



Date: October 8, 2026
To: Board of Directors
From: David Aranda, Interim General Manager
Subject: Zone 0 Discussion, Specific to Developing a Timeline and a Plan In Developing Guidelines Within the States Ruling But Specific to Kensington

Background

Attached you will find an ordinance the Fire District approved in preparation for the Zone 0 law. You will also find draft comments from Director Levine in an attempt to get the ball rolling on the district developing an ordinance code specific to Kensington but within the State Zone 0 guidelines.

The purpose tonight is not to get into the discussion about the specifics of the code but rather to obtain some board direction in the following recommendations of the IGM:

1. Form an ad hoc committee to draft some clear direction on what local alternative practices the District wants to pursue.
2. The ad hoc committee meets with the Fire Chief to coordinate and reach agreement on what technical support he thinks is needed to support the alternative practices.
3. Hold Town Hall meetings for input from the community
4. Bring back to the board for a full discussion and at subsequent board meetings approval of an ordinance incorporating the alternative practices into local law.

A big thank you to Director Levine for volunteering to provide the first draft as a starting point.

Exhibit(s)

- Ordinance 2025-01- AN ORDINANCE OF THE KENSINGTON FIRE PROTECTION DISTRICT TO DESIGNATE FIRE HAZARD SEVERITY ZONES PURSUANT TO GOVERNMENT CODE SECTION 51179 AND TO ESTABLISH PROCEDURES FOR DEFENSIBLE SPACE AND HOME HARDENING INSPECTIONS WITHIN THE HIGH AND VERY HIGH FIRE HAZARD SEVERITY ZONES
- Potential Zone 0 Kensington Local Alternative Practices
- Proposal for Handling Local Zone 0 Enforcement in Kensington
- ESaylors Email Zone 0 Local Adjustments
- DLevine Email Zone 0 Local Adjustments

**ORDINANCE 2025-01****AN ORDINANCE OF THE KENSINGTON FIRE PROTECTION DISTRICT TO DESIGNATE FIRE HAZARD SEVERITY ZONES PURSUANT TO GOVERNMENT CODE SECTION 51179 AND TO ESTABLISH PROCEDURES FOR DEFENSIBLE SPACE AND HOME HARDENING INSPECTIONS WITHIN THE HIGH AND VERY HIGH FIRE HAZARD SEVERITY ZONES**

WHEREAS, California continues to experience increasingly severe and frequent wildfires that threaten lives, property, infrastructure, and ecosystems, particularly in Wildland-Urban Interface (WUI) and classified Fire Hazard Severity Zones (FHSZs); and

WHEREAS, pursuant to Government Code Section 51178, the State Fire Marshal identifies areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas; and

WHEREAS, Government Code Section 51179 requires the Kensington Fire Protection District (District) to designate, by ordinance, moderate, high and very high fire severity zones in its jurisdiction within 120 days of receiving recommendations from the State Marshal pursuant to Section 51178; and

WHEREAS, defensible space is an area where flammable material is removed or reduced to help protect people, homes, and communities from wildfire; and

WHEREAS, Assembly Bill 38 (AB 38), effective January 1, 2021, promotes wildfire resilience by requiring sellers of real property located in high or very high FHSZs to provide buyers with documentation regarding compliance with applicable defensible space standards prior to the sale of the home; and

WHEREAS, the District has further advanced fire risk mitigation through the promotion of home hardening strategies, which involve retrofitting buildings with ignition-resistant materials and design features proven to reduce structural loss during wildfires; and

WHEREAS, Government Code Section 51182, Public Resources Code Section 4291, and 14 Cal. Code Regs. Sections 1299.01-1299.05 establish defensible space standards for the 5-30 feet surrounding a property ("Zone 1") to reduce wildfire risk by minimizing flammable materials and maintaining vegetation in a way that slows fire spread as well as standards for the 30-100 feet surrounding a property ("Zone 2") to slow the spread of wildfire by reducing the amount of vegetation that could fuel flames; and

WHEREAS, scientific research and post-fire assessments have demonstrated that the 0-5 feet immediately surrounding a property ("Zone Zero") is the most vulnerable area to windborne embers and flame contact, and that keeping this area free of combustible material significantly reduces the risk of structural ignition; and

WHEREAS, the California Board of Forestry and Fire Protection will adopt regulations providing standards for Zone Zero by December 31, 2025 focusing on ember resistance and the removal of combustible materials adjacent to or touching a structure; and

WHEREAS, the District supports proactive wildfire risk reduction and seeks to align local regulations with state law by adopting defensible space and home hardening measures that include Zone Zero standards; and

WHEREAS, the District will issue a certificate of compliance to owners of real property upon successful completion of a defensible space and home hardening inspection, providing formal documentation of fire safety compliance as required under AB 38; and

WHEREAS, establishing the District's authority to conduct AB 38 inspections and issuance of certificates of compliance will streamline real estate transactions, enhance public safety, and promote community wide wildfire resilience.

WHEREAS, the District will coordinate with CAL FIRE, the California State Fire Marshal and other relevant agencies to ensure consistency with state programs and to share data, best practices, and compliance information as needed.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT ORDAINS AS FOLLOWS:

Section 1: Incorporation of Recitals. The Board of Directors finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2: Procedures for Defensible Space and Home Hardening Inspections are hereby adopted:

Designation of fire hazard severity zones

The Fire Hazard Severity Zones located within the Kensington Fire Protection District are hereby designated as recommended by the California Director of Forestry and Fire Protection pursuant to Government Code Section 51182. The maps of the Fire Hazard Severity Zones are hereby incorporated by reference and entitled "Kensington Fire Protection District Fire Hazard Severity Zones." The official maps are available on the District's website. A copy of these maps shall be kept on file in the office of the fire chief and will also be made accessible through the building department.

Vegetation management standards

- A. Any person who owns, leases, controls, operates or maintains a building or structure shall maintain such building or structure in conformance with the vegetation maintenance standards established by the applicable defensible space and home hardening requirements of Public Resources Code Section 4291, Government Code Section 51182, 14 CCR Sections 1299.01-1299.05 and any other state regulations adopted pursuant to Public Resources Code Section 4291 or Government Code Section 51182, and any regulations adopted by the District, as each is amended from time to time
- B. The El Cerrito-Kensington Fire Department, through the Fire Chief, is hereby authorized and directed to increase defensible space requirements and implement a home hardening program for buildings or structures within the District.

Inspection and issuance of certificates of compliance

- A. Prior to the sale of any real property that is within a high or very high fire hazard severity zone as designated by the Kensington Fire Protection District Fire Hazard Severity Zones map, the owner of the property must request a defensible space and home hardening inspection from the El Cerrito-Kensington Fire Department and provide to the buyer a certificate of compliance or noncompliance report provided by the El Cerrito-Kensington Fire Department pursuant to Section 8.30.030(C).
- B. An owner of any real property that is within a high or very high fire hazard severity zone as designated by the Kensington Fire Protection District Fire Hazard Severity Zones map may voluntarily request a defensible space and home hardening inspection from the El Cerrito-Kensington Fire Department. Upon completion of the inspection, the El Cerrito-Kensington Fire Department shall issue a certificate of compliance or a noncompliance report as described in Section 8.30.030(C).
- C. Upon completion of a defensible space and home hardening inspection confirming full compliance with Public Resources Code Section 4291 and 14 CCR Sections 1299.01-1299.05, as each is amended from time to time, the El Cerrito-Kensington Fire Department shall issue a certificate of compliance valid for a period of up to six (6) months. Upon completion of an inspection confirming noncompliance with Public Resources Code Section 4291 and 14 CCR Sections 1299.01-1299.05, as each is amended from time to time, the El Cerrito-Kensington Fire Department shall issue a written noncompliance report summarizing each area of noncompliance.
- D. The District may, by resolution of the Board of Directors, adopt a fee to recover the costs required to implement this Section 8.30.030, including the costs of inspections, issuance of certificates of compliance, and preparation of noncompliance reports.

Violations and penalties

- A. A violation of this chapter shall constitute an infraction punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.
- B. Conviction of a second violation of this chapter within five years shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars.
- C. Conviction of a third violation of this chapter within five years shall constitute a misdemeanor punishable by a

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fine of not less than five hundred dollars.

