



Legislation Text

File #: 21-0110, **Version:** 1

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Wolfgang Knabe, Interim Fire Chief
Tim O'Brien, Fire Marshal
Walberto Martin, Senior Management Analyst

SUBJECT:
Consideration of a Resolution Acknowledging Compliance with Senate Bill 1205 and California Health & Safety Code Section 13146.4 for Mandated State Fire Inspections (Interim Fire Chief Knabe).
ADOPT RESOLUTION NO. 21-0027

RECOMMENDATION:
Staff recommends that City Council adopt Resolution No. 21-0027 acknowledging receipt of a report made by the Fire Chief of the Manhattan Beach Fire Department regarding compliance with the annual inspection of certain identified occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code.

FISCAL IMPLICATIONS:
There are no fiscal implications in receiving this report.

BACKGROUND:
Senate Bill (SB) 1205 was approved on September 27, 2018, and requires annual reporting by the Fire Department to City Council on compliance with certain State-mandated inspections in accordance with California Health and Safety Codes 13146.2 and 13146.3.

The purpose of (SB) 1205 is to ensure that fire departments, including the Manhattan Beach Fire Department, are communicating with their governing authority regarding compliance with state mandated safety inspections that the fire department is required to conduct on schools, apartments and hotels. This communication is meant to ensure that fire departments are complying with their inspection mandates and increase the likelihood that they will receive the resources they need to appropriately staff and carry out state mandated inspections.

DISCUSSION:
On December 2, 2016, a fire broke out in a warehouse, known as Ghost Ship, that had been converted into an artist collective, including dwelling units, in the Fruitvale neighborhood of Oakland.

A total of 36 people were killed in the fire, and it became the deadliest in the history of the city. It was also the deadliest building fire in the United States since The Station nightclub fire in 2003, and the deadliest in California since the 1906 San Francisco earthquake. The tragedy at Ghost Ship brought national attention and put a spotlight on fire safety laws and inspection in California. It is from this tragedy that (SB) 1205 was born.

Manhattan Beach Fire Department's Fire Prevention Division is comprised of a Fire Marshal, a full-time Fire Inspector (whose time is substantially impacted by the Manhattan Beach Studios), and four part-time Fire Inspectors. This fiscal year, three of our part-time Fire Inspectors took full-time positions on other Fire Departments and the fourth has an extremely limited schedule.

For roughly four months in this last fiscal year, Fire Prevention was supplemented with a Fire Suppression person who was on light-duty recovering from injury. Additionally, because of Covid-19, our Suppression staff were not performing their normal life/safety business inspections and were able to assist with apartment inspections. This combination of circumstances should allow Fire Prevention to complete the majority of the inspections described above.

However, without the addition of a full-time civilian Fire Inspector as identified in the Fiscal Year (FY) 2020-2021 budget, it may not be possible to perform all the inspections required by SB1205. A revenue stream for mandated inspections has been set up and approved by council in the adopted fee schedule to recoup the cost of this additional staffing.

The following is a breakdown of relevant occupancies and the number of completed inspections:

E Occupancies:

Public schools, private schools, daycares - 27 occupancies, 13 inspected: 48% inspected.

Incomplete inspections (14 out of 27) were due to a combination of Covid-19 and a lack of staffing. All efforts will be made to complete these remaining inspections upon re-opening of the schools or before the end of the fiscal year.

R Occupancies

R-1 Hotels and motels - 11 occupancies, 6 inspected: 55% inspected.

R-2 Apartments, condominiums - 284 occupancies, 276 inspected: 97% inspected.

R-2.1 Residential care facilities - 2 occupancies, 0 inspected: 0% inspected

Incomplete inspections (15 out of 292) were due to a combination of Covid-19 and a lack of staffing. All efforts will be made to complete these remaining inspections before the end of the fiscal year.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue. However, there have been notifications published and circulated to notify the community regarding the fee schedule and notice to owners of properties that meet the requirements.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines

the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW

The City Attorney has reviewed this report and no further legal analysis is needed.

ATTACHMENTS:

1. Resolution No. 21-0027
2. Senate Bill 1205