



Office of the City Manager

ACTION CALENDAR
November 10, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: David Sprague, Fire Chief
 Subject: Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code

RECOMMENDATION

1. Adopt the first reading of an Ordinance creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.
2. Adopt a Resolution (Attachment 2) setting forth findings of local climatic, geological, and topographical conditions that require more stringent standards than those in the State Code.
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for December 2, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Implementation will require the purchase of code books and staff time to update inspection software, forms, training, and public-facing materials. No additional funding is currently required.

CURRENT SITUATION AND ITS EFFECTS

First, the State of California has consolidated wildfire safety standards into a new, stand-alone Wildland-Urban Interface Code, effective January 1, 2026. Local governments must adopt this code by reference and may adopt stricter amendments where local conditions warrant. This action pulls all WUI code provisions out of the Berkeley Fire Code and places them in a new separate Chapter within the Berkeley Municipal Code.

Second, on June 17, 2025, the City Council referred to the City Manager a request to create a working group of Berkeley residents and stakeholders to review the vegetation management portion of the Fire Code to ensure that it is clear, reflects unique local

conditions, and incorporates the best available fire science; then return with additional amendments to the City Council before December 31, 2025.

Staff convened the Wildland Urban Interface Vegetation Code Workgroup (WUI Workgroup) inclusive of Eric Weaver, Richard Illgen, Margit Roos-Collins and George Perez-Velez who have met weekly beginning August 20, 2025. Their commitment and willingness to engage in robust discussion has resulted in substantial enhancements to the previously adopted code language including:

- Clarification that mature trees are permitted in Zone 0 (Section 604.3.2 (1) (b))
- Clarification regarding “Continuous Tree Canopy” (Section 604.3.1 (7) (e))
- Made substantial enhancements and simplifications to language within the sections that outline the requirements for Zone 0, Zone 1 and Zone 2 (Section 604.3.1 and 604.3.2).
- Provided clarification around annual vegetation in Zone 1, such as vegetable gardens, seasonal wildflowers, etc.
- Staff continue to work with the WUI Workgroup to create a process by which property owners can demonstrate alternate means they have pursued, or alternate measures they have identified, that meet or exceed the intent of the code by achieving the same practical effect of the fire code. This Wildfire Alternate Means and Measures process would allow for unique conditions on a given property that cannot be captured by a general code applied to the region. Additionally, this workgroup provides an excellent resource to help build a resident guide to assist property owners in navigating the new requirements while following best practices for preventing invasive vegetative species, maintaining residential character, and other supportive actions. Staff will continue to meet weekly with this group through the original timeline.

Third, staff removed the local amendment language regarding misdemeanors from the new California Wildland-Urban Interface Code.

- Note: This section remains in the Berkeley Fire Code and serves as an important enforcement tool for the City of Berkeley to address persistent life safety violations. It is intended for use only in the most severe circumstances, when a property owner or business owner has created or allowed a condition that poses a significant threat to life safety for themselves, their occupants, or the surrounding community. This provision is exercised only after multiple documented attempts by Fire Department staff to achieve voluntary compliance have been unsuccessful and all other reasonable avenues for correction have been exhausted.

Fourth, Staff has created a new tool that residents can use to visualize the Fire Hazard Severity Zones and Mitigation Areas, by adding a new section to the City's Community GIS Portal titled "Fire and Emergency Services" which includes the following layers:

- Local Fire History
- Local Fire Pathways
- Very High Fire Hazard Severity Zone
- High Fire Hazard Severity Zone
- Grizzly Peak Mitigation Area
- Panoramic Mitigation Area
- Evacuation Zones

Finally, Staff re-built www.berkeleyfiresafe.org so a visitor can now enter their address using a tool on the site and understand what Fire Hazard Severity Zone or Mitigation Area the property is within and view customized information (based on location) for Personal Preparedness, Defensible Space Requirements, and Home Hardening.

BACKGROUND AND DISCUSSION

The new California Wildland-Urban Interface Code consolidates WUI requirements formerly spread across Chapter 7A of the California Building Code and Chapter 49 of the Fire Code.

Berkeley's climate, vegetation, and topography create an extreme wildfire risk, as evidenced by regional fire history and the identification by CalFIRE of certain portions of the City to be Very High and High Fire Hazard Severity Zones. Local amendments are necessary to reduce the chance of wildfire spreading into neighborhoods and transitioning to structure-to-structure conflagration.

Berkeley has a history of devastating fires, and the City Council declared wildfire safety a priority in 2019. The community validated this priority by passing Measure FF in 2020 which funds a variety of wildfire risk reduction measures, and the Council adopted Zone 0 (the EMBER resistant zone) into the City's Fire Code on June 17, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Preventing wildfires from spreading into urban areas reduces greenhouse gas emissions, toxic smoke, and contaminated runoff. Adoption of stricter WUI standards also improves community resilience, protects public health, and reduces future rebuilding emissions.

RATIONALE FOR RECOMMENDATION

Adopting the California Wildland-Urban Interface Code with local amendments provides Berkeley with protections tailored to local conditions. These actions align city code with best practices, reduce risk of loss of life and property, and ensure compliance with state law.

Substantially similar defensible space provisions adopted by Council on June 17, 2025 were determined to be statutorily exempt from CEQA pursuant to Public Resources Code 21080.49(c) because the ordinance was a project consisting of establishment or enhancement of residential home hardening or defensible space for wildfire risk reduction within 200 feet of a legal structure. The amendments proposed in this item, as well as adoption of the California Wildland-Urban Interface Code along with other local amendments, is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that adoption of this ordinance will not have a significant effect on the environment.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David Sprague, Fire Chief, 510-981-3473

Attachments:

- 1: Ordinance – Adding Section 19.49 of the Berkeley Municipal Code (California Wildland-Urban Interface Code)
- 2: Resolution - Adopting Findings as to Local Climatic, Geological and Topographical Conditions Rendering Reasonably Necessary Various Enumerated Local WUI Interface Code Standards That Are More Stringent Than Those Mandated by The California Wildland-Urban Interface Code.

ORDINANCE NO. –N.S.

