

From: [Carla Woodworth](#)
To: [Info](#)
Subject: Moraga-Orinda Fire Protection District Board of Directors.....The Oakland Firesafe Council opposes passage of SB 9 and SB 10 as they are now written.
Date: Wednesday, July 21, 2021 2:19:01 PM
Attachments: [Skinner- OFSC Opposes SB 9 and SB 10 without changes.pdf](#)

Moraga-Orinda Fire Protection District Board of Directors

Subject: The Oakland Firesafe Council opposes passage of SB 9 and SB 10 as they are now written.

We appreciate that SB 10 exempts ADUs in the very high fire severity zone, but the legislation as it now stands only worsens public safety in the rest of the Wildland Urban Interface (WUI) and it is not clear that it applies to cities and towns in the local responsibility areas. It does not address the need for speedy evacuation along the *entire* evacuation route (both very high and high hazard zones), and the fact that even with structures meeting Fire Code for hardened homes, more structures with limited setbacks only add to the fuel load in our fire prone neighborhoods. We ask that you take the lead in amending them to exempt additional housing in both the high and very high fire hazard severity zones in local responsibility and state responsibility areas, and to eliminate the ease with which the exemption can be bypassed with so-called mitigations that have proven to be limited in effectiveness.

Read more in the attached letter.

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Sue Piper
Chair
Oakland Firesafe Council
www.oaklandfiresafecouncil.org
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July 19, 2021

Senator Nancy Skinner
Senate District 9
1515 Clay Street, Suite 2202
Oakland, CA 94612

Dear Senator Skinner:

The Oakland Firesafe Council opposes passage of SB 9 and SB 10 as they are now written. We appreciate that SB 10 exempts ADUs in the very high fire severity zone, but the legislation as it now stands only worsens public safety in the rest of the Wildland Urban Interface (WUI). It does not address the need for speedy evacuation along the *entire* evacuation route (both very high and high hazard zones), and the fact that even with structures meeting Fire Code for hardened homes, more structures with limited setbacks only add to the fuel load in our fire prone neighborhoods. We ask that you take the lead in amending them to exempt ADUs in both the high and very high fire hazard severity zones in local responsibility and state responsibility areas, and to eliminate the ease with which the exemption can be bypassed with so-called mitigations that have proven to be limited in effectiveness.

We understand that these two bills dealing with accessory dwelling units will be heard by the California Assembly in August. The need for affordable housing in California is very real. At the same time, our state is facing one of the worst fire seasons in memory. Accelerating climate change, increased incidence of high wind and extreme drought threaten the safety of millions of homes located in the state's Wildland Urban Interface (WUI).

For communities in your district such as Oakland, Berkeley, El Cerrito, Kensington and others, housing is already dense in the WUI (Oakland alone has 25,000 properties in its WUI). Adding accessory dwelling units—whether one or two ADUs, or replacing a single-family home with multiple housing units---compromises the lives and safety of all WUI residents. These days, wildfires spread rapidly—often enveloping neighborhoods at 1 mile a minute. Timely and safe evacuations in these situations are critical to saving lives.

Unlike more rural WUI communities, cities such as ours are already built out, and our street infrastructure is already in place. All but three of our streets in the Oakland hills are one lane each way and cannot be widened. Some are less than 20 feet wide in total. For example, while there are two lanes each from Merritt College (with 7,500 students; about 22% full time) down to Redwood Road, it is one lane each way on Campus to Keller, the only alternate escape route for the 450 homes of Ridgemont/Crownridge and the 380 homes at the Shadow Ridge/Ridgemont condo at the corner of Keller and Campus. So even the few streets that have

more than one lane are stressed. The success of an evacuation is dependent on moving vehicles through these narrow streets along the **entire** evacuation route as quickly as possible.

The truth is that we already face challenges with the current density and volume of vehicles trying to squeeze through our narrow streets at one time. Adding more density to an already challenged situation compromises public safety and puts lives at risk. It's not just the impact on evacuation, it also has to do with adding more structures in a situation where the houses themselves add to the combustible fuel load.

