Office of the City Manager

CONSENT CALENDAR
November 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Abe Roman, Fire Chief, Department of Fire and Emergency Services

Subject: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code") to Restore Language Which Existed Prior to October 26, 2021.

RECOMMENDATION

1. Adopt the first reading of an ordinance rescinding Ordinance 7,788-N.S. which modified the language of Paragraph 'NN.' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code") and which requires the installation of fire sprinklers in certain new structures and the retrofit of fire sprinklers in certain existing structures in Fire Zones 2 and 3 due to additional information presented to City staff, and restore the language of Paragraph 'NN' which existed prior to the October 26, 2021 adoption of Ordinance 7,788-N.S.;
2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code;
3. In compliance with state law on adopting such more restrictive building standards, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 14, 2021.

FISCAL IMPACTS OF RECOMMENDATION

None. Restores local statutes to conditions which existed prior to the adoption of Ordinance 7,788-N.S. and maintains the status quo of existing fee-for-service revenues and expenditures.

CURRENT SITUATION AND ITS EFFECTS

On October 26, 2021 the Berkeley City Council passed Ordinance 7,788-N.S. which expanded existing provisions contained in Paragraph 'NN' of Berkeley Municipal Code section 19.48.020 ("Amendments to the California Fire Code") and revised the language of that paragraph. Since the adoption of Ordinance 7,788-N.S. City staff have been presented with additional information from community stakeholders regarding subjects such as the permit threshold trigger dollar valuation, implementation details and opportunities to promote health, safety and environmental initiatives within the community.

While Ordinance 7,788-N.S. was passed by City Council on October 26, 2021, per the language of the ordinance, its effective date is delayed 90-days after its adoption, for an effective date of January 24, 2022. Prompt action to rescind ordinance 7,788-N.S. is required to prevent the current language from taking effect as scheduled. It is also necessary to restore the original Paragraph 'NN' language which existed prior to the adoption of Ordinance 7,788-N.S. to ensure that long-standing fire protection measures in the "Environmental Safety- Residential" zoning district remain intact while staff evaluates and makes recommendations on a replacement amendment for Paragraph 'NN'.

Ordinance 7,788-N.S. expanded and modified the language of Paragraph 'NN' of Berkeley Municipal Code (B.M.C) Section 19.48.020 ("Amendments to the California Fire Code") to expand the scope and applicability of fire sprinkler provisions, which previously existed in the "Environmental Safety- Residential" zoning district. That ordinance also focused the fire sprinkler requirements on residential structures built on properties zoned for single- and duplex-dwelling construction, established three triggering conditions which would require sprinkler installation and / or retrofit (including a construction permit valuation threshold), and established a number of exemptions that would not trigger such installations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This change would restore local statutes to conditions which existed prior to the adoption of Ordinance 7,788-N.S. and maintain the status quo of existing fire code provisions; the impact on environmental sustainability and climate impacts is neutral.

RATIONALE FOR RECOMMENDATION

Staff believes that in light of additional information presented to City staff by community stakeholders that rescission of the modifications will provide an opportunity for staff to further evaluate and make recommendations regarding the permit valuation threshold and other concerns regarding implementation.

In addition to achieving the fire protection and life safety goals outlined in the staff report submitted with Ordinance 7,788-N.S., further evaluation and analysis and resulting staff recommendations in amending this paragraph will allow us to avoid unintended disincentives to, and ultimately promote other significant health, safety and environmental initiatives within the community.

ALTERNATIVE ACTIONS CONSIDERED

Without prompt action the approved fire code language of Paragraph 'NN' language of Ordinance 7,788-N.S. will take effect on January 24, 2022. Based on the need for further stakeholder input, staff analysis and the drafting of recommendations and given the time constraints to act on this issue, other alternative actions such as direct amendment of the Ordinance 7,788-N.S. language have been ruled out as viable alternative actions.

CONTACT PERSON
Steven Riggs, Fire Marshal, Department of Fire and Emergency Services, (510) 981-3473

Attachments:

1: Ordinance: "RESCINDING ORDINANCE 7,788-N.S. AND RESTORING THE PREVIOUS LANGUAGE OF PARAGRAPH 'NN' OF BERKELEY MUNICIPAL CODE (B.M.C.) SECTION 19.48.020"

2: Resolution: RESCINDING RESOLUTION 70,056-N.S. AND ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE AND BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND REAFFIRMING RESOLUTION NO. 69,178-N.S.

ATTACHMENT 1

ORDINANCE NO. N.S.

RESCINDING ORDINANCE 7,788-N.S. AND RESTORING THE PREVIOUS LANGUAGE OF PARAGRAPH 'NN' OF BERKELEY MUNICIPAL CODE (B.M.C.) SECTION 19.48.020

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Ordinance 7,788-N.S. which amended Paragraph 'NN' of Section 19.48.020 of the Berkeley Municipal Code (B.M.C.) is hereby rescinded.