ADOPTION OF THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE AND CONSOLIDATING BERKELEY’S WILDLAND URBAN INTERFACE (WUI) FIRE CODES INTO A NEW BERKELEY MUNICIPAL CODE CHAPTER 19.49, AND REMOVING PREVIOUS WUI CODE REFERENCES FROM BERKELEY BUILDING CODE (BMC CHAPTER 19.28), BERKELEY RESIDENTIAL CODE (BMC CHAPTER 19.29) AND THE BERKELEY FIRE CODE (BMC CHAPTER 19.48)

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

Section 1. That Berkeley Municipal Code Chapter 19.49 is hereby introduced:

Chapter 19.49

BERKELEY WILDLAND-URBAN INTERFACE CODE

Sections:

- 19.49.010 Adoption of the California Wildland-Urban Interface Code**
- Article 1. Scope and Administrative Provisions**
 - 19.49.020 Adoption of Chapter 1 Scope and Administration**
- Article 2. Definitions**
 - 19.49.030 Amendments to Chapter 2 Definitions**
- Article 3. Wildland-Urban Interface Areas**
 - 19.49.040 Amendments to Chapter 3 Wildland-Urban Interface Areas**
- Article 4. Wildland-Urban Interface Area Requirements**
 - 19.49.050 Amendments to Chapter 4 Wildland-Urban Interface Area Requirements**
- Article 5. Special Building Construction Regulations**
 - 19.49.060 Technical Amendments to Chapter 5 Special Building Construction Regulations**
- Article 6. Fire Protection Requirements**
 - 19.49.070 Amendments to Chapter 6 Fire Protection Requirements Including Defensible Space regulations**
- Article 7. Referenced Standards**
 - 19.49.080 Amendments to Chapter 7 Referenced Standards**
- Article 8. General Requirements**
 - 19.49.090 Adoption of Appendix A with amendments**

19.49.010 Adoption of the California Wildland-Urban Interface Code.

The California Wildland-Urban Interface Code, 2025 edition, as adopted in Title 24 Part 7 of the California Code of Regulations, including Appendix A is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley (“City”).

Article 1. Scope and Administrative Provisions

19.28.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the *California Berkeley* Wildland-Urban Interface Code of ~~[NAME OF JURISDICTION]~~, hereinafter referred to as “this code”.

101.3.1 Application. *New buildings and structures, additions, alterations, repairs and re-roofs located in any Fire Hazard Severity Zone or Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this code. This shall include all new buildings and structures, additions, alterations, repairs and re-roofs with residential, commercial, educational, institutional or similar occupancy type uses, which shall be referred to in this code as “applicable buildings,” as well as new buildings and structures, additions, alterations, repairs and re-roofs accessory to those applicable buildings.*

Exceptions:

1. *Group U occupancy accessory buildings or structures of any size located at least 50 feet (15 240 mm) from an applicable building on the same lot.*
2. *Group U occupancy agricultural buildings or structures, as defined in Section 202 of the California Building Code of any size located at least 50 feet (15 240 mm) from an applicable building.*
3. ~~*Group C occupancy special buildings or structures conforming to the limitations specified in Section 450.4.1 of the California Building Code.*~~
4. *New accessory buildings and miscellaneous structures specified in Section 504.11 shall comply only with the requirements of that section.*
5. ~~*Additions to and remodels of buildings originally constructed prior to July 1, 2008.*~~

101.3.1.1 Application date and where required. ~~New buildings or structures for which an application for a building permit is submitted on or after July 1, 2008; or buildings and structures, additions, alterations, repairs and re-roofs for which an application for a building permit is submitted on or after July 1, 2008 located in any Fire Hazard Severity Zone or Wildland-Urban Interface Area shall comply with this code, including all land designated as a wildland-urban interface area by the City of Berkeley. ~~of the following areas:~~~~

~~All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:~~

~~Moderate Fire Hazard Severity Zones.~~

~~High Fire Hazard Severity Zones.~~

~~Very High Fire Hazard Severity Zones.~~

~~Land designated as a Very High Fire Hazard Severity Zone by cities and other local agencies.~~

~~Land designated as a wildland-urban interface area by cities and other local agencies.~~

Exceptions:

~~1. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with this code.~~

~~2. New buildings located in any Fire Hazard Severity Zone within a State Responsibility Area or any wildland-urban interface area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005, but prior to July 1, 2008, shall only comply with the following sections of this chapter:~~

~~2.1. Section 507 — Replacement or Repair of Roof Coverings.~~

~~2.2. Section 504.10 — Vents.~~

101.5 Additions, ~~or alterations~~ or re-roofs. Additions, ~~or alterations~~ or re-roofs shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that the additions, ~~or alterations~~ or re-roofs conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive.

Additions, ~~or alterations~~ or re-roofs shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition, ~~or alteration~~ or re-roof will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard;

will reduce required fire resistance or will otherwise create conditions dangerous to human life.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of the most restrictive referenced standards ~~this code~~ shall govern.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of the referenced code or standard ~~this code~~, as applicable, shall take precedence over the provisions in this code ~~the referenced standard~~.

SECTION 103 – CODE COMPLIANCE AGENCY

103.1 Creation of enforcement agency. The Berkeley Fire Department ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the Fire Chief. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Chief shall be appointed by the ~~chief appointing authority of the jurisdiction~~ City Manager and confirmed by City Council pursuant to Berkeley Charter, Section 28(b) of Article VII.

103.3 Deputies. In accordance with the prescribed procedures of ~~this jurisdiction~~ the City of Berkeley, and ~~with the concurrence of the appointing authority~~ the Fire Chief, hereinafter referred to as the code official, shall have the authority to appoint a ~~Deputy~~ Fire Chief, Fire Marshal, Fire Plans Examiners and other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official. For purposes of this code, the term “code official” shall also include their designees.

SECTION 104 – DUTIES AND POWERS OF CODE OFFICIAL

104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building, structure or activity to which such records relate remains in existence, unless ~~otherwise provided by other regulations~~ required for a longer period by the retention of public record policy of the city.

104.7.2 Inspections. The code official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.5 Fees. The code official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 108.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order with proper reports and tests justifying the condition, labeled and graded as required and expressly approved by the code official.

104.14 Liability for Damage. The expenses of fighting fires and securing emergencies, which result from a violation of this code, Chapter 6.15.030 of the Berkeley Municipal Code (“Unauthorized barbecues and fire on public property”), Sections 13000-13011 of the California Health and Safety Code, Sections 4421-4446 of the California Public Resources Code, or Sections 451,451.5, 452 or 455 of the California Penal Code is a charge against the person(s) whose violation of the code section(s) caused the fire. Damages caused by such fires shall constitute a debt of such person(s) and shall be collectable by the code official in accordance with Section 104.14.1 (“Expense of securing emergencies”) of this code.

Section 104.14.1 Expense of securing emergencies. The expense of securing any emergency that is within the responsibility for enforcement of the code official as given in Sections 104.1 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the code official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

SECTION 105 – PERMITS

105.3 Work exempt from permit. Exemption from the permit requirements of this code or in other Parts of Title 24 shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued where public safety would be at risk, as determined by the code official.

105.4 Permit Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the ~~code enforcement agency~~ City for that purpose. Such application shall not become valid until accepted by the City as complete and appropriate fees paid. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.

4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code or in other Parts of Title 24.
5. State the valuation of any new building or structure or any addition, remodeling, or alteration or re-roof to an existing building.
- ~~6. Be signed by the applicant or the applicant's authorized agent.~~
- ~~7.~~ 6. Give such other data and information as required by the code official.

105.4.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned ~~180-365~~ days after the date of filing, unless it can be demonstrated by the applicant that such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each per extension. The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. An application, once abandoned, shall be deemed expired and a new application will be required to be submitted.

Exception. If an application is associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

105.6.1 Refusal to issue a permit. Where the application or construction documents do not conform to the requirements of pertinent laws or when public safety would be at risk, the code official shall reject such application in writing, stating the reasons therefor.

105.8 Expiration of Permit. *On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)*

The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council.

