



Susan Wengraf
Councilmember District 6

REVISED AGENDA MATERIAL

Meeting Date: September 15, 2020

Item Number: ## Urgent

Item Description: Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas

Supplemental/Revision Submitted By: Councilmember Susan Wengraf

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

This supplemental information adds jurisdictions to include in the collaborative measures, adds director names to some of those jurisdictions, corrects the title of the Oakland Administrator and corrects the name of the Lawrence Berkeley National Laboratory.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds vote of the City Council. (BMC 2.06.070)

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES

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This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)**
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)**
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

This past weekend the illegal and very reckless igniting of fireworks and trash burning at Grizzly Peak lookouts occurred, jeopardizing the safety of all residents of Berkeley and Oakland as well as residents on the UC Berkeley campus. This activity must be stopped immediately. And strict measures to prevent this activity in the future must be implemented. This is a very dangerous time of year and we are vulnerable to fire igniting and getting out of control very quickly.



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Wengraf (author), Mayor Arreguín, Vice Mayor Hahn and Councilmember Droste (co-sponsors)
Subject: Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas

RECOMMENDATION

1. Request that the City manager work collaboratively with neighboring jurisdictions, including the City of Oakland, UC Berkeley, Lawrence [Berkeley National Laboratory](#), [Lawrence Hall of Science](#), and East Bay Regional Parks to address the use of fireworks and end other illegal and dangerous activities at scenic lookouts on Grizzly Peak Blvd.
2. Send the request for immediate, urgent, and coordinated action to UC Regents, UC Berkeley Chancellor Carol Christ, [Lawrence Berkeley National Laboratory Director Michael Witherell](#), [Lawrence Hall of Science Director. Rena Dorph](#), Mayor and City Council of Oakland, Oakland City [Administrator Edward Reiskin](#), East Bay Regional Parks District Board of Directors, EBRP General Manager Robert Doyle, Alameda County Supervisor Keith Carson, [Contra Costa County Supervisor John Gioia](#) and to the East Bay Hills Forum.
3. Adopt a Resolution requesting that all responsible jurisdictions take immediate action to stop the use of fireworks and end other illegal and dangerous activities at Grizzly Peak Blvd. scenic lookouts and other similar gathering areas in the Berkeley and Oakland hills, to prevent fires, end illegal dumping and protect the health and safety of the residents of Berkeley and Oakland as well as the UC Berkeley Campus, Lawrence [Berkeley National Laboratory](#), East Bay Regional Parks.

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FINANCIAL IMPLICATIONS

Staff time to create and implement measures to address and coordinate with neighboring jurisdictions. Possible cost of signage, barriers, and other physical elements to close or better manage locations. The cost of a catastrophic fire in the East Bay hills could run into billions of dollars, in addition to loss of lives, homes and

possessions. Whatever investment is required to curb these activities during the fire season is insignificant as compared to the potential cost of inaction.

BACKGROUND

The entire west coast of the United States is experiencing intense and extensive wildfires, ravaging everything in their paths and resulting in loss of lives and homes, and the destruction of millions of acres of land. At the time of this writing, there are 29 wildfires in California that have burned more than 2.8 million acres – and many more raging in Oregon, Washington and Colorado. Since the beginning of 2020, wildfires have burned over 3.3 million acres in California. There have been 22 fatalities and more than 4,100 structures destroyed. The entire population of the west coast is exposed to air polluted by extremely dangerous levels of smoke and ash.

Berkeley and Oakland are not strangers to wildfires. On September 17, 1923, a fire, starting in Wildcat Canyon in the north Berkeley hills propelled by strong winds swept through north Berkeley neighborhoods destroying more than 600 structures. The fire was finally successfully contained at the corner of Shattuck and Hearst Avenues.

During the weekend of October 19th, 1991, a conflagration started on the hillsides of north Oakland close to the border of southeast Berkeley. Strong winds pushed the fire south across all lanes of Highway 24 into the Oakland hills. The “Tunnel Fire” killed 25 people, injured 150 others and destroyed more than 3,000 homes in both Oakland and Berkeley. The economic loss from the fire was estimated at \$1.5 billion in 1991 dollars. It took four days for firefighters to contain the Tunnel Fire.

Since 1991, there have been numerous other wildfires originating in the East Bay Hills and East Bay Regional Parks District areas, all of which, thankfully, have been put out quickly by firefighters. A single match, cigarette, or fireworks, or even a spark from a wheel rim scraping against a rock, is enough to ignite the entire hillside during this already catastrophic wildfire season, with dry brush and low humidity. The risks are extreme, and all dangerous activities must be suspended during fire season.

On October 15, 2019, The City of Berkeley declared wildfire prevention and safety a top priority. Taking immediate and decisive action to address this issue is critical to upholding our commitment to wildfire prevention and safety, and to our most fundamental responsibilities with respect to the health and welfare of our communities.