Public nuisance

Any violation of the above shall constitute a public nuisance which may be abated, and abatement costs recovered, in the manner relating to fire hazard abatement, or such other manner as authorized by state or local law.

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The board of directors hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 4: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

The foregoing ordinance was introduced at a regular meeting of the Kensington Fire Protection District held on June 18, 2025, and passed by the following vote:

AYES: Madugo, Artis, Paul, Watt

NOES:

ABSENT: Levine

ABSTAIN:

ADOPTED AND ORDERED published at a regular meeting of the Board of Directors held on July 16, 2025 and passed by the following vote:

AYES: Levine, Artis, Paul, Watt

NOES:

ABSENT: Madugo

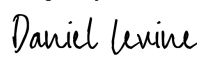
ABSTAIN:

Signed by:


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Dean Richard Artis, Secretary

Signed by:


6E72C6AFE105437...
Daniel Levine, President

Appendix A

- **Class-A fire rated roof** – Most roofs qualify including asphalt shingles, concrete, brick, or masonry tiles, and metal shingles or sheets.
- **5 foot ember resistant zone, including fencing** –
- **Ember- and fire-resistant vents** –1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh screens over exterior vents.
- **Non-combustible 6 inches at the bottom of exterior walls** –A minimum of 6 vertical inches measured from the ground up and from any attached horizontal surface of noncombustible material. Noncombustible materials include brick, stone, fiber-cement siding or concrete.
- **Enclosed eaves** –Enclosed eaves with non-combustible or ignition resistant materials.
- **Multi-paned windows** –Multi-paned glass or added shutters qualify.
- **Cleared vegetation, weeds and debris from under decks** – Noncombustible materials like concrete, gravel, or bare soil are permitted.
- **Removal of combustible sheds and other outbuildings to at least a distance of 30 feet** – These include sheds, gazebos, accessory dwelling units (ADUs), open covered structures with a solid roof, dog houses and playhouses.

Potential Zone 0 Kensington Local Alternative Practices

The overarching purpose of Zone 0 is to reduce the likelihood that wildfire exposure, including windborne embers, direct flame contact, radiant heat, and transmission through adjacent combustible fuels, will ignite an occupied structure. Ember cast can run miles ahead of the front of a wildfire and, if they ignite combustible materials closely located to houses, can cause houses themselves to catch fire. Zone 0 seeks to ameliorate this process by reducing vegetation and other combustible materials in the immediate vicinity of homes.

However, the Zone 0 rules explicitly allow local agencies to modify the Zone 0 compliance rules to account for their own local condition, provided that those alternative practices have at least “substantially similar practical effects”. The Zone 0 rules and supporting materials from the State Board of Forestry specifically call out “geography/topography, fire risk, lot size, response resources, structure composition, or compliance with the CWUI code” as examples of the sort of local considerations that might justify an alternative practice.

From the State guidance: *“For example, some community-specific local alternative options might include an inspector considering the use of fire-safe construction or building materials, an allowance of various vegetation types based on region, or applying logical discretion for unique architecture or design.”*

The statewide dimensional standards can have disproportionately restrictive effects on Kensington's small, closely spaced parcels, particularly the portion in the Very High Fire Hazard Severity Zone to which Zone 0 applies. Most of the lots in the VHFHSZ are <5000 sq ft, with relatively little space between structures. Our high density community is exactly the sort of jurisdiction where alternative practices make sense.

State Zone 0 rules summary:

- 1) Zone 0 generally extends 5' from an Occupied Structure, including its exterior walls, roof, any attached deck, stair, or pergola, or to the property line, whichever comes first.
- 2) Combustible materials are generally prohibited throughout Zone 0.
- 3) Within Zone 0, the area from exterior walls to the projection of eaves (but not less than 1' in general, or 2' from windows, doors, posts, and vents, and within 5' of decks, stairs, or pergolas) shall have no vegetation/combustible material with the exception of existing trees. This is termed the “vegetation-free zone”.
- 4) From the end of this zone to the end of Zone 0, non-woody plants are permitted as long as they are under 18” in height, no more than 1 square foot in area, and each planted 1 sqft area is at least 1.5x the plant's height apart. That is, short, non-woody plants are allowed as long as they are very sparse. This also applied to plants in noncombustible pots, such pots must be no larger than 5 gallons (which is approximately 12” x 12”). If

the plants are in the ground and are less than 3" high (i.e. a low lawn or ground cover), they do not need to be spaced apart.

- 5) Areas underneath decks, stairs, pergolas, and balconies must remain free of vegetation and combustible material.
- 6) Existing combustible fences may generally remain and be repaired. Where a fence or gate attaches to or comes within 1' of a structure, it must have a 5' noncombustible span; new combustible fencing is not permitted within 5' of a structure.
- 7) Sheds and other "outbuildings" are only permitted in Zone 0 if they are noncombustible

Suggested alternative practices:

These are preliminary ideas intended to facilitate discussion with staff, the Fire Chief, and the Board and should not be construed as direction from the Board. These are purely conceptual at this stage.

The spirit of these suggested alternative practices is based on saying that Kensington gives credit when (1) a feature presents less ignition risk than the generic feature assumed by the state regulation, (2) site geometry makes the statewide dimensional rule unusually burdensome, or (3) a different physical barrier interrupts the same fuel/heat pathway.

Except where an alternative practice expressly modifies a particular requirement, all other Zone 0 rules remain applicable. Combustible mulch, dead materials, woody shrubs, firewood, and combustible planters are not permitted within Zone 0. The permitted vegetation under any alternative is limited to non-woody vegetation as specified by the state regulation unless explicitly stated otherwise.

Clarification/interpretation

Clarify balconies

Current rule: Ambiguous. The current rules distinguish balconies from decks, pergolas, stairs in §1298.04(b)(3), but then they are not included in §1298.04(b)(6)(B). This conspicuous absence is not explicitly addressed.

Proposed rule: An elevated balcony is not considered a "deck" for purposes of the five foot vegetation free buffer in §1298.04(b)(6)(B). The area underneath the balcony remains subject to §1298.04(b)(3), and the exterior wall and eave behind the balcony remain subject to the ordinary wall/eave safety-zone requirement.

Reasoning: The regulation itself distinguishes balconies from decks in §1298.04(b)(3), while balconies are conspicuously absent from the special five-foot setback in §1298.04(b)(6)(B).

Elevated balconies also have significant vertical separation from ground vegetation and lack the same direct ground-to-deck fuel pathway.



Clarify window/door buffer

Current rule: Vegetation is not allowed within 2' of windows, door, vents, or posts

Proposed rule: The two-foot vegetation-free buffer is measured from the window, door, vent, or post itself and does not project vertically to grade. Vegetation located more than two feet from the component in actual spatial distance is not within that component's buffer.

Reasoning: The Zone 0 guidelines are slightly ambiguous. A plain reading of them is that the current rule is already the proposed rule, but it seemed good to clarify. For example, a second story window 10' above grade should not trigger a ground-level 2' restriction.



Clarify roof decks / decks over occupied structures

Current rule: Zone 0 extends from an attached deck, and vegetation is prohibited within 5' of a deck. The regulation does not clearly address decks constructed entirely over the roof of a garage or other portion of an Occupied Structure.

Proposed rule: A deck located entirely above and supported by an Occupied Structure, with no deck support posts or other structural components extending independently to the ground, does not create an additional five-foot vegetation-free buffer measured from the deck. The underlying Occupied Structure remains subject to the ordinary Zone 0 requirements applicable to its exterior walls, roof, eaves, windows, doors, and vents.



Reasoning: A roof deck does not create the same ground-to-deck fuel pathway as a conventional deck supported at or near grade. Where the deck is effectively part of the roof assembly of the underlying house, garage, or other Occupied Structure, extending a separate 5' vegetation-free zone outward from the elevated deck would impose an additional ground-level setback even though the deck may be many feet above grade and is already located within the footprint of a structure subject to Zone 0.