The issuance of a building permit shall not excuse the permittee or any other person from compliance with deadlines imposed in any notice and/or order to correct a code violation issued by the City. If a permit is for a project associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

When a permit is deemed expired and a new permit is required to complete the work, a new permit application and plans shall be filed describing the remaining work to be done.

Fees shall be assessed based on the valuation of the work remaining to be completed or itemized as allowed by adopted fee schedule. If a site visit or other review is required to determine the extent of the remaining work, a fee may be charged to make such determination.

For the purposes of this section “suspended or abandoned for a period of 12 months after the time the work is commenced” shall mean that no activity or progress has been made on site for the work approved under the issued permit in the time period the permit is active and a completed and approved city inspection, per Section 109.1 of this code and/or California Building Code Section 110.3, has not been acquired.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale ~~on substantial paper or cloth~~ and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

106.4 Vegetation management compliance. *Prior to the building permit final approval, the property shall be in compliance with the vegetation management requirements prescribed in Section 603, including California Public Resources Code 4291 or California Government Code Section 51182, and Section 302.3. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:*

- 1. Local, state or federal fire authority or designee authorized to enforce vegetation management requirements.*
- 2. ~~Enforcing agency~~ Berkeley Fire Department inspection and/or vegetation management plan submittal, review, and approval.*
- 3. Third-party inspection and certification authorized to enforce vegetation management requirements.*
- 4. Property owner certification authorized by the ~~enforcing agency~~ Berkeley Fire Department.*
- 5. Compliance with hazardous vegetation and fuel mitigation and home hardening requirements in Section 604.3.1 and Section 604.3.2.*

106.5 Fire protection plan. Where required by the code official pursuant to Section 602, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit. The Fire Protection Plan shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan as established by City Council resolution.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than ~~180 days~~ 5 years from date of completion of the permitted work or as required by state or local laws or per the public records retention policy of the city, whichever is longer; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on

the site of the building, use or work at all times during which the work authorized thereby is in progress. *Refer to Building Standards Law, Health and Safety Code Sections 19850 and 19851 for permanent retention of plans.*

106.11 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within ~~480~~ 365 days after the effective date of this code and has not been abandoned.

SECTION 108 – FEES

108.1 Payment of fees. Except when fees are deferred, a permit application shall not be deemed valid until the fees set forth by resolution of City Council have been paid. A permit shall not be valid until the fees prescribed by law as set forth by resolution of City Council have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems, or alterations ~~Where~~ a permit is required, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by the applicable governing authority set forth by resolution of the City Council. Fees for permits and inspections and other related services under this code shall be assessed and paid as set forth by resolution of the City Council. Unless waived or deferred, as provided by local regulations, a plan review fee and other fees as specified in the resolution shall be paid at the time of submitting any documents for review and additional fees as specified in the resolution shall be paid at issuance of the permit.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees as set forth by resolution of the City Council to be twice the amount of the required fees to obtain a permit for that work, activity or operation regulated by this code. This is in addition to the permit fees for the portion of the scope of work performed without the permit.

SECTION 109—INSPECTION AND ENFORCEMENT

109.1.3.1 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a previously approved inspection for the same work or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. This section applies for the following reasons:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.

3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the code official, requires a re-inspection fee to be assessed.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

109.2.3 Corrective Actions. The code official is authorized to take enforcement actions as necessary to achieve compliance with this code, including but not limited those actions specified in Sections 109.3.7 (“Violation penalties”) and 109.3.5.5 (“Summary abatement”) of this code, and as authorized by Berkeley Municipal Code, Chapter 1.24, “Abatement of Nuisances”, and in accordance with all other applicable portions of the Berkeley Municipal Code. Corrective actions may also include the use of abatement warrants and the imposition of property liens as appropriate and in accordance with law.

109.3.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section ~~109.3.1~~ 109.3.5.3.

109.3.5 Unsafe conditions. Structures or existing equipment that are or hereafter become structurally or otherwise unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a structural or fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

All such unsafe buildings, equipment, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapters 1.24, 19.28, 19.40 and/or 19.44 of the BMC as applicable. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the City Council, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

109.3.5.3 Safety Assessment Placards. Placarding. Upon failure of the owner, the owner’s authorized agent or the person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “UNSAFE” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.3.5.3.1 Posting. The code official or designee shall post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

109.3.5.3.2 Application of provisions. The provisions of this section are applicable to all buildings and structures of all occupancies regulated by the City of Berkeley. The City Council may extend the provisions as necessary.

109.3.5.3.3 Safety Assessment. Safety Assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

109.3.5.3.4 Placards. This section establishes standard placards to be used to indicate the condition of a building or structure for occupancy after a natural or human-caused disaster and a rapid evaluation by authorized personnel.

Following are titles and descriptions of the official jurisdiction placards to be used to designate the condition of a building or structure for continued occupancy, partial or conditional occupancy, or unsafe to enter. Copies of placards are on file in the Building and Safety Division of the Planning and Development Department.

INSPECTED – Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent hazard has been found. This placard is not intended to mean there is no damage to the building or structure, but that any damage that occurred does not present a hazard to occupants.

RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

UNSAFE – “Do Not Enter or Occupy” is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Building or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official, or the building official’s authorized representative. Safety assessment teams shall be authorized to enter these building at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

109.3.5.3.5 Content of placard. The BMC Section number and the words "City of Berkeley" shall be permanently affixed to each placard.

109.3.5.3.6 Unlawful to remove. Once a placard has been attached to a building or structure, it is not to be removed, altered or covered until done so by an authorized representative of the code official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

109.3.5.3.17 Placard removal. The code official shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes a safety assessment ~~an unsafe condition~~ placard without the approval of the code official shall be subject to the penalties provided by this code.

109.3.5.5 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the code official is authorized to abate or correct summarily such hazardous conditions that are in violation of this code, including fire nuisances. Where the owner does not comply with an abatement order under Section 109.3.5.2 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 109.3.5.4.1.

109.3.5.4.1 Abatement process. The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal Code Chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.

109.3.7 Violation penalties. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, construct, alter, repair or do work for a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [~~SPECIFY OFFENSE~~], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances," with the exception of section 112 (Means of Appeal) which supersedes these provisions. All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

109.3.7.1 Unlawful acts. *It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, ~~or~~ occupy, or utilize any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code or create, maintain or allow to continue any fire hazard.*

109.4 Restricted Entry of Wildland-Urban Interface Areas. The code official shall determine and publicly announce when Wildland-Urban Interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Wildland-Urban Interface areas are closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within Wildland-Urban Interface areas and their invitees and guests going to or being upon their lands;

2. Entry, in the course of duty, by peace officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

109.5 Trespassing on Posted Property

109.5.1 General. When the code official determines that a specific area within a Wildland-Urban Interface Areas, as listed in Section 302.3, presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

109.5.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

109.5.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

SECTION 110—CERTIFICATE OF COMPLETION OCCUPANCY

110.1 General. A building, structure or premises shall not be used or occupied, and a change in the existing use or occupancy classification of a building, structure, premise or portion thereof shall not be made until the code official has issued a certificate of completion occupancy therefor as provided herein. The certificate of occupancy shall not be issued until the code official has determined that the project is in compliance with this code. *The code official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this code. Issuance of a certificate of occupancy by the local building official for the proposed building shall be considered to indicate compliance with this code.*

110.2 Certificate of occupancy. Issuance of a certificate of occupancy is the responsibility of the local building official. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

Exceptions:

~~1. Certificates of occupancy are not required for work exempt from permits under Section 105.3.~~

~~2. Accessory structures.~~

110.3 Temporary occupancy. The code official, in agreement with the local building official, is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The code official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The code official, in agreement with the local building official, is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 – SERVICE UTILITIES

111.1 Authority for cConnection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, power, water system or sewer system to any building, structure or system that is regulated by this code for which a permit is required until ~~authorized~~ authorization to connect by the code official has been obtained.

