

General Plan Safety Element Assessment

Board of Forestry and Fire Protection



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Purpose and Background

Upon the next revision of the housing element on or after January 1, 2014, the safety element is required to be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. (Gov. Code, § 65302, subd. (g)(3).)

The safety element is required to include:

- Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
- Any historical data on wildfires available from local agencies or a reference to where the data can be found.
- Information about wildfire hazard areas that may be available from the United States Geological Survey.
- The general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
- The local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services. (Gov. Code, § 65302, subd. (g)(3)(A).)

Based on that information, the safety element shall include goals, policies, and objectives that protect the community from the unreasonable risk of wildfire. (Gov. Code, § 65302, subd. (g)(3)(B).) To carry out those goals, policies, and objectives, feasible implementation measures shall be included in the safety element, which include but are not limited to:

- Avoiding or minimizing the wildfire hazards associated with new uses of land.
- Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in the SRA or VHFHSZ.
- Designing adequate infrastructure if a new development is located in the SRA or VHFHSZ, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- Working cooperatively with public agencies with responsibility for fire protection. (Gov. Code, § 65302, subd. (g)(3)(C).)

The safety element shall also attach or reference any fire safety plans or other documents adopted by the city or county that fulfill the goals and objectives or contains the information required above. (Gov. Code, § 65302, subd. (g)(3)(D).) This might include Local Hazard Mitigation Plans, Unit Fire Plans, Community Wildfire Protection Plans, or other plans.

There are several reference documents developed by state agencies to assist local jurisdictions in updating their safety elements to include wildfire safety. The Fire Hazard Planning, General Plan Technical Advice Series from the Governor's Office of Planning and Research, referenced in Government Code section 65302, subdivision (g)(3) and available at

1400 Tenth Street
Sacramento, CA 95814
(916) 322-2318

https://www.opr.ca.gov/docs/Final_6.26.15.pdf

provides policy guidance, information resources, and fire hazard planning examples from around California that shall be considered by local jurisdictions when reviewing the safety element of its general plan.

The Board of Forestry and Fire Protection (Board) utilizes this Safety Element Assessment in the Board's

review of safety elements under Government Code section 65302.5. At least 90 days prior to the adoption or amendment of their safety element, counties that contain SRAs and cities or counties that contain VHFHSZs shall submit their safety element to the Board. (Gov. Code, § 65302.5, subd. (b).) The Board shall review the safety element and respond to the city or county with its findings regarding the uses of land and policies in SRAs or VHFHSZs that will protect life, property, and natural resources from unreasonable risks associated with wildfires, and the methods and strategies for wildfire risk reduction and prevention within SRAs or VHFHSZs. (Gov. Code, § 65302.5, subd. (b)(3).)

The CAL FIRE Land Use Planning team provides expert fire protection assistance to local jurisdictions statewide. Fire captains are available to work with cities and counties to revise their safety elements and enhance their strategic fire protection planning.

Methodology for Review and Recommendations

Utilizing staff from the CAL FIRE Land Use Planning team, the Board has established a standardized method to review the safety element of general plans. The methodology includes

- 1) reviewing the safety element for the requirements in Government Code section 65302, subdivision (g)(3)(A),
- 2) examining the safety element for goals, policies, objectives, and implementation measures that mitigate the wildfire risk in the planning area (Gov. Code, § 65302, subd. (g)(3)(B) & (C)), and
- 3) making recommendations for methods and strategies that would reduce the risk of wildfires (Gov. Code, § 65302.5, subd. (b)(3)(B)).

The safety element will be evaluated against the attached Assessment, which contains questions to determine if a safety element meets the fire safety planning requirements outlined in Government Code, section 65302. The reviewer will answer whether or not a submitted safety element addresses the required information, and will recommend changes to the safety element that will reduce the wildfire risk in the planning area. These recommended changes may come from the list of sample goals, policies, objectives, and implementation measures that is included in this document after the Assessment, or may be based on the reviewer's knowledge of the jurisdiction in question and their specific wildfire risk. By answering the questions in the Assessment, the reviewer will determine if the jurisdiction's safety element has adequately addressed and mitigated their wildfire risk. If it hasn't, any specific recommendations from the reviewer will assist the jurisdiction in revising the safety element so that it does.

Once completed, the Assessment should provide clear guidance to a city or county regarding any areas of deficiency in the safety element as well as specific goals, policies, objectives, and implementation measures the Board recommends adopting in order to mitigate or reduce the wildfire threat in the planning area.

General Plan Safety Element Assessment

Jurisdiction: City of Berkeley	Notes:	CAL FIRE Unit: SCU	Date Received: 4/15/2019
County: Alameda	LUPP Reviewer: Jeff Hakala	UNIT CONTACT: Mike Marcucci	Date Reviewed: 2/25/2019

Background Information Summary

Specific background information about fire hazards in each jurisdiction.

