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REPORT TO COUNCIL

SUBJECT

Adopt a Resolution of the City Council of the City of Sunnyvale Acknowledging Receipt of a Report From the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 Through 13146.4 of the California Health and Safety Code

BACKGROUND

California Senate Bill 1205 (SB 1205) was signed into law in late 2018, effective January 1, 2019, adding additional reporting requirements to existing state law related to mandatory annual fire inspections. The law was enacted following the tragic Oakland Ghost Ship fire in December 2016 and a Mercury News article in June 2018 that underscored the importance of mandatory fire inspections by local agencies.

State law already specifies that all fire departments that provide fire prevention services must conduct annual inspections of every building used as a public or private school and every hotel, motel, lodging house, and apartment house. The new law, effective January 1, 2019, provides that fire departments must report to its city council yearly demonstrating its compliance with the mandatory annual inspections of all public and private schools, hotels, motels, lodging houses and apartment houses. The new law also provides that the city council must acknowledge receipt of the information by resolution or other similar formal document.

EXISTING POLICY

- Council Policy Goal 4.2C: Reduce the demand for fire suppression and hazardous materials response, reduce the severity of the incents and provide protection for the lives, welfare, and environment of people within the community.
- California Health and Safety Code 13146.2 requires all fire departments providing fire protection services to inspect annually all hotels, motels, lodging houses and apartment houses.
- California Health and Safety Code 13146.3 requires all fire departments providing fire protection services to inspect every building used as a public or private school within its jurisdiction no less than once each year.
- California Health and Safety Code 13146.4 requires every fire department that performs annual public and private school, hotel, motel, lodging house and apartment house inspections to report annually to the city council on its compliance with such annual inspections. The

annual report to the council shall be acknowledged in a resolution or other similar formal document.

ENVIRONMENTAL REVIEW

The action under consideration does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to section 15378(a) as it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

DISCUSSION

The new law requires the Department of Public Safety (DPS) to submit annually to the Sunnyvale City Council its rate of compliance with annual inspections performed for public and private schools, hotels, motels, lodging houses and apartment houses. Adoption of the Resolution (Attachment 1) indicates the City Council’s acknowledgment of receipt of the Department of Public Safety’s report as set forth in California Health and Safety Code section 13146.4.

The attached Resolution provides DPS’ rate of compliance for mandatory fire inspections for public and private schools, hotels, motels, lodging houses and apartment houses. In Sunnyvale, there are 33 public and private schools. During fiscal year 2018/19, the DPS completed the annual inspection of 33 public and private schools, which is a compliance rate of 100%. DPS attributes the rate of performance to strong collaboration with Sunnyvale schools and administrators.

There are 2194 hotels, motels, lodging houses and apartment houses within the jurisdictional limits of the City. During fiscal year 2018/19, DPS completed the annual inspection of 2089 hotels, motels, lodging houses and apartment houses, which is a compliance rate of 95%. DPS believes its high rate of compliance is due to significant education and outreach with property owners and managers.

FISCAL IMPACT

There is no additional fiscal impact associated with adoption of this resolution. The resolution seeks to communicate and acknowledge compliance rates with inspections previously mandated by state law and not obligate DPS to any additional programs or inspections.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City’s website.

RECOMMENDATION

Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual fire and life safety inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

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Reviewed by: Phan S. Ngo, Director, Public Safety
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Resolution Acknowledging Receipt of a Report from the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code
2. Full text of Senate Bill No. 1205