111.1.2 Authority to connect utilities. Clearance for connection of one utility, either gas or electrical, will be withheld until final building, electrical, plumbing, and/or mechanical inspections are made and approval has been given for any new building or change in occupancy classification to an existing building for which connection to such utilities is sought, unless approval has been first obtained from the code official, as provided by a Temporary Certificate of Occupancy or Final Certificate of Occupancy.

111.3 Authority to disconnect service utilities in emergencies. The code official shall have the authority to authorize ~~disconnection of utility service to~~ disconnect electrical power or other energy service supplied to ~~the a~~ building, structure, ~~or~~ system or building service equipment therein regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure, ~~or~~ service system or equipment of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or the occupant of the building, structure, ~~or~~ service system or equipment shall be notified in writing as soon as practical thereafter.

111.4 Unsafe service utilities. Unsafe service utilities are hereby declared to be public nuisances and shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in this code and/or per Chapter 19.40 of the Berkeley Municipal Code (BMC) for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative. When service utilities are maintained in violation of this Code and in

violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

111.5 Authority to condemn electrical, plumbing and/or mechanical systems and equipment. Whenever the code official determines that an electrical, plumbing, or mechanical system or equipment regulated by this code is hazardous to life, health or property, the building official may order in writing that such systems or equipment either be removed or restored to a safe working condition. The written notice shall fix a reasonable time limit for compliance with such order. Persons shall not use or maintain defective systems or equipment after receiving such notice except as may be provided therein.

When equipment or an installation is to be disconnected, a written notice of such disconnection and the reasons therefore shall be given within 24-hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When equipment or an installation is maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Unsafe electrical, plumbing, and/or mechanical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 19.40 of the BMC for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative.

111.6 Connection after order to disconnect. Persons shall not make connections to a service utility, a source of energy, fuel, or power, or a water system or sewer system or equipment that has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the code official, until the building official authorizes the reconnection and use of the disconnected service systems or equipment.

SECTION 112 – MEANS OF APPEALS

112.1 ~~General Appeals Procedure.~~ ~~In order to hear and decide appeals of 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. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~ The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Fire Code Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Fire Code Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Fire Code Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 112.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing shall be scheduled prior to receipt of payment or approval of the hardship waiver.

112.1.2 Stay of Proceedings. The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. ~~The board~~ City Council shall not have authority to waive requirements of this code.

112.3 Qualifications. ~~The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~ **Decisions.** The City Council shall review the action of the fire code official and shall do any one of the following:

Refer the matter back to the fire code official.

If the facts stated in, or ascertainable from the, Notice of Appeal, the written statement of the fire code official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.

If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.

Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.

If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.

If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.

112.4 Administration. The fire code official shall take action without delay in accordance with the decision of the ~~board~~ City Council.

Article 2. Definitions

19.49.030 Adoption of Chapter 2 Definitions

Chapter 2 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the primary structure and that is located on the same lot. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPLICABLE BUILDING. *A building or structure that has residential, commercial, educational, institutional or similar occupancy type use.*

BERKELEY BUILDING STANDARDS CODE. The Berkeley Building Standards Code includes the most recently adopted Berkeley Building Code, Berkeley Residential Code, Berkeley Existing Building Code, Berkeley Historical Building Code, Berkeley Electrical Code, Berkeley Mechanical Code, Berkeley Plumbing Code, Berkeley Green Code, and Berkeley Energy Code.

BOLE OF A TREE. A bole of a tree is its main trunk, specifically the part extending from the roots up to the first branches and canopy.

FIRE HAZARD. Anything or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City of Berkeley.

FIRE HAZARD SEVERITY ZONES. *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Area or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189, and locally amended and adopted under ordinance 7958 N.S.*

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California." The map, approved by the Office of the State Fire Marshal, is hereby incorporated by reference and entitled "State Responsibility Area Fire Hazard Severity Zones," dated September 29, 2023 April 1, 2024. The map is available at <https://osfm.fire.ca.gov/fire-hazard-severity-zones>.

In the City of Berkeley, the wildland-urban interface areas that include high and very high fire hazard severity zones are described in Section 302.3 of this code.

FIRE NUISANCE. Anything or act, which is annoying, unpleasant, offensive or obnoxious because of fire.

FIRE PROTECTION PLAN. A document prepared for a specific premises, project or development, either existing or proposed for the wildland-urban interface area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

FORBS. Forbs are herbaceous (non-woody) flowering plants that are not grasses, sedges, or rushes.

FUEL BREAK. *(applicable to CCR, Title 14 provisions only). A strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential and/or ember production. [CCR Title 14§1270.01(n)].*

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames, and complies with the requirements of this code.

JURISDICTION. The City of Berkeley.

OUTBUILDING(S). *(applicable to CCR, Title 14 provisions only). Any buildings or structures that are less than 120 square feet (11.15 m²) in size and not used for human habitation. An "Outbuilding" is not a "Building" or "Structure" as defined herein. [CCR Title 14 §1299.02(c)]*

WILDLAND-URBAN INTERFACE AREA (WUI). *A geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and other areas designated by the City enforcing agency to be at a significant risk from wildfires. For the City of Berkeley’s WUI areas see section 302.3.*

Article 3. Wildland-Urban Interface Areas

19.49.040 Chapter 3 Wildland-Urban Interface Areas

Chapter 3 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

302.3 WUI Areas in Berkeley. The High Fire Hazard Severity Zone, Very High Fire Hazard Severity Zone, Panoramic Mitigation Area, and Grizzly Peak Mitigation Area are designated as Wildland-Urban Interface Area (WUI) and are described as follows:

302.3.1 FLATLANDS AREA. The Flatlands Area encompasses the entire City of Berkeley except for areas in the High and Very High Fire Hazard Severity Zones, which includes the Panoramic Mitigation Area and Grizzly Peak Mitigation Area.

302.3.2 HIGH FIRE HAZARD SEVERITY ZONE. Encompasses those areas identified as High Fire Hazard Severity Zones, locally amended and designated by ordinance pursuant to California Government Code Sections 51176 through 51189. These areas are available on the City of Berkeley publicly accessible GIS map.