Indicate whether the safety element includes the specified information. If YES, indicate in the comments where that information can be found; if NO, provide recommendations to the jurisdiction regarding how best to include that information in their revised safety element.

	Yes	No	Comments/Recommendations
Are Fire Hazard Severity Zones Identified? <i>CAL FIRE or Locally Adopted Maps</i>	X		Figure 14, page S-14
Is historical data on wildfires or a reference to where the data can be found, and information about wildfire hazard areas that may be available from the United States Geological Survey, included?	X		<u>Fire Hazards and Vulnerabilities</u> , page S-13 – S-16
Has the general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities, been identified?	X		Figure 14, page S-14
Have local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services, been identified?	X		<u>Policy Background</u> page S-2 – S-4.
Are other fire protection plans, such as Community Wildfire Protection Plans, Local Hazard Mitigation Plans, CAL FIRE Unit or Contract County Fire Plans, referenced or incorporated into the Safety Element?	X		The City of Berkeley's City Council adopted the LHMP (by reference) into the General Plan 12/2014, page S-2
Any other relevant information regarding fire hazards in SRAs or VHFHSZs?	N/A		

Goals, Policies, Objectives, and Feasible Implementation Measures

A set of goals, policies, and objectives based on the above information to protect the community from unreasonable risk of wildfire and implementation measures to accomplish those stated goals, policies, and objectives.

Critically examine the submitted safety element and determine if it is adequate to address the jurisdiction's unique fire hazard. Answer YES or NO appropriately for each question below. If the recommendation is irrelevant or unrelated to the jurisdiction's fire hazard, answer N/A. For NO, provide information in the Comments/Recommendations section to help the jurisdiction incorporate that change into their safety element revision. This information may utilize example recommendations from Sample Safety Element Recommendations and Fire Hazard Planning in Other Elements of the General Plan below, may indicate how high of a priority this recommendation is for a jurisdiction, or may include other jurisdiction-specific information or recommendations.

Avoiding or minimizing the wildfire hazards associated with new uses of land.

	Yes	No	N/A	Comments/Recommendations
Land Use				
Does local ordinance require development standards that meet or exceed title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, CCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations) for SRAs and/or VHFHSZs?	X			2019 LHMP Draft Section C.5.b.iii Low-Priority Action: b) Consider different treatment for buildings in high risk areas, such as: a. Imposing higher standards of building construction for rebuilding that incorporate SRA Fire Safety Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subtitle 2, Articles 1-5) and Fire Hazard Reduction Around Building and Structures Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subchapter 3, Article 3). Excluding buildings in these areas from the amendment <i>[by excluding buildings in high risk areas from the amendment proposed by this activity – rebuilding will need to be re-evaluated according to new code and new regulations. The city will t therefore have discretion to evaluate future development.]</i>
Are there goals and policies to avoid or minimize new residential development in VHFHSZs?	X			Page S-26, Policy S-16 Residential Density in the Hills Actions: A.
Has fire safe design been incorporated into future development requirements?	X			Page S-25, Policy S-15 Construction Standards Actions: A and B
Are new essential public facilities located outside high fire risk areas, such as VHFHSZs, when feasible?	X			2019 LHMP Draft Section C.5.b.iii Low-Priority Action: 2019 Streamline Rebuild Streamline the zoning permitting process to rebuild residential and commercial structures following disasters. c) Define the standard for documentation of current conditions for residential and commercial property owners to rebuild by right (in conformity with current applicable codes, specifications and standards) following disasters. d) Define the process for the City to accept and file this documentation. e) Outreach to property owners about this documentation process. Evaluate location of essential public facilities prior to rebuild in order to prioritize development outside high risk areas when feasible.
Are there plans or actions identified to mitigate existing non-conforming development to contemporary fire safe standards, in terms of road standards and vegetative hazard?	X			Page S-28, Policy S-22 Fire Fighting Infrastructure Action: A Page S-28, 29 Policy S-23 Property Maintenance Action: A and B
Does the plan include policies to evaluate re-development after a large fire?	X			a. 2019 LHMP Draft Section C.5.b.iii Low-Priority