CURRENT SITUATION

In response to reports of dangerous, irresponsible and illegal activity at look-outs areas, the City of Oakland recently installed signage prohibiting parked vehicles in these areas from 9 p.m. until 6 a.m. These signs were a small step towards trying to regulate activities that threaten the safety of our communities.

Since June, there have been many reports of sounds of fireworks coming from Grizzly Peak Blvd. lookouts and neighboring view and gathering areas. Anxiety about the

consequence of fire from residents living nearby is high, and fully justified. Response from law enforcement has not been effective in stopping these activities to date. This past weekend, the fireworks and other dangerous activity were documented on Snapchat: <https://youtu.be/aJEiUS3UJW8> causing increased alarm and outrage among residents. KRON-TV covered the incident: https://www.youtube.com/watch?v=BCQvE_73l2g. Clearly, measures already in place are inadequate to meet the dangers and other impacts presented by these activities.

The illegal and very reckless igniting of fireworks and trash burning at Grizzly Peak lookouts jeopardizes the safety of all residents of Berkeley and Oakland as well as the UC Berkeley campus, Lawrence [Berkeley National Laboratory](#), and all East Bay communities that could be harmed by a fire originating in these areas. In last year's tragic Santa Rosa fires, neighborhoods far from the front lines of the fire burned to the ground, having been ignited by embers cast more than a mile away by strong winds.

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Dangerous and illegal activity must be stopped immediately through coordinated policies, programs and response by all jurisdictions responsible for Grizzly Peak Blvd. and other similar view and gathering locations. Strict emergency measures must be implemented immediately as well as long term solutions to prevent and respond to dangerous and illegal activities.

As the video demonstrates, signs, while well intended, have had no impact. A more aggressive approach and action must be taken to protect Berkeley, Oakland, UC Berkeley, LBNL, and all our neighboring East Bay jurisdictions from the potentially devastating consequences of illegal and reckless behavior.

RECOMMENDATIONS

Adopt a Resolution and send it to: UC Regents, Chancellor Carol Christ, Oakland City Council members and Mayor Libby Schaaf, East Bay Regional Parks Board Members and East Bay Regional Parks General Manager, Robert Boyle, Supervisor Keith Carson, and the Hills Forum, requesting that the following action be taken immediately:

1. All jurisdictions including the Cities of Berkeley and Oakland, East Bay Regional Parks, UC Berkeley, Lawrence Berkeley [National Laboratory](#), and Alameda County, are requested to work collaboratively to address the problems of dangerous and illegal activity at lookouts on Grizzly Peak Blvd. and in similar gathering areas. If a written MOU is required to clarify common measures to be implemented, and responsibilities for prevention and response, then every effort should be made to establish a formal agreement as soon as possible. In the meantime, emergency measures to prevent and enforce against dangerous and illegal activity must be implemented immediately by all responsible jurisdictions.

2. During fire season, as determined by CAL FIRE, all 911 calls to Oakland PD, Berkeley PD, UCB PD and EBRP PD reporting the sounds of fireworks in fire-vulnerable

areas such as the East Bay Hills must be treated as high priority emergency calls and responded to accordingly. Currently these calls are classified as non-emergency.

3. The use of fireworks in Alameda County, at any time of year, is illegal. These laws, and other laws, including emergency orders, prohibiting activity that could result in fires or other harm must be strictly enforced.

4. The 9 p.m. curfew on Grizzly Peak outlooks [should be adopted by all relevant jurisdictions, and] strictly enforced by cooperating jurisdictions, including Oakland, Berkeley, University of California and East Bay Regional Parks.

5. If implementing a schedule of patrols to closely monitor activities at the Grizzly lookouts and other gathering areas to prevent and enforce against dangerous activities is not feasible, lookout areas should be closed to vehicles, with physical barriers, for the duration of the fire season while alternative plans are put in place to allow for safe access to these popular gathering locations.

ENVIRONMENTAL SUSTAINABILITY

Prevention of wildfire is crucial to achieving our climate action goals. Wildfires are devastating for air quality and GHG emissions, and fires create toxic ash and fumes that pollute the air, earth and waterways, as well as negatively impacting the health of people and animals exposed to such toxins.

CONTACT PERSON

Councilmember Wengraf Council District 6 510-981-7160

Attachments:

- 1: Map of Jurisdictions & Look-Outs
- 2: Resolution

Maps: Jurisdictions & Look-Outs



RESOLUTION NO. ##,###-N.S.

