



CITY OF NEWPORT BEACH

BUILDING DEPARTMENT

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August 15, 2003

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

SUBJECT: Orange County Grand Jury Report, Wood Roofs are Dangerous

Dear Judge Horn:

We have received the Grand Jury Report that covers the issues related to wood roofs in Orange County. The recommendations based on the findings propose that the City of Newport Beach (and all of Orange County) enact a more stringent requirement for future wood roofs to require a minimum of a Class "A" rating. The findings cited in the report conclude that all of Orange County is subjected to the same dangers from the Santa Ana winds, which create a combination of high winds, high temperatures, and low humidity. The report then outlines the lack of uniformity in local ordinances among each of the jurisdictions. We appreciate the efforts of the Grand Jury, and agree with the majority of the recommendations presented in the report. Within the next six months we will introduce code amendments, as outlined in the **Recommendations** section below, for the City Council to address these concerns.

However, we do not believe that combining Orange County jurisdictions into one very high fire hazard zone is appropriate. Different areas of the county have different fire hazard designations, and this accounts for much of the lack of uniformity throughout the county. It makes perfect sense for the designated high hazard areas to have more stringent standards. Newport Beach is close to the ocean and it is not as hot or dry as some inland communities. The hills and large vegetation areas have been designated as high fire hazard areas and the roofing requirements are more restrictive. Other areas of the City at large have neither wild and uncontrolled vegetation nor some of the other physical attributes that inhibit access for firefighting.



Per the letter from Foreman Carlos N. Olvera, we are submitting herein the jury findings and recommendations with our responses.

Findings

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

Response: We acknowledge that there are different standards being enforced in Orange County concerning roofs. However, we believe that there are different conditions that exist in the county and one standard is not appropriate for all jurisdictions. Although the environmental conditions are somewhat consistent throughout the county, the geographic and topographic conditions differ considerably. The perceived “lack of uniformity” may have a very logical basis as to allow each locale to determine the level of mitigation of hazards necessary to provide for the degree of safety that is “actually equal” to other areas of the county and that the citizens of the locale desire.

- 2. The testing and qualification standards of wood shakes and shingles are below the environmental conditions of Orange County.***

Response: The standards for fire retardant pressure treatment of wood, used for up to a Class “A” roof assembly, to the best of our knowledge, has proved to be in conformance with the State Fire Marshal’s recommendations and requirements. We do not have any data that would support this finding in our jurisdiction. Nevertheless, local jurisdictions do not establish testing criteria and qualification standards. National testing agencies such as the International Code Council (ICC), American Society for Testing and Materials (ASTM), and Underwriter’s Laboratories (UL) are the appropriate agencies to respond to this 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: We will adequately consider these conditions as they relate to the City of Newport Beach when the proposed changes to our building and fire codes are adopted.

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

Response: This is primarily true of communities with wildland/urban interface, designated as very high fire severity zones. Newport Beach has designated areas of urban wildland interface and our proposed code changes will impose more stringent requirements on roof installation in those areas.

Recommendations

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

Response: We have considered the recommendation and agree that Class "A" roof covering will be required for all new construction throughout the City. In addition we will propose requiring Class "A" roof assembly for all urban wildland interface areas.

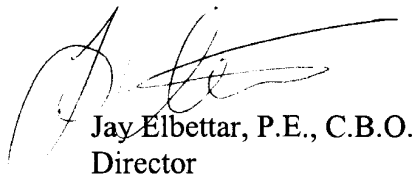
2. *Each responding jurisdictional agency should consider amending the building code to require the most fire retardant class of roof covering (Class A) for re-roofing of all residential structures (Group R) in all fire zones, when more than 50 percent of the roof is replaced within one year. (Findings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

Response: We believe that Class "B" roof assembly is adequate for existing structures in our jurisdiction for the reasons stated above that are not located with in the urban wildland interface area. We will amend our codes to establish triggers consistent with the Grand Jury recommendation as follows: When replacements are more than 50%, we propose to require that the roof to be of Class "B" or better in its entirety. For urban wildland interface areas we propose to require Class "A" covering for the entire roof when the replacements exceed 50%.

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In conclusion, our analysis indicates that we agree with the Grand Jury recommendations except when it applies to remodels or reroofs to areas in the City that are not subject to fire hazard due to its proximity to vegetation. We believe that imposing a more stringent requirement for roofs for existing buildings is a hardship that is not warranted due to our climatic, geographical and topographical conditions. However, we intend to support and participate in the Orange County Uniform Code Amendment and Adoption Program of the California State Building Code through the involvement of myself with Orange Empire Chapter of ICC. We will continue working within the guidelines of developing uniform codes for safer buildings that our society is willing to accept and able to afford. If you have any questions, please contact me at (949) 644-3282.

Very truly yours,
BUILDING DEPARTMENT



Jay Elbettar, P.E., C.B.O.
Director

JE:ds

cc: Mayor and Council Members
Carlos N. Olvera, Foreman, Orange County Grand Jury
Homer Bludau, City Manager
Tim Riley, Fire Chief
Dennis Lockard, Fire Marshal