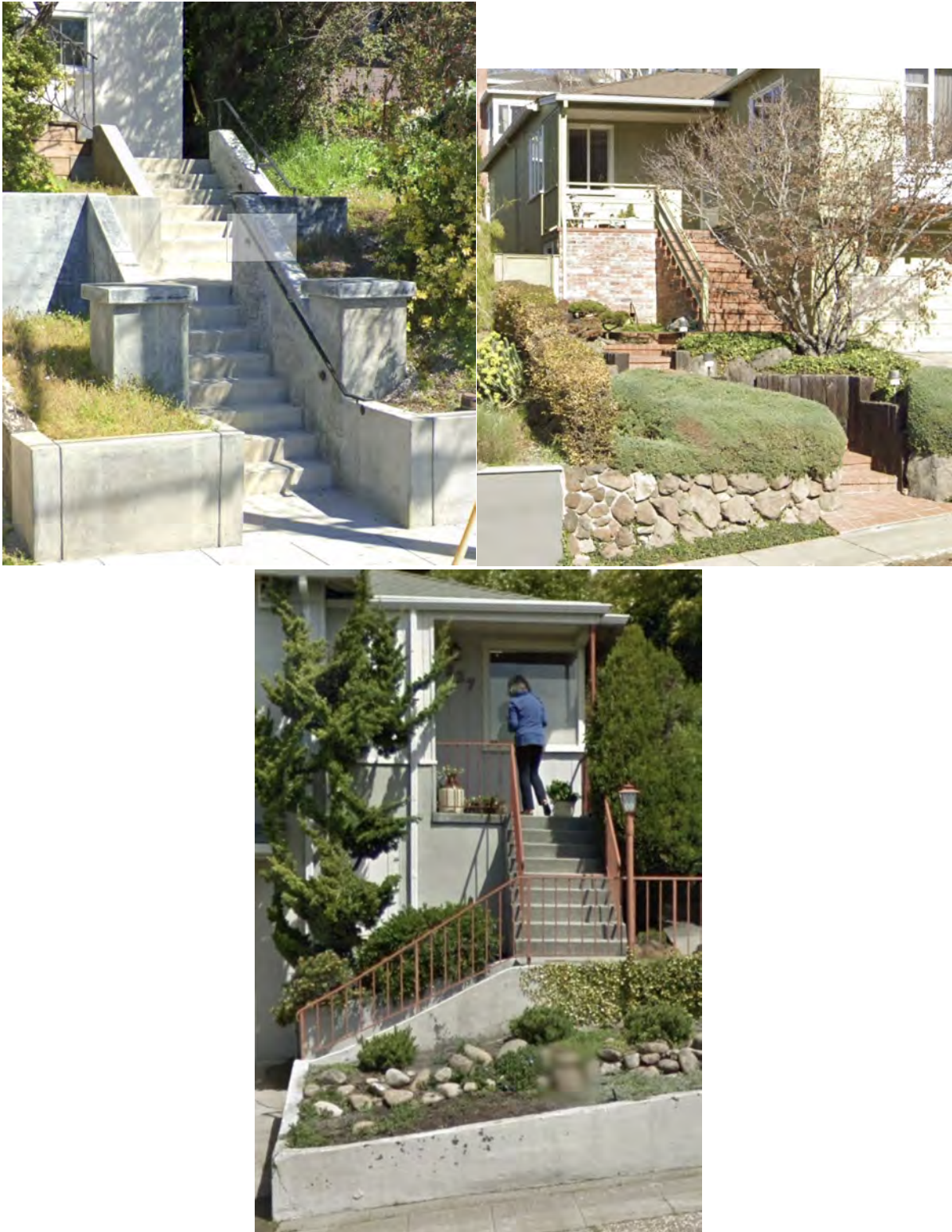
Construction-based practices

Noncombustible attached stairs, decks, and pergolas

Current rule: There is a 5' vegetation and combustible-free buffer required around attached stairs, decks, and pergolas.

Propose rule: An attached stair, deck, or pergola composed entirely of noncombustible material, including any handrails, as defined in §1298.02(f) does not independently create a 5' vegetation-free buffer required by §1298.04(b)(6)(B), nor extend the Zone 0 boundary beyond

that otherwise created by the Occupied Structure. The ordinary Zone 0 requirements measured from exterior walls, roof, eaves, windows, doors, and vents remain applicable.



Reasoning: The Zone 0 rules specify that attached stairs, decks, and pergolas create a 5-foot vegetation-free zone but does not distinguish among them based on their building materials. If

those stairs are noncombustible (e.g. stone, brick, concrete), this eliminates the combustible structural fuel that the expanded 5' buffer principally protects.

Noncombustible home construction

Current rule: Vegetation is restricted within the first 5' of homes.

Proposed rule: For an Occupied Structure whose exterior wall, roof, eave/soffit and other exterior structural components exposed to wildfire are constructed entirely of qualifying noncombustible materials, the vegetation restrictions required by §1298.04(b)(6-7) solely because of the exterior wall or eave do not apply. The two-foot vegetation-free buffer around windows, doors and vents remains applicable, as do all other Zone 0 requirements.



Reasoning: This is essentially invocation of §51183 which says explicitly that local agencies may “exempt structures with exteriors constructed entirely of nonflammable materials” from the ember resistant 5’ zone. There are actually a number of homes in Kensington that have been constructed this way in the VHFHSZ (e.g. solid concrete with metal roofs). Credit for such construction should be given, as these structures eliminate the combustible exterior-wall ignition pathway that Zone 0 is intended in part to address. This proposal is somewhat less permissive than the maximum exemption contemplated by §51183 because it would still require vegetation-free buffers around vulnerable openings such as windows, doors, and vents.

Question for counsel: Does this adopted reduced exterior-wall buffer based on noncombustible construction invoke §51183 and therefore trigger GC §51183(b)'s inspection-consent requirement, or may instead be adopted independently as a §1298.03 alternative practice?

Grade-separated deck + noncombustible retaining wall (2 ft)

Current rule: No vegetation of any kind within 5' of a deck.

Proposed rule: When a WUI compliant deck terminates at a continuous, noncombustible retaining wall, and that retaining wall rises at least 2' above the level of the deck surface, the vegetation-free zone is reduced to 1' horizontally from the plane of the edge of the deck in the raised area behind the retaining wall. No vegetation would be permitted to overhang or intrude within 1' of the plane of the edge of the deck.



Reasoning: The goal of Zone 0 is to protect structures from ember ignition and radiant heat. If plantings are grade separated above the deck surface by at least 2' without a combustible path to the deck, then that interrupts fuel continuity and shields the deck edge from direct flame exposure. The elevation difference and required configuration interrupt the relevant fuel pathway and reduce flame exposure sufficiently that the alternative achieves substantially similar practical fire-protection effects.

The purpose of the five-foot deck buffer is to prevent vegetation fires from providing a connected fuel path, direct flame contact, or hazardous radiant exposure to an attached deck. Where a raised planting area is separated from the deck by substantial vertical elevation and an intervening retaining assembly that interrupts combustible fuel continuity, and where vegetation and debris are controlled to prevent overhang and connected fuels, the resulting configuration can provide substantially similar practical fire-protection effects to 5' of unobstructed horizontal separation.

For added safety, the deck is required to be constructed from WUI compliant materials which further mitigates flame spread danger from grade-separated, set-back vegetation.

Hardened windows, doors, vents, posts

The overarching goal of Zone 0 is to prevent ignition of homes. Home hardening directly is a much more robust means of targeting this goal than adjacent vegetation alterations. These alterations are often considerably more expensive than landscaping changes, however, when a homeowner makes such investments to prevent home ignition, credit should be given in form of more flexible landscaping rules. The Zone 0 rules explicitly state that fire-safe construction or building materials are a factor that can be considered for alternative practices.

Current rule: The 1' vegetation-free zone is increased to 2' near windows, doors, and vents.

Proposed rule: Where a window, glazed door, exterior door, vent or structural post has been demonstrated to meet an applicable CWUI wildfire-resistant standard, or is otherwise approved by the Fire Marshal as providing equivalent ember/flame resistance, the special two-foot vegetation-free buffer applicable to that hardened component may be reduced to the standard one-foot buffer.

Reasoning: By mitigating the potential for ignition by hardening beyond state expectations, the risk is reduced.

Hardened decks, exteriors

Current rule: No vegetation of any kind within 5' of a deck.

