



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: December 2, 2025

Item Number: 41

Item Description: Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code – Second Reading

Submitted by: Asst. Chief Colin Arnold on Behalf of Chief David Sprague

This supplemental material consists of a letter from the council-directed workgroup that reviewed this code. The letter outlines the accomplishments of the group, suggests a specific extension of the group's work as it pertains to an outstanding directive, and suggests areas for future action by council or a designated body.

November 26, 2025

Dear Mayor Ishii and City Council,

On October 1st, the Wildland Urban Interface Vegetation committee developed a letter of transmittal to accompany the revised EMBER language that went to the City Council two weeks ago. It included significant caveats about the limits to what we felt we could properly work on in the absence of the state's finalizing its own Zone 0 rules, since at the time, we believed Berkeley's rules could only be stricter or as strict as the state's. Our transmittal letter also called out additional issues we needed time to address. We wrote it so early in October because that was when our work for this triennial Fire Code review had to be complete and go to the building department for review and coordination in order to meet the end of year deadline for Council review and adoption.

We are currently expected to sunset as a committee at the end of this year. We are writing to bring you up to date on some issues that we would like you to consider in order to improve the effectiveness of the city's Zone 0 effort and also writing to suggest several areas that might benefit from additional work.

Changes and coordination that could improve the effectiveness of the city's Zone 0 efforts

Please consider how best to approach the following issues:

- The Zone 0 ordinance does not allow combustibles items such as plastic trash bins and recycling bins to be in the first five feet from a home in the VHFHSZ. However, given the small minimum lot setbacks in dense Berkeley, there are people who lack obvious places to keep their bins further from their houses. We wonder whether Public Works and the Ecology Center can be tasked with finding metal bins for the city. As the state gets deeper into wildfire adaptation, the demand should create a market for non-combustible bins if they do not already exist.
- Wood shake roofs are well-established as a fire hazard not only to one's own house but also to one's neighbors' homes, because of the firebrands they generate when they easily ignite. Yet Berkeley continues to allow people to keep their shake roofs indefinitely, so long as, when new shingles are required, they never replace more than 49% in a 5 year period. This follows an unsuccessful attempt to ban them after the 1923 fire. People have amply demonstrated their willingness to keep their shake roofs viable through serial partial replacement. It is beyond time to ban any repair or replacement so the roofs phase out as the shingles wear out. Please do not delay this important revision to the Building Code any longer.
- The City of Berkeley has its own Vector Control Program in the Environmental Health Division. Vector Control inspectors examine homes for holes through which rodents could pass. Some of these are easily filled. Others involve locations where

ventilation is useful or filling is impractical. For those sites, it would be very helpful if Vector Control recommended 1/8" or 1/16" mesh instead of the standard 1/4", since only the smaller sizes keep embers out. Please ensure that any necessary communication and coordination occurs so that this change is made. It may involve a change to building code, since 1/4" mesh allows better ventilation than the smaller sizes.

- People will be required by Zone 0 to remove some very tall shrubs, some of them 15 feet high, that have provided valuable privacy to both sides of property lines even from the upper stories. It could help with acceptance of the change if the Building Department would publish guidelines to what the required showing would be in order for it to grant a building permit and height variance for a comparably tall metal structure which could support a vine or be decorative in its own right.

Work remains to be completed at the time that the State Board of Forestry produces their emergency rule making recommendation.

- The state's Board of Forestry Zone 0 committee has announced its intention to release emergency Zone 0 regulations by February or March. This committee would like to be authorized to consider whether Berkeley's ordinance needs to be changed to harmonize with those emergency regulations and, where there are differences between the state and local approaches, whether any aspect of the state approach would be preferable for this community, considering its severe vulnerability to fire and also the potential value of implementing the least controversial measures as quickly as possible.

As a final point, there are at least two citizen members of our committee who are concerned that the enforcement provisions of the Fire Code may be inappropriate in the context of mandated removal of groomed vegetation. There are concerns that in this context, some of the enforcement measures could make the ordinance vulnerable in judicial review. These concerns have been forwarded to the City Attorney's Office for their consideration.

Thank you for the opportunity to be of service,

A quorum of committee members present at the November 26th meeting.