



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing. Appeal of Fire Code Requirements for J.J.S. Warehouse.

MEETING DATE: March 20, 1991

PREPARED BY: Fire Chief

RECOMMENDED ACTION: Discussion and appropriate action.

BACKGROUND INFORMATION: This appeal was to be heard at the regular City Council meeting of December 19, 1991. It was continued to this date pending a meeting between the appellant, Mr. Anton Sitter, and the Fire Department. After several attempts to find mutually acceptable meeting dates, we were able to meet on March 4, 1991. At this meeting Mr. Sitter, his son, his attorney, the Fire Marshal and I discussed the interpretation of the 1979 and 1988 Editions of the Uniform Fire Codes, and how each would or would not apply to J.J.S. Warehouse. I have forwarded a letter to Mr. Sitter in which I have spelled out our interpretation of the code requirements and have attempted to put the requirements in language which will delete misinterpretations and will reflect our conversation and verbal agreements we reached during our meeting. A copy of that letter is included as part of this agenda item. In that letter I have notified Mr. Sitter that we will allow him six (6) additional months to comply with these requirements. This time frame was requested by him and is necessary due to the large amount of inventory which must be relocated within the warehouse. I have also asked Mr Sitter to notify the City Manager if he wishes to continue his appeal. He called me on March 8, 1991 and indicated that he would be out of town and would be unable to contact the City Manager by March 12, 1991 as I had requested. Due to this fact we will not have an indication of what his choice is until after the deadline for Council agenda information. We will know by the time that we come to the Council meeting what Mr. Sitters decision is, and will inform you of that during the time for the public hearing. If he chooses to meet the requirements of the code within six (6) months we will monitor his progress and ensure that the requirements are met.

APPROVED: _____

THOMAS A. PETERSON
City Manager





CITY OF LODI

COUNCIL COMMUNICATION

Mr. Sitter has been sent a copy of this document and notified that this item will be on the Council agenda on this date.

FUNDING: none required.

Respectfully submitted,

Larry F. Hughes
Fire Chief

APPROVED: _____

THOMAS A. PETERSON
City Manager





Larry F. Hughes
Fire Chief

Fire Department

210 West Elm Street
Lodi, California 95240
209/333-6735

Management Team

Robert Gorbet
Larry Lorenz
Steve Raddigan
Gary Duck
Ken Morgan
Frank Ortiz

February 6, 1991

Mr. Anton N. Sitter
J.J.S. Warehouse
23 Maxwell Street, #C
Lodi, CA. 95240

Dear Mr. Sitter:

RE: RESULTS OF OUR MEETING OF 3-4-91, REGARDING FIRE
INSPECTION REQUIREMENTS FOR 23 MAXWELL STREET, LODI

As a result of the meeting between yourself, your son, your Attorney Herb Horstmann, myself and Fire Marshal Steve Raddigan, the Fire Department is in agreement that if the following Fire Code conditions are carried out, your warehouse at 23 Maxwell, #C, will be in compliance with the 1988 Edition of the Uniform Fire Code.

QUANTITY OF FLAMMABLE LIQUID TO BE STORED:

1. The maximum quantity of Class I-B, I-C, II or III-A liquid shall be computed by taking the floor area designated for flammable liquid storage and multiplying that square footage by 2. This equates to storage of 2 gallons per square foot of floor area as the amount that may be stored in the designated area. When computing the square footage of the designated flammable liquid storage area, you can use only the floor area actually used (rack area) and any contiguous aisle space to that rack or storage area.
2. Quantities of flammable liquids in excess of those calculated using the above criteria must be stored in the liquid storage room.
3. You may store combustible materials on separate racks in the designated flammable liquid storage area, but the square footage taken up by this storage cannot be used to compute the total gallonage allowed in that area.
4. You must meet all of the requirements regarding methods of storage which were outlined in Fire Marshal Raddigan's letter dated September 28, 1990. They are as follows:

- a. Containers under 30 gallons capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving (which I believe you have) or otherwise satisfactorily secured.
- b. Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.
- c. Storage shall be 3 feet below sprinkler deflectors (heads)
- d. In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as a kit. (This is why we required that combustibles be stored on separate racks in item #3 above)
- e. Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

There is still the question of how much flammable liquid can you store in your building. If you will provide us with a diagram of your building showing the rack configuration and their size and the location and size of the "designated flammable liquids storage area", we will be pleased to provide you with the maximum amount of Class I-B, I-C, II, and III-A flammable liquids that you can store in your building and on each rack.

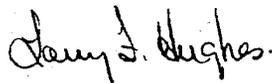
As we noted during our meeting, your building does not meet the requirements of a General Purpose Warehouse under the 1979 Uniform Fire Code, and it is to your advantage to use the provisions of the 1988 Uniform Fire Code in lieu of spending the dollars to bring the building up to the requirements of the 1979 code. However, if you choose to do so, we will accept the building under the provisions of the 1979 code, once it is modified to meet the requirements of that code.

