

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 22, 2014

Bonnie S. Terra
Division Chief/Fire Marshal
Alameda County Fire Department
399 Elmhurst, Room 120
Hayward, CA 94544

RE: Ordinance #2013-46

Dear Ms. Terra:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 6, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your County receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



**Alameda County Fire Department
FIRE PREVENTION**

www.acgov.org/fire

November 26, 2013

DEMETRIOUS N. SHAFFER
Fire Chief

**COUNTY
FIRE PREVENTION**
399 Elmhurst, Room 120
Hayward, CA 94544
tel (510) 670-5853
fax (510) 887-5836

**DUBLIN
FIRE PREVENTION**
100 Civic Plaza
Dublin, CA 94568
Tel (925) 833-6606
Fax (925) 829-9248

**EMERYVILLE
FIRE PREVENTION**
1333 Park Avenue
Emeryville, CA 94608
Tel (510) 596-3759
Fax (510) 450-7812

**NEWARK
FIRE PREVENTION**
37101 Newark Blvd.
Newark, CA 94560
Tel (510) 578-4218
Fax (510) 578-4281

**SAN LEANDRO
FIRE PREVENTION**
835 E. 14th Street
San Leandro, CA 94577
Tel (510) 577-3317
Fax (510) 577-3419

**UNION CITY
FIRE PREVENTION**
34009 Alvarado-Niles Road
Union City, CA 94587
Tel (510) 675-5470
Fax (510) 441-2943

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

RE: FINDINGS FOR AMENDMENTS TO 2010 FIRE CODE

The Board of Supervisors for the County of Alameda has formally adopted the 2013 edition of the California Fire Code. A small number of amendments were made to this code. As required by Health and Safety Code Section 17958, the County is herein submitting the findings and a copy of the amended text.

Sincerely,

Bonnie S. Terra
Division Chief/Fire Marshal

RECEIVED
2013 DEC -6 P 10:24
CALIFORNIA BUILDING
STANDARDS COMMISSION

**FINDINGS OF FACT AND NEED FOR
CHANGES OR MODIFICATIONS TO THE
STATE BUILDINGS STANDARDS CODE
BECAUSE OF LOCAL CONDITIONS**

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the Board of Supervisors of the County of Alameda, in its ordinance amending the 2012 International Fire Code/2013 California Fire Code, changes or modifies certain provisions of the State Building Standards Code, as it pertains to the regulation of buildings used for human habitation. A copy of such text of changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the Board of Supervisors of the County of Alameda have determined the attached changes or modifications are needed, and are reasonably necessary because of local climatic, geographic, and topographic conditions.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major fire loss, (2) major earthquake damage, and (3) the potential for life and property loss; making necessary changes or modifications in the International Fire Code and the State Building Standards Code, in order to provide a reasonable degree of property security and fire and life safety in the unincorporated areas of this County.

Within the unincorporated areas of the County exist approximately 484 square miles of land, with a population of 209,500. Within this area of drastically varied terrain, are congested residential urban areas, which interface with sparsely populated rural areas, rolling hills and the rural agricultural open fields. Because of the climatic conditions which exist within the County, and the nature of the topography and geography of the County, these "Findings of Fact" listed below shall be submitted to the State.

1. CLIMATIC

- A. **Precipitation.** Precipitation ranges from 18.6 to 23.2 inches per year, with an average of approximately 21 inches per year. Approximately 85% falls during the months November through April, and 15% from May through October. This area experienced a major drought and it is possible more droughts will occur in the future.
- B. **Relative Humidity.** Humidity generally ranges from 60% during the day time, to 80% at night. It drops to 20% during the summer months and occasionally lower.
- C. **Temperature.** Temperatures have been recorded as high as 108°F. During the summer months, the Eden, Castro Valley, and Fairview Districts,

experience similar temperature structure; while the County Fire Department area located in the Livermore valley, experiences much higher temperatures.

- D. Winds. The prevailing winds are from the Northwest; however, winds are experienced from virtually every direction at one time or another. Wind speed varies from a light breeze of 5 mph to 15 mph. In the summer months, the wind will gust from 7 mph to 30 mph. The County can be divided into two sections by the Berkeley-Oakland hills. The hills create slightly different weather and wind patterns affecting the unincorporated areas of the County. The Western side of the County is somewhat protected by the cooling of the ocean fog. This effect helps raise the humidity and somewhat cool the area. The Eastern side of the County, the valley, does not get the cooling effect of the fog. Regardless of the cooling effect of the fog on the Western side of the hills, the County is prone to periods of Westerly, North-Westerly "Fohen type" winds that have the same effect as the "Santa Ana" winds of the South state.
- E. Summary. These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, low humidity, and high temperature create extremely hazardous conditions. The winds in this area can have a tremendous impact upon structure fires where buildings are built in close proximity to each other, and fires within the Wildland Urban Interface threaten the structures built in an around the brush and timber. Both of the above listed conditions are commonly found in the unincorporated areas of the County.

