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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

EMERGENCY ORDINANCE: (1) REPEALING CURRENT OAKLAND MUNICIPAL CODE CHAPTER 15.12, “THE OAKLAND FIRE CODE”; (2) ADOPTING AND MAKING LOCAL AMENDMENTS TO THE 2025 EDITION OF THE CALIFORNIA MODEL BUILDING CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9 (ALSO REFERRED TO AS THE “CALIFORNIA FIRE CODE”); (3) RECODIFYING SAID CODE AS OAKLAND MUNICIPAL CODE CHAPTER 15.12, “THE OAKLAND FIRE CODE”; AND (4) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

WHEREAS, the State of California adopts a new California Building Standards Code every three years which goes into effect throughout the State 180 days after publication. The California Building Standards Code is contained in Title 24 of the California Code of Regulations (CCR) and consists of several parts that are based upon model codes with amendments made by various State agencies. Part 9 of Title 24 contains the California Fire Code, the 2025 Edition of which will go into effect throughout California on January 1, 2026; and

WHEREAS, the City Council of the City of Oakland does hereby find that there is a need to enforce the most current edition of the California Fire Code, with local amendments thereof, as recited herein for regulating and controlling among other things, the mechanical, electrical, and fire suppression systems and certain operations and equipment within the corporate boundaries of the City of Oakland; and

WHEREAS, the City Council of the City of Oakland further hereby finds that there is a need to provide for the issuance of permits and the collection of fees therefore and for penalties for the violation thereof, and for superseding other ordinances, in part or in whole, which are in conflict therewith; and

WHEREAS, prior to adoption, amendments to the state codes may be incorporated by the local jurisdiction if they can be justified on the basis of a local climatic, local geological, and/or local topographical condition which affect the jurisdiction; and

WHEREAS, as in past State code adoption cycles, the City repeals its existing local amendments to the 2022 California Fire Code, that were adopted by City Council via Ordinance Number 13720 C.M.S. (“the 2022 Oakland Fire Code”) in their entirety and enacts new local amendments to the 2025 edition of the California Model Building Code, California Code of Regulations Title 24, Part 9 (also referred to as the “California Fire Code”); and

WHEREAS, Assembly Bill 130 (“AB 130”), signed by Governor Gavin Newsom on June 30, 2025, introduced significant changes to the triennial code cycle adoption and the local amendment process for residential buildings and occupancies by limiting a local jurisdiction’s ability to make local amendments after September 30, 2025 unless the amendments pertain to certain exemptions, including the following (“AB 130 exemptions”):

- (1) The changes or modifications are substantially equivalent to changes or modifications

that were in effect as of September 30, 2025;

- (2) The modifications are necessary as emergency standards to protect health and safety;
- (3) The changes or modifications relate to home hardening; and

WHEREAS, pursuant to AB 130, the City repeals Oakland Municipal Code Chapter 15.12, the Oakland Fire Code, which was enacted in 2022 by Ordinance Number 13720 C.M.S., and adopts and makes local modifications to the California Fire Code, and recodifies this code as Oakland Municipal Code (O.M.C.) Chapter 15.12, the Oakland Fire Code; and

WHEREAS, to the extent O.M.C. Chapter 15.12 includes modifications to residential buildings and occupancies in the California Fire Code, all such modifications fall under the permissible AB 130 exemptions listed above; and

WHEREAS, California Health & Safety Code section 17958.7 provides in relevant party that before making any changes or modifications to the California Building Standards Code and any other applicable provisions published by the State Building Standards Commission, “ . . . shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions;” and

WHEREAS, the City Council finds and determines that all proposed modifications are reasonably necessary based upon local climatic, geologic and topographic conditions as set forth below:

1. **The City of Oakland is situated near several known major faults, each capable of generating earthquakes of significant magnitude.** These include the South Hayward Fault, the North Hayward, the San Andreas, and the 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.
2. **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 of Oakland. 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.
3. **The City of Oakland 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.
4. **The topography of Oakland 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 of Oakland, roadway condition, angle of approach or departure, steeply sloping roadways and grades are common.

