

(O-89-245)

ORDINANCE NUMBER O- 17362 (NEW SERIES)

ADOPTED ON OCT 16 1989

AN ORDINANCE AMENDING CHAPTER 5, DIVISION 5,
SECTION 55.0888.0201 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING APPENDIX IIA,
SUBSECTION 16 THEREOF RELATING TO CLEARANCE OF
BRUSH AND VEGETATIVE GROWTH FROM STRUCTURES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 5, Division 5, Section 55.0888.0201 of the San Diego Municipal Code be and the same is hereby amended by amending Appendix IIA, Subsection 16 thereof, to read as follows:

DIVISION II

APPENDIX II-A

**SUPPRESSION AND CONTROL
OF HAZARDOUS FIRE AREAS**

SEC. 55.0888.0201 ENVIRONMENTAL HAZARD CONTROLS

U.F.C. Appendix II-A (1988 Edition) is adopted in its entirety and subsection (16) thereof is amended to read as follows:

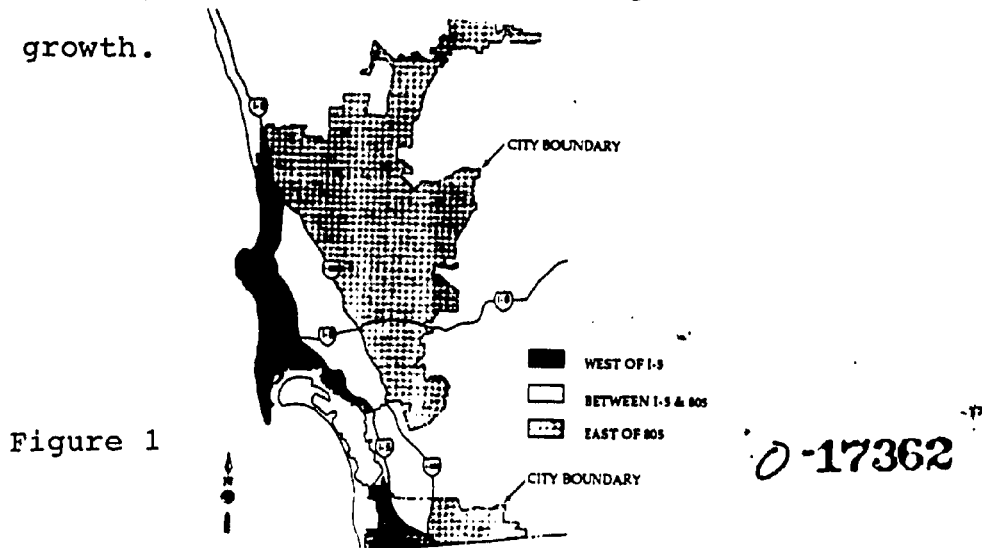
(1) through (15) No Change.

16. CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES

(a) Any person owning, leasing, controlling, operating or maintaining any building or structure in, upon or adjoining any hazardous fire area, and any person owning, leasing or controlling any land

adjacent to such buildings or structures, shall at all times:

1. Maintain around and adjacent to such building or structure, an effective firebreak made by removing and clearing away, for a distance therefrom equal to the total Brush Management Zones Depth, from Table 2 on each side thereof. All zones shall be established and maintained in accordance with the standards adopted by the City Council as set forth in Section six of the document entitled "City of San Diego Landscape Technical Manual," a copy of which is on file in the office of the City Clerk as document no. RR-274506, including supplements and amendments.
2. Remove that portion of any tree which extends within 10 feet of the outlet of any chimney.
3. Maintain any tree adjacent to or overhanging any building free of dead wood.
4. Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.



- (b) Table 1 establishes the fire hazard severity rating based upon the priority designation of an area and a structure's geographic location in the City as shown in Figure 1.

FIRE HAZARD SEVERITY CLASSIFICATION			
LOCATION OF STRUCTURE	FIRE DEPARTMENT PRIORITY DESIGNATION		
	(A)	(B)	(C)
WEST OF I-5	MOD.	LOW	LOW
BETWEEN I-5 & 805	HIGH	MOD.	LOW
EAST OF 805	HIGH	HIGH	MOD.

Table 1

- (c) Table 2 establishes the required depth of each brush management zone based upon the fire hazard severity class identified in Table 1.