Proposed rule: Where an attached deck has been constructed or retrofitted to a wildfire-resistant standard such as WUI-compliant decking materials, the vegetation-free zone around the deck may be reduced from 5' to 3', with the remaining Zone 0 vegetation rules applying beyond that distance.

If both the deck and the exterior of the house to which it is attached have been hardened against wildfire ignition, for example, through ignition-resistant siding, hardened windows and vents, and other appropriate measures, the vegetation-free zone around the deck may be reduced to 1', analogous to the vegetation-free zone required around an exterior wall.

Reasoning: The state rules explicitly identify fire-safe construction and building materials as factors that may support local alternative practices. An unhardened wood deck presents substantially greater ignition risk than a deck specifically designed or retrofitted to resist wildfire ignition. Similarly, a hardened exterior wall, windows, and vents substantially reduce the likelihood that ignition of vegetation adjacent to the deck will result in ignition of the home. The vegetation setback should therefore reflect the actual ignition resistance of the deck and adjacent structure.

Hardened walls

Current rule: Non-woody plants up to 18" are allowed in Zone 0 only where the planting area is 1 sqft and the planting areas are at least 1.5x the height of the plants apart

Proposed rule: Where the exterior of a home has been hardened against wildfire ignition, maintained nonwoody vegetation up to 18" in height may be planted within Zone 0 without the normal one-square-foot planting-area and spacing restrictions, outside the applicable vegetation-free buffer immediately adjacent to the structure.

Reasoning: If the exterior wall, windows, vents, etc. have been hardened, there is a logical argument that those plants could be denser without materially increasing the likelihood of structure ignition.

Site-condition alternatives

Steep lots with erosion concerns

Current rule: Vegetation is not permissible under eaves, decks, balconies, pergolas or stairs; decks, stairs and pergolas also create special five-foot vegetation-free buffers.

Proposed rule: Where a qualifying steep slope (not sure how to define this) would be materially destabilized by complete vegetation removal, the Fire Marshal may permit maintained non-woody erosion-control groundcover not exceeding three inches in height within an area otherwise made vegetation-free by an eave or elevated deck/balcony, provided the vegetation remains at least 1' from the exterior wall, two feet from windows, doors, vents, and combustible support posts, and, in the case of an elevated deck or balcony, maintains a minimum vertical separation from the underside (Ask the Fire Chief what is appropriate, suggestion 8').



Reasoning: Consistent with §51182, when establishing defensible space, steps should be taken to minimize erosion and soil disturbance. A number of homes in Kensington have decks positioned over steep slopes. This would make an allowance only for low groundcover to prevent erosion and landslide risk on slopes that are well-separated from potential ignition sites.

Closely spaced structures on adjoining parcels

Current rule: Each Occupied Structure generates its own Zone 0 without regard to the presence of other structures

Proposed rule: Where exterior walls on neighboring parcels are 10 feet or less apart, participating property owners may remove existing combustible property-line fencing and replace it with noncombustible fencing or no fence. In exchange, maintained non-woody vegetation up to 18" in height may be planted in the central portion of the side yard without the state's one-square-foot planting-area and spacing limitations. The ordinary vegetation-free setbacks from walls, eaves, windows, doors, vents, decks, stairs and pergolas would remain applicable.

Reasoning: The current rule allows for houses to retain their existing potentially combustible fence while otherwise creating a large area in which vegetation is greatly restricted. Removing vegetation from between these zones, but permitting the fence to remain undermines the effectiveness considerably. Interrupting structure → fence → neighboring structure transmission is also important. It is better to have two houses separated by a deliberately designed low combustible side-yard corridor with some non-woody vegetation in its center than a large woody structure.



Constrained lots where existing structures are within 5 feet of property lines

Current rule: No vegetation of any kind within 5' of a deck.

Proposed rule: When decks exist within 5 feet of the property line and are constructed from WUI Compliant materials, the vegetation-free zone is reduced to 1' and non-woody vegetation may be present from 1' to the property line, provided that any fencing along the property line is noncombustible (i.e. any existing combustible fencing is removed). This represents an additional accommodation for constrained lot geometry beyond the general hardened-deck credit described above.

Reasoning: When Zone 0 structures, particularly decks, are within 5 feet of the property line (currently typical zoning in the VHFHSZ of Kensington, R-6, permits accessory buildings and decks to be located as close as 3' from a side property line when set back at least fifty feet from the front property line), all vegetation would be excluded from side yards. A modest accommodation for such constrained lot configurations is explicitly mentioned in the Zone 0 guidelines as potentially warranting a local alternative practice. Because the statewide regulation expressly allows preexisting combustible fencing to persist in this area, the actual aggregate fuel configuration on constrained lots with controlled herbaceous landscaping, after removing such a fence, and combined with restrictions on building materials, achieves substantially similar practical effects without requiring an entirely vegetation free side yard. The local alternative eliminates a continuous, substantial woody fuel—the fence—that the statewide rule otherwise allows to remain, while permitting a comparatively limited amount of maintained herbaceous material.

Other Questions:

Are plants of any kind and size allowed on a deck? Zone 0 explicitly extends outward from the edge of a deck so a plain reading would imply yes (e.g. you can have potted plants inside your house as well, even though it has a Zone 0 boundary).

Proposal for Handling Local Zone 0 Enforcement in Kensington

In June/July 2025, the Kensington Fire Protection District formally adopted the Office of the State Fire Marshal (OSFM) Fire Hazard Severity Zone maps. These define the Very High Fire Severity Zone (VHFSZ), High Fire Severity Zone (HFSZ), and Moderate Fire Severity Zone (MFSZ). Homes within these various zones are subject to various state and local fire mitigations, property-sale reporting requirements, and inspections based on what Zone they are in. The most significant of these new requirements is that Zone 0 mitigations are required only for parcels in the VHFSZ. As such, the determination of which parcels are in which Zone could lead homeowners to incur thousands of dollars in additional landscaping and fencing changes to comply with Zone 0 if they are inside the VHFSZ or not. A summary of the requirements for the existing zones is in Appendix 1.

As residents prepare to implement Zone 0 on their properties, the district has a duty to inform residents who precisely is subject to these rules. Right now, the State [Fire Hazard Severity Zones | OSFM](#) finder explicitly refers residents to their local jurisdiction to confirm what their requirements are.

What is the situation in Kensington?

One feature of the law governing the Fire Severity Zone maps is that local governments can enlarge, but not decrease the map's recommendations. That is, the local authority having jurisdiction could decide, with evidence, that a parcel that was in the HFSZ should be in the VHFSZ, but not the other way around. When OSFM produced these maps, they presented only "rasterized" zones. That is, the zone boundaries are not a smooth curve. The zones are pixelated where each pixel is 30 meters x 30 meters, roughly 3 times the size of the typical Kensington lot in the VHFSZ. Boundaries run strictly north-south and east-west and do not respect parcel lines. Director Levine reached out to OSFM by email and they informed him that no higher resolution polygons for the Zone boundaries were available.

At the KFPD's March 19, 2025 regular meeting, the Fire Chief presented the draft maps that came from the state. He noted "We cannot shrink the red zone on these maps, but we can expand them if we want to. We know that we see some oddities. They did not consider lot lines when they did the modeling. They simply just map the model, and it runs through the middle of some lots. It can be a little confusing. We do have the option to expand the red line if we'd like to." (time code 43:43). Later in the meeting, a director asked about producing "a map with parcels" at that level of detail. Saylors said the department might need a GIS contractor. (57:26) The Fire Board did not formally request that El Cerrito obtain such a contractor and passed the maps in June/July (first and second readings) as is.

With the introduction of essentially final Zone 0 rules, Director Levine undertook to create a list of parcels/map for residents' benefit to know who was subject to the new rules. At this point, the large number of Kensington parcels that straddle the VHFSZ border became clear. Some contact with the border is incidental. For example, 90 Rincon has ~2 sqft portion inside the VHFSZ

6. 90 Rincon Rd

APN 572-210-002 · published 0.0% · smoothed 0.0%
Building shading and streets: Esri World Topographic Map



Others are quite significant. For example, 7 Westminster (which is split about 43-57 between VHFSZ and HFSZ).