URGENT AND IMMEDIATE FIRE PREVENTION MEASURES AT GRIZZLY PEAK
LOOK-OUTS

WHEREAS, On September 17, 1923, a fire, starting in Wildcat Canyon in the north Berkeley hills and propelled by strong winds, swept through north Berkeley neighborhoods destroying more than 600 structures before stopping at Shattuck Ave; and

WHEREAS, During the weekend of October 19th, 1991, a conflagration started on the hillsides of northern Oakland close to the border of southeast Berkeley. The Tunnel Fire killed 25 people, injured 150 others and destroyed more than 3,000 homes; and

WHEREAS, Since 1991 there have been several other wildfires, smaller and easier to control. However, it will not take much, in the right weather conditions, to ignite the entire hillside during fire season when brush is dry and humidity is low; and

WHEREAS, On October 15, 2019, The City of Berkeley declared wildfire prevention and safety a top priority; and

WHEREAS, Since June, there have been many reports of the sounds of fireworks coming from the Grizzly lookouts and neighboring areas; and

WHEREAS, To date, response from law enforcement has not been effective in stopping the activity; and

WHEREAS, This past weekend, the fireworks and other dangerous activity was documented on Snapchatⁱ and KRON-TVⁱⁱ demonstrating extreme fire danger and causing increased alarm and outrage among residents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it Adopts a Resolution requesting immediate preventative action and implementation of measures to stop the use of fireworks and other illegal and dangerous activities at the Grizzly Peak Blvd scenic lookouts, in order to protect the health and safety of the residents of Berkeley and Oakland as well as the UC Berkeley Campus, Lawrence [Berkeley National Laboratory](#), and East Bay Regional Parks.

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BE IT FURTHER RESOLVED that the five measures recommended are as follows:

1. All jurisdictions including the Cities of Berkeley and Oakland, East Bay Regional Parks, UC Berkeley, Lawrence Berkeley [National Laboratory](#), Alameda County [and Contra Costa County](#), are requested to work collaboratively to address the problems of dangerous and illegal activity at lookouts on Grizzly Peak Blvd. and in similar gathering areas. If a written MOU is required to clarify common measures to be

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implemented, and responsibilities for prevention and response, then every effort should be made to establish a formal agreement as soon as possible. In the meantime, emergency measures to prevent and enforce against dangerous and illegal activity must be implemented immediately by all responsible jurisdictions.

2. During fire season, as determined by CAL FIRE, all 911 calls to Oakland PD, Berkeley PD, UCB PD and EBRP PD reporting the sounds of fireworks in fire-vulnerable areas such as the East Bay Hills must be treated as high priority emergency calls and responded to accordingly. Currently these calls are classified as non-emergency.

3. The use of fireworks in Alameda County, at any time of year, is illegal. These laws, and other laws, including emergency orders, prohibiting activity that could result in fires or other harm must be strictly enforced.

4. The 9 p.m. curfew on Grizzly Peak outlooks [should be adopted by all relevant jurisdictions, and] strictly enforced by cooperating jurisdictions, including Oakland, Berkeley, University of California and East Bay Regional Parks.

5. If implementing a schedule of patrols to closely monitor activities at the Grizzly lookouts and other gathering areas to prevent and enforce against dangerous activities is not feasible, lookout areas should be closed to vehicles, with physical barriers, for the duration of the fire season while alternative plans are put in place to allow for safe access to these popular gathering locations.

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Councilmember Wengraf

Council District 6

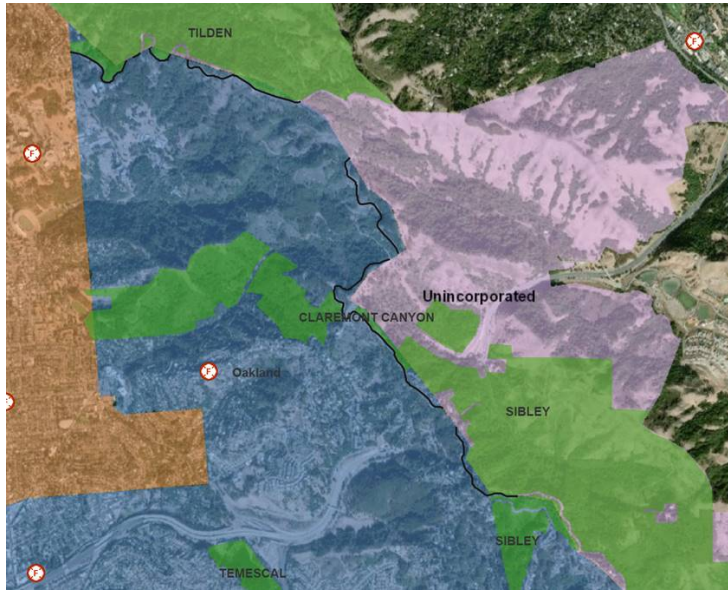
510-981-7160

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