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Interim Report: Town of Atherton Building Department Health and Safety Issues Require Immediate Action

Issue

What steps should be taken immediately to address health and safety issues involving residential construction projects in the Town of Atherton?

Background

In response to growing dissatisfaction with the Building Department, the Town of Atherton (Atherton or Town) in 2006 initiated a series of internal investigations, including a three-phase study¹ by its Finance Department. These studies describe numerous organizational and procedural shortcomings in the Building Department and highlight problems that result from the concentration of power in the hands of the Building Official. (A Building Official is certified to oversee a Building Department and issue building permits.) The Building Official has the authority to approve all facets of construction projects, e.g., zoning issues, site drainage, building size and placement, and field inspection. The former Building Official interpreted and granted exemptions to zoning and building codes, often without the involvement of independent authorities, as is the usual practice in other cities. There are known problems with many homes for which building permits were issued during the tenure of the former Building Official.

The San Mateo County Civil Grand Jury (Grand Jury) is releasing this interim report because it is concerned that some projects in the Town were not covered by the above-mentioned Finance Department studies, and may violate the health and safety standards in the 2001 California Building Code² and the Health and Safety Code³.

¹ Town of Atherton, Building Permit and Process Audit, Phases I, II, & III, dated June 26, July 26, and October 18, 2006, respectively.

² California Code of Regulations, Title 24 (California Building Standards Code, 2001).

Findings

- The Building Department maintains building permit records in a computerized database. The Phase III audit of the Building Department examined 6,647 records stored in this database and found 1,560 incorrect or incomplete records (23%).
- Suspect permit records for four properties were examined fully, and all were found to violate one or more requirements of the Atherton Municipal Code. The four affected properties are described in the Phase III Report.
- In the weeks following the publication of the Phase III Report, an additional four properties that violate the Atherton Municipal Code were discovered; two appear to present health and safety violations.
- Atherton contracts with the Menlo Park Fire Protection District (MPFPD) for fire protection services. In the past, the Town had no established procedure to ensure that construction plans were reviewed and approved by the MPFPD prior to issuance of a building permit. The permit applicant had been responsible for submitting the plans to the MPFPD. The Town has reported that they are currently working with the MPFPD to correct this loophole in the permitting process.
- The Grand Jury, together with the MPFPD, examined the list of open building permits in Atherton and found that fewer than one-half of the substantial building alteration and construction projects had been reviewed or approved by the MPFPD. Only 18 of 81 new residence permits and 45 of 108 accessory structure permits had been submitted to the MPFPD.
- As is the case in most communities, many older properties in Atherton do not meet the current requirements of the Health and Safety Code. In Atherton, alterations of any size to existing buildings (and new construction of less than 1,000 square feet) are exempt from the requirements of the Town sprinkler ordinance, and also from review and approval by the MPFPD. This policy has resulted in alterations to existing buildings that would not be allowed in new construction, e.g., inadequate access for fire trucks, undersized fire hydrant water supply pipes, basements with inadequate exits, and substantial additions to existing buildings without sprinklers.
- The Grand Jury surveyed seven other communities in San Mateo County (three of which are comparable to Atherton in terms of population and demographics) and found that all the communities surveyed require that permit applications be approved by the fire department before a building permit is issued.
- The Town has recently taken steps to implement some recommendations from the above-mentioned Building Department audits. The Grand Jury commends the Town for this action, and encourages it to continue efforts in this regard.

³ California Health and Safety Code.

Conclusions

Phase I, II and III audits of the Building Department correctly assessed the deficiencies in the Department procedures and operations, and the recommendations for corrective action in the reports are appropriate and necessary.

The Grand Jury has encountered mounting evidence of irregular or improperly issued building permits that should motivate the Town to examine fully all open permits for health and safety problems.

Fire department approval of building construction plans prior to issuance of a building permit, a standard practice in other communities, should be required in Atherton. The Town should review all open substantial construction projects that have not been reviewed or approved by the MPFPD.

The practice of exempting alterations to existing buildings from MPFPD approval, regardless of the extent of the alteration, may put the health and safety of the building occupants at risk.

Recommendations

The Grand Jury recommends that the Atherton Town Council direct the Town Manager to:

1. Request that the MPFPD examine all substantial construction projects with open building permits for potential health and safety violations.
2. Request that the MPFPD examine all projects constructed during the tenure of the previous Building Official that were not reviewed for fire safety.
3. Publish the results of these examinations by April 1, 2007.

The Grand Jury further recommends that the Atherton Town Council:

4. Finalize and adopt an ordinance that defines when MPFPD approval of building construction plans is required prior to issuance of a permit.
5. Reconsider the current policy that exempts all alterations of existing structures from the requirements of the Town sprinkler ordinance and from the MPFPD approval.
6. Continue to implement the recommendations set forth in the Finance Department's audit of the Atherton Building Department.



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April 19, 2007

Hon. John L. Grandsaert
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: San Mateo County Civil Grand Jury
February 7, 2007 Interim Report
Town of Atherton Building Department

Dear Judge Grandsaert:

The City Council of the Town of Atherton is in receipt of the Court Executive Officer's February 7, 2007 letter transmitting the above referenced Interim Report of the San Mateo County Civil Grand Jury and requesting a response thereto directed to your attention. For the reasons stated below, the City Council disagrees with the findings of the Interim Report, and the principal recommendations thereof will not be implemented as they are not warranted or reasonable. Further, the City Council requests that the Civil Grand Jury withdraw its Interim Report as inappropriately issued.

Preliminary Observations Concerning The Interim Report

The Interim Report and its findings have caused substantial harm to the Town of Atherton and misperceptions within its community.¹ The findings of the Report misconstrue the

¹ Unfortunately, the Grand Jury's Interim Report, with its inaccuracies, was quickly followed by a press release of the Menlo Park Fire Protection District, commentary in the public media, and statements attributed to one Board Member of the Fire District, each in turn inflammatory and amplifying the inaccuracies of those preceding them. A good example of such is the February 14 editorial of the Country Almanac, the newspaper serving the Atherton community. Citing the Interim Report, the Almanac editorialized and found "most startling" Atherton's "apparent failure to submit hundreds of plans for approval by the Menlo Park Fire Protection District." This assertion was also apparently based in part upon a

relationship and responsibilities existing between the Town of Atherton, in particular its Building Department, and the Menlo Park Fire Protection District. For the most part, the Report's findings are stated as conclusions, both of a factual and legal nature, without reference to factual support or legal authority. In some cases, where factual assertions are made, they are simply wrong or inaccurate.

The initial and one of the principal failings of the Interim Report is its failure to define that upon which it bases its findings and recommendations, and most importantly, its failure to define the terms it loosely employs. A case in point is the Grand Jury's fundamental premise and charge that "the Town of Atherton had no established procedure to ensure that construction plans were reviewed and approved by the MPFPD prior to issuance of a building permit,"² and as a consequence, there was "mounting evidence of irregular or improperly issued building permits" giving rise to potential "health and safety problems."³

Fire District press release commenting upon the Interim Report and asserting it was "deeply alarmed and disturbed" that in Atherton "there is mounting evidence of irregular or improperly issued building permits" without "Fire Department approval of building plans." The press release of the Fire District was highly misleading, as well as shielding of its own failures in responsibility as described herein. That hundreds of permits have been irregularly or improperly issued by the Atherton Building Department because they lacked Fire District approval is clearly not true. Simply put, peeling away the rhetoric, there is no evidence of such.

