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## Orinda City Council won't be hurried to adopt proposed fire code

By Sora O'Doherty

Although public speakers and correspondence seem to overwhelmingly support adopting the revised fire code proposed by Moraga-Orinda Fire District Chief Dave Winnacker, the Orinda City Council still has questions, and won't move forward on the new code yet. Winnacker appeared for a second time at the March 3 council meeting to answer questions. The largest stumbling block appears to be the necessity - or lack of it - for a specific declaration that Orinda is a Wildfire Urban Interface area and the coordination between different agencies doing work in Orinda aimed at reducing a wildfire threat.

Council members, including Nick Kosla, Inga Miller, and Vice Mayor Amy Worth expressed concern that the new fire code might constitute a declaration by the city that Orinda is a WUI, while the fire chief was adamant that Orinda has been a WUI for 20 years. There was a lot of back and forth about the specific language, to the point where members of the public shouted at the council to "just let it go."

In a later interview, Worth emphasized that the council does want to adopt a new fire code, recognizing that the city needs to update. However, she explained, there are some of the details that the council needs to understand.

"We need more clarity on the issue of how the fire zone affects the building code," Worth explained. "We still have to clarify exactly what needs to be done as to how you implement it." She acknowledged that it is wise to update the building code, as was done for Wilder. Worth is interested in the idea of a two-pronged code, one part of the construction code for new buildings and another for existing structures. She also wants to pursue the ability and resources that the fire district can put in to ensure voluntary compliance with the fire code.

During the council meeting, Council Member Dennis Fay said a letter from the California insurance commissioner noted that the WUI designation "does not play into insurers' decision-making or rating plans." Winnacker agreed that the administrative designation of the WUI for the purpose of the building code for new construction is to simplify and clarify the requirements that must be met by any applicant for a building permit. He repeatedly stressed, "We are not making a finding of fact, we are not saying that we need to expand the area of WUI and, as the insurance commissioner seems to agree, we don't think that there is a negative implication from doing this." This largely applies exclusively to new or major renovation, Winnacker noted.

Tom Huggett, Principal Structural Engineer for Contra Costa Building Inspection explained that while WUI came into effect in 2007, the preliminary maps were inaccurate, so building departments did not jump in to enforce. City Attorney Osa Woolf said she would research who made the findings of WUI that would result in the correct code sections being enforced, and report back to the council.

The discussion continued to range over questions about the nature of the landscaping requirements, structural changes that MOFD would like to see implemented, how the fire code can be enforced and what can be done to get property owners to voluntarily improve the fire safety of their property.

During public comment, a letter signed by 600 Orinda residents supporting the proposed fire code was submitted to the council. David Shaffer, who has an insurance agency in Walnut Creek, said that California has experienced 300,000 non-renewals of fire insurance thus far and predicted more in future. In addition, there have been premium increases from 10 to 20% up to 100%. If canceled, a new policy could be up to 300% higher. When asked why he believed people were having such different experiences with insurance, he said that every insurance company has a different concentration of policies and reinsurance companies are putting pressure on insurance companies.

The only public speaker who was slightly cautious about the new code was Michael Bowen from Friends of Orinda Creeks, who exhorted the council to recognize that nuance should be the watchword. "The risk seems low in some places relative to the damage that can be done," he said, urging the council to "seek balance."

When the matter came back to the council for discussion, Miller asked about how those with code violations are notified before issuance of a citation. Winnacker said absentee landlords are immediately given a violation, while there is a discussion with residents who are there and may not know about a violation.

"Writing violations is administratively burdensome on us and if we can get to the end result without writing a violation, we do everything we can to stay in that space," he said.

In the spring everyone gets a postcard that will prioritize just three or four primary items that need to be addressed in simple to understand language. "People who aren't clear on what we are asking are reticent to invest that effort until you know for sure what's required," Winnacker said.

Those who say they just won't do the work will get a violation notice. If they indicate they are willing to do the work, they get a 30-day notice, and this year residents can self-report their compliance by sending a picture, he said.

Miller also said that she has received complaints about Caltrans cutting down trees. Winnacker said, "Caltrans says it is exempt and they won't work with us." Miller raised the issue of slope stabilization and Winnacker replied that only a small number of trees need to be removed, except for the eucalyptus trees and Monterey Pines. Miller then suggested that there needed to be some joint meetings with Moraga, MOFD and the County. "To even call this a rough draft is really a stretch," she conclude.

Kosla agreed. "The intent is great . but trying to get this all done in a relatively short period" presents problems. He spoke of cost issues, current projects, realtors in Orinda, enforcement, availability of loans,

and escrow procedures. "It has to be very explicit," he said. And, he added, this will affect how downtown will look.

Worth thanked Winnacker and said she absolutely shares his goal, but continues to have concern about a declaration of Orinda's fire status. "What I hear is that it is already in place, which is very different from self-declaration of WUI."

Fay said that he, for one, has a very real sense of urgency, and suggested that it might be possible to separate the fire code into two parts, one dealing with existing houses, and another dealing with new development, which, he said, is not rapid. "I'm worried about the next fire season," he said, and asked about mapping out Firewise communities. "We can help you if we have the tools," he noted.

Mayor Darlene Gee commended Winnacker for everything he's done. "This is very important and very urgent," she said. Gee loved Miller's idea of joint meetings, concluding that "a lot of things haven't been implemented for so many years." The matter was then deferred to a date uncertain.

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