It is critical that our state legislators take into account the impact of wildfire on neighborhoods located in the Wildland Urban Interface and the lessons learned from the 1991 Firestorm:

In the suburban and urban setting, the key quantity is the density of houses -- together with the combustible material in these houses -- in determining fuel load and fire behavior. The density of trees, shrubs, and ground cover (grass) may still be important for determination of the fire behavior, but clearly house density is critical.

An estimate of the energy release rate during a house fire in the Oakland and Berkeley Hills was made by Trelles (1995) and Trelles and Pagni (1997). According to these estimates...the total energy released by the house is 324 GJ. If, as assumed also, there is brush around each house ... then another 18 GJ of energy will be released.

"Community-Scale Fire Spread", R. Rehm et al., NISTIR 6891, Building and Fire Research Laboratory, National Institute of Standards and Technology (NIST), U.S. Department of Commerce, July 2002

The high density of flammable structures contributed significantly to the spread and intensity of the Oakland Hills fire. Trees did play a role in spreading the fire, but in many cases the trees caught fire from the houses, not vice versa.

Task force on Emergency Preparedness & Community Restoration Final Report (Elihu Harris and Loni Hancock, Mayors of Oakland and Berkeley). This was the Mayor's Report on the Oakland Hills Fire.

Buildings should be spaced at least 60 feet apart (minimum 30-foot setback) to minimize risk of exposure to an adjacent structural fire and the conflagration potential of the spread of fire from structure to structure. The 30-foot setback will also allow compliance with Section 4201 Public Resources Code (30-foot clearance requirement).

HAZARD MITIGATION REPORT for the East Bay Fire in the Oakland-Berkeley Hills, FEMA-919-DR-CA

in the first hour it burned 790 structures, each of which scattered new sources of ignition....Before the orgy of burning ended, 3,354 houses and 456 apartments were ash, and 25 people had died. Total area burned amounted to 1600 acres....It was America's worst urban fire disaster since 1906

"California: A Fire Survey", about the 1991 Oakland Hills (Tunnel) Fire. Stephen J. Pyne, University of Arizona Press, 2016

A study by UC Berkeley researchers applying the 1991 Firestorm conditions to the Berkeley Hills concluded that it would take **at least 2 hours** for everyone to evacuate.

<https://docs.google.com/document/d/1L8sCl-kB-tnlvf7sdOCLM2jWQSZ5mXiOCcaNswtVUjQ/edit?usp=sharing>

The history of fires in the East Bay Hills shows that we don't have 2 hours to fully evacuate. Our fires tend to start on the ridgeline and burn quickly downhill:

Shortly before noon the fire had been blown up to the top of Hiller Highlands to the west from where it began its sweep down into the Hiller Highlands development and the southern hills of [Berkeley](#). The fire tossed [embers](#) from the burning houses and vegetation into the air as it went. These embers were swept away by the torrid winds only to float back to earth to start the blaze in new locations. **Half an hour later**, these embers enabled the fire to jump across both [Highway 24](#), an eight-lane freeway, and [Highway 13](#), a four-lane freeway, eventually igniting hundreds of houses in the Forest Park neighborhood on the northwest edge of the [Montclair](#) district and in the upper [Rockridge Neighborhood](#).

https://en.wikipedia.org/wiki/Oakland_firestorm_of_1991

The wildfire threat to life and safety gets worse every year. We urge you to not make matters worse. Please amend SB 9 and SB 10 to exempt the addition of housing units in very high and high fire hazard severity zones in both LRAs and SRAs and eliminate the ease with which the exemption can be bypassed with so-called mitigations that have proven to be limited in effectiveness.

Sincerely,



Susan Piper
Chair
Oakland Firesafe Council
www.oaklandfiresafecouncil.org

**MORAGA-ORINDA FIRE DISTRICT
JULY 21, 2021 BOARD MEETING
HISTORY OF THE MORAGA AND ORINDA ZONE
FIRE FLOW TAXES**

GOOD EVENING!

MY NAME IS RICHARD OLSEN. OUR FAMILY HAS LIVED IN MORAGA FOR 49 YEARS.