Section 2. That Paragraph NN. of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code") is amended to read as follows:

NN. **Section 903.2.23 Environmental Safety--Residential District~~Fire Zones 2 and 3~~ [Additional subsection]** Any new construction requiring a permit determined to be $100,000 or more in construction costs or new additions to existing structures shall be required to install automatic fire sprinklers throughout the structure. For the purpose of this subsection "Environmental Safety--Residential District" shall mean those areas designated as such on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time. ~~On any parcel zoned to allow single-family or duplex dwelling residential use, any of the following conditions shall trigger the installation of fire sprinklers throughout any new and existing primary and related accessory structures containing habitable space:~~

~~A. The construction of a new structure containing habitable space, or~~

~~B. The conversion of existing structures or portions of existing structures to habitable space when such structures did not previously contain formally approved habitable space, or~~

~~C. Any alterations or additions requiring permit(s) determined to be $100,000 or more in aggregate construction costs over a 36-month period from the date of permit issuance~~

~~For the purpose of this subsection Fire Zones 2 and 3 shall mean those areas designated as such in the Berkeley Fire Code, as it may be amended from time to time.~~

~~Exceptions: 1. Detached accessory structures of Group 'U' Occupancy with a floor area not greater than 120 square feet.~~

~~2. Construction or portions of construction defined as repairs for maintenance purposes or construction alterations intended to bring a structure into compliance with ignition resistant construction standards for wildfire exposure of the structure as set forth in the Berkeley Building Code.~~

~~3. Additions of new space that total not more than 250 square feet in area and which are used solely for mechanical or utility service of a building.~~

~~4. Where multiple, primary, free-standing dwellings exist on a given property the fire sprinkler installation requirements of this section shall be applicable to an individual primary structure and any qualified accessory structures on the property associated with the affected primary dwelling structure. Other free-standing dwelling structures on the property and their accessory structures need not retrofit fire sprinklers at that time.~~

Section 3. This amendment shall become effective 30 days after adoption of this ordinance.

Section 44. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

RESOLUTION NO. -N.S.

RESCINDING RESOLUTION 70,056-N.S. AND ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE AND BUILDING STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND REAFFIRMING RESOLUTION NO. 69,178-N.S.

WHEREAS, on October 12, 2021 the City adopted Resolution No. 70,056-N.S. which found that changes and modifications to the California Fire Code then proposed and enumerated in that document were reasonably necessary because of local climatic, geological or topographical conditions or factors and conditions in the area encompassed by the City of Berkeley, and

WHEREAS, the findings-of-fact set forth in Resolution 70,056-N.S. were in addition to, and not replacements for the findings-of-fact set forth in City of Berkeley Resolution 69,178, and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors”; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission; and

WHEREAS, on November 12, 2019, the City adopted Resolution No. 69,178-N.S. which found that each of the various changes or modifications to the California Fire Code then proposed and enumerated in that document were reasonably necessary because of local climatic, geological or topographical conditions or factors and conditions in the area encompassed by the City of Berkeley; and

WHEREAS, the City is proposing to rescind the provisions of Berkeley City Ordinance 7,788-N.S. which created those changes in the Berkeley Fire Code as proposed and enumerated in Resolution 70,056-N.S.:

NOW THEREFORE, BE IT RESOLVED by the City Council that it finds that the changes and modifications originally enumerated in City of Berkeley Resolution No. 69,178-N.S.

are reaffirmed, are repeated and enumerated below and are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

A. **LOCAL CONDITIONS**

1. Climatic Conditions

a. Discussion

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wildland fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions occur where the temperature is greater than 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast and the ignition component is 65 or greater. These conditions occur more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wildland areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.

In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.

On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 37 homes in Berkeley and Oakland.

b. Summary

Local climatic conditions of limited rainfall, low humidity, high temperatures and high winds along with existing building construction create extremely hazardous fire conditions that adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation.

2. Geological Conditions

a. Discussion.

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in those areas of poorer ground along the Bay, west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be greatly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. The replacement of Summit Reservoir at the Kensington border in Berkeley was completed in December 2018. Berryman Reservoir North has been demolished and replaced by a steel tank in 2012. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fires in the streets; building fires, as the result of broken service connections; trapped occupants in collapsed structures; and rendering of first aid and other medical attention to a large number of people.

b. Summary.

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit life safety hazards and property damage as a result of a seismic activity.

3. Topographical Conditions.

a. Discussion.

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in height from grade level. The fire potential is moderately high due to building congestion, heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 112,580 per 2010 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Highway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have been increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

b. Summary.

