
 4. Common elements of the buildings (i.e. basements, attics);
 5. The amount of available fire load; and
 6. Residential occupancies above the commercial uses.

The attached “Change of Use” Table is a proposed modification to the current Ordinance based upon Village Council’s most recent discussion. The chart would be used to determine whether the “Change of Use” results in an increased hazard. We would eliminate the existing Code relating to the Fire Chief’s discretion. The appeal process will remain intact to provide the property owner/tenant with an avenue to have the decision reviewed.

When determining whether sprinklers are required in an occupancy, there is a two-step process. The current or proposed Ordinance is the first “assessment” as to whether fire sprinklers are required. The second assessment would be the applicability of the International Building and Fire Codes as adopted by the Village Council. These Codes take into other factors. Most likely, the original intent of the “Change of Use” Ordinance was to accelerate the installation of sprinkler systems in the commercial districts.

Following are some examples of where the International Building & Fire Codes would still require the installation of sprinklers:

Restaurant to Restaurant: Though the "Change of Use" Table does not require sprinklers based upon a greater hazard, the Building and Fire Code would still require sprinklers if the space exceeds 100 occupants, 5,000 square feet or if the space is located on a floor other than on the ground floor.

Mercantile to Mercantile: If the occupancy use group remains a Mercantile, it is not required to be sprinklered under current or proposed Ordinance. However, if the Mercantile expands beyond 12,000 square feet or three stories, a sprinkler system would be required based upon the Building and Fire Code.

Please find the "Change of Use" Table attached along with a five-year analysis that will enable Council to see how it would have impacted previous determinations on change of use and sprinkler requirements. Staff believes this approach will provide some relief while still improving the sprinkler installation progress; albeit at a slower rate. Staff will be present at the April 14th Study Session to discuss and answer any questions that the Village Council might have.

Village of Winnetka Sprinkler Requirements

For
Change of Use

| | | USE CHANGING TO | | | | | | | |
|--------------|------------------------------------|------------------|--------------|----------------------------------|-------------------------------|------------------------------------|----------------|-------------------------------|-------------|
| | | A-2 - Restaurant | B - Business | E - Education/Daycare Facilities | I-2 - Hospitals/Nursing Homes | I-4 - Adult/Infant Care Facilities | M - Mercantile | R-2 - Multifamily Residential | S - Storage |
| EXISTING USE | Restaurant (A-2) | N | N | Y | Y | Y | Y | Y | Y |
| | Business (B) | Y | N | Y | Y | Y | Y | Y | Y |
| | Education/Daycare Facilities (E) | Y | N | N | Y | Y | Y | Y | Y |
| | Hospitals/Nursing Homes (I-2) | Y | N | N | N | N | Y | Y | Y |
| | Adult/Infant Care Facilities (I-4) | Y | N | N | Y | N | Y | Y | Y |
| | Mercantile (M) | Y | N | Y | Y | Y | N | Y | Y |
| | Multifamily Residential (R-2) | Y | Y | Y | Y | Y | Y | N | Y |
| | Storage (S) | Y | N | Y | Y | Y | Y | Y | N |

* Mixed Use Occupancies - When changing to a mixed use occupancy type, the “higher hazard” occupancy will be used to determine if sprinklers are required.

**NOTE: This chart only addresses change of use situations where the building code is not applicable.

| <i>EXAMPLES OF OCCUPANCY USES</i> | |
|-----------------------------------|--|
| A-2 | Restaurants |
| B | Banks, barbers, car washes, civic administration, clinics, dry cleaners, educational occupancies above 12th grade, beauty shops, electronic data processing, post offices, print shops, and professional services. |
| E | Use of a building by more than 6 students for educational purposes through 12th grade. Includes daycare for more than 5 children over 2 ½ years of age. |
| I | Institutional uses such as hospitals, nursing facilities and care centers. |
| M | Buildings used for the display/sale of merchandise. Includes retail/wholesale, drug stores, markets, gas stations, and sales rooms. |
| R-2 | Units greater than 2 dwelling units that are primarily permanent in nature. Multifamily housing, including: apartment houses, boarding houses, dormitories and hotels. |

Village of Winnetka
5-year Sprinkler Analysis

| Change of Use Sprinkler Installations (2010-2014) | | | | | Sprinkler Required? | |
|---|--------------|------------|----------------|--------------|---------------------|-----------|
| Number | Address | Date | Occupancy From | Occupancy To | Current Ordinance | New Table |
| 551-53 | Chestnut | 3/30/2010 | Mercantile | Storage | Yes | Yes |
| 850-58 | Green Bay | 5/12/2010 | Mercantile | Business | Yes | No |
| 750 | Green Bay | 7/20/2010 | Business | Storage | Yes | Yes |
| 791 | Elm | 7/18/2011 | Business | Storage | Yes | Yes |
| 728 | Elm St. | 11/29/2011 | Mercantile | Business | Yes | No |
| 1007 | Green Bay | 1/24/2012 | Mercantile | Business | Yes | No |
| 901-905 | Green Bay | 2/2/2012 | Business | Residential | Yes | Yes |
| 841 | Spruce St. | 2/9/2012 | Mercantile | Business | Yes | No |
| 954 | Green Bay | 2/9/2012 | Mercantile | Business | Yes | No |
| 720 | Elm St. | 2/16/2012 | Mercantile | Assembly | Yes | Yes |
| 886-890 | Green Bay | 2/28/2012 | Mercantile | Residential | Yes | Yes |
| 813 | Chestnut Ct. | 4/2/2012 | Mercantile | Business | Yes | No |
| 1052 | Gage | 12/6/2012 | Mercantile | Assembly | Yes | Yes |
| 440 | Ridge | 4/10/2013 | Storage | Assembly | Yes | Yes |
| 976 | Green Bay | 3/12/2014 | Mercantile | Business | Yes | No |
| 565 | Lincoln | 3/24/2014 | Mercantile | Business | Yes | No |
| 952 | Green Bay | 4/9/2014 | Mercantile | Business | Yes | No |
| 558 | Green Bay | 11/17/2014 | Business | Mercantile | Yes | Yes |
| 1054 | Gage | 12/26/2014 | Mercantile | Business | Yes | No |
| Number of Occupancies: 19 | | | | | | |

| | |
|--|------|
| Total Sprinkled Based on current Ordinance | 19 |
| Required Under new Hazard Table | 9 |
| Percent Required Under Current Ordinance | 100% |
| Percent Required Under Proposed Ordinance | 47% |

Village of Winnetka
5-year Sprinkler Analysis

Section 15.16.090 Appeals.

A. Appeal to Village Council. A person who has applied for a permit or received an order from the Fire Chief may take an appeal to the Village Council from a decision of the Fire Chief disapproving or denying an application for a permit, or from an order of the Fire Chief requiring any fire prevention or safety-to-life measures to be taken.

The appeal shall be subject to the following conditions:

1. The basis of the appeal shall be a claim that the provisions of the Fire Prevention Code or the Life Safety Code do not apply or that the provisions have been misconstrued or wrongly interpreted.
2. The appeal shall be initiated in writing within thirty (30) days from the date of the Fire Chief's decision or order.
3. The party bringing an appeal to the Village Council shall have the burden of establishing that the Fire Chief's decision or order was in error.

B. Decision on Appeal. The Council, in the exercise of its discretion, may uphold, reverse or modify the requirements of the Fire Chief.

(Prior code § 26.09) (MC-6-2010, § 4, Amended 10/5/2010; MC-3-2005, Renumbered, 06/21/2005)