DURING THAT PERIOD OF TIME I HAVE BEEN DIRECTLY INVOLVED IN ACTIVITIES THAT SUPPORT OUR LOCAL FIRE AND EMERGENCY MEDICAL SERVICES. THOSE HAVE INCLUDED SERVICE ON THE COUNTY'S EMERGENCY MEDICAL CARE COMMITTEE (EMCC), ON THE MORAGA FIRE DISTRICT'S (MFD) FIRE COMMISSION, ON THE MORAGA-ORINDA FIRE DISTRICT'S (MOFD) BOARD AND AS VICE-CHAIR OF THE JOINT TOWN OF MORAGA-CITY OF ORINDA FIRE STUDY COMMITTEE THAT PREPARED THE STUDY AND LAFCO APPLICATION THAT LED DIRECTLY TO THE MORAGA-ORINDA FIRE DISTRICT'S FORMATION. IN THOSE EFFORTS, I PARTICIPATED SIGNIFICANTLY IN THE DISCUSSIONS AND ACTIONS THAT LED TO THE FIRE FLOW TAX RATES THAT CAN CURRENTLY BE CHARGED TO THE MOFD'S TAXPAYERS.

THE DISCUSSION OF REGULAR AGENDA ITEM 9.1 AT YOUR BOARD'S JUNE 16TH MEETING – WHICH INVOLVED THE SETTING OF THE FISCAL YEAR 2021-22 FIRE FLOW TAX RATES FOR THE ORINDA AND MORAGA ZONES -- PROMPTED ME TO PREPARE THE HISTORICAL INFORMATION I AM ABOUT TO SHARE. MY HOPE IS THAT IT MIGHT BE USEFUL TO YOUR BOARD IN YOUR DELIBERATIONS THIS EVENING.

I HAVE LISTENED TO THE TAPE OF YOUR BOARD'S DISCUSSIONS ON THAT SUBJECT AT THAT MEETING. DURING THOSE DISCUSSIONS, DIRECTOR JORGENS REPEATEDLY MENTIONED HIS CONCERN ABOUT THE ALLOCATION AND SHARE OF THE MOFD'S TAX REVENUES "BETWEEN THE TWO CITIES" (i.e. THE TOWN OF MORAGA AND THE CITY OF ORINDA), AND ABOUT "ORINDA'S SHARE OF THE TOTAL PROPERTY TAX IN BOTH CITIES" AND QUESTIONED WHETHER THE TWO CITIES ARE SHARING EQUALLY IN THE BURDEN OF FINANCING THE MOFD.

THE MOFD'S PROPERTY TAXES AND FIRE FLOW TAXES ARE NOT COLLECTED BASED UPON MUNICIPAL BOUNDARIES. THEIR ASSESSMENT AND COLLECTION ARE BASED UPON THE BOUNDARIES OF THE FORMERLY SEPARATE ORINDA AND MORAGA FIRE DISTRICTS, WHICH ARE VERY DIFFERENT FROM THE TOWN'S AND THE CITY'S MUNICIPAL BOUNDARIES. THE TWO FORMER FIRE DISTRICTS' SEPARATE BOUNDARIES ARE ALSO THE BOUNDARIES OF THE TWO FIRE FLOW TAX COLLECTION ZONES ESTABLISHED BY PUBLIC VOTE AS PART OF THE MOFD'S FORMATION. ACCORDINGLY, CITY-VERSUS-TOWN BOUNDARY-BASED COMPARISONS ARE IRRELEVANT.

IMPORTANTLY, A SIGNIFICANT PORTION OF SOUTH ORINDA WAS FORMERLY WITHIN THE FORMER MORAGA FIRE DISTRICT. THAT AREA INCLUDES THE ENTIRE IVY DRIVE AREA NORTH TO HALL DRIVE AND TO THE WEST OF MORAGA WAY ALL THE WAY UP TO EL CAMINO MORAGA. THE PERCENTAGE OF THE CURRENT \$1.00 BASIC PROPERTY TAX RATE THAT MORAGANS AND ORINDANS WHO LIVE WITHIN THE FORMER MFD'S BOUNDARIES CURRENTLY PAY IS BASED UPON THE RATES THAT THOSE PROPERTY TAXPAYERS PAID BEFORE THE PASSAGE OF PROPOSITION 13.