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can

cause increased disease, including asthma, and increased deaths from heart and lung disease.

B. REASONABLE NECESSITY

The proposed changes and modifications to the California Fire Code are reasonably necessary due to the local climatic, geological and topographical conditions set forth above. They are further justified for the reasons set forth below.

In adopting the California Fire Code as the Berkeley Fire Code, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to: the preservation of building and roof accessibility and emergency egress; maintenance of building compartmentation using fusible links; amendment of automatic sprinkler requirements; amendment of fire alarm system requirements; amendment of fire flow requirements; requirements for high- rise air supply and the regulation of hazards including hazardous materials, Wildland-Urban Interface management, temporary assembly attractions, fireworks and explosives. These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Section 503 (Fire apparatus access roads) and Appendix D (Fire apparatus access roads) are adopted in their entirety as local code amendments. They are adopted due to: local geological conditions of severe earthquake potential which may result in landslides and the collapse of "built-environment" features which may block access roads; local topographical conditions including narrow streets and steep hills which slow and hinder emergency response and evacuation; and local climatic conditions including the need for rapid, unhindered citizen evacuation from and emergency responder access into wildfire prone areas of the City.

2. Section 504.1.1 (Marking of Exterior Building Openings) is added due to local topographical conditions which promote multi-story and on-slope construction to maximize buildable space within the City. The limited space available for development encourages developers and designers to crowd exterior openings into limited available space, often resulting in groups of building openings without any obvious cues for firefighters as to the area(s) served within the building or the purpose of the openings. This amendment is intended to inform firefighters as to the area served and/or purpose of an exterior opening and therefore reduce the amount of time firefighters may spend searching for or forcing entry into otherwise unmarked doorways.

3. Section 703.2.4 (Fusible Links) is added due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of

occupancies. This amendment will maintain the fire and smoke separation requirements and prevent spread of smoke and fire in apartments, boarding houses, and congregate living spaces.

4. Sections 903.2.10, 903.2.10.1, 903.2.11.1, 903.2.21, 903.2.22, 903.2.23, 903.3.1.2, 903.3.9 and 1103.5.5, 1103.5.5.1, 1103.5.5.2, 1103.5.5.3 (Fire Sprinkler Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire sprinkler systems significantly reduce the loss of life and fire spread with early suppression and control of a fire. Additionally, these amendments will maintain the standards established in 1992 after the 1990 fraternity fire and 1991 Berkeley Oakland firestorm.

5. Amendments and additions to Sections 907.2, 907.2.1, 907.2.2, 907.2.4, 907.2.7, 907.2.8.1, 907.2.8.2, 907.2.9.1 and 1103.7, 1103.7.5.1, 103.7.6, and 1103.7.10 (Fire Alarm Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire alarm systems significantly reduce the loss of life and fire spread with early detection and notification of firefighting personnel. Additionally, these amendments will maintain the standards adopted in 1998 as part of the Berkeley Fire Code.

6. Section 1104.16.5.1 (Examination of existing fire escape stairs) is adopted from the model code language. Numerous fire escape stairs are in use throughout the City due to the local topographical conditions of Berkeley's steep terrain and dense, multi- story development. Due to the severe risk of earthquake and ensuing fire in Berkeley, fire escape stairs require periodic inspection by a licensed professional to provide reasonable assurance that existing fire escape stairs will survive a credible earthquake and be available for their intended life safety function after a seismic event.

7. Section 914.3.9 ["Fire Fighter Air Replenishment Systems"], Appendix Chapter L ["Requirements for Fire Fighter Air Replenishment Systems" in its entirety as amended), Section L104.5.1 ["Stored pressure air supply" as amended], Section105.6.56 [operational permit to maintain a "firefighter air replenishment system (FARS)"] and Section 105.7.270 [construction permit to install or modify "Firefighter air replenishment system(FARS)"] are added due to the local geological condition of severe risk of earthquake and ensuing fires. Fire Fighter Air Replenishment Systems are intended to maximize the operational efficiency of available firefighting forces, and to reduce the impacts of high-rise fire incidents on limited firefighting forces that may already be challenged by the aftermath of a major seismic event. Additionally, these amendments will maintain the standards adopted in 2002 as part of the Berkeley Fire Code to require air supply systems for firefighting operations. The proposed code adoption recognizes Appendix Chapter L of the International Fire Code as the standard for the design, installation, testing and maintenance of such a system. It provides potential owners,

designers and installers with a standard that they may refer to in order to better understand a type of system that many may not be familiar with.

