



CITY OF OAKLAND

AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning and
Building

SUBJECT: Single-Stair Study Informational
Report

DATE: November 12, 2024

City Administrator Approval


Jestin Johnson (Dec 30, 2024 12:54 PST)

Date: Dec 30, 2024

RECOMMENDATION

Staff Recommends That The City Council Receive The Informational Report Regarding General Plan Update, Housing Action Item 3.5.5 - Study Feasibility Of Single-Stair Residential Buildings.

EXECUTIVE SUMMARY

Pursuant to Action 3.5.5 of the 2023-2031 Oakland General Plan Housing Element¹, the City of Oakland (City) has prepared a study of feasibility of single-exit, single-stairway multifamily residential buildings over three stories (**Attachment A**). The action states: “to catalyze discussion on the issue and prepare for implementing future reforms, the City will study current stairway and egress requirements, including consideration of what cost savings could be incurred through revision of the second egress requirement and review of any potential fire safety concerns”.

The study finds that the City is prohibited from unilaterally relaxing the California Building Standards Code (CBSC) stairway and egress code requirements to allow single-stair residential buildings. Local jurisdictions may only adopt amendments to the model codes based on local findings (climatic, topographic, and geologic) if they are more restrictive. Reducing the number of required exits would be less restrictive and in no case shall amendments to the model code be less restrictive. However, the City will continue to monitor the current Office of the State Fire Marshal (OSFM) study mandated by California Assembly Bill 835 on potential standards for single-exit, single stairway multi-unit residential buildings above three stories until a conclusion is reached and findings published resulting in the California Model Building Codes being modified accordingly.

¹ https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-Adopted-Housing-Element-Ch-1-4-21023_2023-02-17-213804_ddow.pdf

BACKGROUND / LEGISLATIVE HISTORY

In April 2023, the Planning Bureau's Strategic Planning Division facilitated a meeting with the Building Bureau and the Oakland Fire Department (OFD) to initiate the required feasibility study, pursuant to Action 3.5.5 of the 2023-2031 Oakland General Plan Housing Element, of single-exit, single-stairway multifamily residential buildings over three stories.

The Oakland Planning and Building Department and Oakland Fire Department issued a joint memo in October 2023 describing the results of their single-stair feasibility study.

In October 2024, the Strategic Planning Division briefed the new Building Official on the single-stair feasibility study, during which he flagged errors in the October 2023 memo.

In October 2024, the Oakland Planning and Building Department and Oakland Fire Department jointly issued a revised memo (**Attachment A**).

Action 3.5.5 of the 2023-2031 Oakland General Plan Housing Element sets a goal timeline for the Planning and Building Department to present a report to the Oakland Community and Economic Development Committee of the City Council on the single-exit single-stairway.

ANALYSIS AND POLICY ALTERNATIVES

Action 3.5.5 of the 2023-2031 Housing Element states the following:

Building regulations serve to establish minimum safety standards in construction. Historically, fire and life safety strategies have focused on standards that ensure building occupants are able to safely evacuate a building during an emergency. Modern strategies focus more on containing fires where they occur through sprinkler systems, fire alarms, pressurized stairwells, fire-treated lumber, and similar strategies.

The California Building Code Section 1629 currently requires buildings to provide a minimum of two stairways in buildings exceeding 3 stories or 36 feet, and California Building Code Section 1006.2.1 generally requires two means of egress where the design occupant load exceeds values specified in an accompanying table. In contrast, the City of Seattle allows for building up to six stories to include only one stairway for egress, and many European residential buildings are constructed as tall as ten stories with single-stair access. A single-stair, or vertical shared access, building construction allows for greater flexibility in design, more efficient layouts, and potentially reduced costs. Currently, there are gaps in available data regarding the impact of these building code requirements on increasing construction cost and the safety benefits of requiring a second egress in combination with fire containment strategies.

The City of Oakland cannot unilaterally relax these California Building Code stairway and egress code requirements; change would be required at the state

level. Nonetheless, to catalyze discussion on the issue and prepare for implementing future reforms, the City will study current stairway and egress requirements, including consideration of what cost savings could be incurred through revision of the second egress requirement and review of any potential fire safety concerns.

Local jurisdictions may only adopt amendments to the model codes based on local findings (climatic, topographic, and geologic) if they are more restrictive. In no case shall amendments to the model codes be less restrictive (Ref. CBC 1.1.8.1). Reducing the number of required exits would be less restrictive and therefore not allowed.

Assembly Bill 835 (2023) charges the Office of the State Fire Marshal (OSFM) to “research standards for single-exit, single stairway multi-unit residential buildings above three stories and provide a report to the Joint Legislative Committee on Emergency Management and to the California Building Standards Commission by January 1, 2026².”

As stated in the joint memo from the Oakland Planning and Building Department and the Oakland Fire Department, the City has studied the current stairway and egress requirement pursuant to Housing Action Item 3.5.5. The City may not lessen building standards from the state. However, State legislation has mandated the OSFM to conduct a similar effort. The City will continue to implement the triennial updates to the CBSC, including any changes to egress requirements and monitor the OSFM feasibility study until a conclusion is reached and findings published resulting in the California Model Building Codes being modified accordingly.

Issuance of this report meets the Citywide priority of Housing Security and Homelessness Solutions by addressing production of affordable housing.³

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

In accordance with Action 3.5.5 of the adopted 2023-2031 Housing Element, the City is presenting this report at a the Community and Economic Development Committee on January 14, 2024.

COORDINATION

² The memo incorrectly lists January 1, 2025 as the deadline, which was included in the original draft of the bill.

³ <https://cao-94612.s3.amazonaws.com/documents/FY-2023-2025-Collective-Council-Budget-Priorities.pdf>

Staff from the Bureau of Planning, Bureau of Building, and the Oakland Fire Department have worked closely to prepare the study, along with the preparation of this informational report.

This report has been reviewed by the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report. However, State HCD incentivizes and rewards local governments that have adopted compliant and effective Housing Elements. There are several housing and community development and infrastructure funding programs that include Housing Element compliance as a rating and ranking or threshold requirement.

Environmental: There are no environmental opportunities associated with this report.

Race & Equity: As part of the 2023-20231 Housing Element Update, the City prepared a Racial Equity Impact Analysis (REIA). This document identifies “whether Black/African American, Indigenous, and other Oaklanders of color are (1) disproportionately affected by the negative effects of programs and policies or (2) have less access to benefits provided through policies and programs.” The REIA evaluates each action in the Housing Action Plan (HAP) “for its potential to help reverse longstanding housing disparities and provides additional recommendations for maximizing racial equity impacts”, identifies those “actions with the most potential to positively impact racial equity in housing outcomes,” and provides “high priority recommendations to strengthen actions or ensure equitable implementation to improve outcomes for [Black, Indigenous, and People of Color] Oaklanders.” The REIA found that Action 3.5.5 would have an unknown racial equity impact, stating: “Oakland cannot change state building code unilaterally, but a report on this topic could bolster efforts to change the code to allow for single-stair access, which would help to lower construction costs and thereby increase the viability of denser housing projects.”

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive The Memo Regarding General Plan Update, Housing Action Item 3.5.5 - Study Feasibility Of Single-Stair Residential Buildings.

For questions regarding this report, please contact TIMOTHY GREEN, PLANNER II, at (510) 238-6436.

Respectfully submitted,

Albert Merid

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Attachments (1):

- A.** Memo RE: General Plan Update, Housing Action Item 3.5.5 - Study Feasibility of Single-Stair Residential Buildings