



CITY OF FOUNTAIN VALLEY

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THE OFFICE OF THE MAYOR

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May 6, 2003

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John J. Collins

Mayor Pro Tem:
Guy Carrozzo

Council Members:
Gus Ayer
Cheryl Brothers
Larry R. Crandall

City Manager:
Raymond H. Kromer

City Attorney:
Alan R. Burns

The Honorable Fredrick P. Horn
Presiding Judge of the Superior Court
700 Civic Drive West
Santa Ana, CA 92701

RE: ORANGE COUNTY GRAND JURY REPORT, WOOD ROOFS ARE DANGEROUS

Dear Judge Horn:

Thank you for this opportunity to respond to the findings and recommendations of the Grand Jury for Building Codes as they relate to roof covering in our City. We are dedicated to providing the best Building Codes that will mitigate hazards to life and property for the residents of Fountain Valley and have been from the very inception of and the incorporation of our City.

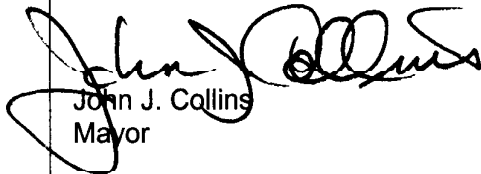
Additionally, Fountain Valley is pleased to report we work closely with the California Building Standards Commission as provided for within the Health and Safety Code of the State of California. We also look forward to participating in the upcoming code cycle.

Our Building Official is a member of the Orange Empire Chapter of Building Officials and is active on their committee for code uniformity in all of the jurisdictions within Orange County. The City of Fountain Valley will review any necessary changes in our building codes during this upcoming code change cycle and will make any necessary changes during that process.

The City Council has carefully considered all recommendations and prepared responses to your four findings and two recommendations as they relate to our City.

If we may be of further service to you or answer any questions, please let me know.

Sincerely,



John J. Collins
Mayor

Attachment

c: Raymond H. Kromer, City Manager
Mark T. Haskell, Fire Chief/Building Services Director
Steve A. Nagel, Fire Marshal/Building Services Manager
Howard E. Larnard, Building Official

Attachment

Response to the Grand Jury Report, Findings and Recommendations on *Wood Roofs are Dangerous*, as required by law. The below listed responses have been considered by the City Council of Fountain Valley after consulting with Howard E. Larnard, CBO, Building Official for the City Of Fountain Valley.

Under California Penal Code Section 933 and Section 933.05, responses are required to all findings. The 2002-2003 Orange County Grand Jury arrived at four findings:

Findings

Finding #1: There is a lack of uniformity in local building codes involving roofs for identical environmental conditions within Orange County.

Response: *Agree.*

This is true. The environmental conditions are consistent throughout the County of Orange. However, the geographic conditions differ from one city to others, somewhat, whereas the topographic conditions differ considerably. The perceived "lack of uniformity" may have a very logical basis as to allowing each locale to determine the level of mitigation of hazards necessary to provide for the degree of safety that is "actually equal" to the other areas of the County as provided within the California Building Code Title 24 and that the citizens of the locale desire.

Finding #2: The testing and qualification standards of wood shakes and shingles are below the environmental conditions of Orange County.

Response: *Disagree.*

This finding seems to be, to some extent, inconsistent with the opinion of the majority of experts throughout the State of California including the State Fire Marshal. The fire retardant pressure treatment of wood used in, up to, a class "A" roof system has, to the best of our knowledge, proved to be on track with the State Fire Marshal's requirements.

Finding #3: The cities' and county's roofing codes do not adequately take into account the climate, particularly the Santa Ana winds, and topographical conditions unique to Orange County.

Response: *Partially disagree.*

The City of Fountain Valley lacks the knowledge to make judgments about other cities so will limit its comments to this jurisdiction.

While this may be the case with some specific cities we believe that the City of Fountain Valley has adequately considered these conditions as they relate to this area of the county and given that our homes are not adjacent to natural habitat we believe our roof standards are appropriate.

Finding #4: Fire conflagrations stress finite fire fighting resources especially during the period of Santa Ana winds.

Response: Agree.

The record of the past decades, in our jurisdiction, does not support this finding as it relates to the City of Fountain Valley. However, we recognize that in some of the areas of very different topography within California that may include heavy brush and vegetation has caused this referenced demand on available resources for adjoining jurisdictions with mutual aid agreements.

Recommendations

In accordance with California Penal Code Section 933 and Section 933.05, each recommendation must be responded to by the government entity to which it is addressed. These responses are to be submitted to the Presiding Judge of the Superior Court of Orange County. Based on the findings, the 2002-2003 Orange County Grand Jury recommends that:

Recommendation #1

Each responding jurisdictional agency should consider amending the building code to require the most fire retardant class of roof covering (Class A) for new construction of all residential structures (Group R) in all fire zones. (Findings 1 through 4)

Response: *This recommendation will not be implemented.*

The City Council has reviewed and considered the above recommendation but intends to continue, as we have, to support and participate in the amendment and adoption process of the California State Building Code as provided in the Health and Safety Code of the State of California in conjunction with the California Building Codes Commission. We do not believe that local conditions in Fountain Valley justify a deviation from that code.

Recommendation #2

Each responding jurisdictional agency should consider amending the building code to require the most fire retardant class of roof covering (Class A) for re-roofing of all residential structures (Group R) in all fire zones, when more than 50 percent of the roof is replaced within one year. (Findings 1 through 4)

Response: *This recommendation will not be implemented.*

In keeping with the response to the Honorable Grand Juries recommendation number one above, after due consideration, the City Council intends to continue working within the system of developing building codes that our society is willing to accept, afford and to live with. We do not believe the facts are present to deviate from that Standard.