



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: FIRE DEPARTMENT

Prepared by: Darin White, Fire Chief

City Manager Approval: _____

TOPIC: ANNUAL OCCUPANCY INSPECTIONS

SUBJECT: RESOLUTION ACKNOWLEDGING RECEIPT OF REPORT FROM FIRE CHIEF REGARDING THE INSPECTION OF CERTAIN OCCUPANCIES REQUIRED PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

RECOMMENDATION:

Adopt resolution acknowledging receipt of a report made by the Fire Chief regarding the annual inspection of certain occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code for 2019.

BACKGROUND:

On December 2, 2016, a fire broke out in a warehouse, known as the Ghost Ship, in Oakland, California. What became the deadliest building fire in the history of the city took 36 lives that night. It quickly caught media attention throughout California, across the United States, and around the world. Numerous articles, editorials, and social media postings were published, specifically around the Bay Area.

Subsequently, media attention put a spotlight on fire and safety laws and inspections in California. Lawmakers quickly jumped to the occasion, and one law, [Senate Bill 1205 \(SB 1205\)](#), was authored to assist in the prevention of tragedies of this nature and magnitude. On September 27, 2018, SB 1205 became effective, and added a new section to the California Health and Safety Code (CHSC) which affects every fire department or fire district in the State. This new bill requires every fire department or district to annually report to its administering authority, compliance status with the annual inspection requirements of the California Health and Safety Code. The bill also requires the administering authority to formally acknowledge receipt of the compliance report in a resolution or a similar formal document.

ANALYSIS:

On September 27, 2018, SB 1205 became effective, and added a new section to the CHSC which affects every fire department or fire district in the State. This new bill requires every fire department or district to annually report to its administering authority, compliance status with the annual inspection requirements

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

of the CHSC. The bill also requires the administering authority to formally acknowledge receipt of the compliance report in a resolution or a similar formal document. It also now requires every fire department or district providing fire protection services to annually inspect every building used as a public or private school. This same annual inspection requirement is applicable to hotels, motels, lodging houses, residential care facilities and apartment houses containing three or more living units. SB 1205 provides an avenue for policy makers to understand the annual inspection requirements and compliance status so that any communicated shortcomings can receive the necessary actions to remedy.

Within the City of San Rafael, there are 626 residential occupancy structures and 20 academic occupancies. The Fire Department was able to inspect 98% of the residential occupancies and 100% of the academic facilities.

FISCAL IMPACT:

There is no fiscal impact associated with this action. This resolution merely acknowledges that our Mayor and Council has accepted the report from the Fire Chief. The inspection program has been accomplished with existing Fire Department staffing resources.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Staff's recommended action to approve the Resolution.
2. Adopt Resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Staff recommends approval of the Resolution

ATTACHMENTS:

1. Resolution

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE CHIEF OF THE SAN RAFAEL FIRE DEPARTMENT REGARDING THE ANNUAL INSPECTION OF CERTAIN OCCUPANCIES REQUIRED PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018; and,

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including the San Rafael Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, and apartment house compliance with building standards, as provided; and,

WHEREAS, California Health & Safety Code Section 13146.2 requires all fire departments, including the San Rafael Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and,

WHEREAS, the City Council of the City of San Rafael intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the San Rafael Fire Department's compliance with California Health and Sections 13146.2 and 13146.3;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES that it has received the annual inspection report required pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code, as follows:

A. EDUCATIONAL GROUP E OCCUPANCIES:

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the City of San Rafael, there lie twenty Group E occupancies, buildings, structures and/or facilities.

During calendar/fiscal year 2019, the San Rafael Fire Department completed the annual inspection of twenty Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period.

Additional items of note regarding this compliance rate can be found in the accompanying staff report for this resolution.

B. RESIDENTIAL GROUP R OCCUPANCIES:

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including several residential care facilities). These residential care facilities have a few different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden.

During calendar year 2019, the San Rafael Fire Department completed the annual inspection of 615 of the 626 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 98% for this reporting period.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on November 16, 2020 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk