



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Reginald Freeman
Fire Chief

SUBJECT: Amendments to the Oakland Fire
Code, Chapter 15.12

DATE: October 31, 2022

City Administrator Approval

Date: Nov 17, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance: (1) Repealing Current Oakland Municipal Code Chapter 15.12, Oakland Fire Code; (2) Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions; (3) Making Local Amendments To The 2022 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9 (also referred to as the “California Fire Code” And Recodifying Said Code As Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code; and (4) Adopting California Environmental Quality Act Exemption Findings

EXECUTIVE SUMMARY

Adoption of the proposed Ordinance, which is required by the California Health and Safety Code before the January 1, 2023 statutory deadline, will formally adopt the updated California Fire Code and incorporate Oakland's established local building code standards and practices into the Oakland Municipal Code (OMC) for use in all building projects within the City of Oakland (City).

BACKGROUND / LEGISLATIVE HISTORY

The California Health and Safety Code allows cities and counties to adopt local amendments to the triennial editions of the California Building Standards Code, Part 9 (Fire) (also referred to as the “California Fire Code”) before the January 1, 2023, statewide effective date. The 2022 California Fire Code was adopted by the State on DATE.

Jurisdictional specific amendments may be administrative, such as adopting the City's Master Fee Schedule, and non-administrative, such as adopting special design standards in the Oakland Hills Fire Hazard Zone. Non-administrative amendments must be no less restrictive than statewide regulations and must be supported by findings based on local climatic, topographic, and geologic conditions. The amending Ordinance and Resolution of findings must be adopted by the City Council and received by the State Building Standards Commission in Sacramento before the January 1, 2023 deadline.

ANALYSIS AND POLICY ALTERNATIVES

Local adoption of such codes is mandated to occur by January 1, 2023 and requires approval of the City Council. Prior to such adoption, jurisdictional bodies may include specific amendments if such amendments are justified on the basis of a local climatic, local geological or local topographical condition which makes such amendment(s) necessary. The City has certain climatic, geological, and topographical features that can have a detrimental effect on emergency fire protection and emergency medical services. The Fire Department has determined that the proposed modifications to the 2022 California Fire Code are reasonably necessary due to the following climatic, geological, and topographical conditions:

- **The City is situated near several known major faults, each capable of generating earthquakes of significant magnitude.** These include the South Hayward, North Hayward, San Andreas, and Rodgers Creek Faults. These faults are subject to becoming active at any time, the City of Oakland is particularly vulnerable to devastation should such an earthquake occur. The potential effects of earthquake activity include isolating the City of Oakland from the surrounding area and restricting or eliminating internal circulation due to the potential for collapsing of highway overpasses and underpasses, along with other bridges in the City, or a landslide, and the potential for vertical movement rendering surface travel unduly burdensome or impossible.
- **The seasonal climatic conditions during late summer and early fall pose serious challenges to the Oakland Fire Department in controlling and fighting wild land urban interface fires.** The hot, dry weather typical of this area in fire season coupled with strong Diablo Winds can result in wildfires that threaten the City. While some code requirements, such as fire-resistive roof classification, have a direct bearing on fire survival in a wild land fire situation, others, such as residential fire sprinklers, may also have a positive effect. In dry climate on low humidity days, materials are much more easily ignited. More fires are likely to occur and any fire, once started, can expand rapidly. Residential fire sprinklers can arrest a fire starting within a structure before it spreads to adjacent brush and structures.
- **The City is bisected by Interstates 80, 880 and 580. Interstates 80 and 880 are designated by the California Highway Patrol as approved transportation routes for highly toxic and radioactive materials.** The potential for release or threatened release of a hazardous material along one of these routes is highly possible given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life and to prevent, as far as practicable, property loss. Emergency personnel responding to such aforementioned incidents may be unduly impeded and delayed in accomplishing an emergency response. Potential risk to the protection of life and public safety and, in particular, residents and occupants in structures without the protection of automatic fire sprinklers.
- **The topography of the City presents problems in delivery of emergency services, including fire protection.** Hilly terrain has narrow, winding roads with limited access for emergency response and residential egress, preventing rapid access and orderly evacuation. Much of these hills are covered with highly non-fire-resistive natural vegetation. In addition to access and evacuation problems, the terrain makes delivery of

water extremely difficult. Some hill areas are served by water pump systems subject to failure in fire, high winds, earthquake and other power failure situations. Due to the topography in much of the City, roadway condition, angle of approach or departure, steeply sloping roadways and grades are common.

- **There is expansive soil in many areas of the Oakland Hills that retain ground water from severe rainstorms.** This produces a condition wherein the moisture content of the soil is sufficient that roadways become damaged due to soil expansion and shrinkage. All weather, paved surfaces capable of supporting the imposed loads of fire apparatus are necessary to ensure access of emergency response personnel. These roadways, approach angles, steep slopes and grades can also make it difficult for fire apparatus and other emergency vehicles to access a site. It is therefore essential that these roadway accesses be provided with proper all-weather paved surfaces, angle of approach, grades and gate access.

The City amendments are designed to have a direct bearing on the survival of human life in a fire situation. The key to ensuring these mandated codes are maintained is inspection and enforcement. The failure to maintain equipment, once installed, has a direct effect on life safety of the occupants and the community. For example, the proposed amendments to Chapter 1, provides the Fire Code Official (Fire Chief or designee) additional Fire Code enforcement authority by establishing the authority to abate a hazard or declare buildings unsafe.

The proposed amendments to the California Building Standards Code, Part 9 (Fire) will ensure substantive modifications to impose more stringent requirements locally than are mandated by the California Fire Code. Prior to implementing any modifications to the California Building Standards Code, part 9 (Fire) and other State building standards, the governing body of a local jurisdiction is required to make express findings that such modifications are necessary because of local climatic, geological or topographical conditions. These are specifically listed, but may be generally characterized as relating to: (1) automatic sprinklers in the high fire hazard area; (2) fire alarm or other life safety systems; (3) fire department access; (4) citation program; and (5) administration.

The adoption of this ordinance aims to meet the following two **citywide priorities** of achieving **holistic community safety** and **supporting vibrant sustainable infrastructure**.

FISCAL IMPACT

There are no fiscal impacts associated with this report. This is an administrative action mandated by State law.

PUBLIC OUTREACH / INTEREST

The item was posted on the City's website.

COORDINATION

The Office of the City Attorney, Planning and Building Department, and the Budget Office were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: The amendments to the California Building Standards Code, Part 9 (Fire) provide for improving the overall safety of the community. Inspections of properties and enforcement of activities ensure property in the City is maintained in a safe manner, such as those within the high fire severity area. These measures improve the overall safety of a city, which has a direct relationship to its ability to attract new residents and businesses.

Environmental: The amendments to the California Building Standards Code, Part 9 (Fire) provide for the protection of residents, property, and the environment. These amendments promote the retention and/or use of native fire resistive plants/vegetation as prevention strategies. The additional requirements for the installation of fire sprinklers enhance the protection of lives and property.

Race and Equity: The life safety provisions for new and existing buildings in the proposed Code adoption provide for fire safety improvements and maintenance, which promote socio-economic sustainability by providing fire safe housing for the residents of the City.

CEQA

The City Council's action to authorize the proposed amendments to the Oakland Fire Code is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) (General Rule) as it is not a Project that has the potential for causing a significant effect on the environment. Staff recommends that a Notice of Exemption be filed with the Alameda County Clerk-Recorder's Office in accordance with CEQA.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance: (1) Repealing Current Oakland Municipal Code Chapter 15.12, Oakland Fire Code; (2) Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting; (3) Making Local Amendments To The 2022 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9 (also referred to as the "California Fire Code" And Recodifying Said Code As Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code; and (4) Adopting California Environmental Quality Act Exemption Findings

For questions regarding this report, please contact Felicia Bryant, Fire Marshal, at (510) 238-6559.

Respectfully submitted,



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