8. Sections 5701.4.2 (Storage of Class I and Class II liquids in aboveground tanks), 5704.2.11.1.1 (Restrictions on underground storage tanks), Section 5704.2.13.1.4 (Tanks abandoned in place), Section 5704.2.14 (Removal and disposal of tanks) and section 6104.1.2 (Restrictions on storage of LP-gas containers) of the Berkeley Fire Code are local amendments to the California Fire Code. These subsections are necessitated by local topographical conditions including the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material storage to ensure that it does not intrude in these areas.

9. Section 8105.2 (Appendix B, "Fire Flow Requirements for Buildings", Table 8105.2, "Required Fire-Flow for Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings and Townhouses") is amended due to the geological conditions of the City with its proximity to major earthquake faults. Predictions by the local water utility company are that many water mains will break as the result of a magnitude 6.7 earthquake on the Hayward Fault.

10. Appendix O (Temporary haunted houses, ghost walks and similar amusement uses) is adopted as a local amendment to the California Fire Code and is adopted based on local geological conditions (the potential for severe earthquake with accompanying fire and/or structural collapse) and local topographical conditions including the need to ensure adequate separation of structures and uses in densely developed urban areas. Fire alarm systems (as required in this appendix) are shown to significantly reduce the life safety threat to occupants of structures during fire events. Regulation of these structures and activities ensures that adequate safety provisions have been made for limiting occupancy to safe numbers of guests and for the evacuation of attraction guests in crowded urban environments. Adoption of this appendix also allows for the regulation of related features such as the combustibility of decorations and the management of hazards such as temporary electrical wiring and the use of portable generators.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that certain local amendments to the codes are not more stringent than the provisions of the California Fire Code but rather cover matters not addressed by those Codes or as administrative in nature, as follows:

1. Chapter 1 (as amended in Sections 101.1, 101.6, 102.6, 104.12, 104.13, 105.6.16, 105.6.31, 105.6.52, 105.6.53, 105.6.54, 105.6.55, 105.6.56, 109, 109.1, 109.2, 109.3, 110.1, 110.4, 110.4.2, 110.4.3, 111.2.1, 111.3, and 111.4.1) provides administrative provisions, an appeal process, and additional clarification and non-building standard permit requirements required to implement the fire code.

2. Chapter 2 as amended in section 202 (Definitions) provides additional definitions required to clarify and implement the local adoption of the fire code.

3. Chapter 3 (General Requirements) excluding Section 317 (Rooftop gardens and landscaped roofs) is adopted in its entirety. The adopted sections of this chapter impose controls on a wide range of hazards that are not building standards. Hazards addressed include asphalt kettles, combustible waste materials, control of ignition sources, open burning/recreational fires, open flames, powered industrial equipment, smoking, securing of vacant premises, vehicle impact protection, fueled equipment, general storage and hazards to firefighters.

4. Chapter 49 as amended provides definitions related to local Wildland-Urban Interface (WUI) fire areas, directs interested parties to appropriate BMC Chapter 19.28 sections (Berkeley Building Code) for building construction requirements in WUI areas, and imposes various non-building standard requirements for the management of vegetation and the suppression and control of fires in WUI areas.

5. Section 5001.7 (Hazardous Materials Transport Restrictions), Section 5601.1.3 (Fireworks) and Section 5701.4.1 (Transfer of Flammable Liquids) are local amendments to the California Fire Code that restricts the transportation, storage and transfer of hazardous materials but does not create or modify any building standards. It simply imposes additional requirements necessitated by local conditions. This new subsection is necessitated by: the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material transportation to ensure that it does not intrude in these areas.

6. Section 5601.1.3 (Fireworks) prohibits (with suitable exceptions) the possession, manufacture, storage, sale, handling and use of fireworks within the jurisdiction (including fireworks classified by the State Fire Marshal as Safe and Sane fireworks). Section 5604.1 ("General" section of 5604, "Explosive and Fireworks") is modified to prohibit the storage and handling of explosives within the jurisdiction. Both sections are intended to preserve the ban on storage, handling and use of these materials within City limits which have historically been deemed unsafe and inappropriate activities within the jurisdiction.

7. Section 5701.4.1 (Transfer of flammable and combustible liquids) prohibits dispensing of flammable liquids on or from a street or public way and provides administrative provisions, additional clarification and non-building standard approval or permit requirements required to implement the fire code.

8. Appendix E (Hazard Categories) and Appendix F (Hazard Ranking) are local amendments to the California Fire Code related to hazardous materials management. These chapters define the hazard categories and rankings associated with the storage, handling and use of hazardous materials, and provide the qualitative and quantitative

rankings used on hazardous materials information signs posted for the benefit of firefighters and other first responders. These hazard categories and rankings are administrative in nature and do not constitute building standards.

BE IT FURTHER RESOLVED, that Resolution No. 70,056-N.S is hereby rescinded.