² This charge overlooks the opposing point, as discussed herein, that the Fire District, as an agency with lead responsibilities, has itself never established, and its Board has never requested from the City Council, any formal procedure "to ensure that construction plans were reviewed and approved by MPFPD prior to issuance of a building permit." While there have certainly been informal understandings and agreements between the staffs of the Town and Fire District, the Fire District has never expressed to the City Council any dissatisfaction concerning these informal arrangements, and has never sought from the Council any formal agreements or procedures, established by ordinance or otherwise, institutionalizing such. If at any time the Fire District concluded that Atherton's Building Department was acting improperly with respect to building plan reviews, or improperly excluding the District from that process, as opposed to simply remaining silent, it had an obligation to bring such complaint to the City Council, as the governing body of the Town. The Fire District has never done so.

³ One of the first concerns with the Interim Report is its failure to state precisely what it is that the Fire District should have had the opportunity to check and approve, is it doors and windows for emergency egress, property access, smoke detectors and locations, all of the foregoing? The Interim Report does not state this, nor have either the Fire District or public media subsequent to release of the report. Of second serious concern is the term, "health and safety problems," loosely used, and what does it mean? The Grand Jury does not define this term. Herein, the term "life safety" will refer to issues and code requirements as defined as

The above assertion is based upon the premise, false as discussed herein, that the Fire District had either the legal authority or responsibility to review building plans, that were supposed to have been but were not submitted to it by the Town's Building Department, for life safety issues and code requirements prior to issuance of a building permit. This assertion also raises the question, not addressed by the Grand Jury, as to what is the standard or what are the standards against which these plans supposedly should have been reviewed? The generalized answer most often heard is the "fire code." If so, then what is the "fire code," what does it contain, and what does it require? Does the fire code even address what are commonly considered as life safety issues and code requirements for single family residential construction? And what entity legally has review authority and responsibility to enforce this code or whatever other code actually sets life safety building requirements? These are questions that no responsible public entity, the Grand Jury, Fire District, any member of the foregoing, or the public media has apparently bothered to consider, let alone answer. These questions are at the foundation of any responsible and competent inquiry, but have been lost in the accusations and rhetoric, and have simply not been considered. These questions will be addressed below, and other relevant issues and facts, in a concise fashion.

The fundamental questions raised by the Interim Report and present controversies are not complex or incapable of understanding after reasonable study. Since issuance of the Grand Jury Interim Report, the City Council has devoted a substantial amount of time to these issues. The response contained herein is based upon a review of publicly available documents of the Fire District including its Fire Prevention Code, 2006/2007 Strategic Plan,⁴ operating budget, and the meeting minutes for the last year of the Board of Directors of the Fire District. It is also based upon meetings and conversations with the President of the Fire District⁵ and members of the Town's Building Department.⁶ Additionally, information and

those which are existent to protect occupants of buildings from fire and to escape from the occurrence of a fire. Excluded from this definition will be fire hydrant water flow and fire apparatus access to building locations which will be addressed as separate issues as they are primarily the responsibility of the Fire District, a responsibility for which it has largely failed to act in any meaningful manner.

⁴ The District's Strategic Plan was last revised effective October 31, 2006.

⁵ The meeting between one member of the City Council, Alan Carlson, and the Fire District Board President, Ollie Brown, was very encouraging. It was apparent from this meeting that the Fire District Board would like to address existing issues between the Town and District in a forthright and candid manner. Consistent therewith, at the invitation of the City Council, the Fire District Board and Council have agreed to meet in a joint session on May 21, 2007 to discuss and resolve these issues.

⁶ Meetings and conversations occurred with Mike Wasmann, Atherton's current Building Official and who has been a member of the Building Department for many years, and Mike Cully, who was the Department's Acting Building Official before Mr. Wasmann. Mr. Cully has also served and currently serves as a building official and fire marshal for

statements made at the March 20, 2007 meeting of the Board of Directors of the Fire District are referenced herein, as well as the verbal and written report of the Fire Chief to the Fire District Board at that meeting.⁷ Finally, the City Council has received and reviewed several legal opinions of the City Attorney for Atherton related to these issues.

The Administrative Codes Relevant To The Issues Raised By The Interim Report

There are two administrative codes pertinent to the issues raised by the Interim Report, both enacted by the State of California. These are the California Building Standards Code⁸ and California Fire Code.⁹

another city within San Mateo County. Both are intimately familiar with the California Building Standards Code and California Fire Code, both to be discussed below, as well as their requirements and coverage.

⁷ A March 19, 2007 memorandum from the Fire Chief to the Fire District Board, presented at this meeting and dealing with his March 5, 2007 meeting with the Grand Jury, is troubling and of concern wherein he states:

As we move forward, the staff and I will continue our efforts to assist the process. . . . In order for us to continue to make headway, not only in the near term but also long term, here are some thoughts, reflections and suggestions:

* * *

- Let the target of the investigation be Atherton and any other municipality
- Let the Fire District be (and perceived to be) the “good guys”

A copy of this March 19, 2007 memorandum is attached hereto as Appendix A. If this is the goal of the Fire District in the current ongoing investigation of the Grand Jury, it is one that seeks to divert attention from the District and to shift the District’s failures, and there are many as discussed herein, to the municipalities it is supposed to be serving.

⁸ The California Building Standards Code is adopted and modified for California by the California Building Standards Commission based upon a national model code. The California Building Standards Code (Title 24 California Code of Regulations) is actually comprised of eleven parts or separate codes, among them including Part 2 the California Building Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, and Part 6 the California Energy Code. However, with the exception of the California Fire Code, the foregoing will be referred to collectively as the “California Building Standards Code,” “California Building Code” or “Building Code.” The California Fire Code is also found within the California Building Standards Code, as Part 9 thereof.

⁹ The California Fire Code is adopted and modified for California by the California State Fire Marshall and is also based upon a national model code. As indicated above, it is

To be effective within Atherton, the City Council must adopt the individual and specific codes (i.e. the Building Code, Electrical Code, Mechanical Code, Plumbing Code, etc.) found within the California Building Standards Code, and it has done so.¹⁰

- In adopting the various codes of the California Building Standards Code, and consistent with that Code, the Council has delegated authority to the Town's Building Official to administer and enforce them within Atherton.¹¹
- There has been no delegation of authority with respect to the various codes of the California Building Standards Code adopted by the City Council to the Fire District, and none is required by the Code.¹²

To be effective within Atherton, and within the boundaries of the Fire District, the Board of Directors of the Fire District must adopt the California Fire Code, and it has done so.

- The adoption of the California Fire Code has occurred through the Fire District's enactment of its Fire Prevention Code.
- The Fire District has delegated to the Fire Chief the authority to administer and enforce the Fire Code within the boundaries of the District including Atherton.
- There is a potential issue as to the enforceability of Article 9 of the California Fire Code, as well as its applicability to residential, as opposed to commercial, construction.
 - Article 9 deals with fire hydrant water flow and fire apparatus access to building locations, for which the Fire District claims authority and responsibility for both commercial and single family residential locations.

Part 9 of the California Building Standards Code. It will be referred to independently herein as the "California Fire Code" or "Fire Code."

¹⁰ Atherton has not adopted the Fire Code as a part of its building codes, and it has had no legal requirement to do so. As indicated herein, the Fire Code is applicable to commercial buildings, of which Atherton has none.

¹¹ Section 13146 of the California Health and Safety Code provides to the Town an option to delegate authority with respect to the California Building Standards Code, and life safety code requirements therein, to either its Building Official or the Fire District. As has done Menlo Park and East Palo Alto for single family residential construction, the Town in adopting Atherton's building codes has designated its Building Official as its enforcement officer. Accordingly, Atherton's Building Department has the legal responsibility and authority to administer and enforce building codes within Atherton.