11. 7 Westminster Ave

APN 572-130-018 · published 42.6% · smoothed 0.0%
Building shading and streets: Esri World Topographic Map



This creates a challenge for implementation and inspection of these parcels. How should the Kensington's Fire Marshal apply the Zone 0 rules to these parcels? A number of Fire Districts, such as Ventura County have adopted policies on how to handle split parcels. As this is a policy-level question that significantly affects construction requirements and owners' costs, this seems like a question to be handled at the Board level.

How to handle split parcels

It is not the intention to amend the locally adopted maps, only to set a policy on how to handle split parcels as it pertains only to District-administered inspections and enforcement, not any requirements imposed independently by state law, another public agency, or a private party

The proposal is, for parcels that only incidentally overlap the VHFSZ boundary and therefore are substantially in the HFSZ, enforcement will follow that Zone's requirements. The proposed definition in this policy of "incidental overlap" is that the mapped Very High Fire Hazard Severity Zone extends into a parcel by less than twenty feet at every point, measured from the mapped zone boundary, excluding overlaps exclusively on access roads. It is also required that the centroid of that parcel lies outside the VHFSZ. The maps at [Fire Hazard Severity Zones | OSFM](#) use the centroid to label the parcel, while referring the user to the local jurisdiction. As we adopted the state maps as is, this designation is also valid in Kensington.

The nice thing about Kensington's size is that we can manually inspect the 24 parcels that only incidentally contact the VHFSZ by this definition. County maps of building footprints indicate that the structures themselves that would be subject to Zone 0 are almost entirely excluded from the VHFSZ in the adopted maps, indicating that this treatment is consistent with state law. A map of all 24 incidental contact parcels are attached in Appendix 2.

Conversely, there are 742 parcels in Kensington that have a centroid inside the VHFSZ and the HFSZ penetrates 20 feet or less into it. These are clearly inside the VHFSZ and subject to Zone 0.

In between, there are 48 parcels where the parcel centroid is outside the VHFSZ, but it penetrates more than 20 feet into the parcel. I termed these parcels "substantially straddling". Review of the parcels indicates that the boundary almost always run through the building that would be subject to Zone 0. For consistent treatment of such properties without requiring the Fire Marshal to obtain building surveys, the Board expressly approves applying enforcement to the entire parcel. This is the approach taken by Ventura County. The 48 "substantially straddling" parcels are attached in Appendix 2. There maps are included so the Board can discuss if this treatment is reasonable.

A complete map of Kensington's VHFSZ and Zone 0 parcels is available in Appendix 2. A complete list of parcels that would be subject to Zone 0 enforcement are included in Appendix 3.

Future map updates and pending legislation

The state legislature considered AB 2517 in the most recent legislative session. That bill would require that the State Fire Marshal publish draft maps and methodology, hold public workshops and accept comments before finalizing maps (the Fire Board was handed these maps without any opportunity to comment before they were finalized, which, coupled with the "you cannot shift this boundaries except outward and only with "substantial findings" and you must approve maps

within 120 days” provisions of state law, was extremely restrictive). The bill would also have required updates to local-responsibility-area maps every five years (the previous set of maps went 15 years between revisions and there is no statutory requirement to review maps at any point).

It passed unanimously in the Natural Resources Committee and Emergency Management Committee but was held by the Appropriations Committee who failed to act before the session expired. It was also supported by 45 cities and no recorded opposition (CSDA did not take a position). Amongst the complaints made by cities and the bill’s authors was exactly this parcel splitting that we address here. I think the board should formally support this measure if it is re-introduced and otherwise urge our state elected officials to request that, at the very list, the published Zone boundaries use a resolution greater than the 30m x 30m currently released (which makes it difficult in small lot areas like Kensington to properly assign risk to parcels), and preferably honor parcel boundaries in subsequent versions.

Appendix 1: What are the requirements of the various Zones

Very High: Government Code § 51182 imposes the principal defensible-space duties. Enforcement may include notice, correction, reinspection, abatement, and liens under § 51186.

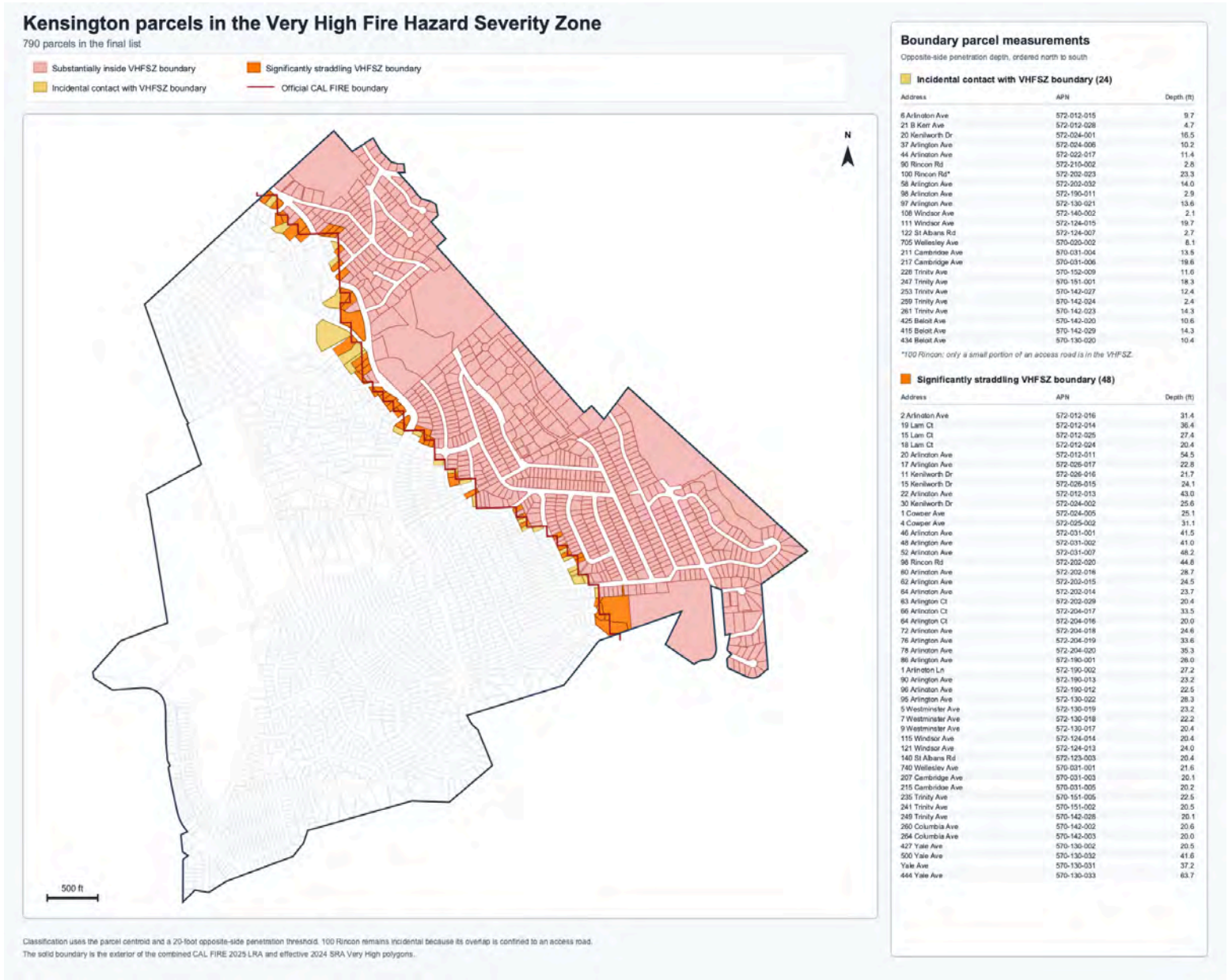
High: No comparable statewide § 51182 enforcement program applies merely because land is High. However, property-sale compliance documentation applies to both High and Very High under Civil Code § 1102.19. Kensington’s own Ordinance 2025-01 also expressly covers inspections in both zones.

Moderate: The designation alone triggers no statewide defensible-space inspection or enforcement regime. General fire-code, nuisance-abatement, and locally adopted vegetation rules can still apply.

Appendix 2: Maps of Kensington Zone 0 parcels

Map of Kensington parcels treated as being in the Very High Fire Severity Zone for local inspection purposes. The 21 “incidental contact” and 22 “substantially straddling” parcels are noted at right. Zoom in of these 43 parcels with county recorded building footprints are provided.

