

# CITY POLICY BULLETIN

**ISSUANCE DATE:** April 15, 2016

**PERTINENT OMC SECTIONS:** 16.16.020D (Width of Streets, Non-Hillside)  
16.16.025D (Width of Streets, Hillside)  
16.16.150 (600-Foot Maximum Length to a Dead End Street)  
16.04.060 (Exceptions to Requirements)  
15.12.010C (Fire Chief Discretion to Revise Requirements)  
15.12.020 App. D, Table D103.5 (Secondary Access Road required for Dead End Streets in Excess of 600 Feet)

**QUESTION/ISSUE:** In what instances would the Planning Director, Fire Chief, and City Engineer potentially revise/modify the requirement for secondary access for deadend streets exceeding 600 feet in length?

This Bulletin clarifies and memorializes the circumstances under which the City would consider revising/modifying the requirement of a secondary access for subdivisions that result in dead end streets in excess of 600 feet in length.<sup>1,2</sup>

## **BACKGROUND**

The Oakland Subdivision Regulations prohibit streets that result in a dead end in excess of 600 feet (OMC sections 16.16.150, 16.16.020D and 16.16.0225D); however, the Planning Commission and Planning Director have authority to consider exceptions to this requirement and has previously granted exceptions (pursuant to OMC section 16.04.040) to allow for a dead end street length in excess of 600 feet.<sup>3</sup> Likewise, the Oakland Fire Code (OMC section 15.12.020, App. D, Table D103.5 ) also prohibits streets

<sup>1</sup> This policy bulletin addresses subdivisions. For existing legal lots of record on dead end streets, consult with the Planning Bureau which will consult with the Building Division, Fire Services Bureau, and City Attorney's office to determine adequate requirements for development. However, generally speaking, the City should waive the secondary access requirements if the **applicant demonstrates to the City's satisfaction** that the application of the secondary access requirement to a specific project would create an unconstitutional "taking" of property without just compensation (e.g., there are no feasible alternatives to a secondary access and without City approval of the project the applicant would be deprived of all economically viable use of their property) and that the project, if permitted, would be carried out only to the extent necessary to avoid a "taking."

<sup>2</sup> A "dead end street" is any street or private roadway that contains no additional outlet other than the single entry point; also defined as a "blind street" in OMC Section 16.04.030. The distance measurement for a "dead end street" shall begin at the nearest intersecting "through street." A "through street," while not specifically defined in the OMC, is a street or private roadway that contains multiple outlets to other streets and itself is not a "dead end street."

<sup>3</sup> OMC section 16.04.060 states: "The Advisory Agency may in the exercise of reasonable judgment grant such variances as it determines warranted where the size of the subdivision or topographic or other physical conditions of the property make it impractical to conform to all of the provisions prescribed by this title, provided, however, that no variances may be made to any requirements imposed by the Subdivision Map Act; and provided further, however, that no variances may be made to any requirements imposed by Section 16.20.010." For Tentative Tract Maps, the Advisory Agency is the Planning Commission. For Tentative Parcel Maps, the Advisory Agency is the Planning Director.

that result in a dead end in excess of 600 feet, as did the Draft Access Road Guidelines, which were used prior to their codification into the Municipal Code in 2008; however, the OMC also provides for revisions/modifications to the 600 foot limit on dead end streets (OMC section 15.12.010C).

In addition, the City of Oakland's California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines identify dead end streets in excess of 600 feet without secondary emergency access as a potentially significant environmental impact, unless otherwise determined to be acceptable by the Fire Chief, or designee, in specific instances due to climatic, geographic, or topographic conditions (pursuant to OMC section 15.12.010C).<sup>4</sup>

Given that the above are based upon life-safety factors, the Planning Director has determined that projects containing dead end streets in excess of 600 feet in length without secondary emergency access will **NOT** be recommended for approval by the Bureau of Planning, unless the Fire Chief and City Engineer both agree to modify/revise the secondary access requirement due to specific instances related to climatic, geographic, or topographic conditions, as discussed below.

### **GROUND FOR GRANTING REVISIONS/MODIFICATIONS TO SECONDARY ACCESS REQUIREMENT**

Revisions/modifications to the secondary emergency access requirement will be considered by the Fire Chief, City Engineer, and the Planning Director, each of whom maintain their own independent authority, on a case-by-case basis and **may** be granted when a property contains, at a minimum, **all** of the following characteristics:

- Is **not** located within the Urban-Wildland Interface, High Fire Hazard Severity Zone, or Wildland Fire Assessment District; and
- Contains the required street widths and slopes at the property and surrounding area to provide adequate fire truck access; and
- Is located within an area that has an existing built-out street "grid" and has been previously developed; and
- Is located in an area with adequate fire flow as determined by the Fire Chief.

Revisions/modifications may also be considered for re-parcelization of existing property that has been previously developed and is not located within the Urban-Wildland Interface, High Fire Hazard Severity Zone, or Wildland Fire Assessment District, even though it may not meet all the rest of the above criteria.

Revisions/modifications should **not** be considered automatic but should be considered by the City for subdivisions meeting the above criteria because properties that are located in such areas (a) are not likely to be threatened by wildfires; (b) are located on a grid system, which tends to be located in flat areas of the city that typically would allow the Fire Department multiple points of access across other streets and properties, if necessary; and (c) residents would more easily be able to flee a structure fire by multiple points to other streets or across other properties, if necessary.

In contrast, projects in hillside areas generally do not meet one or more of the above criteria. Such properties are more likely to be threatened by rapidly spreading wildfires; have greater Fire Department response times than properties meeting the criteria; have limited ingress for fire fighters; have limited egress due to the nature of the street patterns, roadway widths, and steep topography; and also afford

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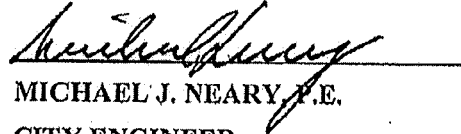
<sup>4</sup> OMC section 15.12.010 C states: "To the extent permitted by law, the Fire Chief may, at his/her sole discretion, revise requirements set forth in the Oakland Fire Code in specific instances due to climatic, geographic or topographic conditions."

residents little or no opportunity to flee a fire. The devastating Oakland Hills Fire of 1991 and prior, historic conflagrations demonstrate the dangers associated with the features of the types of sites that do not meet the above characteristics. As a result, such sites generally would not qualify for revisions/modifications of the 600 foot secondary access requirement.

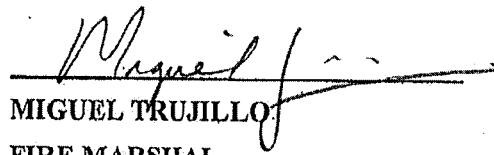
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