

2016 OCT 20 PM 3: 56

OAKLAND CITY COUNCIL
ORDINANCE NO. 13401 C.M.S.

INTRODUCED BY COUNCILMEMBER

ORDINANCE REPEALING CURRENT OAKLAND MUNICIPAL CODE CHAPTER 15.12, *THE OAKLAND FIRE CODE*, MAKING FINDINGS TO SUBSTANTIATE MODIFICATIONS TO CALIFORNIA BUILDING CODES AND STANDARDS DUE TO LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS, AND ADOPTING AND MAKING LOCAL AMENDMENTS TO THE 2016 EDITION OF THE CALIFORNIA MODEL BUILDING CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9, INCLUDING, BUT NOT LIMITED TO, NATIONAL FIRE PROTECTION ASSOCIATION AND OTHER REFERENCED STANDARDS AS ADOPTED BY THE CALIFORNIA STATE FIRE MARSHAL, AND RECODIFYING SAID CODE AS OAKLAND MUNICIPAL CODE CHAPTER 15.12, *THE OAKLAND FIRE CODE*

WHEREAS, the State of California adopts a new California Model Building Standards Code every three years which goes into effect throughout the State 180 days after publication. The California Model 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. The following edition of the California Building Standards Code are the most current in publication:

- California Fire Code, 2016 Edition, CCR , Title 24, Part 9, will go into effect throughout California on January 1, 2017; and

WHEREAS, the Council of the City of Oakland does hereby find that there is a need to enforce the most current editions 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 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, in this ordinance the City of Oakland repeals its existing Oakland Amendments to the 2013 Edition of the California Fire Code Codes ("2013 Fire Code Amendments") in their entirety and enacts new Oakland Fire Code Amendments of the 2016 Edition of the California Fire Code ("2016 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, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and

WHEREAS, after due consideration, the City Council of the City of Oakland hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current 2016 California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property for the following reasons:

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. **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; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

The City 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 2013 Oakland Fire Code Amendments being repealed were enacted by Ordinance No.13208 C.M.S., which is available on the City of Oakland website.

Section 3. Enactment of Local Amendments to the 2016 Editions of the California Fire Code (Amendments to Oakland Municipal Code Chapter 15.12).

The 2016 Oakland Fire Code Amendments are hereby enacted. The 2016 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, 2017.

Section 4. CEQA.

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk-Recorder's Office in accordance with the CEQA Guidelines.

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.

This ordinance shall become effective on January 1, 2017, or on the date the ordinance is filed with the California Building Standards Commission, whichever date is later.

Section 9. Directions to the Fire Marshall

Upon final passage of this ordinance, the Fire Marshall of the City of Oakland is hereby directed to transmit this ordinance with the **Exhibit A** attachment to the California Building Standards Commission before January 1, 2017 pursuant to the applicable provisions of state law.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

NOV 29 2016

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND
PRESIDENT GIBSON MCELHANEY *-8*

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

ATTEST: _____

LaTonda Simmons for

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

DATE OF ATTESTATION: _____

12/1/2016

Introduction Date

NOV 01 2016

2016 OCT 13 PM 4:17

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER

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IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

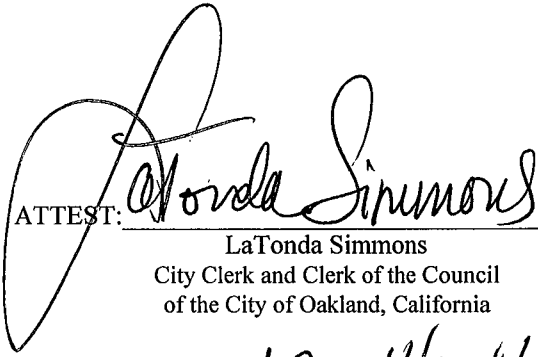
AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND
PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST:



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

DATE OF ATTESTATION: _____

12-14-16