¹² The Grand Jury in its Interim Report states that Atherton "contracts" with the Fire District for fire protection services. This is incorrect, the Town and District are separate legal entities, existing since 1923 and 1915 respectively. Neither has legal authority over the other, contractual or otherwise.

- These topics will be dealt with separately below. However, resolution of the attendant legal issues are beyond the scope of this response.

The California Building Standards Code And What It Covers

The California Building Standards Code, through its incorporated parts and codes, establishes various building standards for residential construction including structural, electrical, plumbing, etc.

- The California Building Standards Code also establishes life safety building standards and code requirements for residential construction¹³ which includes, but is not limited to:
 - Number and character of exits from buildings.
 - Window requirements for emergency egress, as well as light and ventilation, whether the structure is single or multi-story.
 - Basement requirements, and depending on occupancy or other use, requirements for windows and exits.
 - Smoke detectors and locations.
- During the plan check and review process of the Building Department for California Building Standards Code requirements, for years life safety building standards have been routinely required and checked on plans for code compliance by the Department's plan checkers. Such occurs with respect to both new construction and remodels of existing structures.
 - For the most part, the life safety building standards and code requirements are considered routine during the plan check process and not as complex in nature.¹⁴
- The California Fire Code does not include any life safety building standards for residential construction. These are found exclusively within other incorporated parts or codes of the California Building Standards Code, and not within the Fire Code.

¹³ The Town is required by law to adopt these requirements and except in limited circumstances, cannot independently deviate from them by establishing either less or more stringent requirements. The adoption of different standards is legally permitted only upon climatic, topographic or geographic factors which must be reduced to legal findings, followed by submittal to and approval by the state.

¹⁴ As a consequence, the assertion of the Interim Report of the Grand Jury that there have been many plans "not reviewed for fire safety" prior to issuance of a building permit is totally inaccurate.

- The only arguable exception is outside the building, and specifically the requirements of Article 9 of the California Fire Code that deals with fire hydrant water flow and fire apparatus access to building locations.
- The California Building Standards Code does not require that building plans for single family residences, that with which Atherton deals, be submitted to a fire authority such as the Fire District for its approval of life safety code requirements.
 - The Building Department has not done so.
 - Menlo Park and East Palo Alto, the other two cities in the Fire District's boundaries, also do not do so with respect to single family residences.¹⁵
- Prior to release of the Interim Report, there has never been a request from the Fire District to the City Council for a delegation of authority pursuant to Section 13146 of the California Health and Safety Code to either assume or share in the responsibility for building plan checks and reviews of single family residences in Atherton.
 - The Fire District has never taken the position that it has the legal authority to conduct plan checks and reviews for life safety matters covered by the California Building Standards Code.¹⁶
 - To lawfully conduct the plan check and review of building plans to determine whether they meet the code requirements of the California Building Code, as well as the life safety code requirements thereof, the individual performing the review must either have an ICBO Plans Examiner certification issued by the International Conference of Building Officials or work under the direction and supervision of an individual holding this certification.
 - This requirement is met within Atherton's Building Department.
 - It is unknown whether the Fire District can presently meet this requirement, and if not, it would be legally disqualified from conducting plan checks and

¹⁵ This calls into question the Grand Jury's conclusion that it is a "standard practice in other communities" for building plans to be submitted for approval to a fire authority before issuance of a building permit. Unfortunately, in reaching this conclusion, the Grand Jury fails to indicate the type of building plans to which it is referring, whether residential or commercial, and precisely for what purpose or code requirements the plans are supposedly checked.

¹⁶ In a memorandum authored by the Fire Marshall for the District, and recently given to the Town, the Fire Marshall only asserts the Fire District's authority to administer and enforce Article 9 of the California Fire Code within Atherton. This memorandum is attached hereto as Appendix B.

reviews under, and for compliance with, the California Building Code.¹⁷

The California Fire Code And What It Covers

The California Fire Code applies exclusively to commercial buildings, arguably with the exception of Article 9. Aside from arguable Article 9 application, it contains no code requirements, life safety or otherwise, applicable to residential construction.

- The Fire Code contains special provisions applicable to commercial establishments and construction such as, for example, those dealing with dry cleaning establishments for the storage of chemicals, etc.
- Atherton, unlike other cities within the boundaries of the Fire District, has no commercial buildings.

Article 9 of the California Fire Code, as discussed above, deals with fire hydrant water flow and fire apparatus access to building locations.¹⁸

- The California Fire Code, including the provisions of Article 9, is not one of the parts or codes of the California Building Standards Code that a municipality like Atherton is required by state law to adopt.¹⁹
- Atherton has not adopted either the California Fire Code or the provisions of Article 9.

¹⁷ The Grand Jury recommends in its Interim Report “that the MPFPD examine all projects constructed during the tenure of the previous Building Official that were not reviewed for fire safety.” First, as discussed above, the Building Department does check building plans, both new construction and remodel, for compliance with the life safety requirements of the California Building Code, the code in which those requirements are found, and hence has checked previously approved plans for “fire safety.” Second, as discussed above, if the Fire District does not have personnel with the required ICBO Plans Examiner certification, it may not be legally qualified to examine building plans and projects as recommended by the Grand Jury.

¹⁸ Related to Article 9, the Interim Report of Grand Jury cites apparent concerns with “undersized fire hydrant water supply pipes” and “inadequate access for fire trucks” in Atherton. These issues, and the Fire District’s responsibility for them as opposed to that of Atherton, will be discussed below.

¹⁹ As a consequence, with respect to matters discussed below concerning fire apparatus access to building locations and related site/access issues, Atherton would be free to enact its own requirements for such as part of its building codes.

- As a consequence, there has been no delegation of authority or jurisdiction from Atherton to the Fire District with respect to California Fire Code or Article 9.
- As indicated above, in order for the California Fire Code to become generally enforceable within the boundaries of the Fire District, and Atherton from the perspective of the District, the Fire District must have formally adopted the Fire Code.
- However, there appears a viable argument that adopting the California Fire Code in general is not sufficient to in particular adopt Article 9 and its requirements for fire hydrant water flow and fire apparatus access to building locations.
 - According to this argument, Article 9 must have been independently and formally adopted by the Fire District in addition to the California Fire Code generally.
 - There is a question as to whether the Fire District has ever independently adopted Article 9, and hence if it is presently enforceable within the District. The District's Fire Prevention Code is silent on this issue. Further, there is also an issue of whether Article 9 is applicable to residential construction, or is limited to commercial construction.²⁰ Resolution of these legal questions are beyond the scope of this response.
- It appears that the intent of Article 9 is to assign primary responsibility for its administration to a fire authority, such as the Fire District.
 - As Atherton has not adopted the California Fire Code or the provisions of Article 9, the Town's Building Department does not have an independent responsibility, or one in conjunction with the Fire District, to administer Article 9.
 - As a practical matter, the Fire District has relied upon the Building Department, under the District's informal guidance, to administer Article 9 within Atherton, historically to the limited extent of regulating vehicle entry gates to properties.

Fire Hydrant Water Flow Within Atherton And The Failure Of The Fire District To Act

With respect to fire hydrant water flow within the Town limits of Atherton, historically this has not been a consideration in the Building Department's plan checking. The Department has considered this a Fire District responsibility, and as discussed herein, the District has acknowledged its responsibility. Until recently, the District has never raised any concern with the Building Department on the matter. As a consequence, the Department as well as

²⁰ The Fire District apparently takes the position that Article 9 is applicable to residential construction. The City Council is informed that there are fire authorities in California that take the opposite view and do not regulate residential construction under this Article.

the City Council, has relied upon the assumption that fire hydrant water flow and pressure has been adequate in Atherton.

