From: Adil Allawi
To: Public Comments@BOF
Subject: Comment for Board of Forestry and Fire Protection 2021 Regulations and Priority Review
Date: Monday, November 15, 2021 9:54:58 PM

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Letter to BoF regarding the implementation of rule language of for the fire protection system in the State Responsibility Areas in California (PRC §§ 4290 & 4291) for its December 8th session.

Attn: Regulations Priority Review, Board of Forestry and Fire Protection

Dear regulations priority review members,

It has become clear that, since October 2020, the CAL FIRE Fire Marshals in charge of administering the regulations for PRC 4290 (CCR 14 "State Minimum Fire Safe Regulations") have changed their policy from one of reviewing and granting exceptions to the regulations on a case by case basis to one of a blanket refusal to investigate and/or grant any exceptions. This is not my own judgment but that of the planning authority of Santa Clara County and several other counties in California.

This represents a complete abandonment by CAL FIRE of its responsibility to the public to review exceptions under these regulations. It also negates a whole section of the law that is there to allow applicants to ask for and have reviewed exceptions to the standards. The apparent effect is to transfer responsibility of managing exceptions to counties instead of CAL FIRE but this is done without any regulatory framework for this.

See: https://plandev.sccgov.org/commissions-other-meetings/state-minimum-fire-safe-regulation-appeals
See also the recording of the appeal for exceptions starting at 18 minutes in: https://sccgov-org.zoom.us/rec/play/mY2rszkJT5tXgfhqICwhkQQjgDZhsJE10jfToMdqiHyQnTyGP4lhEoOEy8iRWO-25fZ1T-CYpAlxyjvr.c5zMimxXkk1T1Xln

This has resulted in paralysis in planning departments who are unable or reluctant to issue an exception over a denial by CAL FIRE due to the severe terms in the regulations for overturning a denial by CAL FIRE. It is also resulting in significant amount of cost and time spent on managing appeals from multiple applicants whose planning applications had previously been approved by CAL FIRE under the same regulations and are now finding them denied. This is time and money that should be better spent on the fire safety and updating of unsafe buildings that the regulations are supposed to be promoting.

I suggest the following to correct this:
1. CAL FIRE should renew is commitment to review exceptions on a case by case basis.
2. Allow single family residences where the project within the bounds of the property is built to a level of safety standards that exceed regulations.
3. Allow projects that provide practical mitigations that would improve the fire safety of the immediate area. e.g. adding turn outs on narrow roads, rebuilding buildings that are clear fire hazards, reducing brush that provides fuel to wildfires.
4. Exempting small scale construction where there is a minor impact to fire safety until new

regulations are in place.
5. Create a clear framework that allows cities and counties to determine how to grant exemptions.

Very truly yours,

Adil Allawi
Marshall Lane,
Saratoga, CA