This area includes areas of the City east / northeast of the line formed by these roads. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

- a. The Arlington Avenue from the Kensington Border to Marin Avenue
- b. Fountain Walk from Marin Avenue to Sutter Street
- c. Sutter Street from the southern portal of the Northbrae Tunnel to Eunice Street
- d. Eunice Street from Sutter Street to Spruce Street
- e. Spruce Street from Eunice Street to Hearst Avenue
- f. Hearst Avenue from Spruce Street to Gayley Road
- g. Gayley Road from Hearst Avenue to Piedmont Avenue
- h. Piedmont Avenue from Gayley Road to Bancroft Way
- i. Piedmont Crescent from Piedmont Avenue to Warring Street
- j. Warring Street from Dwight Way to Derby Street
- k. Derby Street from Warring Street to Belrose Avenue
- l. Belrose Avenue from Derby Street to Garber Street

- m. Claremont Boulevard from Garber Street to Claremont Avenue
- n. Claremont Avenue from Claremont Boulevard to the Oakland Border

302.3.5 VERY HIGH FIRE HAZARD SEVERITY ZONE. The Very High Fire Hazard Severity Zone encompasses those areas identified by CalFIRE as Very High Fire Hazard Severity Zones pursuant to California Government Code 51175-51189, locally amended and designated by ordinance. These areas are available on the City of Berkeley publicly accessible GIS map.

PANORAMIC MITIGATION AREA. The Panoramic Mitigation Area encompasses those areas of the city bounded by the line formed by these roads and by the City Limit to the east. The entirety of the Panoramic Mitigation Area is designated, by ordinance, as a Very High Fire Hazard Severity Zone. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

- a. Centennial Drive from the Oakland border to Stadium Rim Way
- b. Stadium Rim Way from Centennial Drive to Canyon Road
- c. Canyon Road from Stadium Rim Way to Bancroft Way
- d. Bancroft Way from Canyon Road to Bancroft Steps
- e. Bancroft Steps from Bancroft Way to Bancroft Way
- f. Bancroft Way from Bancroft Steps to Piedmont Avenue
- g. Piedmont Avenue from Bancroft Way to Dwight Way
- h. Dwight Way East from Piedmont Avenue to the eastern terminus of Dwight Way.
- i. A straight line extending East from the terminus of Dwight Way to the Oakland border.

GRIZZLY PEAK MITIGATION AREA. The Grizzly Peak Mitigation Area encompasses those areas of the city east of Grizzly Peak Boulevard to the city boundary. Homes addressed on, or with a structural frontage on either side of Grizzly Peak Boulevard are included in the area. The Grizzly Peak Mitigation Area is designated, by ordinance, as a Very-High Fire Hazard Severity Zone.

302.4 Restrictions in Wildland-Urban Interface Areas. Code requirements in this code apply to the High Fire Hazard Severity Zone, Very High Fire Hazard Severity Zone, Panoramic Mitigation Area, and Grizzly Peak Mitigation Area.

Article 4. Wildland-Urban Interface Area Requirements

19.49.050 Chapter 4 Wildland-Urban Interface Area Requirements

Chapter 4 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

402.3 Existing conditions. *Existing buildings shall be provided with address markers in accordance with Sections 403.2.4 and 403.2.5. Existing roads and fire protection equipment shall be provided with markings in accordance with Sections ~~403.4~~403.2.2 and ~~403.2.3-404.8~~, respectively.*

SECTION 403—ACCESS

USER NOTE: The standards in Section 403 applicable to roads shall not apply to roads used solely for agriculture; mining; or the management of timberland or harvesting of forest products. [CCR, Title 14 §1270.03(d)]

403.1 General. Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent 403.1.1 to 403.1.9. [CCR, Title 14 §1273.00]

Where conflicts occur between Section 403 – Access and the Berkeley Fire Code Appendix D – Fire Apparatus Access Roads, the provisions of the most restrictive code shall govern.

403.2.4 Addresses for Buildings.

(a) All Buildings shall be issued an address by the ~~Local Jurisdiction~~ City of Berkeley which conforms to ~~that jurisdiction's~~ the City's overall address system. Utility and miscellaneous Group U Buildings are not required to have a separate address; however, each Residential Unit within a Building shall be separately identified.

(b) The size of letters, numbers and symbols for addresses shall conform to the standards in the California Fire Building Code Section 502.1, ~~California Code of Regulations Title 24, Part 9.~~

(c) Addresses for residential Buildings shall be reflectorized.

404.5 Adequate water supply. *Fire-flow requirements shall be determined in accordance with Appendix B or BB of the California Berkeley Fire Code, as applicable.*

Article 5. Special Building Construction Regulations

19.49.060 Chapter 5 Special Building Construction Regulations

Chapter 5 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

501.1 Scope. New Buildings and structures, additions, alterations, repairs and re-roofs constructed in a wildland-urban interface area shall be constructed in accordance with the California Building Code, California Fire Code and this code.

Exceptions:

1. Group U accessory buildings or structures not exceeding 120 square feet (11 m²) in floor area where located not less than 50 feet (15240 mm) from applicable buildings on the same lot.
2. Group U agricultural buildings or structures not less than 50 feet (15 240 mm) from applicable buildings.

501.1.1 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within a State Responsibility Area (SRA) or Local Responsibility Areas (LRA) or any building or structure in the wildland-urban interface (WUI) areas as specified in Section 302.3 to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

501.1.2 Application. Construction of new buildings and structures, additions, alterations, repairs, and re-roofs located in any Fire Hazard Severity Zone or new buildings and structures, additions, alterations, repairs and re-roofs located in any wildland-urban interface (WUI) area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter. This shall include all new buildings and structures, additions, alterations, repairs and re-roofs with residential, commercial, educational, institutional or similar occupancy type uses, which shall be referred to in this chapter as “applicable building(s)” (see definition in Chapter 2), as well as new buildings and structures, additions, alterations, repairs and re-roofs accessory to those applicable buildings.

501.2.1 Construction methods and requirements within established limits.

Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in this code, the Berkeley Fire Code, and the Berkeley Building Standards whichever is most restrictive.

503.1 General. Buildings and structures hereafter constructed, added to, modified, repaired, re-roofed or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with *Chapter 5*. Materials required to be ignition-resistant *building* materials shall comply with the requirements of Section 503.2.

Exceptions:

1. *New accessory buildings and miscellaneous structures complying with Section 504.11.*
2. ~~*Additions to and remodels of buildings originally constructed prior to July 1, 2008.*~~
2. *Group C occupancy special buildings conforming to the limitations specified in Section 450.4.1 of the California Building Code.*

504.2 Roof assembly. Roofs shall have a roof assembly that complies with a Class A fire classification when tested in accordance with ASTM E108 or UL 790. For additional compliance see California Building Code Chapter 15, Section 1505.2 for Class A roof assemblies. The roof assembly shall be installed in accordance with its listing and the manufacturer's installation instructions.