- The fire hydrant water system is owned by the California Water Company.
 - The financial responsibility to maintain the system so as to meet flow and pressure requirements is an issue between the Fire District and California Water Company.
- The Fire District's 2006/2007 Strategic Report states that there exists in Atherton "substandard water supplies which do not meet minimum fire flow requirements stated in the California Fire Code." A copy of the relevant portions of the Strategic Report are attached hereto as Appendix C.
 - The Plan was last revised in October 2006, and the Fire District has known since at least June 2004 of inadequate water supplies in Atherton and other parts of the District.
 - The Plan also indicates this is the responsibility of the Fire District and California Water Company "to insure that proper infrastructure is in place."
- Fire hydrant water flow testing for required pressure is not conducted by the Fire District.
 - Such testing is periodically conducted by an independent insurance rating entity, called the ISO, with a one to five rating given to the Fire District.
 - The rating impacts the fire insurance rates of residents within the Fire District.
- The Fire District received from the ISO a June 1, 2004 letter which included fire hydrant water flow pressure data on selected, but not all, hydrants within the jurisdiction of the District including Atherton. A copy of this ISO letter and data is attached hereto as Appendix D.
 - The data showed that a number of fire hydrants within Atherton, and of sufficient number so as to raise concern, did not meet established water pressure requirements.
 - The Fire District subsequently took no action based upon the report and data, and did not seek pressure testing of fire hydrants not tested by the ISO.
 - As a consequence, it is not known, but may be assumed given the age of the water system, that there are additional fire hydrants of unknown location within Atherton that do not meet pressure standards.²¹

²¹ The Fire District's 2006/2007 Strategic Report, quoted above stating there exists in Atherton "substandard water supplies which do not meet minimum fire flow requirements stated in the California Fire Code," is in effect an admission that such are existent.

- There is no current Fire District plan for testing those fire hydrants not tested by the ISO in 2004.
- In his verbal report to the Fire District Board at its March 20, 2007 meeting, the Fire Chief candidly conceded that the District had ignored the fire hydrant water flow pressure data of the 2004 ISO report and had failed in its responsibility to take appropriate action thereon.
- It was not until December 2006 that the Fire District raised an issue of inadequate fire hydrant water flow with the Building Department's staff.
 - Prior thereto, and notwithstanding the obvious level of new construction that has been occurring within Atherton, the Fire District had failed to actively pursue the issue of fire hydrant water flow requirements or any plan to remedy perceived deficiencies with respect thereto within the Town.
- This fire hydrant water flow issue has never been brought to the attention of the City Council by the Fire District.
- The Fire District currently has no plan to address fire hydrant water flow deficiencies in Atherton, or anywhere else within its jurisdiction, and has not addressed the issue with California Water Company.

Fire Apparatus Access Issues Within Atherton And The Failure Of The Fire District To Act

With respect to fire apparatus access to building locations, this has primarily been an issue with respect to flag lots.

- The Fire District now claims primary responsibility and jurisdiction with respect to review and enforcement of fire apparatus access to building locations in Atherton.
 - In the past, the Fire District has exercised this responsibility and jurisdiction informally in conjunction with Atherton's Building Department, having not sought from the City Council the establishment of any formal procedures regarding such.
 - The Fire District, at least through its press release commenting upon the Interim Report of the Grand Jury, now appears to be "deeply alarmed and disturbed" by the informal procedures the District itself established with the Building Department and in which it acquiesced for years.

- Through what appears to have been informal communication between the Fire District and Building Department, the District has requested and the Department has required a fourteen foot width for gates to properties.²²
- Article 9 of the California fire Code requires for fire access roads and driveways “an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).” Article 9 provides that under certain circumstances the fire authority may modify the foregoing requirements.
- In December 2006, the Fire District, in addition to a fourteen foot width requirement for gates to properties, for the first time discussed with the Building Department an added requirement that gates be located 40 feet back from the roadway, driveways be at least sixteen feet wide²³ and with the ability to support a vehicle weight 40,000 pounds.
- In a spread sheet given to the Fire District Board at its March 20, 2007 meeting, the Fire Chief identified a number of building projects in Atherton concerning which the District had not received “Site/Access plans” for review.²⁴
- The Fire District has appeared to rely in the past upon informal understandings and agreements with the Building Department by which site/access requirements were to be for the most part checked by the Department based upon requirements informally communicated by the District.²⁵

²² Since the enactment of Atherton’s sprinkler ordinance, as will be discussed below, building applicants have been required to submit sprinkler plans to the Fire District for approval. On approval letters issued by the District, the District has on occasion inconsistently stated its gate width requirement as follows: twelve feet on September 16, 2004, twelve feet on December 1, 2004, sixteen feet on January 28, 2005, twelve feet on April 21, 2005, fourteen feet on May 25, 2005.

²³ In approval letters issued by the Fire District since the enactment of Atherton’s sprinkler ordinance, the District has again somewhat inconsistently stated its driveway width requirements as follows: twenty feet on September 16, 2004, twelve feet on November 18, 2004, twenty feet on January 28, 2005, sixteen feet on April 20, 2005, twenty feet on April 21, 2005, fourteen feet on July 28, 2005, sixteen feet on April 24, 2006.

²⁴ It is noteworthy that in the Fire Chief’s presentation, both written and verbal, to the Fire District Board at its March 20, 2007 meeting, no assertion was made that the District had the right or responsibility to review any type of building plans other than fire sprinkler plans and “Site/Access plans.”

²⁵ An exception to such may have been building projects on flag lots.

- Until issuance of the Grand Jury Interim Report, this appears to have been satisfactory to the Fire District as it raised no complaint with the City Council or sought from the Council any type of formal procedure for the review of "Site/Access plans."²⁶

Alleged Life Safety Code Violations Within Atherton

The Fire District has stated to the Building Department that it has no knowledge of any residence within Atherton at which there are any violations of codes dealing with life safety issues, which would include unlawfully modified structures subsequent to building permit issuance.²⁷

- The Building Department likewise has no such knowledge, again which would include unlawfully modified structures subsequent to building permit issuance.²⁸
- Notwithstanding the allegations in some accounts in the public media,²⁹ to date there has been no evidence, specific, direct or circumstantial, of any violations of codes dealing with life safety issues in Atherton.

²⁶ In this regard, it is troubling that the Fire District appears to attempt to shift responsibility for its own failings in total to Atherton and its Building Department.

²⁷ One would assume in making this statement and representation that the Fire District does and has not considered Article 9 issues, for which it has been largely responsible, as directly creating life safety issues of serious note.

²⁸ The building projects identified by the Interim Report of the Grand Jury, and earlier and since by the Town through internal audits released to the public, as having "code violations" involve zoning code violations, and not violations of building codes related to life safety.

²⁹ One member of the Fire District Board was quoted in the Almanac as asserting "personal knowledge" of Atherton "basements remodeled without permits" that are "absolute fire traps." Whether quoted accurately or not, this Board Member at the March 20, 2007 meeting of the Fire District Board, in seeking guidance from the District's legal counsel on his own personal responsibility, represented he had in fact no personal knowledge of any such basement locations, but only had heard such existed through what he termed as "hearsay."