[High resolution map](#)



High resolution incidental contact parcels

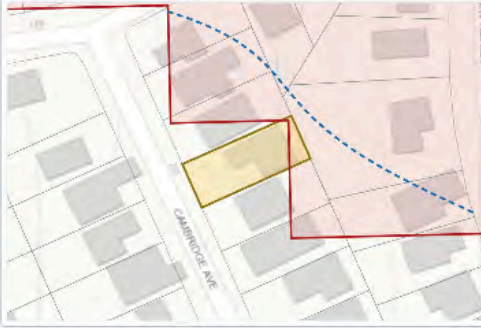


13. 705 Wellesley Ave

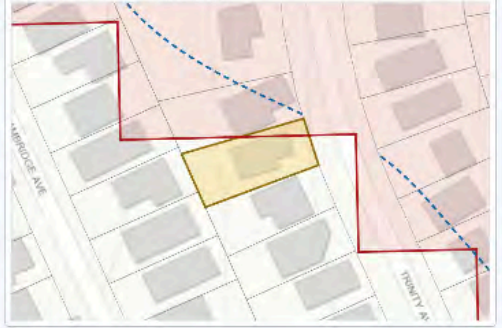
APN 570-020-002 - published 8.8% - smoothed 2.0%
Building shading and streets: East World Topographic Map

**14. 211 Cambridge Ave**

APN 570-051-004 - published 11.75% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**15. 228 Trinity Ave**

APN 570-152-020 - published 8.8% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**16. 253 Trinity Ave**

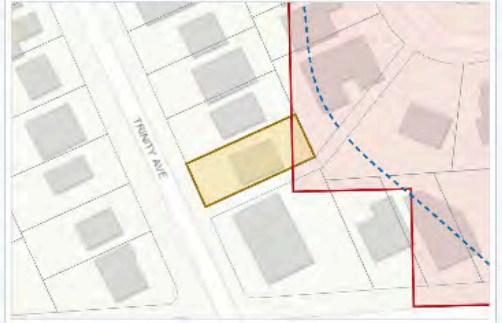
APN 570-142-027 - published 9.0% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**17. 259 Trinity Ave**

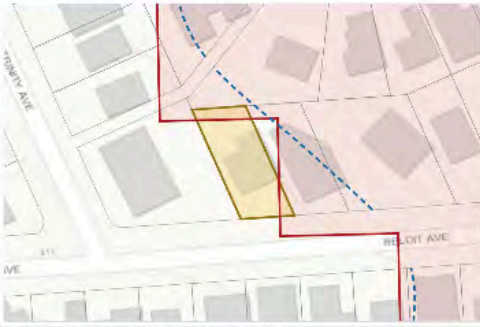
APN 570-142-024 - published 9.0% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**18. 261 Trinity Ave**

APN 570-142-023 - published 11.6% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**19. 425 Beloit Ave**

APN 570-140-020 - published 15.0% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**20. 415 Beloit Ave**

APN 570-140-020 - published 7.0% - smoothed 0.0%
Building shading and streets: East World Topographic Map

**21. 434 Beloit Ave**

APN 570-138-020 - published 18.7% - smoothed 3.0%
Building shading and streets: East World Topographic Map



*100 ft. can rail or 1/2" small portion of 2" - 20252 road is in the published VMP&Z.

Published edge center is the applicable CAL FIRE, URS and SRM-Very High - judgments. Double line is the analyzed 80 m pixel-sized road location, not an electric boundary.

High resolution Substantially Straddling parcels

Proposed substantial straddlers under the 20-foot rule

28. <http://www.fda.gov/cder/rdmt/rdmt.htm>

■ 2008-2009
■ 2009-2010
■ 2010-2011
■ 2011-2012
■ 2012-2013



Appendix 3: List of Zone 0 parcels

[Zone 0 Parcel List](#)

Appendix 4: Alternative definition based on structure foot prints

Using a slightly different definition: “is the main structure which would be subject to Zone 0 entirely (or very very nearly entirely) inside the VHFSZ”. In this case, 18 Lam Ct, 20 Arlington Ave, 46 Arlington Ave, 121 Windsor Ave, 215 Cambridge Ave are entirely, or almost entirely, outside the VHFSZ but are included in the 48 “substantial straddlers” above, driven by non-built sections of land on the parcel. Conversely, of the 24 incidental overlap parcels, 97 Arlington Ave, 705 Wellesley Ave, 211 Cambridge Ave, 217 Cambridge Ave, 228 Trinity Ave, 247 Trinity Ave, 434 Beloit Ave have very tiny, but not zero portions of the main structure inside the VHFSZ.

This method has several shortcomings including:

1. The method is based on what is built, not the land, and that can change over time and not be captured by the District’s ordinance.
2. There are much less reliable GIS maps of buildings than land/parcel boundaries.
3. While the house’s main structure might be outside the VHFSZ, attached structures like decks may not be included and those might lie in the VHFSZ.

As a result, the method proposed above seems preferable.

From: Eric Saylor <ESaylor@elcerrito.gov>

Sent: Tuesday, September 22, 2026 9:46 AM

To: Lynelle Lewis <llewis@kppcsd.org>

Cc: David Aranda <DAranda@kppcsd.org>

Subject: Re: Zone 0 Local Adjustments

From: Eric Saylor, Fire Chief

Subject: Fire Department Review of Proposed Zone 0 Local Alternative Practices

Date: September 22, 2026

Thank you for providing the proposed Zone 0 local alternative practices for Fire Department review. I appreciate the work that has gone into identifying the challenges associated with applying statewide Zone 0 requirements to Kensington's unusually small lots, steep terrain, closely spaced structures, and existing development patterns.

I am open to reasonable local alternatives where they can be demonstrated to provide substantially similar practical fire-protection effects. However, I believe we need to approach these amendments conservatively. The purpose of Zone 0 is to interrupt the pathways through which windborne embers, direct flame contact, radiant heat, and adjacent combustible fuels ignite structures. The draft itself appropriately recognizes that ember cast can travel miles ahead of a wildfire and ignite combustible material immediately adjacent to homes.

There are also three broader issues that influence my recommendations.

First, we have recently adopted the updated Fire Hazard Severity Zone maps and are developing the inspection and certification processes necessary to demonstrate compliance. I do not want to introduce local exceptions that make those processes unnecessarily difficult to explain, inspect, document, defend, or certify.

Second, enforceability matters. An alternative that makes sense theoretically but requires an inspector to make complicated determinations about materials, geometry, vegetation density, construction history, or equivalent performance at every property may ultimately create more problems than it solves.

Third, El Cerrito and Kensington do not operate independently during a wildfire. We are part of a regional response system, and one of our continuing objectives through our East Bay regional wildfire collaboration is to increasingly align our prevention, inspection, evacuation, and response practices with neighboring jurisdictions. Wherever possible, I would prefer regional consistency over creating a highly individualized Kensington standard.

With those principles in mind, my comments on each proposed amendment are below.

1. Elevated Balconies

Recommendation: Support as a clarification, subject to Fire Marshal review and the enforcing authority.

The proposal would clarify that an elevated balcony is not treated as a deck for purposes of creating an additional five-foot vegetation-free buffer, while retaining the requirements underneath the balcony and around the exterior wall, eaves, openings, and other components.

From a fire-behavior standpoint, I understand the reasoning. A sufficiently elevated balcony does not necessarily create the same ground-to-structure fuel pathway as a conventional deck at or near grade.

My primary concern is not the concept but clarity and enforceability. If we adopt this interpretation, "elevated balcony" needs to be objectively defined so an inspector does not have to decide property by property whether something is a balcony or a deck.

I would therefore support this as a clarification if we can establish a clear definition and confirm that it is consistent with the State's intent.

2. Roof Decks and Decks Over Occupied Structures

Recommendation: Support conceptually with clearly defined construction criteria.

The proposal states that a deck located entirely over and supported by an occupied structure, without independent structural components extending to grade, would not create another five-foot vegetation-free buffer. The underlying structure would remain subject to the ordinary Zone 0 requirements.

I generally support this approach. As the draft explains, a roof deck incorporated into the footprint of a building does not necessarily create the same ground-to-deck fuel pathway as a conventional elevated deck.