5. **The City's geography and topography include natural boundaries such as the east bay hills, Lake Merritt, the Oakland Estuary and San Francisco bay.** These geographic boundaries and topographical features necessitate local provisions for fire safety command center design and specifications for certain new construction. Further the presence of the Hayward earthquake fault reduces the ability of adjoining jurisdictions to provide timely mutual response for building fires in the event a natural or manmade disaster occurs and local resources are unable to adequately respond.
6. **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; and

WHEREAS, the City Council finds and determines that the climatic, geologic, topographical features and conditions specified above have a deleterious effect on the timely provision of critical public safety measures such as fire protection and emergency medical services; and

WHEREAS, the City Council finds and determines that due to the local climatic, geologic and topographic conditions specified above, that modifications and changes to the current 2025 California Fire Code are reasonably necessary to provide specific and greater protection of life, health and property than what state law requires; and

WHEREAS, the City Council determines that the adoption of local administrative and non-administrative amendments of the 2025 California Fire Code are necessary to provide for minimum standards to safeguard life, limb, property, and public welfare; and

WHEREAS, the amendments proposed in this ordinance are more restrictive standards than those provided in the California Fire Code; and

WHEREAS, City staff recommends that the City Council adopt the 2025 California Fire Code and to add the same local code requirements as were adopted in 2022 via Ordinance Number 13720 CMS; and

WHEREAS, in addition to the same local code requirements adopted in 2022, City staff recommends that the City Council add new local requirements to the California Fire Code, which among other things will:

1. Require the periodic testing and inspection of Smoke Damper, and Smoke and Heat Vents, Smoke Control Systems, and Mechanical Smoke Removal Systems;
2. Require a color coding system for Fire Department Connections; and
3. Adopt Appendix D of the California Fire Code, which contains standards for road widths of 26' or buildings that are over 30' tall; and

WHEREAS, prior to 2023, Appendix D was adopted by City Council over multiple triennial Fire Code updates, including the Oakland Fire Codes of 2020, 2017, and 2014; and

WHEREAS, Appendix D was part of the local fire code legislation City staff proposed City Council adopt in 2022; and

WHEREAS, Appendix D was deleted from the local fire code legislation City Council adopted in 2022, via Ordinance Number 13720 C.M.S; and

WHEREAS, although the adoption of Appendix D is voluntary and is applicable primarily for roadways, buildings and facilities hereafter constructed, it contains language which reinforces the importance of road widths of 26' for buildings that are over 30' tall. This height has been a long existing standard for Fire Department apparatus needs pertaining to firefighting and rescue operations; and

WHEREAS, the City of Oakland's Department of Transportation (OakDOT) and the Oakland Fire Department (Suppression and Fire Prevention Bureaus) have continued their ongoing collaboration pertaining to roadway design and public safety; and

WHEREAS, from January of 2023 to present, OakDOT and Fire Prevention Bureau (FPB) staff have collaborated on multiple projects throughout the city. OakDOT has joined OFD suppression staff for multiple field visits to witness firsthand the apparatus placement and operations and any associated concerns of the sworn members who operate the fire engines and trucks on the streets affected by proposed design alterations; and

WHEREAS, additionally, OakDOT and FPB staff meet bi-weekly to discuss proposed design solutions for safer city streets and roadways, while incorporating design alternatives and concerns communicated by the OFD's suppression and FPB staff; and

WHEREAS: OFD staff engaged with the Bicyclist and Pedestrian Advisory Commission (BPAC) by listening to concerns and provided feedback and explained its position about the Fire Code amendments at BPAC meetings on October 27, 2025 and November 20, 2025; and

WHEREAS, given the unique topography, advanced age of the structures throughout our community, and the existence of high rise buildings, rail transportation (below and above ground), Wildland-Urban Interface and Wildfire Prevention Zones, one of the largest Maritime Cargo Ports in the United States, a Metropolitan International Airport and more, OFD members must arrive rapidly and with sufficient personnel and resources to save lives and reduce potential property and environmental damage; and

WHEREAS, to provide for sufficient firefighting, rescue, and emergency medical services in response to the nearly 80,000 annual calls for service that OFD receives, it is imperative that OFD suppression and the County's contracted ambulance services can arrive and operate in an expedited manner, where mere seconds can mean all the difference in achieving successful and life-saving actions; and