Enactment Of The Fire Sprinkler Ordinance And Resulting Changes In Procedures Between The Fire District And Atherton

Prior to the enactment of the sprinkler ordinance by the City Council in October 2004,³⁰ neither a resident nor the Building Department was required to submit building plans to the Fire District before the issuance of a building permit by the Department.³¹

- This formally changed with the enactment of the sprinkler ordinance, and with that enactment, Fire District approval of the sprinkler plan portion of building plans became required before issuance of a building permit on those plans.

³⁰ Representatives of the Fire District appeared at the October 2004 meeting of the City Council, and at one meeting prior thereto, making presentations and arguments in support of its request that the Council adopt a fire sprinkler ordinance. On neither occasion, did the Fire District representatives inform the Council of any problems of fire hydrants not meeting water flow pressure standards in Atherton although they had gained provable knowledge of such about four months earlier in June 2004. Further, if the Fire district believed at the time that there were deficiencies in the building review process of the Building Department, or that the District was being improperly excluded therefrom, its representatives did not raise these issues either. These points are raised to demonstrate that at any time the Fire District believed it had any problems or issues with the Building Department, it could have gotten such on a meeting agenda of the City Council, and addressed it with the Council for appropriate action. The fact is that the Fire District never did or even made any attempt to do so. Either the Fire District never perceived these issues as problems or it failed in its responsibility to raise them.

³¹ Mistakenly in its Interim Report, the Grand Jury assumed that there was and is a requirement that building plans be "reviewed and approved by the MPFPD prior to issuance of a building permit," and that "the permit applicant had been responsible for submitting the plans to the MPFPD." As discussed herein, there never has been such a requirement for life safety code requirements of the California Building Code, and the current requirement is limited to sprinkler plans. However, approximately a year before adoption of the sprinkler ordinance in October 2004, pursuant to an informal agreement or understanding, the Building Department began sending complete sets of building plans for new construction to the District for some sort of review. Its presumed this review by the District was for Article 9 requirements, as approval letters from the District to residents and builders are existent concerning such which predate enactment of the sprinkler ordinance. As discussed above, apparently neither the District or Department felt the need to formalize this procedure, in the opinion of the City Council, a flaw in the relationship between them. Prior to this informal agreement, again as indicated above, one is only able to surmise that as a practical matter the District in effect delegated plan checking for Article 9 requirements to the Building Department consistent with informally communicated requirements.

- The process is and has been as follows:
 - When a resident or builder submits a plan for new construction to the Building Department, the Department requires that a complete set of building plans also be submitted to the Fire District for determination of application of the sprinkler ordinance.
 - This plan set includes site plans detailing access to the property.
 - If found by the Fire District that the sprinkler ordinance is applicable, the District then requires that the resident or builder provide a sprinkler plan to the District for its review and approval.
 - Sprinkler plans are not given to the Building Department.
 - The Fire District approves, conditionally approves or denies approval of the sprinkler plan.
 - The resident or builder is notified by letter of the Fire District's action. The Building Department only receives notification if provided a copy of the District's letter by the resident or builder as a copy is not sent from the District to the Department.³²
 - If conditionally approved or if changes are required, the Fire District does not require redrawing of the plans as is required when the Building Department requires plan changes.
 - The Fire District inspects the sprinkler installation at the job site and maintains an inspection card thereon.
 - The Fire District's final inspection of the sprinkler system is required for final inspection and an occupancy permit from the Building Department.
 - Since enactment of the sprinkler ordinance in October 2004, there have been 46 new residences coming within the application and requirements of the ordinance, and hence triggering the requirement of a sprinkler plan being submitted to the Fire District for review and approval.
 - Of the 46 residences, all with the exception of one residence have submitted plans to the Fire District for approval. The one exception is still in the planning stage and a sprinkler plan with respect to it will be submitted to the District.

³² In the view of the City Council, this is a flaw in the Fire District's procedures as by not requiring notification to the Building Department and as discussed below, sprinkler plan redrawing, there is no assurance that the requirements of a conditional approval will be communicated to the building site and be accomplished prior to inspection by a representative of the District.

The May 21, 2007 Joint Meeting Between The City Council And Fire District Board

- The City Council, consistent with the Council's resolution passed at its February 21, 2007 meeting, will meet with the Fire District Board to discuss and consider what, if any, Fire District plan checking and approvals of building plans might be appropriate or warranted, amendments to the current sprinkler ordinance, and any other matter either party might consider as beneficial to their relationship and responsibilities.
- In this regard, the staffs of City Council and Fire District Board have met and compiled a list of agenda items for discussion and consideration of the two governing bodies.

Conclusions

Based upon the above discussion, the City Council disagrees with the findings of the Interim Report of the Grand Jury, and recommendations 1, 2 and 3 thereof (with respect to a review by the Fire District of open and previously closed building permits) will not be implemented as they are not warranted or reasonable.

- As building plans for both new and remodel construction have been reviewed and approved for compliance with life safety code requirements of the California Building Standards Code, and as neither the Building Department nor Fire District have any knowledge of any residence within Atherton at which there are any violations of codes dealing with life safety matters, an examination by the Fire District of all building projects during the tenure of Atherton's previous Building Official and currently open building permits will not be performed as such would be without justification and would constitute an unnecessary and unwarranted expenditure of Town funds.

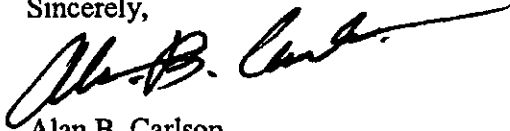
With respect to recommendations 4, 5 and 6 of the Interim Report of the Grand Jury, such will be implemented to the extent described below.

- At the May 21, 2007 joint meeting between the City Council and Fire District Board, the Council will:
 - Discuss with the Fire District Board the specific determination of what, if any, life safety code requirements of the California Building Standards Code, presently reviewed and checked by the Building Department, the Fire District wants to also review on building plans prior to building permit issuance.
 - Discuss with the Fire District Board the fire sprinkler ordinance and its current coverage, as well as what, if any, amendments thereto might be appropriate.
- The City Council, pursuant to its prior actions, will through staff continue implementation of recommendations of the recent internal audits of the Atherton Building Department.

Hon. John L. Grandsaert
April 19, 2007
Page 17

Finally, the City Council requests that the Civil Grand Jury withdraw its Interim Report as inappropriately issued.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan B. Carlson", with a long horizontal flourish extending to the right.

Alan B. Carlson

82300307.1 820000.1110

APPENDIX A

INTER



MEMO

OFFICE

To: District Fire Board
From: Harold Schapelhouman, Fire Chief
Date: March 19, 2007
Re: Meeting with The Grand Jury

The following represents a brief summary of the meeting held between the Grand Jury regarding the interim Town of Atherton Building Department report and the Fire District held on March 5, 2007.

District personnel attending:

- Director Spencer
- Chief Schapelhouman
- Chief Aus
- Inspector Blach

The Grand Jury is still in the process of investigating and may discover even more irregularities. This group is empowered until June but suggested that should there be more, or if they had not completed by the time their term expired, they would pass along their material to the next Jury. As such, they were not in a position to offer any information other than what had been presented in their preliminary findings. Although they inferred that waiting until the final report was published would be prudent. Also, public debate could encumber the process.

We provided them with detailed information on our work and efforts to date and the department's plan going forward. They asked several questions for clarification and more information.

I believe that the meeting was beneficial; I'm sure we were able to provide them information that will be useful for their investigation.