At our meeting you requested six (6) months to comply with the requirements of the code (1979 or 1988). If your choice is to meet the requirements as I have outlined them in this letter I have no problem allowing you an additional six (6) months to comply. If however, you choose to continue with your appeal I ask that you notify the City Manager by no later than March 12, 1991 so that your appeal can be placed on the March 20, 1991 City Council Agenda or be continued until the April 10, 1991 City Council Agenda. If you are not going to continue with your appeal I will report back to the

City Council on March 20, 1991 that you have been given an additional six (6) months to comply with the items as noted in this letter, and that you have agreed to comply as herein stated.

Thank you for meeting with us and attempting to work out our differences. We appreciated the opportunity to discuss these items, and hopefully we have provided clarification on what the Uniform Fire Code requirements are for your building.

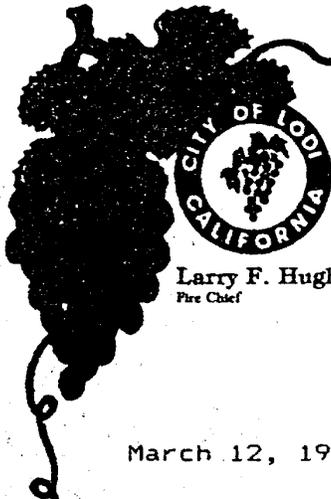
Respectfully,



Larry F. Hughes
Fire Chief

cc:
Tom Peterson, City Manager
Steve Raddigan, Fire Marshal
Herb Horstmann, Attorney
File

JJS/1



Larry F. Hughes
Fire Chief

Fire Department

210 West Elm Street
Lodi, California 95240
209/333-6735

Management Team

Robert Gorbet
Larry Lorenz
Steve Raddigan
Gary Duck
Ken Morgan
Frank Ortiz

March 12, 1991

Mr Anton N. Sitter
J.J.S. Warehouse
23 Maxwell St. #C
Lodi, CA. 95240

Dear Mr. Sitter,

Your appeal of our application of the Uniform Fire Code was continued by the City council at its regular meeting of December 19, 1991 until its regular meeting of March 20, 1991. The item has been placed on the City Council agenda under Public Hearings and you should be present to speak on your behalf if you wish to continue your appeal. As noted in my letter to you dated February 6, 1991 (should have been March 6, 1991 as indicated on the enclosed copy) you can choose to continue with your appeal or you can proceed with compliance of those items listed in that letter during the next six months. I would appreciate your letting us know what you wish to do prior to the City Council meeting of March 20, 1991.

I have enclosed a copy of the materials which I have placed in the City Council package for the March 20th meeting.

Sincerely,

Larry F. Hughes
Fire Chief

cc:
Tom Peterson, City Manager
Steve Raddigan, Fire Marshal
Herb Horstmann, Attorney for Anton Sitter
File.

DECLARATION OF MAILING

On January 3, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on January 2, 1991, at Lodi, California.

Alice M. Reimche
City Clerk



Jennifer M. Perrin
Deputy City Clerk

DEC/01
TXTA.FRM

NOTICE OF CONTINUED PUBLIC HEARING
TO CONSIDER THE APPEAL OF J. J. S. WAREHOUSE
TO THE NOTICE OF FIRE HAZARD AND ORDER TO ABATE
ISSUED BY THE LODI FIRE DEPARTMENT ON SEPTEMBER 28, 1990

NOTICE IS HEREBY GIVEN that on Wednesday, March 20, 1991 at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing to consider the appeal of J. J. S. Warehouse to the Notice of Fire Hazard and Order to Abate issued by the Lodi Fire Department on September 28, 1990.

Information regarding this matter may be obtained in the office of the City Clerk. All interested persons are invited to present their views. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else 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.

Dated: December 19, 1990

By Order of the Lodi City Council

Alice M. Reimche

Alice M. Reimche
City Clerk

FIRE HAZARD AND ORDER TO ABATE APPEAL
MAILING LIST
EXHIBIT B

J. J. S. Warehouse
23 Maxwell Street
Lodi, CA 95240

Hertz, Adams, Horstmann & Funke
Attention: Herb Horstmann
111 W. Pine Street
Lodi, CA 95240

Police Chief
Floyd Williams

DECLARATION OF MAILING

On March 25, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on March 25, 1991, at Lodi, California.

Alice M. Reimche
City Clerk

Jennifer M. Perrin
Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 17, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

April 17, 1991

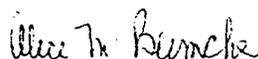
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Continued public hearing to April 17, 1991 to consider the appeal of J. J. S. Warehouse to the Notice of Fire Hazard and Order to Abate issued by the Lodi Fire Department on September 28, 1990

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: March 20, 1991

Approved as to form:


Bobby W. McNatt
City Attorney

J. J. S. WAREHOUSE
NOTICE OF FIRE HAZARD
MAILING LIST
EXHIBIT B

J. J. S. Warehouse
23 Maxwell
Lodi, CA 95240

Hertz, Adams, Horstmann & Funke
Attention: Herb Horstmann
111 W. Pine Street
Lodi, CA 95240