BRUSH MANAGEMENT ZONES DEPTH				
ZONE	DESCRIPTION	FIRE HAZARD SEVERITY CLASS		
		LOW	MOD.	HIGH
1	Ornamental landscapes or Brush Clearance	30' min.	35' min.	40' min.
2	Low volume plantings or selective thinning	20' avg.	30' avg.	40' avg.
3	Selective thinnings	0' avg.	20' avg.	30' avg.
	TOTAL	50'	85'	110'

Table 2

- (d) For new structures adjacent to slopes requiring brush management, the Zone 1 depth per Table 2 may

be reduced by 10 feet when all of the following architectural features are provided:

- ° The roof shall be of fire retardant construction. Wood shake or shingles whether fire retardant or untreated are not permitted.
 - ° Roof overhangs shall have an exterior surface as required for one hour fire resistive walls and no eave vents shall be permitted for any portion of a structure located within the minimum Table 2 setback distance.
 - ° All eave vents shall be covered with wire screen not to exceed 1/4 inch mesh.
- (e) For all lots which have received approval on a tentative map subsequent to November 15, 1989 (date) (the effective date of this ordinance), where structures will be located above slopes requiring brush management, with a slope gradient of 4:1 (25 percent) or steeper and 50 feet in vertical height or higher the following will apply:
- ° Structures shall be set back for a distance equal to the minimum required Zone 1 depth established in Table 2. The setback shall be measured from those portions of a slope with gradients of 4:1 (25 percent) or steeper.
 - ° Notwithstanding any section to the contrary, any legal building lot for which a tentative map has been approved prior to

November 15, 1989 (date) (the effective date of this ordinance), the Zone 1 setback shall not be required as a condition of a subsequent permit when substantial conformance exists with previously approved discretionary permits.

- (f) For new structures adjacent to slopes requiring brush management, the depth of Zone 1 may be reduced as allowed in accordance with section (d).
- (g) For new structures, the depth of Zone 3 shall be increased one-foot for every one foot reduction of the building setback below the Zone 1 depth established within Table 2.
- (h) In the event that any of the conditions prohibited by subsections (a) through (g) of this section exist, the Fire Chief may give notice to the owner of the property upon which such condition exists to correct such prohibited condition, and, if the owner fails to correct such condition may cause the same to be done and make the expense of such correction a lien upon the property upon which such condition exists, pursuant to Municipal Code provisions governing the abatement of nuisance.
- (i) For all lots which have received approval on a tentative map subsequent to November 15, 1989 (date) (the effective date of this ordinance), all new structures shall be situated such that no brush

management will occur on publicly owned open space or parklands.

- (j) The approved brush management plan shall be maintained in accordance with guidelines set forth by the Fire Chief. If a Planning Department permit is required, the approved brush management plan shall be maintained in accordance with guidelines set forth by the Planning Director in addition to those set forth by the Fire Chief. In a case where publicly owned open space or parklands are involved, the Park and Recreation Director may establish additional requirements for maintenance.
- (k) In a case where a brush management plan does not comply with the provisions of Appendix II-A, the Fire Chief shall have the authority to approve or conditionally approve a modified brush management plan if the findings pursuant to section (l) can be made. Additionally, when a Planning Department permit is required or when publicly owned open space and parklands are involved, the findings pursuant to section (m) must be made. Deviations involving a Planning Department permit shall require approval from the Planning Director. Approval by the Park and Recreation Director shall also be required for any deviations which impact publicly owned open space and parklands.

(l) Findings:

1. The proposed brush management program will meet the purpose and intent of Appendix II-A of the Uniform Fire Code; and
2. The proposed brush management program, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing in or working in the area; and
3. The provisions as outlined in subsection 6.6-2 of the document entitled "City of San Diego Landscape Technical Manual," a copy of which is on file in the office of the City Clerk as Document No. RR-274606, shall be satisfied and the proposed development shall provide other fire resistive features as required by the Fire Chief; and
4. Compliance with the provisions of this section in addition to any other applicable adopted plans or ordinances would preclude any reasonable development on the site.

(m) Supplementary Findings

1. The proposed brush management program, to the extent feasible, as defined in CEQA (Public Resources Code) sec. 21061.1, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant

prehistoric sites and resources, and wetlands,
as defined in the Resource Protection
Ordinance, San Diego Municipal Code section
101.0462; and

2. The proposed brush management program, to the extent feasible, as defined in CEQA (Public Resources Code) sec. 21061.1, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.

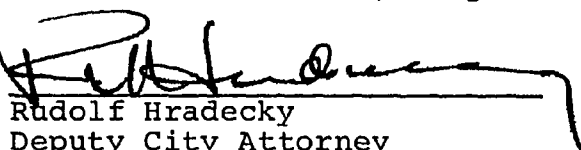
(n) A copy of all findings shall be filed with the Fire Chief and the Planning Director within seven (7) days of such action. Findings shall also be filed with the Park and Recreation Director for publicly owned open space and parklands.

