Item #20

Kensington Community Services District

DATE: November 12, 2026

TO: Board of Directors

FROM: David Aranda, Interim General Manager (IGM)

SUBJECT: Discussion and Direction Regarding Zone 0 and Specific Application Changes for Kensington

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RECOMMENDATION:

Discuss the concept of directing Director Paul to share with the East Bay Group the support that Kensington's Board has in attempting to make this a regional document, with Zone 0 restrictions.

BACKGROUND:

Director Levine provided a document that outlines the various issues concerning the Zone 0 restrictions and possible conflicts in Kensington. His document outlined potential allowable changes to reflect the specific needs of Kensington. The Board directed that I obtain additional comments from directors regarding the thought process on the changes and then attempt to discuss moving forward with the process. Please note the comments received from various directors.

Director Paul has suggested that, before Kensington draws up specific changes to Zone 0, the East Bay Fire Group, along with other communities, discuss a regional change that would work for a group of communities in the East Bay area.

EXHIBIT(S):

- RPaul Comments
- DMadugo Comments
- SGough Comments
- JWatt Comments
- ABastein Comments
- DLevine Comments
- ESaylors Comments

Item #20a

From: Rodney Paul <rpaul@kensingtonfire.org>
Sent: Thursday, October 29, 2026 10:30 AM
To: David Aranda <DAranda@kppcsd.org>
Subject: Re: Zone 0

David:

I brought this up at the end of the EBWC meeting as a future agenda item. The plan is to discuss this at the next meeting (Dec. 2) and form a subcommittee to work on the details of how Zone 0 regulations would be altered for our region.

I volunteered to be on the subcommittee as did representatives from Berkeley and Richmond. I would have liked to see El Cerrito included. But their representative did not indicate interest in being involved.

What do you think next steps should be for our Board?

-Rodney

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

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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

Item #20c

From: Danielle Madugo <dmadugo@kensingtonfire.org>
Sent: Friday, October 30, 2026 11:27 PM
To: David Aranda <daranda@kppcsd.org>
Subject: Re: Zone 0

I think we should follow our fire chief and fire marshal's recommendations.

Sent from my iPhone

Item #20d

From: Sarah Gough <SGough@kppcsd.org>
Sent: Tuesday, October 27, 2026 11:34 AM
To: David Aranda <DAranda@kppcsd.org>
Subject: Re: Zone 0

Hi, David.

First let me say, this package is so incredibly helpful. Huge thank you to Daniel, yourself, and the Chief. I've had a chance to review everything and only have a few comments.

For the nearly 800 Kensington households impacted by the new Zone 0 requirements, compliance will be onerous, expensive, and stressful. For this reason, I believe it's the responsibility of the KCSD and Fire Department to be very outward reaching and supportive of those residents. My worry (and I'm already seeing this), is that people will panic and just start chopping everything down, when there may be a less drastic approach that could suffice or perhaps the restrictions don't even apply to their parcel. People are confused.

Kensington's essential character and landscape is of a verdant hillside community closely connected to nature, yet within close proximity of major urban centers. It's important we make every effort to maintain this character for all the residents in Kensington who moved here, at least in part, for that reason.

I believe the overall messaging should be "Zone 0 Fire Restrictions are California state law. Find out if they apply to your home and if so, what to do to be in compliance. The KCSD is here to support your understanding of Zone 0."

I think the following steps will help calm people:

1. Ample opportunity for community comment on our process and ordinances- in town halls, in the Outlook Q+A's, and by direct communication with the GM. While Daniel's documents help to explain the requirements, the law is still confusing and somewhat vague... and let's be honest, few attend our meetings or read our agenda packets anyway.
2. Property Specific Site Meetings - free on-site consultations for each impacted parcel with a knowledgeable trained district rep to identify measures the residents should take to be compliance. Maybe this is a trained Firewise volunteer or Johnny? Doesn't have to be fire personnel.
3. Permanent Zone 0 Tab on our new KCSD web site - links to a readable SHORT (no more than 1 page) summary of the law, its requirements, and timeframe for

compliance, maps/list of impacted parcels, resources for getting into compliance (acceptable materials, professionals to contact, alternative design approaches, etc.), who to contact with questions, the contextual/historical background documents of the law, and a copy of the applicable KCSD ordinances and resolutions.

4. Emphasis on how all Kensington residents should take responsibility for home hardening - even those not in the VHFSZ. HOWEVER, the KCSD should clearly state that there is no present intention to expand the impacted zone to include more parcels. Rather, the emphasis should continue to be on reasonable steps we can all take to make the community a bit safer.

Okay, thanks again to you all! - Sarah

Item #20e

From: Jim Watt <jwatt@kensingtonfire.org>
Sent: Saturday, October 24, 2026 12:47 PM
To: David Aranda <DAranda@kppcsd.org>
Subject: Re: Zone 0

I thought Director Levine' suggestions were reasonable.

Jim

Item #20f

From: Adam Bastein <abastein@kppcsd.org>
Sent: Monday, October 12, 2026 10:56 PM
To: David Aranda <DAranda@kppcsd.org>
Subject: Follow-ups from Thursday Meeting

Hi David,

Zone 0 Comments: I re-reviewed Daniel's proposed alternative local practices, the Fire Chief's Responses, and Daniel's commentary on Fire Chief's responses. I don't have any additional input to add on this but I think it's great that we're getting into the details and advocating for what would make sense for Kensington's local conditions.

Best,

Adam

From: Eric Saylors <ESaylors@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 Saylors, 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 processand 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 Saylors
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