As we move forward, the staff and I will continue our efforts to assist in this process. Director and Spencer and I assured the Grand Jury that our primary purpose remains protecting life and property. In order for us to continue to make headway, not only in the near term but also the long term, here

are some thoughts, reflections and suggestions:

- **Allow the Grand Jury to complete its investigative process and make its recommendations**
- **Allow staff to continue to improve working relationships with the various jurisdictions**
- **Let the target of the investigation be Atherton and any other municipality**
- **Let the Fire District be (and perceived to be) the “good guys”**
- **We will continue to offer recommendations to rectify problems and improve the current and future systems, practices and procedures**
- **Allow staff the opportunity to bring forward necessary and appropriate recommendations for policies**
- **Refrain from using the media outlets as an arena – recent articles have caused distraction from staff’s ability to be more effective**
- **This investigation, coupled with the new comprehensive State Building Codes, affords us the opportunity to review and potentially enact more far-reaching fire prevention ordinances for all jurisdictions.**

APPENDIX B



Menlo Park Fire District

300 Middlefield Road • Menlo Park, CA 94025 • 650.688.8400 • Fax: 650.323.9129
Fire Prevention Bureau • 650.688.8425 • 650.473.9847

TO: Chief Schapelhouman, Fire Chief
Ron La France, Building Official, City of Menlo Park

From: Geoffrey Aus, Fire Marshal

SUBJECT: Authority to Enforce Codes within the State of California

The State of California is one of several states within the United States which adopts state minimum codes. This process is conducted on a three year cycle. The authority to do this is derived from the California Legislature through the California Health and Safety Code. The State of California selected the International Conference of Building Officials (ICBO) which publishes a "family" of codes each correlated with the Uniform Building Code to provide jurisdictions with a complete set of building-related regulations for adoption. Some of these codes are published in affiliation with the code organizations such as the International Fire Code Institute (IFCI) and the International Code Council (ICC). The California Building Standards Commission is empowered to adopt minimum codes which are formerly known as the California Building Standards Code as stated in Section 18910 of the California Health and Safety Code. There are 28 Titles within the California Health and Safety Code, California Code of Regulations. The California Building Code is found within Part 2 of Title 24 of the California Code of Regulations and the California Fire Code is contained within Part 9 of Title 24 and Title 19 of the California Code of Regulations.

Section 18938 of the California Health and Safety Code lists specifically the codes contained in the California Building Standards Code. The Uniform Fire Code with adopted California amendments is listed as the California Fire Code. This is also the case with the Plumbing, Mechanical, Historical, Electrical Codes, etc. The State also adopts reference documents, codes and publications such as National Fire Protection Association Standards, and the National Fire Protection Handbook per Section 101.7 of the California Building Code. The provisions of the model codes which are adopted are applicable to all occupancy groups and uses per Section 103.1 of Volume 1 of the California Building Code. Per Section 101.9.2 of the California Building Code, "Nothing in these building standards shall diminish the requirements of the state fire marshal". The State Fire Marshal is responsible for development and presentation of the Fire Code with directed amendments; specific to the State of California when accepted by the State Building Standards Commission. This document is known as the California Fire Code.

The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety is stated in Section 101.17.14 of the California Building Code, Volume 1, Chapter 1, and Article 1, Section 101.2.2.2 of the California Fire Code "The

responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the Office of the State Fire Marshal", shall be per Sections 1-5 stated in both the Building and Fire Codes per the code citations stated above. (See also enclosed copy of code sections) These sections authorize the Fire Chief to administer and enforce these codes per Section 103.2.1. and 103.2.1.1

Ref: 103.2.1 Authority of the Chief and Fire Department

103.2.1.1 General: The Fire Chief is authorized to administer and enforce this code. under the Chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction.

Per the California Building Standards Codes the Fire District is authorized to administer the California Fire Code for all occupancies and as referenced in the California Building Code Section 101.3.1 for "Fire Department Access and Water Supply" per Article 9 and the following Sections:

Section 901.2.2.1 Fire Apparatus access

Section 901.4.2 Fire Apparatus access roads

Section 901.2.2.2 Fire hydrant systems

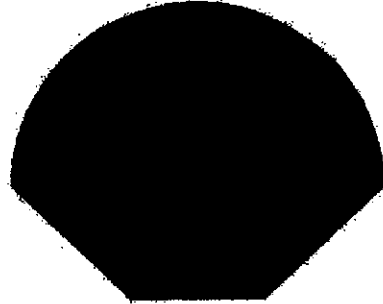
Section 903.2 Required Water Supply for Fire Protection

Section 903.3 Appendix III-A Fire Flow Requirements for Buildings

Section 903.4.2 Appendix III-BB Fire hydrant location and distribution.

APPENDIX C

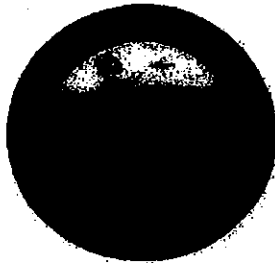
Menlo Park Fire Protection District



EXCELLENCE IN SERVICE

TO PROTECT AND PRESERVE LIFE AND PROPERTY FROM
THE IMPACT OF FIRE, DISASTER, INJURY AND ILLNESS.

2006/2007 Strategic Plan Charting our Course



Revised October 31, 2006

2006/07-2008/09 ACTION PLAN OBJECTIVES

- Continue code enforcement/inspection training for Emergency Services personnel.
- Develop self-inspection program for selected occupancies.
- Continue fire company inspection program
- Continue evaluating exiting/evacuation plans of District buildings. Perform fire drills in all appropriate District facilities.
- Publish standard statistics on Menlo Park Fire District web site to include response times, fire loss, public education and Disaster Planning/CERT events.
- Pursue mapping and fire district analysis software and implementation.
- Maintain cooperation between the Menlo Park Fire District and the water districts that provide service to the Fire District to insure that a proper infrastructure is in place to accommodate future development. Immediate implementation of this needs to take place in the Town of Atherton where large scale single family homes are being constructed with substandard water supplies which do not meet minimum fire flow requirements stated in the California Fire Code.

FOLLOW UP RESPONSIBILITY:
Division Chief Fire Prevention

APPENDIX D



111 NORTH CANAL STREET SUITE 050 CHICAGO, IL 60606-7270
TEL: (312) 930-0070 (800) 444-4554 FAX: (312) 930-0017

June 1, 2004

Oliver Brown, Board President
Menlo Park Fire District
300 Middlefield Rd.
Menlo Park, CA 94025

RE: Public Protection Classification Results
Menlo Park FD, San Mateo County, CA

Dear Mr. Brown:

We wish to thank you and the other community officials for your cooperation during our recent Public Protection Classification (PPC) survey. ISO is the leading supplier of statistical, underwriting, and actuarial information for the property/casualty insurance industry. Most insurers use the PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties.

ISO has completed its analysis of the structure fire suppression delivery system provided in your community. We would like to report that the resulting classification is a Class 3. Congratulations on your commitment to serve the needs of your community's property owners and residents.

ISO will advise its subscribing insurers of this classification change within the next 30-days and assign an effective date of July 1, 2004. This date allows insurers the necessary lead time to incorporate the Public Protection Classification change into their policy rating systems.

Enclosed is a summary of the ISO analysis of your fire suppression services. If you would like to know how your community's classification could improve, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

The PPC program is not intended to analyze all aspects of a comprehensive structure fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making recommendations about loss prevention or life safety.

If you have any questions about your classification, please let us know.

Very truly yours,

Public Protection Classification Dept.

Public Protection Classification Dept.
(800) 930-1677 Ext. 6209 *sh*
cc: Paul Wilson, Fire Chief
Doug Martini, Water Supt.