2. GEOGRAPHIC and TOPOGRAPHIC

- A. Geographic location. The unincorporated area of Alameda County is comprised of a section of Central County (Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo), and a major portion of the Eastern County. The area is divided by a number of active earthquake faults; Hayward, San Andreas, Calaveras, and Greenville. As a result of data following the Loma Prieta quake and additional seismological evidence indicates the probability of another major earthquake in this region ranging from 5 to 8 on the Richter Scale. The areas are also divided by the foothills of the Oakland Range. Within the hill area are numerous homes and planned developments. With the steep valleys and winding roadways leading to these areas, fire spread and response time are impacted.
- B. Roads and Streets. The number of vehicle miles driven in the unincorporated area is steadily increasing and efforts in traffic and roadway improvements are being made in an attempt to ease the crush of

commuters to and through the areas. The areas are intersected by Highways 238, 580, 680, and 880. There are also railroad lines bisecting the districts. The impact of planned developments and traffic flow will continue to have an affect on the Fire Department and the delivery of fire and emergency services.

- C. Summary. The above local geographic and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the fire departments of the unincorporated areas of the County. Based on predictions by seismologists, the area would suffer damage that would be beyond the response capacity of the fire departments. With bridge, overpass, and roadway collapse, response would be limited to small areas. The fire following an earthquake has the potential of causing greater loss of life than the earthquake itself.

CONCLUSION:

Local climatic, geographical, and topographical conditions impact fire prevention and suppression efforts, the frequency, spread, acceleration, and intensity of fires involving buildings and wildlands within the unincorporated areas of the County. Further, they impact the potential damage to all structures from earthquake and subsequent fire. While it is clearly understood that the adoption of these modifications to the Code may not prevent the incidents of fire, it is further noted that the implementation of these modifications may serve to reduce the severity and potential loss of life and property due to fire.

The County of Alameda submits these "Findings of Fact" and request acceptance of these as defined under Section 17958.5(a) of the State of California Health and Safety Code.

**ALAMEDA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER**

The following action was taken by the Board of Directors of Alameda County Fire Department on 11/05/2013

Approved as Recommended Other

Read title, waived reading of ordinance in its entirety and adopted Ordinance O-2013-46

Unanimous Chan: Haggerty: Miley: Valle: Carson: - 3

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Ordinance: O-2013-46

Documents to be signed by Agency/Purchasing Agent:

File No. 29026

Item No. 12

Copies sent to:
Shu-Mei Chen

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Clerk of the Board
Board of Supervisors

By: R. Bailey
Deputy

ORDINANCE NO. 2013-46

AN ORDINANCE AMENDING CHAPTER 6.04 OF TITLE 6 OF THE ORDINANCE CODE OF THE COUNTY OF ALAMEDA RELATING TO THE PREVENTION OF FIRES, AND ADOPTING BY REFERENCE THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AS AMENDED BY THE STATE OF CALIFORNIA AND 2013 EDITION OF THE CALIFORNIA FIRE CODE.

The Board of Supervisors of the County of Alameda and the Board of Directors of the Alameda County Fire Department ordain as follows:

SECTION I

Chapter 6.04 of Title 6 of the Alameda County Ordinance Code is amended to read:

6.04.000. Fees.

The County Ordinance 0-93-17, setting forth the Alameda County Fire Protection District fees shall remain in full force and effect .

6.04.010. California Fire Code.

There is hereby adopted that certain Code known as the "2013 California Fire Code", including all sections of Chapter 1 including Division II, Section 503 and appendices B, C, and D compiled by the International Code Council being particularly the California Fire Code 2013 edition thereof and whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. One copy of said Code is on file with the Clerk of the Board of Supervisors.

The following sections shall constitute the deletions, modifications, amendments and additions to the 2013 California Fire Code.

6.04.020 Chapter I-Scope and Administration, Section 101 Division II Administration

Section 101.1 Title is amended to read:

This Code shall be known as the "Alameda County Fire Code," may be cited as such, and will be herein referred to as "this Code."

6.04.030 Chapter I-Scope and Administration

Section 1.11.2.1.1 Enforcement is amended to read:

The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall, except as provided in Section 1.11.2.1.2, be as follows:

1. The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards

relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 as described in Section 3410.1 of Part 2 of the California Building Standards Code, to the following:

- 1.1. The chief of the fire department serving the county, or chief's authorized representative.