THEY PREDATE THE FORMATION OF THE CITY OF ORINDA IN 1985.

THAT SOUTH ORINDA AREA IS ALSO A PART OF THE MORAGA ZONE FOR FIRE FLOW TAX ASSESSMENT AND COLLECTION PURPOSES. ANY INCREASE IN THE MORAGA ZONE FIRE FLOW TAX WILL THEREFORE IMPACT A SIGNIFICANT NUMBER OF CITY OF ORINDA RESIDENTS.

AS A RESULT OF THE MORAGA FIRE FLOW TAX ZONE'S BOUNDARIES, THREE MOFD DIRECTORS -- BAITX, DANZIGER AND JEX -- RESIDE WITHIN THE MORAGA ZONE.

DIRECTOR JORGENS ALSO WONDERED WHY THE ORIGINAL MAXIMUM FIRE FLOW TAX RATE IN THE ORINDA ZONE WAS SET AT 6 CENTS AND POSTULATED THAT A METRIC -- POSSIBLY COMPRISED OF THE NUMBER OF PARCELS OR HOUSEHOLDS OR POPULATION OR SOME COMBINATION OF THOSE VARIABLES -- MIGHT HAVE BEEN INVOLVED. WHILE THAT IS A REASONABLE SUPPOSITION, IT WAS NOT AT ALL THE CASE.

AS VICE CHAIR OF THE 1996 JOINT MORAGA ORINDA FIRE STUDY COMMITTEE, I WAS DIRECTLY INVOLVED IN THAT DECISION. THE EXPECTATION OF THE STUDY COMMITTEE'S MEMBERS FROM MORAGA WAS THAT THE SAME 30 CENT FIRE FLOW TAX LIMIT THAT VOTERS IN THE MORAGA FIRE DISTRICT HAD APPROVED IN NOVEMBER, 1992 WOULD ALSO BE THE RATE THAT SHOULD APPLY TO THE AREA OF THE MOFD THAT WAS SERVED BY THE ORINDA FIRE DISTRICT. WE WERE INSTEAD ADVISED BY SEVERAL OF THE STUDY COMMITTEE'S MEMBERS FROM ORINDA THAT THEY BELIEVED THAT A 6 CENT LIMIT -- WHICH WAS IDENTICAL TO THE HIGHEST RATE THAT HAD EVER BEEN IMPOSED WITHIN THE MORAGA FIRE DISTRICT -- REPRESENTED THE

UPPER LIMIT OF WHAT ORINDA FIRE DISTRICT VOTERS WERE LIKELY TO APPROVE. THOSE OF US FROM MORAGA RELUCTANTLY – BUT NECESSARILY – HAD NO CHOICE BUT TO ACCEDE TO THEIR JUDGMENT IF THE PROCESS OF FORMING THE MOFD WAS GOING TO CONTINUE TO PROCEED. ACCORDINGLY, THE 6 CENT FIRE FLOW TAX RATE IN THE ORINDA ZONE RESULTED FROM A POLITICAL DECISION AND WAS NOT BASED ON ANY METRIC.

THE CURRENT 30 CENT FIRE FLOW TAX PERMISSIBLE LIMIT IN THE MORAGA FIRE FLOW TAX ZONE EXISTS BECAUSE OF A UNIQUE SET OF CIRCUMSTANCES THAT PRE-DATE THE MOFD'S FORMATION.