Grading Sheet For: Menlo Park FD, California
San Mateo County

Public Protection Class: 3

Surveyed: August, 2003

<u>Feature</u>	<u>Credit Assigned</u>	<u>Maximum Credit</u>
Receiving and Handling Fire Alarms	10.00%	10.00%
Fire Department	30.85%	50.00%
Water Supply	35.60%	40.00%
*Divergence	5.46%	
Total Credit	<u>70.99%</u>	<u>100.00%</u>

The Public Protection Class is based on the total percentage credit as follows:

<u>Class</u>	<u>%</u>
1	90.00 or more
2	80.00 to 89.99
3	70.00 to 79.99
4	60.00 to 69.99
5	50.00 to 59.99
6	40.00 to 49.99
7	30.00 to 39.99
8	20.00 to 29.99
9	10.00 to 19.99
10	0 to 9.99

*Divergence is a reduction in credit to reflect a difference in the relative credits for Fire Department and Water Supply.

The above classification has been developed for use in property insurance premium calculations.

CLASSIFICATION DETAILS

Graded Area: Menlo Park FD
County: San Mateo State: California
Date Surveyed: August, 2003 Total Credit: 70.99 Class: 3 Pop.: 85000

RECEIVING AND HANDLING FIRE ALARMS

This section of the Fire Suppression Rating Schedule reviews the facilities provided for the general public to report fires, and for the operator on duty at the communication center to dispatch fire department companies to the fires.

	<u>Actual</u>	<u>Credit</u> <u>Maximum</u>
1. Credit for Telephone Service (Item 414)		
This item reviews the facilities provided for the public to report fires, including the listing of fire and business numbers in the telephone directory.	2.00	2.00
2. Credit for Operators (Item 422)		
This item reviews the number of operators on-duty at the communication center to handle fire calls.	3.00	3.00
3. Credit for Dispatch Circuits (Item 432)		
This item reviews the dispatch circuit facilities used to transmit alarms to fire department members.	5.00	5.00
4. Total Credit for Receiving and Handling Fire Alarms:	10.00	10.00
Relative Classification for Receiving and Handling Fire Alarms:	1	

FIRE DEPARTMENT

This section of the Fire Suppression Rating Schedule reviews the engine and ladder-service companies, equipment carried, response to fires, training and available fire fighters.

	<u>Actual</u>	<u>Credit</u> <u>Maximum</u>
1. Credit for Engine Companies (Item 513)		
This item reviews the number of engine companies and the hose equipment carried.	8.54	10.00
2. Credit for Reserve Pumpers (Item 523)		
This item reviews the number of reserve pumpers, their pump capacity and the hose equipment carried on each.	0.85	1.00
3. Credit for Pump Capacity (Item 532)		
This item reviews the total available pump capacity.	5.00	5.00
4. Credit for Ladder-Service Companies (Item 549)		
This item reviews the number of ladder and service companies and the equipment carried.	4.50	5.00
5. Credit for Reserve Ladder-Service Companies (Item 553)		
This item reviews the number of reserve ladder and service trucks, and the equipment carried.	0.24	1.00

FIRE DEPARTMENT
 (continued)

	<u>Actual</u>	<u>Credit</u> <u>Maximum</u>
6. Credit for Distribution (Item 561)		
This item reviews the percent of the built-upon area of the city which has an adequately-equipped, responding first-due engine company within 1.5 miles and an adequately-equipped, responding ladder-service company within 2.5 miles.	2.96	4.00
7. Credit for Company Personnel (Item 571)		
This item reviews the average number of equivalent fire fighters and company officers on duty with existing companies.	7.32	15.00+
8. Credit for Training (Item 581)		
This item reviews the training facilities and their use.	1.44	9.00
9. Total Credit for Fire Department:	30.85	50.00+
Relative Classification for Fire Department:	4	

+ This indicates that credit for manning is open-ended, with no maximum credit for this item.

WATER SUPPLY

This section of the Fire Suppression Rating Schedule reviews the water supply system that is available for fire suppression in the city.

	<u>Actual</u>	<u>Credit</u> <u>Maximum</u>
1. Credit for the Water System (Item 616)		
This item reviews the supply works, the main capacity and hydrant distribution.	31.88	35.00
2. Credit for Hydrants (Item 621)		
This item reviews the type of hydrants, and method of installation.	1.92	2.00
3. Credit for Inspection and Condition of Hydrants (Item 631)		
This item reviews the frequency of inspections of hydrants and their condition	1.80	3.00
4. Total Credit for Water Supply:	35.60	40.00
Relative Classification for Water Supply:	2	

PUBLIC PROTECTION CLASSIFICATION

**IMPROVEMENT STATEMENTS
FOR
Menlo Park FD
San Mateo County, California**

**Prepared by
INSURANCE SERVICES OFFICE, INC.
111 North Canal St., Ste 950, Chicago, IL 60606
312-930-0070 FAX 800-711-6431**

The following statements are based upon the criteria contained in our Fire Suppression Rating Schedule and upon conditions in Menlo Park FD, California during August, 2003. They indicate the performance needed to receive full credit for the specific item in the Schedule, and the quantity you have provided. Partial improvement will result in receiving a partial increase in the credit. These statements relate only to the fire insurance classification of your fire district. They are not for property loss prevention or life safety purposes and no life safety or property loss prevention recommendations are made.

RECEIVING AND HANDLING FIRE ALARMS

Total credit for Receiving and Handling Fire Alarms (Item 440)

Actual = 10.00%; Maximum = 10.00%

FIRE DEPARTMENT

Credit For Engine Companies (Item 513).

Actual = 8.54%; Maximum = 10.00%

For maximum credit in the Schedule, 7 engine companies are needed in your fire district. These are calculated as follows:

3 for the Basic Fire Flow of 3500 gpm.

4 additional for the size of the area served.

You have 7 engine companies in service.

These are calculated as follows:

86 percent for Engine E 1 because of insufficient equipment.
85 percent for Engine E 2 because of insufficient equipment.
85 percent for Engine E 3 because of insufficient equipment.
85 percent for Engine E 4 because of insufficient equipment.
85 percent for Engine E 5 because of insufficient equipment.
85 percent for Engine E 6 because of insufficient equipment.
85 percent for Engine E 77 because of insufficient equipment.

Credit For Reserve Pumpers (Item 523).

Actual = 0.85%; Maximum = 1.00%

For maximum credit in the Schedule, 1 fully-equipped reserve pumper is needed. You have 1 reserve pumper.

This is calculated as follows:

86 percent for Engine E 102 because of insufficient equipment.

Credit For Ladder Service (Item 549).

Actual = 4.50%; Maximum = 5.00%

For maximum credit in the Schedule, 1 ladder company is needed in your fire district.

This is calculated as follows:

1 ladder company due to method of operation.

You have 1 ladder company

This is calculated as follows:

89 percent for Ladder T 1 because of insufficient equipment.

Credit For Reserve Ladder Service (Item 553).

Actual = 0.24%; Maximum = 1.00%

For maximum credit in the Schedule, 1 fully-equipped reserve ladder truck is needed.

You have 1 reserve ladder truck.

This is calculated as follows:

23 percent for Ladder R 1 because of insufficient equipment and insufficient ladder testing and insufficient ladder length.

Credit For Distribution (Item 561).

Actual = 2.96%; Maximum = 4.00%

For maximum credit in the Schedule, all sections of the fire district with hydrant protection should be within 1½ miles of a fully-equipped engine company and 2½ miles of a fully-equipped ladder, service, engine-ladder or engine-service company. The distance to be measured along all-weather roads.