			<p>Action: b) Consider different treatment for buildings in high risk areas, such as: Imposing higher standards of building construction for rebuilding that incorporate SRA Fire Safety Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subtitle 2, Articles 1-5) and Fire Hazard Reduction Around Building and Structures Regulations (Title 14, CCR, Division 1.5, Chapter 7, Subchapter 3, Article 3). Excluding buildings in these areas from the amendment <i>[by excluding buildings in high risk areas from the amendment proposed by this activity – rebuilding will need to be re-evaluated according to new code and new regulations. The city will therefore have discretion to evaluate future development.]</i></p>
Fuel Modification			
Is fuel modification around homes and subdivisions required for new development in SRAs or VHFHSZs?	X		<p>Page S-28, Policy S-21 Fire Prevention Design Standards Action A, and the Berkeley Fire Code Chapter 49. Page S-25, Policy S-14 Land Use Regulation Actions: A,D,E The policy is vague, recommend adding language that targets VHFHSZ's specifically.</p>
Are fire protection plans required for new development in VHFHSZs?			<p>Page S-28, Policy S-21 Fire Prevention Design Standards Action A, and the Berkeley Fire Code Section 4902.1.</p>
Does the plan address long term maintenance of fire hazard reduction projects, including community fire breaks and private road and public road clearance?	X		<p>Page S-27, Policy S-21 <u>Fire Preventative Design Standards</u> Action: C and Page S-28, Policy S-23 <u>Property Maintenance</u> Action: A and B</p>
Access			
Is there adequate access (ingress, egress) to new development in VHFHSZs?	X		<p><u>Page S-26, Policy S-16 Residential Density in the Hills, Action B. Page S-27 and S-28 Policy S-21 Fire Preventative Design Standards</u> Action: C The policy addresses ingress and egress, recommend adding language that targets VHFHSZ's specifically.</p>
Are minimum standards for evacuation of residential areas in VHFHSZs defined?	X		<p>Page S-20 Policy S-1 <u>Response Planning</u> Action: B, Page S-26 Policy S-16 <u>Residential Density in the Hills</u> Action: B, Page S-28 Policy S-22 <u>Fire Fighting Infrastructure</u> Action: A</p>
If areas exist with inadequate access/evacuation routes, are they identified? Are mitigation measures or improvement plans identified?	X		<p>Page S-28 Policy S-22 <u>Fire Fighting Infrastructure</u> Action: A</p>
Are there policies or programs promoting public outreach about defensible space or evacuation routes? Are there specific plans to reach at-risk populations?	X		<p>Page S-20 Policy S-1 <u>Response Planning</u> Action: B Page S-22 Policy S-4 <u>Special Needs Communities</u> Action: A</p>

Fire Protection				
Does the plan identify future water supply for fire suppression needs?	X			Page S-28 Policy S-22 Fire Fighting Infrastructure Action: B
Does new development have adequate fire protection?	X			Page S-28 Policy -21 Fire Prevention Design Standards Actions A, B, C, D, and E. Policy S-22 Fire Fighting Infrastructure Action: C Recommend language addressing fire protection for new development.

Develop adequate infrastructure if a new development is located in SRAs or VHFHSZs.

	Yes	No	N/A	Comments/Recommendations
Does the plan identify adequate infrastructure for new development related to:				
Water supply and fire flow?	X			Page S-28 Policy S-21 Fire Preventative Design Standards Action: D
Location of anticipated water supply?	X			Page S-28 Policy S-22 Fire Fighting Infrastructure Action: B
Maintenance and long-term integrity of water supplies?	X			Page S-28 Policy S-22 Fire Fighting Infrastructure Action: B
Evacuation and emergency vehicle access?	X			Page S-28 Policy S-21 Fire Preventative Design Standards Action: C
Fuel modification and defensible space?	X			Page S-28 Policy S-23 Property Maintenance Action: A and B
Vegetation clearance maintenance on public and private roads?	X			Page S-28, Policy S-21 Fire Prevention Design Standards Action C.
Visible home and street addressing and signage?	X			Page S-25, Policy S-15 Construction Standards Action A. The California Fire Code Section 505 requires premises identification.
Are community fire breaks identified in the plan? Is there a discussion of how those fire breaks will be maintained?	X			Page S-26, Policy S-16 Residential Density in the Hills, Actions A, B, and the Berkeley Fire Code Section 4907.2. A meaningful wildland urban interface fire break for the City Of Berkeley relies on external partners such as EBRP, UC Berkeley and the Moraga-Orinda, Oakland, and Kensington Fire District to construct and maintain adequate fire breaks. The density of housing and construction within city limits reduces the possibility of effective physical fire breaks as seen in other state high fire hazard severity zones.

Working cooperatively with public agencies responsible for fire protection.

	Yes	No	N/A	Comments/Recommendations
Is there a map or description of existing emergency service facilities and areas lacking service, specifically noting any areas in SRAs or VHFHSZs?	X			Figure 14, page S-14

Does the plan include an assessment and projection of future emergency service needs?	X		Page S-28 Policy S-22 Fire Fighting Infrastructure Action: C
Are goals or standards for emergency services training described?	X		Page S-20 Policy S-1 Response Planning Action: G
Does the plan outline inter-agency preparedness coordination and mutual aid multi-agency agreements?	X		Page S-29 Policy S-24 Mutual Aid Action: A and B

Sample Safety Element Recommendations

These are examples of specific policies, objectives, or implementation measures that may be used to meet the intent of Government Code sections 65302, subdivision (g)(3) and 65302.5, subdivision (b). Safety element reviewers may make recommendations that are not included here.

A. Maps, Plans and Historical Information
1. Include or reference CAL FIRE Fire Hazard Severity Zone maps or locally adopted wildfire hazard zones.
2. Include or reference the location of historical information on wildfires in the planning area.
3. Include a map or description of the location of existing and planned land uses in SRAs and VHFHSZs, particularly habitable structures, roads, utilities, and essential public facilities.
4. Identify or reference a fire plan that is relevant to the geographic scope of the general plan, including the Unit/Contract County Fire Plan, Local Hazard Mitigation Plan, and any applicable Community Wildfire Protection Plans.
5. Align the goals, policies, objectives, and implementation measures for fire hazard mitigation in the safety element with those in existing fire plans, or make plans to update fire plans to match the safety element.
6. Create a fire plan for the planning area.
B. Land Use
1. Develop fire safe development codes to use as standards for fire protection for new development in SRAs or VHFHSZs that meet or exceed the statewide minimums in the SRA Fire Safe Regulations.
2. Adopt and have certified by the Board of Forestry and Fire Protection local ordinances which meet or exceed the minimum statewide standards in the SRA Fire Safe Regulations.
3. Identify existing development that do not meet or exceed the SRA Fire Safe Regulations or certified local ordinances.

4. Develop mitigation measures for existing development that does not meet or exceed the SRA Fire Safe Regulations or certified local ordinances or identify a policy to do so.

C. Fuel Modification

1. Develop a policy to communicate vegetation clearance requirements to seasonal, absent, or vacation rental owners.

2. Identify a policy for the ongoing maintenance of vegetation clearance on public and private roads.

3. Include fuel breaks in the layout/siting of subdivisions.

4. Identify a policy for the ongoing maintenance of existing or proposed fuel breaks.

5. Identify and/or map existing development that does not conform to current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance in SRAs or VHFHSZs.

6. Identify plans and actions for existing non-conforming development to be improved or mitigated to meet current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance.

D. Access

1. Develop a policy that approval of parcel maps and tentative maps in SRAs or VHFHSZs is conditional based on meeting the SRA Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations, particularly those regarding road standards for ingress, egress, and fire equipment access. (See Gov. Code, § 66474.02.)

2. Develop a policy that development will be prioritized in areas with an adequate road network and associated infrastructure.

3. Identify multi-family housing, group homes, or other community housing in SRAs or VHFHSZs and develop a policy to create evacuation or shelter in place plans.

4. Include a policy to develop pre-plans for fire risk areas that address civilian evacuation and to effectively communicate those plans.

5. Identify road networks in SRAs or VHFHSZs that do not meet title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 2 and 3 (commencing with section 1273.00) or certified local ordinance and develop a policy to examine possible mitigations.

E. Fire Protection

1. Develop a policy that development will be prioritized in areas with adequate water supply infrastructure.

2. Plan for the ongoing maintenance and long-term integrity of planned and existing water supply infrastructure.

3. Map existing emergency service facilities and note any areas lacking service, especially in SRAs or VHFHSZs.

4. Project future emergency service needs for the planned land uses.

5. Include information about emergency service trainings or standards and plans to meet or maintain them.

6. Include information about inter-agency preparedness coordination or mutual aid agreements.

Fire Hazard Planning in Other Elements of the General Plan

When updating the General Plan, here are some ways to incorporate fire hazard planning into other elements. Wildfire safety is best accomplished by holistic, strategic fire planning that takes advantage of opportunities to align priorities and implementation measures within and across plans.

Land Use Element
Goals and policies include mitigation of fire hazard for future development or limit development in very high fire hazard severity zones.
Disclose wildland urban-interface hazards, including fire hazard severity zones, and/or other vulnerable areas as determined by CAL FIRE or local fire agency.
Design and locate new development to provide adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allow citizen egress during emergencies.
Describe or map any Firewise Communities or other fire safe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organization.
Housing Element
Incorporation of current fire safe building codes.
Identify and mitigate substandard fire safe housing and neighborhoods relative to fire hazard severity zones.
Consider diverse occupancies and their effects on wildfire protection (group housing, seasonal populations, transit-dependent, etc).
Open Space and Conservation Elements
Identify critical natural resource values relative to fire hazard severity zones.
Include resource management activities to enhance protection of open space and natural resource values.
Integrate open space into fire safety planning and effectiveness.
Mitigation for unique pest, disease and other forest health issues leading to hazardous situations.
Circulation Element
Provide adequate access to very high fire hazard severity zones.
Develop standards for evacuation of residential areas in very high fire hazard severity zones.
Incorporate a policy that provides for a fuel reduction maintenance program along roadways.