WHEREAS: that the OFD recommends adoption of the proposed local amendments to the 2025 California Fire Code to support effective responses to public safety events that are a result of or are affected by local climactic, geographical, topographical, or geological conditions experienced in the City of Oakland; and be it

WHEREAS, the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378, 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Emergency Necessity. In accordance with Section 213 of the Oakland City Charter, the City Council finds and declares that adoption of this Emergency Ordinance is necessary for preserving the public peace, health and safety. Specifically, the adoption of local administrative and non-administrative amendments of the of the 2025 California Fire Code by the end of the calendar year is necessary for the City to continue to provide for minimum standards to safeguard life, limb, property, and public welfare without lapses in enforcement of fire code amendment; and

SECTION 2. Recitals. The Council of the City of Oakland hereby determines that the preceding recitals are true and correct and hereby adopts and incorporates them into this ordinance.

SECTION 3. Repeal of Chapter 15.12 Oakland Municipal Code (Oakland Fire Code). Chapter 15.12 of the Oakland Municipal Code is hereby repealed in its entirety, and all provisions within any article, part, section, subsection, sentence, clause, or phrase of other ordinances that conflict within or between or among the provisions of this ordinance or the most current editions of the California Fire Code are hereby superseded. The 2022 Oakland Fire Code Amendments being repealed were enacted by Ordinance No.13720 C.M.S., which is available on the City of Oakland's Legistar website.

SECTION 4. Enactment of Local Amendments to the 2025 Editions of the California Fire Code (Amendments to Oakland Municipal Code Chapter 15.12). The 2025 Oakland Fire Code Amendments are hereby enacted. The 2025 Oakland Amendments being enacted amend Oakland Municipal Code Chapter 15.12, and are contained in **Exhibit A** entitled "Oakland Municipal Code Chapter 15.12 – Oakland Fire Code," attached hereto and incorporated as if set forth fully herein. The most current editions of the California Fire Code, as amended herein, shall be the governing fire code for the City of Oakland from and following January 1, 2026, or on the date the ordinance is filed with the California Building Standards Commission, whichever date is later.

SECTION 5. CEQA. The City Council finds that this ordinance is exempt pursuant to California Environmental Quality Act Guidelines sections 15378, 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

SECTION 6. Continuation of Actions under Prior Code. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City of Oakland hereby repealed, nor shall this ordinance be construed as discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City under any such ordinance.

SECTION 7. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Oakland hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. Implementation Date. Notwithstanding the foregoing, the City of Oakland will not implement any provision of this ordinance until it is filed with the California Building Standards Commission.

SECTION 9. Effective Date. Pursuant to Oakland Charter Sections 213 (Emergency Ordinances) and 216 (Effective Date of Ordinance), if this ordinance receives six affirmative votes, it shall become effective on January 1, 2026, or on the date the ordinance is filed with the California Building Standards Commission, whichever date is later.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

3449327

NOTICE AND DIGEST

EMERGENCY ORDINANCE: (1) REPEALING CURRENT OAKLAND MUNICIPAL CODE CHAPTER 15.12, “THE OAKLAND FIRE CODE”; (2) ADOPTING AND MAKING LOCAL AMENDMENTS TO THE 2025 EDITION OF THE CALIFORNIA MODEL BUILDING CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9 (ALSO REFERRED TO AS THE “CALIFORNIA FIRE CODE”); (3) RECODIFYING SAID CODE AS OAKLAND MUNICIPAL CODE CHAPTER 15.12, “THE OAKLAND FIRE CODE”; AND (4) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

The California Building Standards Code establishes the minimum standards and uniform administrative guidelines for Fire Safety standards throughout the state. This ordinance will provide findings required to substantiate modifications of the California Building Standards Code due to local climatic, geological or topographical conditions and adopt existing and new regulations in the Oakland Municipal Code that will amend the 2025 edition of the California Fire Code. The amendments will provide supplemental administrative and technical requirements pertinent to the City's building inventory, topography, geology, infrastructure needs, and health and safety requirements. This California Fire Code with local amendments shall be effective and implemented on January 1, 2026, or on the date the ordinance is filed with the California Building Standards Commission, whichever date is later, and shall be the governing code of the City of Oakland.