Wooden shakes and shingles are prohibited roof coverings regardless of the assembly rating of the roof system

Exceptions: *The following assemblies are exempt from testing and shall be considered as equivalent to the Class A fire classification:*

1. Roof assemblies with coverings of brick, masonry or an exposed concrete roof deck.
2. Roof assemblies with ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile or slate installed on noncombustible decks or ferrous, copper or metal sheets installed without a roof deck on noncombustible framing.
3. Roof assemblies *with* minimum 16 oz/sq ft (0.0416 kg/m²) copper sheets installed over combustible roof decks.
4. *Roof assemblies of slate roof covering installed over ASTM D226, Type II underlayment over combustible decks.*

505 – RESERVED REPLACEMENT OF EXTERIOR WALL COVERING

505.1 Replacement of Exterior Wall Covering. Materials for replacement of existing exterior wall covering shall meet or exceed the standards set forth in Section 504.5 of this code.

Exception: Where less than 50% of any wall surface is being replaced or repaired, and the matching of the new plane to the existing plane on that wall is not possible.

506 – RESERVED UNDERGROUND UTILITY CONNECTIONS

506.1 Underground utility connections. For new construction, provisions shall be made for the undergrounding of all utilities serving the property, including but not limited to

electrical, telephone and cable television, by the installation of appropriately sized underground conduits extending from the parcel.

SECTION 507—REPLACEMENT OR REPAIR OF ROOF COVERINGS

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are entirely replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a roof covering as required for new construction in accordance with Sections 504.2 and 504.2.1. All portions of a roof covering applied during an addition, alteration or repair to an existing structure shall meet at least a Class A fire classification in accordance with Sections 504.2 and 504.2.1.

The entire roof covering of every existing building or structure where more than 50 percent of the total roof area is replaced within any 5-year period shall be replaced with a fire-retardant roof covering in accordance with Sections 504.2 and 504.2.1.

SECTION 508—ADDITIONAL REQUIREMENTS IN THE PANORAMIC MITIGATION AREA.

508.1 General. In addition to meeting the other requirements of this code, buildings or structures hereinafter erected, constructed, moved, altered, added, or repaired within the Panoramic Mitigation Area shall comply with the following requirements for buildings and structures.

508.1.2 Fire warning system. All residential units shall be equipped with a Fire Warning System as specified by the residential smoke alarm requirements in the most recently adopted California Building Code and/or California Residential Code and with an audible exterior alarm. The exterior alarm must meet the requirements of NFPA 72 or equivalent and generate 45 decibels ten feet from the alarm, or more.

508.1.3 Automatic fire sprinkler systems. Automatic fire sprinkler system requirements shall be as set forth in Berkeley Fire Code Section 903.2.24.

508.1.4 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed underfloor area of a building or structure shall be enclosed with material as required for exterior one hour fire resistive construction. Adequate covered access openings for servicing and ventilation of such facilities shall be provided as required by the applicable code.

508.1.5 Water Service. The water service to the site shall be installed with a 3/4" hose bib connection prior to beginning any construction involving any wood forming or framing. The person responsible for the construction shall have at the site a 75 ft 3/4" hose available at all times.

Article 6. Fire Protection Requirements

19.49.070 Chapter 6 Fire Protection Requirements

Chapter 6 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

SECTION 604—MAINTENANCE OF DEFENSIBLE SPACE

604.3 Requirements. *Hazardous vegetation and fuels around all buildings and structures shall be maintained in accordance with the following laws and regulations:*

1. *Public Resources Code, Section 4291.*
2. *California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.*
3. *California Government Code, Section 51182.*
4. *California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.*
5. *H106azardous vegetation and fuel mitigation and home hardening requirements in Section 604.3.1 and Section 604.3.2.*

604.3 Defensible Space Requirements.

604.3 Requirements. The code official may require a property owner to perform hazardous vegetation and fuel management on their land to maintain defensible space up to 100 feet from structures located on adjacent properties.

Property owners are not required or authorized by this code to enter the properties of another person to implement the requirements of this Section.

604.3.1 Mitigations Required. Within the locally designated Very High Fire Hazard Severity Zone a person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Remove all branches within 10 feet of any chimney or stovepipe outlet.
2. Maintain the roof and roof gutters of any structure, and the surface of any attached deck, porch, landing, or stairs free of leaves, needles, or other deposited vegetative materials.
3. Maintain 6 feet of vertical clearance between branches and all other parts of trees or other vegetation overhanging the roof or other portion of any Structure or attached deck.
4. Zone 0: 0-5 feet from any structure: The requirements of 604.3.1.5 (Zone 1) below apply to this zone.
5. Zone 1: 5 to 30 feet from any structure:
 - a. Remove contiguous vegetation without adequate fuel separation to prevent spread to the structure.
 - b. Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of dead or dying wood.
 - c. Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6' feet above the ground or surface fuels.
 - d. Where shrubs or small trees are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 6 feet, whichever is greater.
 - e. For structures on the same property, such as a shed, hot tub, and playset, ensure these structures are spaced at least 10 feet apart. Have at most three (3) of these structures within 30 feet of a building or structure.
 - i. Existing moveable structures shall comply with the above.
 - f. Relocate exposed firewood piles or lumber further than zone 1, unless they are completely covered in a fire-resistant covering approved by the State Fire Marshal's Building Material Listing Service.
6. Zone 2: 30 to 100 feet from any structure:
 - a. All exposed wood piles or lumber must have a perimeter of a minimum of ten feet (10 ft.) of non-combustible material, such as bare mineral soil, in all directions.
7. For both Zones 1 and 2:
 - a. Remove vegetative and combustible material capable of transmitting fire to a structure as determined by the Fire Code Official.
 - b. Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).

- c. Cut annual grasses and annual forbs to a maximum height of four inches (4 in.) prior to, or upon reaching the senescent or ripening phase when the preponderance of vegetative material is cured or dead.
- d. Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground.
- e. Create horizontal and vertical spacing among shrubs and trees using the “Fuel Separation” method, the “Continuous Tree Canopy” method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, “General Guidelines for Creating Defensible Space, February 8, 2006,” incorporated herein by reference.
- f. Maintain horizontal spacing between shrubs.
 - i. Flat or mild slope (less than 20%): Two times the height of the shrub.
 - ii. Mild to moderate slope (20-40%): Four times the height of the shrub
 - iii. Moderate to steep slope (greater than 40%): Six times the height of the shrub
 - iv. Shrubs maintained as trees, such as limited stems and limbed up 6 feet or one third the height, whichever is greater, shall comply with requirements for trees, and not this section.
 - v. Consistent with fuel management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable, non-native grasses and weeds.
- g. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure or the canopy of other trees.