Again, the key is making the rule objective. We need inspectors to be able to look at the structure and readily determine whether the exemption applies.

3. Noncombustible Attached Stairs, Decks, and Pergolas

Recommendation: Support in principle, with caution regarding decks and pergolas.

The proposal would eliminate the independent five-foot buffer created by an attached stair, deck, or pergola when the entire feature, including handrails, is constructed of qualifying noncombustible materials.

The logic is reasonable. A concrete or masonry stair does not present the same fuel package as a combustible wood stair, and recognizing genuinely noncombustible construction is consistent with a risk-based approach.

I would be most comfortable applying this initially to features whose noncombustibility is readily verifiable, such as concrete, masonry, or metal stairs. Deck and pergola assemblies can be more complicated because apparently noncombustible components may still incorporate combustible structural or finish materials.

If adopted, the burden should be on the property owner to demonstrate qualifying construction rather than requiring the inspector to investigate concealed building components.

4. Noncombustible Home Construction

Recommendation: Potentially support, but only after legal review and establishment of a formal verification process.

This is one of the more significant proposed alternatives. It would relax vegetation restrictions associated with exterior walls and eaves when the exposed exterior components of the structure are entirely noncombustible, while retaining the two-foot vegetation-free buffers around windows, doors, and vents.

Conceptually, this makes sense if you view the structure in a vacuum and do not consider the neighbor's conditions. If a structure truly eliminates an ignition pathway through noncombustible exterior construction, that should be relevant to risk.

However, the draft itself raises an unresolved legal question regarding whether this invokes Government Code §51183 and its inspection-consent requirements or can instead be adopted as an alternative practice.

I would not recommend adoption until the Fire Marshal resolves that issue.

Operationally, we would also need a reliable method for certifying that the entire relevant exterior assembly qualifies, including the neighbor's property if they can be impacted by ignited vegetation. I do not want vegetation inspectors making building-construction determinations beyond their training or available documentation.

5. Grade-Separated Deck and Noncombustible Retaining Wall

Recommendation: Do not adopt yet; further technical validation is needed.

The proposal would reduce the five-foot vegetation-free area to one foot where a WUI-compliant deck is separated from vegetation by a continuous noncombustible retaining wall extending at least two feet above the deck surface.

I understand the physical argument that a substantial noncombustible barrier can interrupt flame contact and fuel continuity.

My concern is that the proposed two-foot wall and one-foot setback are very specific engineering assumptions. Before the Fire Marshal certifies that this provides substantially similar practical effects to five feet of horizontal separation, I would want stronger technical support for those dimensions.

I would prefer that we either follow a standard recognized elsewhere in the region or obtain sufficient technical justification before establishing our own local dimensional standard.

6. Hardened Windows, Doors, Vents, and Posts

Recommendation: Support conceptually if tied to objective, recognized standards.

The proposal would allow the special two-foot vegetation-free buffer around a hardened window, door, vent, or structural post to be reduced to one foot where the component meets an applicable CWUI wildfire-resistant standard or has equivalent approval from the Fire Marshal.

I support giving credit for verified home-hardening improvements. My concern is the phrase allowing the Fire Marshal to determine "equivalent" resistance without an established standard.

Wherever possible, I would tie eligibility to recognized and documentable construction standards. That makes enforcement predictable for residents and inspectors and reduces subjective decisions.

7. Hardened Decks and Exteriors

Recommendation: Do not support the proposed one-foot and three-foot reductions without additional technical support and regional comparison.

The proposal would reduce the five-foot deck buffer to three feet for a WUI-compliant deck and potentially to one foot where both the deck and adjoining home exterior have been hardened.

I support the principle that hardened construction should receive appropriate consideration. However, moving from five feet to one foot is a substantial reduction.

Before establishing that locally, I would want to understand what neighboring East Bay jurisdictions intend to do and what technical evidence supports those particular distances.

This is exactly the type of issue where regional consistency has significant value. A resident should not encounter dramatically different defensible-space requirements simply by crossing from Kensington into El Cerrito, Berkeley, or another neighboring jurisdiction unless there is a compelling local reason.

8. Hardened Walls and Denser Non-Woody Vegetation

Recommendation: Do not support in the initial implementation. Revisit after we have experience administering Zone 0.

This proposal would remove the State's one-square-foot planting-area and spacing restrictions for maintained non-woody vegetation where a home exterior has been hardened.

My concern is primarily enforceability. "Hardened exterior" would need to be consistently defined and verified, and inspectors would then be administering different landscaping-density standards at neighboring properties.

As we begin implementing a new regulatory program, I favor simple rules that residents can understand and inspectors can consistently enforce.

We can revisit this after we have actual inspection experience and better understand where the statewide requirements create genuine problems.

9. Steep Lots and Erosion Concerns

Recommendation: Support development of an alternative, but not the current language.

This is a legitimate Kensington issue. The draft appropriately recognizes that complete vegetation removal on certain steep slopes could create erosion or slope-stability concerns and proposes allowing very low non-woody erosion-control groundcover under specified circumstances.

I support solving this problem. We should not reduce one public-safety hazard while unintentionally creating another.

However, the draft itself states that a qualifying steep slope has not yet been defined and asks what minimum vertical separation should be required. That tells me the proposal is not yet ready for adoption.

I would recommend developing objective criteria with appropriate building, engineering, or geotechnical input rather than asking the Fire Marshal to make subjective determinations about slope destabilization during a vegetation inspection.

I would also prefer an approach consistent with neighboring hillside jurisdictions wherever possible.

10. Closely Spaced Structures on Adjoining Parcels

Recommendation: Support further development; this is one of the stronger concepts in the proposal.

This proposal recognizes the reality of Kensington's closely spaced homes. It would allow participating neighbors to remove combustible property-line fencing and replace it with noncombustible fencing or no fence in exchange for greater flexibility for maintained non-woody vegetation in the central portion of the side yard. Existing setbacks around structures and vulnerable components would remain.

From a fire-spread perspective, I find this concept compelling because it addresses fuel continuity between structures, rather than looking at each parcel in isolation.

Replacing a continuous combustible fence that can transmit fire from one property toward another may provide meaningful benefit.

However, the final standard needs to be simple enough that inspectors can determine compliance without having to reconstruct agreements between adjoining property owners.

I recommend further development of this concept and comparison with the approaches being considered by neighboring agencies.

11. Constrained Lots With Decks Within Five Feet of Property Lines

Recommendation: Consider only after resolving the broader hardened-deck standard.

The proposal would reduce the vegetation-free area around a WUI-compliant deck to one foot on constrained lots, provided that combustible property-line fencing is removed and replaced with noncombustible fencing or no fence.

I understand why this is being proposed. Kensington's lot geometry can make a five-foot requirement effectively eliminate landscaping from an entire side yard.

I also appreciate that the proposal attempts to compensate for the reduced distance by eliminating a significant combustible fuel along the property-line fence.

Nevertheless, I would not create this exception independently of our broader decision regarding hardened decks. If we ultimately determine that a hardened deck qualifies for a reduced setback, constrained-lot geometry could potentially become an additional factor. But we should establish the underlying hardened-deck standard first.

Overall Fire Department Recommendation

I support the concept of carefully tailored local alternatives, particularly where Kensington's lot geometry, terrain, and existing construction create unusual circumstances. The State framework itself recognizes geography, topography, lot size, fire risk, response resources, structure composition, and fire-safe construction as potential considerations for alternative practices.

However, I recommend that we resist adopting all of these alternatives simultaneously.

We have just adopted new hazard maps and are entering a significant new phase of vegetation management and compliance. Our immediate objective should be to establish a program that residents understand, inspectors can enforce consistently, and the Fire Marshal can confidently certify.

I would therefore divide these proposals into three categories.

Move forward first with straightforward clarifications and alternatives that can be objectively verified, such as elevated balconies, roof decks over occupied structures, clearly noncombustible stairs and similar assemblies, and potentially the closely spaced property/fence concept after refinement.

Develop further those involving hardened construction, retaining walls, constrained lots, and erosion-control vegetation. These have merit, but we need objective definitions, documentation requirements, and sufficient technical support.