THE PASSAGE OF PROPOSITION 13 IN 1978 LED TO A SIGNIFICANT REDUCTION IN PROPERTY TAX REVENUES RECEIVED BY THE SCHOOLS AND LOCAL GOVERNMENT AGENCIES, INCLUDING SPECIAL DISTRICTS. IN 1979, AB 8 ADDRESSED THE PROPERTY TAX LOSSES SUFFERED BY SCHOOLS BY SUBVENTIONS FROM THE STATE GENERAL FUND AND SHIFTED SOME OF THE SCHOOLS' PROPERTY TAXES TO LOCAL AGENCIES. IN LIGHT OF THE UNCERTAINTIES INVOLVED IN THE POST-PROP 13 STATE BUDGET SITUATION, THE MORAGA FIRE COMMISSION (ON WHICH I SERVED AT THAT TIME) PROPOSED PASSAGE OF A UNIQUE FIRE FLOW TAX TO ENSURE THE PERMANENT PROTECTION OF THE MOFD'S SERVICES – PARTICULARLY ITS AMBULANCE AND PARAMEDIC PROGRAMS. AT AN APRIL, 1980 ELECTION, MORAGA FIRE DISTRICT VOTERS APPROVED A 6 CENT RATE BY 3,996 "YES" VOTES (87%) TO 579 "NO" VOTES (13%).

TWELVE YEARS LATER, IN ORDER TO BALANCE THE STATE'S 1992-93 BUDGET, PROPERTY TAXES COLLECTED FROM SPECIAL DISTRICTS WERE SHIFTED TO THE STATE TO

BE DISTRIBUTED TO THE SCHOOLS. ALSO AT THAT TIME, THE REMAINING SPECIAL DISTRICT PROPERTY TAX REVENUES WERE ALLOCATED TO SPECIAL DISTRICT AUGMENTATION FUNDS (SDAFs) IN EACH COUNTY. THE SDAFs WERE CONTROLLED BY EACH COUNTY'S BOARD OF SUPERVISORS, RATHER THAN BY THE INDIVIDUAL SPECIAL DISTRICTS. JOHN COOPER WAS THEN THE ACTING CHIEF OF BOTH THE MORAGA FIRE DISTRICT AND THE ORINDA FIRE DISTRICT FOLLOWING THE RETIREMENTS OF CHIEF DON SKINNER IN MORAGA AND CHIEF DAVE EVANS IN ORINDA. THE MFD HAD A STRONG FINANCIAL RESERVE, BUILT UP IN PART FROM ITS FIRE FLOW TAX COLLECTIONS AND COULD THEREFORE WITHSTAND THE STATE'S LEVY IN 1992-93. IN CONTRAST, THE ORINDA FIRE DISTRICT FACED THE IMMEDIATE CLOSURE OF ONE OF ITS STATIONS AND THE LAYOFF OF SEVEN FIREFIGHTERS. CHIEF COOPER THEN NEGOTIATED WITH THE COUNTY SUPERVISORS THE LOAN OF A PORTION OF THE MORAGA FIRE DISTRICT'S SDAF SHARE TO THE ORINDA FIRE DISTRICT TO FORESTALL THE ORINDA DISTRICT'S FIRE STATION CLOSURE AND FIREFIGHTER LAYOFFS.

IN LIGHT OF THE CONTINUING UNDERTAINITIES OF BOTH THE STATE BUDGET AND THE COUNTY SUPERVISORS SDAF ALLOCATIONS, THE MORAGA FIRE COMMISSION THEN DECIDED THAT A FURTHER MAJOR INCREASE IN THE MFD'S FIRE FLOW TAX – TO 30 CENTS – WOULD BE A PRUDENT FINANCIAL SAFEGUARD. MFD VOTERS APPROVED THAT 24 CENT INCREASE MEASURE IN NOVEMBER, 1992. IN 1993-94 THE STATE CHANGED THE PROCESS SO THAT FIRE DISTRICTS WERE EFFECTIVELY EXEMPTED FROM THE FUNDING OF THE SCHOOLS. AS A RESULT, THE MFD NEVER HAD TO COLLECT ANY PORTION OF THE 24 CENT INCREASE.

WHEN THE MOFD WAS FORMED IN 1997, THE AUTHORIZATION TO COLLECT UP TO A FULL 30 CENTS FIRE FLOW TAX WITHIN THE BOUNDARIES OF THE FORMER MORAGA FIRE DISTRICT WAS CONTINUED AND REMAINS TODAY.

HOPEFULLY, THE PRECEDING HAS HELPED YOU TO UNDERSTAND THE HISTORY OF AND THE REASONS BEHIND THE MOFD'S CURRENT FIRE FLOW TAX RATES.

THANK YOU FOR LISTENING TO MY COMMENTS. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

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