604.3.2 Specific requirements for Panoramic Mitigation Area and Grizzly Peak Mitigation Area. Effective January 1, 2026 the Grizzly Peak Mitigation Area and Panoramic Mitigation Area shall be subject to 604.3.2 in addition to 604.3.1

A person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Zone 0: 0 to 5 feet from any structure:

- a. Maintain all areas within five (5) horizontal feet of any structure, outbuildings, attached deck or stairs, and the area under attached decks and stairs free of vegetative and non-vegetative combustible material.
 - i. This includes but is not limited to shrubs, vegetative ground cover, climbing vines, combustible boards, timbers, firewood, debris, synthetic lawn, wood mulch products, playsets, plastic trash and recycle cans, trellises, pergolas, shade coverings, planters, attached window boxes, privacy walls, boats, RVs, and other material that could be ignited by embers, radiant heat, or direct flame.
 - ii. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible materials, including bare mineral soil, are permitted.
 - iii. Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window or eave; are kept in an unaffixed, non-combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on, around and under the plants shall be removed.
 - iv. Exception: Hot tubs may be installed within five (5) horizontal feet of a structure, provided they comply with all Zone 0 clearance requirements applicable to structures.
- b. Trees: Existing trees and shrubs are permitted in Zone Zero if:
 - i. Maintained free of dead material.
 - ii. The crown (canopy) is maintained to create:
 1. Six feet (6') above the adjacent building or structure's roof
 2. Ten feet (10') away from chimneys and stovepipe outlets; and
 3. Five feet (5') of horizontal clearance from the sides of any Building, Structure, attached deck, porch, landing or stairs, and hot tubs within five (5) feet of a structure.
 - a. Exception: trees integrated into a deck must maintain 5 feet horizontal separation from the adjacent structure and branches must be 6 feet above the deck.
 4. 6' of vertical clearance above attached decks, attached, landing or stairs, and hot tubs within 5' of a structure.

- c. The roof and rain gutters of a Building or Structure shall be kept clear of leaves, needles, and vegetative material.
- d. Existing fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment.
 - i. Existing fences that are not parallel to the adjacent structure wall, and are within 5 feet of that wall, shall have a non-combustible span within the first 5 feet of the structure perpendicular to the exterior structure wall.
 - ii. Existing parallel fences that do not touch the structure are allowed.
- e. After the effective date of this regulation, no new or replacement sections of combustible fence are permitted within 5 feet of a building or structure including an attached deck.
- f. Outbuildings are not permitted in Zone 0, unless constructed according to the standards in Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations. Outbuildings that meet these standards shall be considered part of the Building or Structure for the purpose of measuring Zone 0.

SECTION 605—SPARK ARRESTORS

605.1 General. Chimneys serving fireplaces, barbecues, incinerators or ~~decorative~~ heating appliances in which solid or liquid fuel is used shall be provided with a spark arrestor. Spark arrestors shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding 1/2 inch (12.7 mm). The arrestor shall be securely attached to the chimney or stovepipe and shall be adequately supported. The use of bands, mollies, masonry anchors or mortar ties are recommended depending upon the individual need. See California Building Code Section 2113A.9.2 (“Spark arrestors”) for specifications.

SECTION 606—LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the ~~California~~ Berkeley Fire Code.

606.2 Location of containers or tanks. LP-gas containers or tanks shall be located within the defensible space in accordance with the ~~California~~ Berkeley Fire Code.

Article 7. Referenced Standards

19.49.080 Chapter 7 Referenced Standards

Chapter 7 of the 2025 California Wildland-Urban Interface Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

BOF State Board of Forestry and Fire Protection

RPC 2 (c) - General Guidelines for Creating Defensible Space, February 8, 2006

CEC

CEnC – 2025: California Energy Code

1.1.8.2,

IAPMO

CPC – 2025: California Plumbing Code

201.3

CMC – 2025: California Mechanical Code

201.3

NEC

CEC – 2025: California Electrical Code

201.3

Article 8. General Requirements

19.49.090 APPENDIX A – GENERAL REQUIREMENTS

Appendix A of the 2025 Wildland-Urban Interface Code is adopted and reproduced in its entirety subject to the modifications thereto which are set forth below.

SECTION A101—GENERAL

A101.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

A101.2 Objective. The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a wildland-urban interface area and improve the capability of controlling such fires.

SECTION A102—VEGETATION CONTROL

A102.1 General. Vegetation control shall comply with Sections A102.2 through A102.4.

A102.2 Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of *nonfire-smart* vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

~~**A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Sections A102.3.1 through A102.3.2.3.~~

Exception: Sections A102.3.1 through A102.3.2.3 do not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

A102.3.1 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

A102.3.2 Electrical distribution and transmission line clearances. Clearances between vegetation and electrical lines shall be in accordance with Sections A102.3.2.1 through A102.3.2.3.

A102.3.2.1 Trimming clearance. At the time of trimming, clearances not less than those established by Table A102.3.2.1 shall be provided. The radial clearances shown are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.1 when evidence substantiating such other clearances is submitted to and approved by the code official.

TABLE A102.3.2.1—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING	
LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400–72,000	4
72,001–110,000	6
110,001–300,000	10
300,001 or more	15
For SI: 1 foot = 304.8 mm.	

102.3.2.2 Minimum clearance to be maintained. Clearances not less than those established by Table A102.3.2.2 shall be maintained during such periods of time as designated by the code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.2.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

TABLE A102.3.2.2—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED	
LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750–35,000	6
35,001–60,000	12
60,001–115,000	19
115,001–230,000	30.5
230,001–500,000	115
For SI: 1 inch = 25.4 mm.	

102.3.2.3 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines or trees in violation of Table A102.3.2.2.

A102.4 Correction of condition. The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

SECTION A103—ACCESS RESTRICTIONS

A103.1 Restricted entry to public lands. The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

A103.2 Trespassing on posted private property. Where the code official determines that a specific area within a wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.1.

A103.2.1 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

A103.2.2 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

A103.3 Use of fire roads, fire breaks, fire trails and defensible space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads, fire breaks, fire trails or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty.

A103.3.1 Obstructions. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads, fire breaks, fire trails or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

A103.3.2 Public access roads, fire roads, firebreaks and fire trails. No person(s) shall use any public access road, fire road, firebreak or fire trail for the storage of any construction material, stationary construction equipment, construction office, portable refuse container, earth from any grading or excavating, or any other construction related activity.

A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the code official, except on clearly established public or private roads designated for use by motorcycles, motor scooters, ultralight aircraft and motor vehicles. Permission from the property owner shall be presented when requesting a permit.

A103.5 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

A103.5.1 Gates, doors, barriers and locks. Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

SECTION A104—IGNITION SOURCE CONTROL

A104.1 General. Ignition sources shall be controlled in accordance with Sections A104.2 through A104.10.

A104.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

A104.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained at not less than 30 feet (9144 mm).

A104.4 Smoking. Where required by the code official, signs shall be posted stating NO SMOKING. ~~Persons shall not smoke within 15 feet (4572 mm) of combustible materials or nonfire-smart vegetation.~~ Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes, cigars, joints, or other device used to burn or heat a substance for inhalation in Wildland-Urban Interface areas are prohibited.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

A104.5 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the code official. See Berkeley Fire Code Sections 308.1.5 Open Flame Devices in Wildfire Risk Areas and 308.1.5.1 Signals and Markers.

Exception: Use of approved equipment within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

A104.6 Fireworks. Fireworks shall not be used or possessed in wildland-urban interface areas.

Exception: Fireworks allowed by the code official under permit in accordance with the California Fire Code where not prohibited by applicable local or state laws, ordinances and regulations.

A104.6.1 Authority to seize. The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

A104.7 Outdoor fires. Outdoor fires in wildland-urban interface areas shall comply with Sections A104.7.1 through A104.7.3.