6.04.040 Chapter I-Scope and Administration, Section 1.11 - Office of the State Fire Marshal.

Section 1.11.4.7 Other Fees is added to read: Pursuant to Health and Safety Code Sections 13146.2, 1597.46, 13217, 13235, and 13131.5 the county may charge and collect fees in an amount as set forth in the separately adopted Alameda County Ordinance (Fees for Service) of which the most current will apply. It should be noted that a fee shall be charged to cover the cost of any fire prevention service for enforcing any regulations.

6.04.050 Chapter I-Division II Administration, Section 101 – General

Section 101.1 Title is amended to read:

This Code shall be known as the "Alameda County Fire Code," may be cited as such, and will be herein referred to as "this Code."

6.04.060 Chapter I – Division II Administration, Section 108 – Board of Appeals

Section 108.1 (Board of Appeals) established is amended to read:

1. Board of Appeals – In order to hear and decide appeals or orders, decisions or determinations made by the Fire Code Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals to provide interpretations of the Code other than those approved by the Fire Chief.

Upon receipt of an appeal in writing, the Fire Chief shall request the appointment by the Board of Supervisors of a Board of Appeals consisting of five (5) members qualified by experience and training to pass upon matters pertaining to the subject matter of the appeal and to serve until disposition of the appeal. The Fire Chief or his/her designee shall be an ex officio member of the Board of Appeals and act as the secretary. The Board of Appeals shall adopt reasonable rules for conducting its hearings and investigations.

The Board of Appeals shall, after considering all facts presented, render a decision as to the applicability and interpretation of this Code and as to an alternate means of protection; and determine if the proposal is equivalent to those specified in these regulations in quality, strength, effectiveness, fire resistance, durability and safety. The Board of Appeals shall submit to the applicant and Fire Chief its decision as well as findings and recommendations.

Any recommendations, actions or decisions by the Board of Appeals shall not be construed as to permit a violation of any other codes or laws. The decision of the Board

of Appeals shall be final. The applicant or Fire Chief may promptly request a review thereof by the Board of Supervisors. The Board of Supervisors may limit its review to pertinent parts of the record, findings and decision of the Board of Appeals or at its sole discretion take additional evidence or arguments on the issue.

2. Appeals-Whenever the Fire Chief shall disapprove an alternate means of protection, refuse to grant a permit or application, or when it is claimed that the provisions of this Code do not apply, or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Appeals. Such appeal shall be made within 15 days from the date of the Fire Chief's decision.

Whenever any subject regulated in this Code is also regulated by Title 15, Alameda County Ordinance Code the provisions of this Code which are applicable to new construction, alteration or repair shall be enforced by the Fire Chief and by the Alameda County Building Official if a building permit is required for such new construction, alteration or repair by Title 15, Alameda County Ordinance Code.

If there is a conflict between the enforcement of this Code by the Fire Chief and Title 15 by the Building Official, the more restrictive requirements shall apply.

6.04.070 Chapter I – Administration, Section 109 – Violations

Section 109.3 (Notice of Violation) is amended by adding the following sentence:

In cases of extreme danger to persons or property, immediate compliance shall be required, and/or the Fire Chief may remove, or cause to be removed, the hazard at the expense of the owner or responsible party.

Section 109.4 (Violation penalties) is amended to read:

1. Any person, firm, corporation, association, or government entity which is regulated by this Code and has violated, or caused to be violated, or permitted to be violated any provisions of this Code, shall be deemed guilty of an infraction, unless such violation is specified to be a misdemeanor.
2. Any person, firm, corporation, association, or government entity convicted of a misdemeanor under the provisions of this Code shall be subject to a fine, or imprisonment, or both, not to exceed to limits set forth in California Penal Code Section 19.
3. Any person, firm, corporation, association, or government entity convicted of an infraction under the provisions of this Code shall be punishable upon first conviction by a fine of not less than fifty dollars.
4. In addition to the foregoing penalties, any condition caused or permitted to exist in violation of any of the provisions of this Code, shall be deemed a public nuisance and may be abated as such.

5. Each person, firm, corporation, association, or government entity shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by any of them, and shall be punishable accordingly.
6. The Fire Chief and his authorized representatives may make arrests or issue citations for any violations of this Code, or any other ordinance of the County of Alameda and laws of the State of California pertaining to fire prevention, protection and life safety.
7. Any person, firm, corporation, association, or government entity operating or maintaining any occupancy, premises, or vehicle subject to this Code shall not permit or allow a fire hazard to exist or fail to take immediate action to correct same on premises under his control or ownership. Failure to comply with an order or notice when ordered or notified to do so by the Fire Chief or his authorized representatives shall be guilty of a misdemeanor.

Section 109.4.2 (Administrative Abatement) is added to this Code to read:

The provisions of this Code may be enforced pursuant to the provisions of Chapter 15.28 of Title 15 of the Alameda County Ordinance Code.

