


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE TO DESIGNATE THE CITY OF OAKLAND FIRE HAZARD SEVERITY ZONE

WHEREAS, since 1923, more than a dozen major wildfires have impacted the Oakland Hills, resulting in extensive damage, economic harm, and loss of life. The City of Oakland 2021-2026 Local Hazard Mitigation Plan identifies large historic wildfires being recorded in the Bay Area in 1961, 1962, 1965, 1970, 1981, 1985, 1988, and 1991. Most notably, high winds, steep terrain and heavy fuel load contributed to the 1991 Oakland/Berkeley firestorm, which burned over 1,500 acres, destroyed more than 3,000 homes, caused the deaths of 25 people, and injured over 150 people; and

WHEREAS, the series of recent historic wildfires throughout California and the Western United States demonstrates that the impacts of global climate change will continue to have potentially devastating local effects throughout the region, including habitat destruction, loss of life, economic impacts, infrastructural damage, and public health hazards associated with air quality; and

WHEREAS, the California Department of Forestry and Fire Protection (“CAL FIRE”) first published fire hazard severity zone maps for state responsibility areas (“SRA”) – those areas where the State has financial responsibility for wildland fire protection and prevention – in 1985; and

WHEREAS, Assembly Bill 337 (Bates 1992), prompted by the 1991 Oakland/Berkeley firestorm, called for CAL FIRE to evaluate fire hazard severity in local responsibility areas (“LRA”) – those areas where local government is responsible for wildfire protection – and to make recommendations to the local jurisdiction where very high fire hazard severity exists; and

WHEREAS, Fire Hazard Severity Zones are mapped and identified based on expected burn probabilities, potential fuels over a 30- to 50-year time period, and their correlated expected fire behavior, in order to better predict possible vegetation fire exposure to buildings and developments; and

WHEREAS, CAL FIRE finalized its statewide fire hazard severity model to include very high fire hazard severity zones in the LRA in 2007, which showed significant portions of the

Oakland Hills—approximately 10,800 acres of land—to be designated as a Very High Fire Hazard Severity Zone; and

WHEREAS, the Oakland Fire Department (“OFD”), the agency responsible for fire protection within the City’s Very High Fire Hazard Severity Zone, has been actively managing vegetation on City-owned property since 2003 to minimize wildfire hazard, utilizing various techniques, including goat grazing, hand crews, and limited mechanical treatments; and

WHEREAS, since 2008, the California State Building Code has required minimum standards be met for new building in fire hazard severity zones. According to the 2020 U.S. Census, eighty-five (85) percent of housing in the City of Oakland was constructed prior to this code requirement; and

WHEREAS, in 2015, the City added under Oakland Municipal Code Chapter 15.12, Section 4904.3 of the Oakland Fire Code, which defines the City’s very high fire hazard severity zone as all that area within the City including but not limited to the area north and east of the following boundaries: BEGINNING at the MacArthur Freeway at the San Leandro boarder to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Stearns Avenue; west on Stearns to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Boulevard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple Avenue to Morgan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; West on Morgan Avenue to Coolidge Avenue; North on Coolidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mountain. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley and

WHEREAS, many streets in the Oakland Hills do not meet current Municipal Code Standards for minimum width, some of which have dead ends, which make these areas less accessible for emergency responders; and

WHEREAS, in 2019, the City Council of the City of Oakland (“City”) passed Resolution No. 87940 C.M.S., which prioritized wildfire prevention in the City, and the City Administrator established an interdepartmental Wildfire Prevention Working Group to ensure all City departments prioritize these efforts; and

WHEREAS, in October 2023, the City of Oakland adopted an amended Safety Element to the Oakland General Plan, which identified the goal of proactively preventing urban fires and exposure to wildfires protecting community members and property from fire danger. The Safety Element further concluded that the City should continue to enforce the Oakland Fire Code to require building owners in high-risk areas to maintain defensible space and implement fire prevention measures.

WHEREAS, in May 2024, the City Council approved a comprehensive Vegetation Management Plan (“2024 VMP”), that describes the actions that OFD will take over a 10-year plan timeframe to reduce fire hazards on approximately nineteen hundred and twenty-four (1,924) acres of City-owned land and along three hundred and eight (308) miles of roadway in the area defined as the Wildfire Prevention Zone;

WHEREAS, the 2024 VMP identifies the Oakland Hills as one of the highest risk areas in the country for devastating wildland urban interface fires that presents a significant risk to public and firefighter safety and built and natural environment, and concluded that the fire hazard conditions present in the area necessitated a proactive hazard mitigation approach;

WHEREAS, the City of Oakland has utilized Zonehaven Modeling software to model an emergency evacuation scenario similar in scale to the 1991 Oakland firestorm showing that current development in the Very High Fire Hazard Severity Zone would place significant strain on emergency response;

WHEREAS, in the November 2024 election, City of Oakland voters owning property within the Wildfire Prevention Zone enacted Measure MM, levying a special tax for 20 years in the Wildfire Prevention Zone to prevent wildfires by implementing City of Oakland prevention plans, including vegetation management, evacuation route protection, annual inspections, enhanced fire patrols during high danger periods, goat grazing, and public education; and

WHEREAS, on February 24, 2025, the State Fire Marshall released new maps for the Bay Area Local Responsibility Area Fire Hazard Severity Zones, which new maps incorporate data and modeling to reflect climate change and wind activity patterns, but which does not take into consideration the built landscape or mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts; and

WHEREAS, California Government Code Section 51179 provides that a local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshall; and

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

SECTION 1. The Oakland City Council finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Ordinance; and

SECTION 2. The Oakland City Council finds and determines that through City Council action in adopting the Vegetation Management Plan, 2021-2026 Local Hazard Mitigation Plan,

the Safety Element, and through City of Oakland voter action on adoption of Measure MM, that the areas previously designated by the City as the Wildfire Prevention Zone, the boundaries of which are shown in the map included in **Exhibit A**, and as further described in **Exhibit B**, presents substantial fire risk such that the requirements of Government Code Section 51182 are necessary for effective fire protection.

SECTION 3. The City hereby designates the Wildfire Prevention Zone, including areas not identified as Very High Fire Hazard Severity Zones by the State Fire Marshall in the February 24, 2025 maps, as Very High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area. Substantial evidence for this finding includes all of the following:

- (a) The City of Oakland General Plan, including the Safety Element and Open Space and Conservation Element;
- (b) The City of Oakland 2021-2026 Local Hazard Mitigation Plan;
- (c) The City of Oakland Vegetation Management Plan;
- (d) Measure MM;
- (e) Resolution No. 89740 C.M.S. declaring Wildfire Prevention a top priority for the City of Oakland;
- (f) Any and all California Environmental Quality Act assessments, reports, and studies prepared for the above identified documents;
- (g) Any and all Agenda Reports, Exhibits, Appendices, and other supporting documents prepared in coordination with the above identified documents.

SECTION 4. The map, approved by the City and attached hereto as **Exhibit A**, is hereby incorporated by reference and shall be renamed the “City of Oakland Fire Hazard Severity Zone.”

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: _____

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

NOTICE AND DIGEST

AN ORDINANCE TO DESIGNATE THE CITY OF OAKLAND FIRE HAZARD SEVERITY ZONE

This ordinance designates the City of Oakland Fire Hazard Severity Zone, including areas not identified as Very High Fire Hazard Severity Zones by the State Fire Marshall, as Very High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area.