Defer initially alternatives that substantially change vegetation density or dimensional requirements based on combinations of building-hardening features until we have experience administering the State requirements and understand what neighboring agencies are adopting.

Most importantly, I recommend that we take these proposals into our East Bay regional wildfire coordination process and compare them with the implementation plans of our neighboring jurisdictions before final adoption. El Cerrito and Kensington share wildfire risk, mutual-aid resources, evacuation corridors, and residents with the surrounding East Bay. Our prevention strategy should reflect that regional reality.

My goal is not simply to make Zone 0 easier or harder. It is to create a program that meaningfully reduces structure ignition, can be consistently enforced, can withstand scrutiny when we certify compliance, and is as regionally consistent as reasonably possible.

If a local alternative meets those tests, I am open to it. If we cannot demonstrate those outcomes, I recommend that we remain with the statewide standard until we can.

Thank you

Eric Saylor
Fire Chief
El-Cerrito/Kensington Fire Department
esaylor@elcerrito.gov
Mobile: 510-821-1167

From: Daniel Levine <dlevine@kensingtonfire.org>

Sent: Thursday, September 24, 2026 2:10 AM

To: David Aranda <DAranda@kppcsd.org>

Subject: Re: FW: Zone 0 Local Adjustments

Dear David,

Well I'm nothing if not verbose. Here is my detailed response to the Fire Chief's comments. Feel free to include it with the board packet for discussion or send it to him. Since I think you are going to include my draft proposal (this one: <https://docs.google.com/document/d/1EsfrogmcWmTZdkixMv0EC3EMgLH1Av0a/edit#heading=h.o3w0unj7d1b5>) in the packet and it's already written by me, it didn't feel weird to respond speaking only as myself. Do what you/Sylvia will with the last paragraph.

Best,

Daniel

=====

I appreciate the Fire Chief's thoughtful review. There appears to be substantial common ground: he considers a number of the proposed concepts supportable and others worthy of further development. I also agree with his emphasis on objective standards, straightforward enforcement, and avoiding case-by-case judgments by vegetation inspectors.

The proposed alternatives were intentionally presented as policy concepts rather than implementation-ready standards. The next step, where a concept has sufficient merit, should be for the Fire Marshal and Fire Chief, with legal or technical assistance where needed, to develop objective criteria that can be readily understood by residents and verified by inspectors. The purpose of the initial exercise was to identify which policy directions warrant that work.

I also support regional coordination, while distinguishing coordination from requiring uniformity. The State's local-alternative framework expressly recognizes that lot size, topography, structure composition, fire risk, and other local conditions may justify different practices. Kensington should therefore compare its approach with neighboring jurisdictions while still addressing conditions that are particularly prevalent here. EC-K can also bring well-developed proposals into the regional process and contribute to regional standards rather than necessarily waiting for regional consensus to emerge first.

There is already precedent in the East Bay for locally tailored wildfire-prevention measures, including Berkeley's EMBER program. Because the El Cerrito-Kensington Fire Department serves both El Cerrito and Kensington, and portions of El Cerrito present similar hillside conditions, alternatives developed for Kensington that the Fire Marshal and Fire Chief find more broadly applicable could also be presented to El Cerrito for consideration. That may itself provide a path toward greater consistency within EC-K.

I agree that a phased process for developing and validating alternatives can be sensible. My concern is specifically with deferring potentially appropriate alternatives until after residents have been required to undertake substantial physical work to comply with the statewide default. Zone 0 compliance may require removal or redesign of established landscaping and, in some cases, significant expense. Where an alternative appears sufficiently promising to warrant development, I would prefer that we use the period before mandatory compliance to develop and test the standard, including testing its administrability through voluntary or mock inspections, rather than require one configuration and later permit another. This does not mean adopting inadequately supported alternatives; it means determining as early as practicable whether a defensible and administrable alternative can be established.

A related way to address the Department's concern about vegetation inspectors making construction determinations would be to separate verification of qualifying construction from the vegetation inspection itself. Consistent with the Chief's suggestion that the owner bear the burden of documenting qualifying construction, a homeowner seeking a hardening-based alternative could obtain advance verification from the Fire Marshal, supported by plans, permits, product documentation, photographs, or inspection as appropriate. The homeowner could then retain a certificate or other durable record identifying the qualifying features, and a later vegetation inspector would only need to verify that status and apply the corresponding landscaping standard (or the resident could supply the certificate as part of explaining their mitigation work). Ideally, this could be incorporated into the Fire Department's existing voluntary inspection process so that it is available consistently in both Kensington and El Cerrito.

- 1) Elevated balconies - Agreed. An objective height/configuration standard should be developed.
- 2) Roof decks - Agreed. Objective, readily observable criteria should be developed.
- 3) Noncombustible stairs, decks, pergolas - Agreed. The owner should bear the burden of documenting qualifying construction.

4) Noncombustible homes - I would appreciate clarification regarding the reference to neighboring properties. My understanding is that this proposal changes only the requirements associated with the qualifying noncombustible structure; it does not modify any independently applicable requirements on an adjoining property. If the concern instead is that vegetation near the qualifying structure could ignite and create a fire-spread pathway to a neighboring structure, it would be helpful to understand that concern so it can be considered in developing the standard. The legal question identified in the draft also remains to be resolved.

5) Grade-separated decks and noncombustible retaining walls - Further development makes sense. The Chief identifies a need for stronger technical support for the proposed dimensions. I would appreciate having the Fire Marshal identify what form of support would be sufficient (for example, published fire-testing literature, an engineering/fire-protection analysis, or something else) so that we can determine whether obtaining that support is practical. Because Zone 0 itself is new, there may not yet be a mature regional standard to adopt.

6) Hardened Windows, Doors, Vents, and Posts - Agreed. I support using recognized standards wherever practical rather than individual adjudication by inspectors.

7) Hardened Decks and Exteriors - Further technical development makes sense. I would like to identify what evidence the Department would need to evaluate whether reduced vegetation-free zones would provide substantially similar practical effects. Regional comparison should be part of that work, while allowing the Department to consider independently supported alternatives even where neighboring jurisdictions have not yet acted.

8) Hardened Walls and Denser Non-Woody Vegetation - I understand the desire for simplicity during initial implementation. I would nevertheless prefer to develop and test a potential standard now through voluntary or mock inspections before deciding whether to defer it. If inspectors can readily verify a hardened-home certification and then apply a simple alternative landscaping rule, the administrative burden may prove modest. Any separate technical showing needed to establish that the alternative provides substantially similar practical effects can be addressed as part of developing the standard. If testing shows that the distinction is too difficult to administer consistently, that would provide a concrete basis for deferring it.

9) Steep Lots and Erosion Concerns - Agreed. The current language illustrates the concept; appropriate slope and clearance criteria should be developed with whatever technical input is needed.

10) Closely Spaced Structures on Adjoining Parcels - Agreed. The final standard should depend on conditions inspectors can observe and document, rather than requiring them to determine whether neighbors previously entered into an agreement.

11) Constrained Lots With Decks Within Five Feet of Property Lines - Agreed that this should follow development of the broader hardened-deck standard. Once that standard is established, constrained lot geometry and removal of combustible property-line fencing can be considered as additional factors supporting a reduced setback.

In summary, I agree with a phased approach to developing and validating these alternatives. My principal suggestion is that we make a concerted effort to complete as much of that work as practicable before residents become obligated to undertake substantial physical changes under the statewide default. Where a concept cannot be adequately supported or administered by that time, deferral is appropriate. Where the Department can establish a simple, defensible, and readily verifiable alternative beforehand, however, adopting it before residents incur avoidable compliance costs would better serve both the fire-safety objectives of Zone 0 and predictable implementation for residents.

I would propose that the Board ask the General Manager to work with the Fire Chief and Fire Marshal to identify, for each concept warranting further development: objective eligibility criteria; the technical support needed for the required fire-protection finding; an appropriate documentation and verification process; any legal issues requiring counsel review; opportunities for voluntary or mock inspections to test administrability; and appropriate regional coordination in parallel. A proposed work plan and sequencing could then be brought back to the Board for further discussion.

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On Wed, Sep 23, 2026 at 8:25 AM David Aranda <DAranda@kppcsd.org> wrote:

We can talk this morning about this. David.

David Aranda

Interim General Manager

Kensington Community Services District