



CITY ATTORNEY'S OFFICE

AS AMENDED IN CITY COUNCIL DECEMBER 6, 2022  
(AMENDMENTS SHOWN IN EXHIBIT A)

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. \_\_\_\_\_ C.M.S.**

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**ORDINANCE: (1) REPEALING CURRENT OAKLAND MUNICIPAL CODE CHAPTER 15.12, THE OAKLAND FIRE CODE; (2) MAKING FINDINGS TO SUBSTANTIATE MODIFICATIONS TO CALIFORNIA BUILDING CODES AND STANDARDS DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS; (3) ADOPTING AND 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”); (4) RECODIFYING SAID CODE AS OAKLAND MUNICIPAL CODE CHAPTER 15.12, THE OAKLAND FIRE CODE; AND (5) 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 2022 Edition of which will go into effect throughout California on January 1, 2023; 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 the design, erection, construction, enlargement, installation, alteration, repair, relocation, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of and structures and plumbing, mechanical, electrical, and fire suppression systems and certain 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 building standards code adoption cycles, in this ordinance the City of Oakland repeals its existing Oakland Amendments to the 2019 Edition of the California Fire Code Codes (2019 Fire Code Amendments) in their entirety and enacts new Oakland Fire Code Amendments of the 2022 Edition of the California Fire Code (2022 Oakland Fire Code Amendments); and

**WHEREAS**, the City Council of the City of Oakland further hereby determines that the adoption of local administrative and non-administrative amendments of the most current editions of the California Fire Code, which provide for certain changes, supplements, and deletions thereof as recited herein, will satisfy these needs by providing for minimum standards to safeguard life, limb, property, and public welfare; and

**WHEREAS**, California Health & Safety Code section 17958.7 provides 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, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions, and the findings must be filed with the State Building Standards Commission before the local changes or modifications can go into effect; and

**WHEREAS**, the City Council does herewith find that the City of Oakland has certain climatic, geologic, topographical features and that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and

**WHEREAS**, after a duly noticed public meeting on November 29, 2022, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on December 6<sup>th</sup> and 20<sup>th</sup>, 2022, to consider the proposed amendments and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

**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

**WHEREAS**, the City Council of the City of Oakland hereby finds and determines that due to local climatic, geologic and topographic conditions, as provided below, that modifications and changes to the current 2022 California Fire Code are reasonably necessary to provide specific and greater protection of life, health and property; and

**WHEREAS**, the City Council further hereby 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,** City staff recommends that the City Council adopt the 2022 California Fire Code and to add local code requirements, which among other things will:

1. Add reference to the 2021 International Existing Building Code to define the relative hazards in different occupancy classifications.
2. Require that buildings four (4) or more stories in height or forty-five thousand (45,000) square feet or more total building area and all buildings classified as high-rise buildings by the California Building Code and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, have a fire command center.
3. Increase requirements for safe Emergency personnel communication in buildings which due to age, location or infrastructure that cannot meet the current standard.
4. Add standards for fire protection systems and fire department access where accessory dwelling units are to comply when the addition is greater than five hundred (500) square feet to increase protection for the safety of occupants, surrounding structures and Emergency Personnel.
5. Add safety measure requirements to properties in the Very High Severity Zone that are using alternative means of energy in areas historically known to be challenged by

topography, increase in dry vegetation due to drought and restrictive roads creating delayed response times for emergency vehicle access response.

6. Add safety measure requirements for the rescue of occupants and for safe emergency operations in homes within the High Fire Severity Zone that are built on slopes greater than 15%; and

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

**SECTION 1. 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 2. 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 2019 Oakland Fire Code Amendments being repealed were enacted by Ordinance No. 13577 C.M.S., which is available on the City of Oakland's website.

**SECTION 3. Enactment of Local Amendments to the 2022 Editions of the California Fire Code (Amendments to Oakland Municipal Code Chapter 15.12).** The 2022 Oakland Fire Code Amendments are hereby enacted. The 2022 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, 2023, or on the date the ordinance is filed with the California Building Standards Commission, whichever date is later.

**SECTION 4. 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 5. 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 6. 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 7. Implementation Date.** Notwithstanding the foregoing, the City of Oakland will not implement any provisions of this ordinance until it is filed with the California Building Standards Commission.

**SECTION 8. Effective Date.** Pursuant to Oakland Charter Section 216, this ordinance shall become effective on January 1, 2023, 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 – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

## NOTICE AND DIGEST

**ORDINANCE: (1) REPEALING CURRENT OAKLAND MUNICIPAL CODE CHAPTER 15.12, THE OAKLAND FIRE CODE; (2) MAKING FINDINGS TO SUBSTANTIATE MODIFICATIONS TO CALIFORNIA BUILDING CODES AND STANDARDS DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS; (3) ADOPTING AND 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”); (4) RECODIFYING SAID CODE AS OAKLAND MUNICIPAL CODE CHAPTER 15.12, THE OAKLAND FIRE CODE; AND (5) 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 2022 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, 2023, 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.