6.04.080 Chapter 9 – Fire Protection Systems, Section 903 – Automatic Fire Sprinkler Systems

Section 903.2.1.1 (Group A-1) is amended to read:

An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 (Group A-3) is amended to read:

An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4 (Group A-4) is amended to read:

An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2.2 (Group B) is added to read:

An automatic sprinkler system shall be provided in Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 (Group E) is amended to read:

An automatic sprinkler system shall be installed in Group E occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.4 (Group F-1) is amended to read:

An automatic sprinkler system shall be installed in Group F-1 occupancies where one of the following conditions exists:

1. The Group F-1 fire area exceeds 5,000 square feet.
2. The Group F-1 fire area is located more than three stories above grade plane.
3. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.27 (Group M) is amended to read:

An automatic sprinkler system shall be provided throughout buildings containing Group M occupancies where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above the grade plan.

Section 903.2.9 (Group S-1) is amended to read:

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancies where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.

3. A Group S-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.10 (Group S-2 enclosed parking garages) is amended to read:

An automatic sprinkler system shall be provided throughout all buildings classified as enclosed parking garages with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet or
2. Where the enclosed parking garage is located beneath other groups.

Section 903.2.18.1 (Group U) is added to read:

An automatic sprinkler system shall be provided for Group U Occupancies where the fire area exceeds 5,000 square feet (465 m²).

Section 903.2.19 (Existing Buildings) is added to read:

When an addition to an existing building causes the total square footage of the building to exceed 5,000 square feet (465 m²) the entire building shall be equipped with sprinklers.

Section 903.2.20 (Existing Buildings) is added to read:

When a change in occupancy or use to more hazardous occurs, the structure will be required to meet the requirements as set forth for new construction for the new occupancy classification.

6.04.090 Chapter 9 – Fire Protection Systems, Section 907 – Fire Alarm and Detection Systems

Section 907.10 (False Alarms) is added to this Code to read:

A false alarm is defined in Section 202.

Section 907.10.1 (Excessive False Alarms) is added to this Code to read:

Malfunctions, or mechanical trip of any sprinkler alarm or other fire protection or detection system resulting in an alarm and emergency dispatch of the Fire Department shall be subject to a false alarm charge as established by this Code.

Exception: During a thirty (30) day period following the installation of any new fire alarm system, the Fire Chief shall determine if the false alarms emanating from said new installation are excessive.

Section 907.10.2 (Charges) is added to read:

After the initial thirty (30) day period following the installation of a new system, two (2) false alarms within a consecutive ninety (90) day period shall be deemed excessive and will be charged as false alarms.

Section 907.10.3 (False Alarm Charges) is added to read:

1st false alarm

Warning Letter

2nd false alarm in any 90 day period \$100.00

3rd and subsequent false alarms in any 90 day period \$200.00

6.04.100 Chapter 28 – Lumber Yards and Wood Working Facilities, Section 2808 – Storage and Processing of Wood Chips, Hogged Material Fines, Compost and Raw Product Associated with Yard Waste and Recycling Facilities

Section 2808.3 (Size of Piles) is amended to read:

Piles shall not exceed 12 feet in height, 50 feet in width and 250 feet in length.

6.04.110 Chapter 56 – Explosives and Fireworks, Section 5601 – General

Section 5601.1(Fireworks) is amended to read:

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited is amended to read: Storage, use and handling of fireworks are prohibited. It is unlawful for any person to sell or offer for sale any fireworks, dangerous fireworks or safe and sane fireworks or, fire, discharge or explode or cause to be fired, discharged or exploded any fireworks except at public displays as hereinafter provided in this Chapter. Exception 1, 2, 3, 4 and 5 are retained as stated.

6.04.120 Appendix D – Fire Apparatus Access Roads, Section D103 – Minimum Specifications

Figure D103.1 (Dead-End Fire Apparatus Access Road Turnaround) is amended to show:

A 70' "Y" and a 140' Hammerhead and Acceptable Alternative to 140' Hammerhead.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage, and before the expiration of fifteen (15) days after its passage, shall be published in the Inter-City Express, a newspaper published in the said County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on this 5th day of November 2013, by the following called vote:

AYES: Supervisors Chan, Haggerty, Miley - 3

NOES: Supervisors None

EXCUSED: Supervisors Valle, Carson - 2



President of the Board of Supervisors,
County Of Alameda, State of California

ATTEST: ~~Crystal Hishida-Graff~~, Clerk
Of the Board of Supervisors,
County of Alameda, State of
California

BY: R. Bailey, Deputy

Approved as to Form:

Donna R. Ziegler, County Counsel

By: 

William M. Fleishhacker
Deputy County Counsel