

# WUI VEGETATION CODE WORKGROUP

## REGULAR MEETING

OCTOBER 8, 2025

9:00 AM

Cypress Room – 2180 Milvia St. 1<sup>st</sup> Floor

Fire Chief's Representative – Asst. Chief Colin Arnold

Assistant Chief David Winnacker  
Richard Illgen  
George Perez-Velez

Eric Weaver  
Margit Roos-Collins

### AGENDA

#### Preliminary Matters

Call to Order

Approval of the September 30 Minutes and October 1 Minutes

Public Comment on Non-Agenda Matters

**AGENDA MATTERS** *All Regular agenda matters are for discussion and possible action.*

1. **Action:** **Discussion regarding citations, penalties, and appeals process.**

**Written Materials:** EMBER Enforcement, Page 3 (modified).  
Email regarding internal Administrative Citation Progress.  
Proposed Modifications of Berkeley Fire Code for WUI Appeals and Violations

2. **Action:** **Discussion and possible action on suggestions for the Resident Guide.**

**3. Action:**

**Agenda topics submitted by a member for consideration and discussion:**

State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Soils and Geology  
Fire-resistant Vegetation  
Eucalyptus and Other Dangerous Trees  
Building Composition and Compliance  
Compliance Costs  
Review and Discussion of Submitted Reference  
Materials on Wildfire Preparedness and Zone 0  
Regulations

**Written Materials:** **To reduce printing and paper use, all referenced documents will be available in a binder for public access at the meeting.**

State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Firewise: How To Prepare Your Home For Wildfires  
Elsevier, Landscape and Urban Planning article  
NFA Preparing Homes for Wildfire  
Reducing the Vulnerability of Buildings to Wildfire  
Science Summary by Dr. Travis Longcore  
Brentwood HOA Comments on Proposed Zone 0  
Regulations  
Zone 0 Won't Save Your Home from Wildfire

## **WORK GROUP REPORTS**

### **Adjournment**

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to the Wildland Urban Interface Division of the Berkeley Fire Department, [wildfire@berkeleyca.gov](mailto:wildfire@berkeleyca.gov) 510-981-5620. Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information. Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Berkeley Fire Department located at 2100 Martin Luther King Jr. Way Berkeley, CA.*

#### **COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please

contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

~~~~~  
I hereby certify that the agenda for this regular/special meeting of the Berkeley City's Disaster and Fire Safety Commission was posted at the front of the Division of Training, 997 Cedar Street, as well as on the City's website, three days prior to the scheduled Commission meeting.

SECRETARY SIGNATURE

*Colin Arnold*

the City as a Hearing Officer. The Hearing Officer shall serve as the presiding officer of the Board. The members of the Board shall be hired or appointed by the City Manager. The resident member shall serve without compensation.

- (b) A Property Owner may appeal a Notice of Compliance or a Notice of Violation to the Board of Appeals within 30 days after a Notice of Non-Compliance or a Notice of Violation is served. The Appeal document shall set out all grounds for Appeal, ~~and~~ *Any documents supporting the appeal shall be due within 30 days after filing the appeal, unless the time is extended by the Hearing Officer.* ~~provide any supporting documents.~~
- (c) Basis for Appeal. A Property Owner may appeal a Notice on the following grounds:
  - (1) The intent of Chapter 49 or any rules applying or interpreting the Chapter have been incorrectly applied or interpreted,
  - (2) Chapter 49 does not apply to the property or circumstances of the Notice of Non-Compliance or Notice of Violation;
  - (3) An equally good or better form of construction for Chapter 49 is proposed;
  - (4) The facts of the Notice are in error,
  - (5) City denied an Alternate Means and Measures Request,
  - (6) Compliance with a Notice may cause substantial harm to the property or neighboring properties (such as mudslides)
  - (7) Such other good cause (such as incapacity or lack of financial resources to comply).
- (d) The Board shall not have the authority to waive requirements of Chapter 49 or to interpret the administration of this Chapter.
- (e) Stay. The filing of an Appeal stays any action on the Notice until the Appeal is decided by Board, except in the case of an immediate danger.
- (f) Final City Decision. The Board's decision is the final decision of the City.
- (g) Open hearing. All proceedings of the Board shall be publicly noticed and open to the public.
- (h) City support. The City Clerk shall provide support for the Board as the Board shall require. The City Attorney shall provide such legal support for the Board as the Board shall require.
- (i) City Review of Appeal. Prior to the Board hearing an Appeal, the City may review the Appeal and may address the issues raised in the Appeal and rescind or modify the Notice at issue. The City and the Property Owner may also engage in negotiations or mediation to seek to resolve the issues in the Notice informally.
- (j) City response. The City shall have 30 days to respond to an Appeal, *unless extended by the Hearing Officer.*



Eric Weaver &lt;ericmartinweaver@gmail.com&gt;

---

**Citation Process**

2 messages

**Winnacker, Dave** <DWinnacker@berkeleyca.gov>

Thu, Sep 18, 2025 at 9:29 AM

To: Eric Weaver &lt;ericmartinweaver@gmail.com&gt;

Eric,

Following up our conversation following the workgroup meeting yesterday, I reviewed the internal Administrative Citation process. In relevant part:

**BEFORE ISSUING A CITATION--****GIVE THE VIOLATOR A CHANCE TO CORRECT THE VIOLATION**

Before issuing a citation, give the violator a reasonable chance to correct the violation-- remember, this may be the first time he or she has heard about it.

*Note: From here on out, everything should be in writing.*

**A. First Notice**

Send a "first notice and order to correct" to the violator. The purpose of this letter is to **politely**:

1. Notify the violator of the specific violation;
2. Explain how it must be corrected (*i.e.*, removal of brush, obtaining a building permit, getting a dog license, etc.);
3. Set a reasonable deadline for doing so.

**B. Penalties**

Maximum administrative penalties, well beyond those permitted for infractions, have been established by Council resolution. **However, until we have gained experience with administrative citations, penalties should be the same as for infractions:**

\$100 for the first violation

\$200 for the second violation

\$500 for the third and subsequent violations.

In the case of exceptional violations that have serious consequences, a higher penalty may be imposed. **You should consult with the City Attorney's office before imposing any penalty higher than \$500.00.**

Please let me know if this answers your questions. I am available for a call to discuss as needed.

Best,

Dave

510.684.3021

---

**From:** Arnold, Colin  
**Sent:** Thursday, September 18, 2025 8:54 AM  
**To:** Winnacker, Dave <DWinnacker@berkeleyca.gov>  
**Subject:** Citations

Internal



Colin Arnold • Interim Assistant Fire Chief  
Wildland Urban Interface Division  
[carnold@berkeleyca.gov](mailto:carnold@berkeleyca.gov) • 510-981-5620

---

**Eric Weaver** <ericmartinweaver@gmail.com>  
To: "Winnacker, Dave" <DWinnacker@berkeleyca.gov>

Thu, Sep 18, 2025 at 10:00 AM

Hi Dave. So this is great. But it needs to be made clear to the public. In my opinion at a minimum it should be in the information sheet the BFD is developing. In advance of the completion of the sheet we should try to think of another way to publish it.

Thanks for looking into this for me.

Eric

Eric Weaver  
ericmartinweaver@gmail.com  
[Quoted text hidden]



Colin Arnold • Interim Assistant Fire Chief  
Wildland Urban Interface Division  
[carold@berkeleyca.gov](mailto:carold@berkeleyca.gov) • 510-981-5620

**image001.png**  
9K

## Proposed Modifications of Berkeley Fire Code for WUI Appeals and Violations

### Section 111 Means of Appeal

111.5 This Section 111, Means of Appeal, shall not apply to appeals arising from Section [] Wildland Urban Interface Regulations. Appeals from Wildland Urban Interface notices or violations shall be in accordance with Section [] Enforcement and Appeals from Wildland Urban Interface Decisions.

### Section 112 Violations

112.5 This Section 112, Violations, shall not apply to enforcement arising from Section [] Wildland Urban Interface Regulations. Appeals from Wildland Urban Interface notices or violations shall be in accordance with Section [] Enforcement and Appeals from Wildland Urban Interface Decisions.

DRAFT

# WUI VEGETATION CODE WORKGROUP

## SPECIAL MEETING

SEPTEMBER 30, 2025

2:30 PM

Redwood Room – 2180 Milvia St. 6<sup>th</sup> Floor North

Fire Chief's Representative – Asst. Chief Colin Arnold

Assistant Chief David Winnacker  
Richard Illgen  
George Perez-Velez

Eric Weaver  
Margit Roos-Collins

### DRAFT MINUTES

#### Preliminary Matters

Call to Order: 2:35 PM

#### Present:

- Assistant Fire Chief, Colin Arnold
- Eric Weaver
- Richard Illgen
- Margit Roos-Collins
- George Perez-Velez

#### Not Present:

- Assistant Fire Chief, David Winnacker

#### Public Comment on Non-Agenda Matters

Public Members: 5 comments

**AGENDA MATTERS** *All Regular agenda matters are for discussion and possible action.*

- 1. Action:** Discussion of existing local code amendments to ensure clarity and conduct a final review of the proposed revisions to the annotated Vegetation Ordinance prior to submission to the Fire Chief for review and consideration.
- Written Materials:** Vegetation Ordinance, Annotated  
Clean Copy of Vegetation Ordinance
- Discussion:** The group conducted a detailed review and discussion of the annotated vegetation ordinance in preparation for submission to the Fire Chief. Key points of discussion were language regarding fences, existing fences, ground cover, and terminology for tree canopy. A proposal was made from a member to update language addressing trees integrated into decks, consideration of best available fire science and interest in continuing to evaluate enforcement issues and possible state-level exceptions. The group discussed preparing a letter from the working group to Council. The group agreed to submit the proposed revised ordinance language to the Fire Chief for review and consideration.

## WORK GROUP REPORTS

### Adjournment

The meeting was adjourned at 4:05 PM on a motion by Margit Roos-Collins, seconded by Eric Weaver, and approved by consensus.

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to the Wildland Urban Interface Division of the Berkeley Fire Department, [wildfire@berkeleyca.gov](mailto:wildfire@berkeleyca.gov) 510-981-5620. Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information. Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Berkeley Fire Department located at 2100 Martin Luther King Jr. Way Berkeley, CA.*

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please

contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