Credit For Company Personnel (Item 571).

Actual = 7.32%; Maximum = 15.00%

An increase in the on-duty company personnel by one person will increase the fire department credit by 0.31.

Credit For Training (Item 581).

Actual = 1.44%; Maximum = 9.00%

For maximum credit in the Schedule, the training program should be improved. You received 16 percent credit for the current training program and the use of facilities.

For maximum credit in the Schedule, pre-fire planning inspections of each commercial, industrial, institutional and other similar-type building should be made twice a year by company members. Records of the inspections should include complete and up-to-date notes and sketches.

Total credit for Fire Department (Item 590)

Actual = 30.85%; Maximum = 50.00%

WATER SUPPLY

Credit For the Water Supply (Item 616).

Actual = 31.88%; Maximum = 35.00%

For maximum credit in the Schedule, the needed fire flows should be available at each location in the fire district. Needed fire flows of 2500 gpm and less should be available for 2 hours, 3000 and 3500 gpm for 3 hours and all others for 4 hours. See the attached table for an evaluation of fire flow tests made at representative locations in your fire district.

All AWWA standard hydrants within 1000 feet of a building, measured as hose can be laid by

apparatus, are credited; 1000 gpm for hydrants within 300 feet; 670 gpm for 301 to 600 feet; and 250 gpm for 601 to 1000 feet. Credit is reduced when hydrants lack a pumper outlet, and is further reduced when they have only a single 2½-inch outlet.

Credit For Hydrants (Item 621).

Actual = 1.92%; Maximum = 2.00%

For maximum credit in the Schedule, all hydrants should: have a pumper outlet, have a 6-inch or larger branch connection, have a 5-inch or larger barrel or a 5-inch or larger foot valve.

Credit For Inspection and Condition of Hydrants (Item 631).

Actual = 1.80%; Maximum = 3.00%

For maximum credit in the Schedule, all hydrants should be inspected twice a year, the inspection should include operation and a test at domestic pressure. Records should be kept of the inspections. Hydrants should be conspicuous, well located for use by a pumper, and in good condition.

Total credit for Water Supply (Item 640)

Actual = 35.60%; Maximum = 40.00%

FIRE FLOW TESTS

Menlo Park FD, California

Tests witnessed on August 19, 2003

Test No.	Needed Fire Flow† gpm	Limited By Supply Works, gpm	Limited by Distribution Mains (flow tests), gpm	Limited By Hydrant Spacing, gpm
1	3500			
2†	6000		5700	
2A	1000			
3†	5000		3800	
3A	3000			
4†	5500		3700	
4A	3000			
5	3500		3000	
6	1000			
7	1500			
8	1750			

9	1000		
10	3000		2000
11	2500		
12	3000		
13	3500		
14	3000		
15	3000		2600
16	3000		2800
17	3500		3300
18	2500		
19	1000		
20	1000		
21	1000		
22	1000		
23	3000		2000
24†	5000		4600
24A	1000		
25†	4500		
25A	1750		
26†	4500		
26A	1000		
27	3500		
28	1000		
29	3000		2000
30	3500		3000
31†	5000		3600
31A	2500		
32	3000		
33	3000	892	2900
34	1000	850	
35	2500		
36	2500		
37	3000		2200
38	2250		2200
39	1000		

†Needed fire flows exceeding 3500 gpm are not considered in determining the classification of the municipality

INSURANCE SERVICES OFFICE, INC.
HYDRANT FLOW DATA SUMMARY

City CALIFORNIA WATER SERVICE CO.
County San Mateo

State California
Witnessed by Insurance Services Office, Inc.

Date August 19, 2003

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM ($Q = C \cdot P^{0.54} \cdot L^{-1.77}$)		PRESSURE PSI		FLOW - AT 20 PSI ($Q_{20} = C \cdot P_{20}^{0.54} \cdot L^{-1.77}$)		REMARKS***
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED**	AVAIL.	
1	Comm	Haven & Marsh	lower 200	2370	2120	4490	128	46	3500	5200
2	Comm	Adams Ave @ Adams Ct	lower 200	2390		2390	90	76	6000	5700
2A	Comm	Adams Ave @ Adams Ct	lower 200	2390		2390	90	76	1000	5700
3	Comm	Edison & 4th	lower 200	1750		1750	80	66	5000	3800
3A	Comm	Edison & 4th	lower 200	1750		1750	80	66	3000	3800
4	Comm	Willow & Middlefield	lower 200	1500	1460	2960	78	40	5500	3700
4A	Comm	Willow & Middlefield	lower 200	1500	1460	2960	78	40	3000	3700
5	Comm	Edison & Middlefield	lower 200	950		950	72	66	3500	3000
6	Res	James & James Way	lower 200	840	840	1680	88	68	1000	3300
7	Comm	Middlefield & 7th	lower 200	1750		1750	80	66	1500	3800
8	Comm	El Camino Real @ Middlefield	lower 200	530	530	1060	82	62	1750	2000
9	Res	Atherton & O'Dell Place	lower 200	840	840	1680	78	72	1000	5700
10	Comm	Ravenswood & Noel	lower 200	1060		1060	65	51	3000	2000
11	Comm	El Camino Real & Roble	lower 200	1910		1910	76	64	2500	4400
12	Comm	Oak Grove & University	lower 200	1910		1910	68	54	3000	3700
13	Comm	Middle & Yale	lower 200	1210	1810	3020	68	42	3500	4200

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*Comm = Commercial; Res = Residential.

**Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

INSURANCE SERVICES OFFICE, INC.
HYDRANT FLOW DATA SUMMARY

City CALIFORNIA WATER SERVICE CO.

County San Mateo

State California

Witnessed by Insurance Services Office, Inc.

Date

August 19, 2003

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q = C_{90} K_1 C_e^{0.5} P^{0.75}$		PRESSURE PSI		FLOW - AT 20 PSI $Q_{20} = C_{90} K_1 C_e^{0.5} P_{20}^{0.75}$		REMARKS***
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED**	AVAIL.	
14	Comm	Santa Cruz & Seymour	upper 400	1130	1370	60	32	3000	3000	
15	Comm	White Oak & Oak Knoll	upper 400	1140		86	72	3000	2600	
16	Comm	Alameda De Las Pulgas	upper 400	1210	1400	120	30	3000	2800	
17	Comm	Valparaiso & Arbor	upper 400	1090		58	53	3500	3300	
18	Comm	El Camino Real & Alejandra	lower 200	2670		72	42	2500	3600	
19	Res	Palmer & Paloma	upper 400	650	670	64	42	1000	1900	
20	Res	Selby & Serrano	upper 400	900		68	56	1000	1900	
21	Res	Ridgeview & La Mesa	upper 400	1910		112	62	1000	2700	
22	Res	Selby & Serrano	upper 400	1210		70	48	1000	1900	
23	Comm	Selby & Serrano	upper 400	1660		76	35	3000	2000	
24	Comm	Sand Hill & Addison Wesley	upper 400	2260		72	58	5000	4600	
24A	Res	Sand Hill & Addison Wesley	upper 400	2260		72	58	1000	4600	
25	Comm	Sand Hill Creek Road & Sharon Park	upper 400	2990		146	128	4500	8600	
25A	Comm	Sand Hill Creek Road & Sharon Park	upper 400	2990		146	128	1750	8600	
26	Comm	Santa Cruz & Mielke	lower 200	1530		70	66	4500	6000	
26A	Res	Santa Cruz & Mielke	lower 200	1530		70	66	1000	6000	

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