



TO: Senate Housing Committee

RE: Input on bills coming up for hearing at Housing on 4/29--SB8, SB12, SB63, SB478, and SB563:

DATE: April 23, 2021

We applaud the fact that the bills sponsored by Senator Skinner (SB8) and Senator Wiener (SB10) specifically exempt parcels located within a Very High Fire Hazard Severity Zone (VHFHSZ)/High Fire Hazard Severity Zone (HFHSZ). For the other bills coming up for the hearing, we would strongly support language that also exempts further development of parcels within the VHFHSZ/HFHSZ.

If this is not possible, we would suggest all new zoning bills include the requirement that “capacity for evacuation and emergency response at the same time” be applied to ALL tiers of development – from one unit to multiple units – within a VHFHSZ/HFHSZ. If this requirement is not applied to minor developments, bottlenecks will occur at the narrow points. During the surge of evacuation—when time is of the essence—two-lane roads will become chokepoints.

For example, SB563 can be improved by adding the following clause under Section 1. 53398.69:

(p) Notwithstanding any law in furtherance of state housing production, sustainable communities strategies, greenhouse gas reduction, and wildfire mitigation goals under specified state laws, local agencies, including charter cities, are prohibited from approving a new development in a VHFHSZ/HFHSZ unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy, including providing adequate evacuation routes, to mitigate significant risks of loss, injury, or death.

Justification: This change would ensure that new housing development does not aggravate evacuation in areas of high wildfire risk.

Finally, we believe that SB 63 – which addresses difficult issues of risk reduction in the State – can be improved as follows:

p. 7 line 30, should be modified read “Fuel modification on adjacent property shall only be conducted following written consent of the adjacent landowner, such consent not to be unreasonably withheld, ...”

Justification: This wording will prevent an uninterested property owner from subjecting neighboring owners to risk.

p. 7 lines 34-36 should be modified to read "Any local ordinance shall include provisions to allocate costs, typically 50-50 among the landowners, for any fuel modifications beyond the property line."



Justification: Indicating the typical allocation of costs among landowners will make it easier and quicker to reduce fuel loads.

p. 9 lines 18-19 should be modified to read that "... the State Board of Forestry and Fire Protection, in consultation with the Department of Forestry and Fire Protection, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Plants on the California flammable plants list should be prohibited from planting in the VHFDSZ." If there is no existing California flammable plants list, we recommend using the one drawn up for Ashland, Oregon.

Justification: This wording is intended to provide more specificity for the Board of Forestry and Fire Protection.

p. 14 lines 14-20 should be modified to include private property owners. "Groups eligible for grants shall include, but are not limited to, local agencies, resource conservation districts, fire safe councils, the California Conservation Corps, certified local conservation corps, community conservation corps as defined in Section 14507.5, University of California Cooperative Extension, Native American tribes, private property owners, and qualified nonprofit organizations."

Justification: Even if homeowners are only eligible for 50% funding for mitigation efforts, this funding will incentivize many to undertake prevention and home hardening activities.

p. 15 lines 7-8: "(3) Projects to improve compliance with defensible space requirements as required by Section 4291 through increased inspections, assessments, and assistance for ~~low-income~~ all residents."

Justification: We feel strongly that the State should encourage *all* property owners to abate fuel loads. Perhaps the bill should be modified to provide *some* (e.g. matching) assistance to all residents, and perhaps 100% assistance to low-income residents.

Thank you again for considering these recommendations.

Sincerely,

Sue Piper
Chair
Oakland Firesafe Council

Jim Dolgonas
Make El Cerrito Fire Safe