~~~~~  
I hereby certify that the agenda for this regular/special meeting of the Berkeley City's Disaster and Fire Safety Commission was posted at the front of the Division of Training, 997 Cedar Street, as well as on the City's website, three days prior to the scheduled Commission meeting.

SECRETARY SIGNATURE

*Colin Arnold*

DRAFT

# WUI VEGETATION CODE WORKGROUP

## REGULAR MEETING

OCTOBER 1, 2025

9:00 AM

Cypress Room – 2180 Milvia St. 1<sup>st</sup> Floor

Fire Chief's Representative – Asst. Chief Colin Arnold

Assistant Chief David Winnacker  
Richard Illgen  
George Perez-Velez

Eric Weaver  
Margit Roos-Collins

### DRAFT MINUTES

#### Preliminary Matters

Call to Order: 9:00 AM

#### Present:

- Assistant Fire Chief, Colin Arnold
- Assistant Fire Chief, David Winnacker
- Eric Weaver
- Richard Illgen
- Margit Roos-Collins
- George Perez-Velez

#### Approval of the September 24 Minutes

Motion by Eric Weaver, seconded by Margit Roos-Collins, and approved by consensus.

#### Public Comment on Non-Agenda Matters

Public Members: 3 comments

**AGENDA MATTERS** *All Regular agenda matters are for discussion and possible action.*

1. **Action:** **Discussion of existing local code amendments to ensure clarity, and review of Item 43c of the Annotated Agenda from the June 17th Council Meeting**

**Written Materials:** Vegetation Ordinance, Annotated  
Clean Copy of Vegetation Ordinance  
Item 43c of the Annotated Agenda from the June 17<sup>th</sup>  
Council Meeting  
Gov. Code 51175-51189  
Summary of Proposed State Changes  
General Guidance for Creating Defensible Space  
Review of Nearby City and District Zone 0 Policies  
Summary of Zone 0 Requirements and Guidance  
from Nearby Cities and Districts  
Draft language on approved materials.

**Discussion:** The group agreed to close Agenda Item #1, confirming satisfaction with the proposed clarifying language. A letter to accompany the staff report was drafted, reviewed, and finalized for submission with the draft vegetation ordinance. The group concluded discussion on this item, with agreement that specific points may be revisited at a later date if needed.

**2. Action:** **Identify and Clarify AMMR Process, clarify modification process (including local conditions and evidence to support the same practical effect**

**Written Materials:** COB Workgroup AMMR PPT  
State Appendix A1-A5  
BMC 1.28

**Discussion:** Assistant Chief Winnacker presented and discussed the AMMR process. A member recommended creating a way to search for approved AMMRs, that approved plans be made publicly available, and view examples of projects that went through the process. A member also suggested that sample approved modifications be made available for residents to reference, and that AMMR guidelines be included in the resident guide. Following the discussion, the group was satisfied with the information provided and agreed to close Agenda Item # 2.

**3. Action:** **Discussion on the definition of combustible materials.**

**Discussion:** The group agreed that Agenda Item #3 will be removed from future agendas, as discussion on Agenda Item #1 has concluded.

**4. Action: Discussion and possible action on suggestions for the Resident Guide.**

**Discussion:** The group suggested adjusting the next meeting agenda by switching Items 4 and 5, noting that discussion of the resident guide should follow clarification and discussion of the preceding agenda topics.

**5. Action: Discussion regarding citations, penalties, and appeals process.**

**Written Materials:** EMBER Enforcement, Page 3 (modified).  
Email regarding internal Administrative Citation Progress.  
Proposed Modifications of Berkeley Fire Code for WUI Appeals and Violations

**Discussion:** The group reviewed the internal administrative citation process. A member suggested making the process more reasonable to reduce resistance and noted the need for an updated appeals process. A request was made for a document summarizing the current citation and appeals process to be provided for review at the next meeting. The group agreed to continue the discussion at that time. A request was also made for information on the frequency of citations issued by the Fire Department and referrals of misdemeanors to the City Attorney. Chief Arnold reported that less than one percent of cases result in citations, noting that of approximately 20,000 violations, 110 resulted in citations.

**6. Action: Agenda topics submitted by a member for consideration and discussion:**

State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Soils and Geology  
Fire-resistant Vegetation  
Eucalyptus and Other Dangerous Trees  
Building Composition and Compliance  
Compliance Costs  
Review and Discussion of Submitted Reference Materials on Wildfire Preparedness and Zone 0 Regulations

**Written Materials:** State Fire Regulations  
Excerpts from the Government Code on Fire Zones

Firewise: How To Prepare Your Home For Wildfires  
Elsevier, Landscape and Urban Planning article  
NFA Preparing Homes for Wildfire  
Reducing the Vulnerability of Buildings to Wildfire  
Science Summary by Dr. Travis Longcore  
Brentwood HOA Comments on Proposed Zone 0  
Regulations  
Zone 0 Won't Save Your Home from Wildfire

**Discussion:**

The group agreed to maintain a binder with hard copies of written materials accessible at meetings to reduce printing and paper use. Written materials will be removed from the agenda packet and provided as needed, to be reintroduced when related topics are under discussion.

**WORK GROUP REPORTS**

**Adjournment**

The meeting was adjourned at 11:03 AM on a motion by Richard Illgen, seconded by Margit Roos-Collins, and approved by consensus.

The next regular meeting is scheduled for Wednesday, October 8, 2025, at 9:00 AM.

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to the Wildland Urban Interface Division of the Berkeley Fire Department, [wildfire@berkeleyca.gov](mailto:wildfire@berkeleyca.gov) 510-981-5620. Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information.*

*Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Berkeley Fire Department located at 2100 Martin Luther King Jr. Way Berkeley, CA.*

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

I hereby certify that the agenda for this regular/special meeting of the Berkeley City's Disaster and Fire Safety Commission was posted at the front of the Division of Training, 997 Cedar Street, as well as on the City's website, three days prior to the scheduled Commission meeting.

**SECRETARY SIGNATURE**

*Colin Arnold*