

ORDINANCE NUMBER O- 19884 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 28 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 5, ARTICLE 5 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 50 AND SECTION 55.5001 RELATING TO THE ADOPTION OF THE VERY HIGH FIRE HAZARD SEVERITY ZONES AS DESIGNATED ON THE VERY HIGH FIRE HAZARD SEVERITY ZONE MAP.

RECEIVED  
CITY CLERK'S OFFICE  
09 AUG 19 PM 4:30  
SAN DIEGO, CALIF.

WHEREAS, the Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code sections 4201 through 4204 and California Government Code sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires; and

WHEREAS, the California Department of Forestry and Fire Protection [CAL FIRE] is required to identify Fire Hazard Severity Zones throughout the state by map pursuant to Public Resources Code sections 4201 through 4204 and California Government Code sections 51175 through 51189; and

WHEREAS, CAL FIRE has recently updated the map of the Fire Hazard Severity Zones throughout the state, entitled "Map of the Fire Hazard Severity Zones in the State Responsibility Area of California" pursuant to Title 14, section 1280 of the California Code of Regulations; and

WHEREAS, the City of San Diego may designate areas not identified as Very High Fire Hazard Severity Zones by CAL FIRE as Very High Fire Hazard Zones following a finding supported by substantial evidence in the record that the requirements of California Government Code section 51182 are necessary for effective fire protection within the area; and

WHEREAS, the City of San Diego desires to designate Brush Management Zones, as defined in Municipal Code section 142.0412, as Very High Fire Hazard Severity Zones that were

not identified as Very High Fire Hazard Severity Zones by the Director of CAL FIRE based on the substantial evidence listed below; and

WHEREAS, this ordinance is intended to adopt the Director of CAL FIRE's recommendations on Very High Fire Hazard Severity Zones; and

WHEREAS, pursuant to California Government Code section 51178.5, City staff has made the information regarding Very High Fire Hazard Severity Zones available for public review by posting the draft Very High Fire Hazard Severity Zones Map on its website along with a document entitled Fire Hazard Severity Zones [FHSZ] and New Building Codes for California's Wildland Urban Interface;

NOW, THEREFORE, the City Council of the City of San Diego finds that each of the requirements of California Government Code section 51182 are necessary for effective fire protection within the Brush Management Zones, as defined in Municipal Code section 142.0412, that were not identified as Very High Fire Hazard Severity Zones by the Director of CAL FIRE based upon the following substantial evidence as follows:

1. On October 25, 2003, San Diego began suffering from the largest wildfire in state history. The largest of the fires, the Cedar fire, burned 280,278 acres countywide and 28,676 acres within the City of San Diego. The Cedar fire destroyed 335 structures and damaged 71 structures in the City. The Cedar Fire, Paradise Fire, and Otay Fire burned several communities within the City including Clairemont, Kearny Mesa, Miramar, Scripps Ranch, Tierrasanta, and OtayMesa/Nestor.

2. The 2007 wildfire began on October 21, 2007, and started near the U.S./Mexico border. At the height of the firestorms, there were seven separate fires burning in San Diego County. These fires resulted in 10 civilian fire deaths, 23 civilian injuries, and 89 firefighter

injuries. More than 6,200 fire personnel fought to control the wildland fires. The fires consumed approximately 369,000 acres or about 13% of the county's total land mass. The fires destroyed an estimated 1,600 homes; 800 outbuildings; 253 structures; 239 vehicles; and 2 commercial properties. The total projected damage costs are expected to exceed \$1.5 billion.

3. The City of San Diego is surrounded with dry underbrush at the wildland interface areas to the east of the City.

4. There is currently no defensible space between City land and numerous other jurisdictions, including Mexico.

5. The topography within the City of San Diego includes hills and canyons which hamper fire fighting operations and brush clearing operations.

6. On November 3, 2003, and again on October 22, 2007, pursuant to San Diego Municipal Code section 51.0106(a)(1), the Mayor proclaimed the existence of a local emergency as a result of the wildfires which began on October 25, 2003 and October 21, 2007, respectively, and that the proclamations have been ratified by the City Council periodically.

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

Section 1. That Chapter 5, Article 5 of the San Diego Municipal Code is amended by adding a new Division, titled "Very High Fire Hazard Severity Zone Established," and section 55.5001, to read as follows:

**Article 5: Fire Protection and Prevention**

**Division 50: Very High Fire Hazard Severity Zone Established.**


**§55.5001 Very High Fire Hazard Severity Zone**

The Council of the City of San Diego adopts the Very High Fire Hazard Severity Zones as recommended by the Director of the California Department of Forestry and Fire Protection, and adopts the Brush Management Zones, as defined in Municipal Code section 142.0412, as Very High Fire Hazard Severity Zones, as designated on a map titled, "Very High Fire Hazard Severity Zone Map – Local Responsibility Areas", dated JUL 21 2009, on file with the City Clerk as Document number 0-19884

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Elisa A. Cusato  
Deputy City Attorney

EAC:nda  
06/05/09  
08/19/09 Cor.Copy  
Or.Dept:Fire-Rescue Dept.  
O-2009-164  
MMS#6733

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 21 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7-28-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

\*\*\*See the following page for approval signature after corrections were made.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 21 2009.

ELIZABETH S. MALAND  
City Clerk

By Sara Richardson  
Deputy City Clerk

Approved: 11.19.09  
(date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor