

Lynn Kennedy
P.O. Box 2143
Los Gatos, CA 95031

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Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Re: California Minimum Fire Safe Regulations

Dear Board Members:

I'm sorry to hear that you are soliciting comments on the currently adopted Minimum Fire Safe Regulations rather than debuting a much-needed updated version. As I wrote in October, the current regulations coupled with recent strict interpretation, are causing undue hardship (financial, emotional, logistical, etc.) for property owners of in California. Property tax bills are due December 10; a solution is overdue!

You now ask about:

1. - Areas where questions exist on interpretation of the regulatory standards, including potential solutions.
 - a. - The regulations include some exceptions for pre 1991 subdivisions, however the subdivision map must include certain elements related to access and perimeter protection that were not common on maps of that time so this is a potential grey area. This section should be revisited and all pre 1991 subdivisions should be exempted.
 - b. - Legally created lots previously zoned and sold for use as SFR lots must be exempted from elements of the regulations that effectively prohibit construction. Failing to take this step robs property owners of significant equity; failing to take this step should obligate the State of California to compensate property owners for suddenly unusable/unsaleable land.
2. - Issues encountered in achieving compliance with the regulatory standards, including potential solutions.
 - a. - The regulations establish criteria that is impossible to meet for owners of existing lots on existing roads, especially on dead end roads. This problem can be solved by adding the word "new" to the sections relating to dead end roads to ensure that length restrictions apply only to new roads, not to existing roads where mitigation is not possible.
 - b. - Furthermore, specifications should be added for existing roadways that are distinct from new roadways. It is also critical to ensure that if some upgrade is required, that a given property owner can only be held responsible for upgrades proportional to their use of the road (not required to fund a complete upgrade).
3. - Suggested regulatory modifications which would either clarify existing rule language to better achieve the intended resource protection, or which would reduce regulatory inefficiencies and maintain the same or better level of protection.

- a. - As your regulations have not previously been enforced, perhaps the best solution is to apply them only to new subdivisions and exempt existing subdivisions and legal building lots from the regulations entirely.

We again urge the Board to acknowledge the urgency of the situation and provide a solution for existing legally subdivided lots on existing roadways by the end of this year! We are in an untenable situation with a buyer who wishes to purchase our property, but who will not do so because per current regulations it is unbuildable. This is despite our property having building site approval as a result of a 1972/73 legal subdivision, and having previously-approved building permits (approved while these same regulations were in effect, but unenforced). Your lack of action has cost us over a million dollars of very hard earned money that we need for our retirement, and that bill is going up now that property taxes are due in a few weeks. We remind you that an appeals process does not solve our problem.

Sincerely,
Lynn Kennedy