Section 2. The City Clerk is hereby authorized and directed to insert the effective date of this ordinance in the blank spaces provided in Section 1, and to delete the words "(date) (effective date of this ordinance)," wherever appearing.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

RH:mb
07/14/89
09/25/89 COR. COPY
Or. Dept: Plan
O-89-245
Form=o.none
12/11/89 COR. COPY

34 A

OCT 16 1989

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnee*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to-wit, on

OCT 3 1989

OCT 16 1989

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnee*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17362 Adopted OCT 16 1989

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 NOV-9 AM 3:19
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BLDG.
SAN DIEGO, CA 92101
ATTN: R. BARNES

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER V, DIVISION 5,
SECTION 55.0888.0201 OF THE SAN DIEGO MUNICIPAL
CODE BY AMENDING APPENDIX IIA, SUBSECTION 16,
RELATING TO CLEARANCE OF BRUSH AND VEG-ETATIVE
GROWTH FROM STRUCTURES.

NO.

ORDINANCE NUMBER 0-17362 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER V, DIVISION 5,
SECTION 55.0888.0201 OF THE SAN DIEGO MUNICIPAL
CODE BY AMENDING APPENDIX IIA, SUBSECTION 16,
RELATING TO CLEARANCE OF BRUSH AND VEG-ETATIVE
GROWTH FROM STRUCTURES.

This ordinance amends Section 16 of Appendix IIA of the Uniform Fire Code as adopted by the Council of The City of San Diego. Section 16 is amended to require any person who owns, leases, controls, operates or maintains any building or structures in, upon or adjoining any hazardous fire area and any person who owns, leases or controls land adjacent to such buildings or structures to maintain fire breaks around such structures. The fire break shall be created by removing or clearing away designated brush and vegetation up to specified distances established by tables contained within Appendix IIA, based upon the location of the structure with a designated brush management zone. These zones are described within the text of Appendix IIA, The City of San Diego Landscape Technical Manual, as adopted by the City Council. The ordinance further requires the removal of any portion of a tree which extends further than ten feet from the outlet of any chimney, to keep trees overhanging such buildings and structures free of dead wood, and that roofs be maintained free of leaves, needles and other dead vegetative growth.

Exceptions to the distances established within the brush management zone depths may be modified when the structures or roofs meet certain fire retardant construction standard. In cases where the structure will be located within designated distances of slopes with gradient of 4:1, when the rise of the slope exceeds 50 feet in vertical height, then setback requirements are established for such structures within tables established in Appendix IIA.

The Fire Chief is authorized to cause brush management abatement to occur when the property owner or other responsible person fails or refuses to clear brush as required by Section 16. In this case, the Municipal Code provisions governing abatement of nuisances shall be applicable, and the costs of weed and brush abatement may be made an expense against the property, with a lien being asserted for such costs.

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17362 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCT. 30

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 30 day of OCT., 19 89.

(Signature)

Page 1 of 2

7 1/8 x 2 = 170.64

The ordinance further provides that, for lots which have received approval on a tentative map subsequent to the effective date of this ordinance, all new structures shall be located in such a manner that brush management will be required on publicly owned open space or parklands. In those cases where a brush management plan does not comply with the provisions of Appendix IIA, modified brush management plans may be approved if the Fire Chief and, where applicable, the Planning Director or the Park and Recreation Director, make findings pursuant to this section, provided the purpose and intent of Appendix IIA of the Uniform Fire Code is otherwise met. Factors included are: that the proposed brush management plan will not be detrimental to the general health, safety and welfare of persons residing or working in the area; other fire relative features are provided within the structure (as approved by the Fire Chief); and that literal compliance with the provisions of this section or any other ordinances governing land development would otherwise preclude any reasonable development on the site due to the distances and setbacks imposed by the brush management tables.

Brush management programs, to the extent feasible, may not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, or wetlands, as defined within the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), and will minimize alterations of vegetation and not result in undue risks to the environment from erosional forces.

Copies of all findings required under Section 16 are to be filed with the Fire Chief and the Planning Director, and, where applicable, with the Park and Recreation Director for publicly owned open space and parklands.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON OCT 3 1989 Passed and Adopted by the Council of The City of San Diego on OCT 16, 1989

AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR City Clerk of The City of San Diego, CA

(SEAL)
By RHONDA R. BARNES, Deputy.

Pub. Oct. 30 158578