A104.7.1 General. Persons shall not build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, fire pits or grill and are not less than 30 feet (9144 mm) from any combustible material or *nonfire-smart* vegetation.

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under any of the following conditions:

1. When red flag conditions exist as defined by the National Oceanic and Atmospheric Administration.

2.4. When high winds are blowing.

3.2. When a person 17 years old or over is not present at all times to watch and tend such fire.

4.3. When a public announcement is made that open burning is prohibited. Permanent barbecues, portable barbecues, outdoor fireplaces, fire pits or grills shall not be used if solid or liquid fueled.

A104.7.3 Restrictions. Persons shall not use a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, fire pit or grill for the disposal of rubbish, trash or combustible waste material.

A104.8 Incinerators, outdoor fireplaces, permanent barbecues, fire pits and grills. Incinerators, outdoor fireplaces, permanent barbecues, fire pits and grills shall not be built, installed or maintained in wildland-urban interface areas without prior approval of the code official. Existing incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

Exception: When approved, unprotected openings in barbecues and grills necessary for proper functioning shall be allowed.

A104.8.1 Maintenance. Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

Exception: Where approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

A104.9 Reckless behavior. The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

A104.10 Planting vegetation under or adjacent to energized electrical lines. Vegetation that, at maturity, would grow to within 10 feet (3048 mm) of the energized conductors shall not be planted under or adjacent to energized power lines.

A104.11 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across Wildland-Urban Interface areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across Wildland-Urban Interface Areas.

A104.12 Explosives and Blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within Wildland-Urban Interface areas except by permit from the code official.

A104.13 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface areas except by permit from the code official.

SECTION A105—CONTROL OF STORAGE

A105.1 General. In addition to the requirements of the California Fire Code, storage and use of the materials shall be in accordance with Sections A105.2 through A105.4.2.

A105.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m³) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

A105.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the code official.

A105.4 Combustible materials. Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

A105.4.1 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m²) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m³) in volume or 10 feet (3048 mm) in height.

A105.4.2 Separation. A clear space of not less than 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or *nonfire-smart* vegetation.

SECTION A106—DUMPING

A106.1 Waste material. Waste material shall not be placed, deposited or dumped in wildland-urban interface areas or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exception: Approved public and approved private dumping areas.

A106.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from *nonfire-smart* vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from *nonfire-smart* vegetation or structures.

SECTION A107—PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

A107.1 General. The reliability of the water supply shall be in accordance with Sections A107.2 through A107.5.

A107.2 Objective. The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

A107.3 Fuel modification area. Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing *nonfire-smart* vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

A107.4 Trees. Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

A107.5 Protection of electrical power supplies. Where electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for not less than 2 hours in accordance with Chapter 27 of the California Building Code, Section 1203 of the California Fire Code and the California Electrical Code.

Exception: A standby power source is not required where the primary power service to pumps is underground as approved by the code official.

SECTION A108—LAND USE LIMITATIONS

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

A108.2 Objective. The increased public use of land or structures in wildland-urban interface areas increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

A108.3 Permits. Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be not less than 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

Where required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

SECTION A109—REFERENCED STANDARDS

A109.1 General. See Table A109.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title and the section or sections of this appendix that reference the standard.

TABLE A109.1—REFERENCED STANDARDS		
STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
<i>CBC—25</i>	<i>California Building Code</i>	<i>A107.5</i>
<i>CFC—25</i>	<i>California Fire Code</i>	<i>A104.6, A105.1, A107.5</i>
<i>CEC—25</i>	<i>California Electrical Code</i>	<i>A107.5</i>

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 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.

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA WILDLAND-URBAN INTERFACE CODE AND RESCINDING RESOLUTION NO. 71,710-N.S.

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

WHEREAS, the City is proposing to adopt various enumerated changes and modifications to the California Wildland-Urban Interface Code, as set forth below; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Wildland-Urban Interface 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.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that it finds that each of the various proposed changes or modifications to the California Wildland-Urban Interface Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

1. LOCAL CONDITIONS

a. Climatic Conditions

i. 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 September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland and Berkeley, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.
- 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.

ii. 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.

b. Geological Conditions.

i. 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.

ii. 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.

c. Topographical Conditions.

i. 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 11% of the approximate population of 121,077 per 2020 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.

d. 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.

2. REASONABLE NECESSITY

The proposed changes and modifications to the California Wildland-Urban Interface 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 Wildland-Urban Interface Code as the Berkeley Wildland-Urban Interface Code, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Wildland-Urban Interface Code. These are specifically listed below and may be generally characterized as relating to: designation of the wildland-urban interface areas (WUI), vegetation management guidelines, defensible space requirements, emergency and fire protection access requirements, construction regulations, and fire & life safety provisions in the wildland-urban interface areas.

The following more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 3, Wildland-Interface Areas defines the areas that the State of California Office of the Fire Marshal has identified as moderate, high or very high fire hazard severity zones, and areas that the City of Berkeley has designated as high or very high fire hazard severity zones that were not identified by the State Fire Marshal, within the City of Berkeley. The

State of California Office of the Fire Marshal Fire Hazard Severity Zone (FHSZ) maps were developed using a science-based and field-tested model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered such as fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, population density, and typical fire weather for the area. Section 302.4 (Restrictions in the Wildland-Urban Interface Areas) establish that the provisions in the Berkeley WUI code apply to the high and very high fire hazard severity zones. The Panoramic Mitigation Area and Grizzly Peak Mitigation Area within the City of Berkeley, which are topographically steep and can develop windy conditions, are included in the Very High Fire Hazard Severity Zone. They represent a subset of that geographic area which is subject to additional provisions within the Code.

2. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 4, Wildland-Interface Area Requirements clarify the proper code sections for identifying and addressing structures within the wildland-urban interface area and the water supply requirement per the Berkeley Fire Code. The address identification requirements in the Berkeley Fire Code permit identification of addresses in smokey conditions during a fire and foggy conditions that regularly occur in the WUI.
3. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 5, Special Building Construction Regulations align the model code language with previous local amendments to the Berkeley Building Code and Berkeley Residential Code with some revisions and updates in the code language and code sections that are recommended for continuance in the Berkeley WUI code.
4. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 6, Fire Protection Requirements align the model code language with the previous local amendments to the Berkeley Fire Code in regards to the high and very high fire hazard severity zones in the City of Berkeley.
5. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 8, General Requirements, align the model code language with the previous local amendments to the Berkeley Fire Code in regards to regulations and restrictions in the WUI area.

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

1. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 1, Scope and Administrative Provisions, as amended, details local ordinances and regulations necessary to carry out and enforce the Berkeley Fire Code in the City of Berkeley relating to civil, administrative, or criminal procedures.
2. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 2, Definitions, as amended, provides additional definitions required to clarify and implement the local adoption of the fire code.
3. Berkeley Wildland-Urban Interface Code Chapter 19.49, Article 7, Referenced

Standards, aligns the referenced standards to include standards that are applicable to construction in the WUI area, including the energy, plumbing, mechanical, and electrical codes.

BE IT FURTHER RESOLVED, that Resolution No. 71,710–N.S is hereby rescinded.

