

DATE ISSUED: January 21, 2004

REPORT NO . 04-017

ATTENTION: Honorable Mayor and City Council  
Docket of January 27, 2004

SUBJECT: Proposed Regulatory Revisions to Brush Management Resulting  
from the Cedar Fire

#### SUMMARY

##### Issue(s) –

1. Should the City Council propose changes to the Municipal Code Chapter 12, Article 2, Division 4 to modify the requirements of brush management pursuant to the recommendations of the Fire Chief?
2. Should the City Council direct the City Manager to re-deploy Park and Recreation Department staff from Developed Regional Parks to the Open Space Division to accommodate increased requests for brush management and maintain the current brush management schedule for the remainder of FY 2004?

##### Manager's Recommendation(s) –

1. Direct the City Manager to propose changes to brush management regulations as outlined in this report and attachments, and
2. Determine whether to supplement the existing brush management crew for the remainder of FY 2004 by re-deploying Park and Recreation Department staff from Developed Regional Parks to the Open Space Division, as outlined in this report.

Fiscal Impact:

Brush management regulations changes will increase the Zone 2 thinning requirements to 65 feet or more. This will increase the Park and Recreation Department's annual brush management budget shortfall to more than \$4.4 million in order to perform adequate brush management for approximately 1,750 acres of urban/open space interface. Any re-deployment of Park and Recreation Department staff from Developed Regional Parks to Open Space to supplement the existing brush management crew for the remainder of FY 2004 would result in reductions in maintenance and public safety services in both Mission Bay and Balboa Park.

Housing Affordability Impact: The proposed regulatory change has a minor effect on the cost of housing. Individual property owners or home owners associations would be required to thin additional areas of native vegetation. Given the small area of extra brush management for individual property owners, this is not considered to have a significant effect on housing affordability.

BACKGROUND

On Monday December 8, 2003 the City Manager presented the Initial 30-day "Cedar Fire After Action Overview Report." (CMR-03-242). As a result of recommendations provided in the Report, City Council directed the Manager to bring forward proposed changes to the existing Municipal Code §142.0412 to provide for greater defensible space by modifications to brush management regulations. The following report outlines the City Manager's proposed changes as developed by the City Manager, Fire-Rescue, Development Services, Planning and the Park and Recreation Departments.

The proposed changes, combined with revisions to the Building Code to promote fire resistant construction (e.g., Class "A" roofs, boxed eaves) of buildings adjacent to areas of high risk for wildfires are designed to help provide fire and rescue services time to control and extinguish potential fires.

DISCUSSION

Brush Management Revisions:

Each year San Diego Fire-Rescue responds to over 800 vegetation fires. During certain times of the year, native vegetation can pose a wildfire risk and requires proper management of the urban wildland interface. The City has a total of approximately 22,600 acres of open space managed by Park and Recreation which creates approximately 220 linear miles of urban wildland interface. Over 16,000 acres of City open space presents a moderate to severe fire threat to communities though out the City, not including the thousands of privately owned interface properties. One of the most proven pre-fire management actions that can be done by a city or community is creating a

defensible space of 100' between the structure and the vegetation. A proper defensible space not only reduces the size and intensity of the fire, but also allows the Fire Department time and space to mount a defense against impending fire.

The current brush management regulations in the Land Development Code were developed in conjunction with the Multiple Species Conservation Program (MSCP). The regulations were approved by City Council in November 1997 and by the California Coastal Commission in November of 1999. They were made effective with the entire Land Development Code in January 3, 2000.

Primary focus of the changes was to simplify regulations, to improve predictability, to make them more enforceable, and to coordinate brush management requirements with the City's goal to preserve environmentally sensitive habitat. Changes to the regulations included replacement of the complex three zone system of brush management of varying widths (50' to 110') based upon classifications of fire severity with a two zone system based upon the location of the property's location west or east of Interstate 805 and El Camino Real. The dividing line of Interstate 805 and El Camino Real was selected based upon analysis of historical fires data in and outside areas of climatic coastal influence. Analysis of the Cedar Fire, indicates that if the Santa Ana winds had continued, it is likely that the fire could have burned all the way to the ocean. The climatic coastal influence would not have been a factor in this event. This has prompted the Fire-Rescue Department to reevaluate the current distinction and propose a single citywide brush management system.

Zone One is the area adjacent to structures and consists of pavement and permanently irrigated ornamental plantings. Zone Two is an area of native plant material thinned to reduce fuel load. Width of Zone One currently varies from 20' to 40' west of Interstate 805 and El Camino Real, and 30' to 45' east. Zone Two currently varies from 20' to 30' west of Interstate 805 and El Camino Real, and 40' to 50' east.

In light of the size and severity of the Cedar fire, and the other wildfires in October of 2003, the Fire Chief is recommending a City wide 100 foot brush management area consisting of 35' of Zone One and 65' of Zone Two. In addition, it is proposed that Zone Two would be expanded accordingly to achieve 100' of brush management where Zone One is less than 35' from existing structures. A standard 100' brush management zone would allow for a greater defensible space against impending fire.

Under the existing Municipal Code §142.0412(i), the Fire Chief has the ability to enforce modification to the brush management regulations for purposes of fire protection on a case-by-case basis. As a result of the Cedar Fire, the Fire Chief is recommending implementation of the 100' citywide brush management regulations on a volunteer basis, until the proposed revisions to the brush management regulations (Attachments 1) can be considered for adoption by City Council.

Prior to adoption of the proposed regulations by City Council, staff would be required to conduct environmental review pursuant to the California Environmental Quality Act

(CEQA), evaluate the need to modify the City's Multiple Species Conservation Program (MSCP) Subarea Plan (adopted by City Council in March 1997) which describes the current system of brush management, and provide for a public review of the proposed regulations. The proposed brush management zones are consistent with a previously adopted Memorandum of Understanding between the State and Federal Wildlife Agencies and the San Diego County Fire Chief's Association dated February 26, 1997. In addition, the State and Federal Wildlife Agencies appear amenable to the changes in brush management regulations in preliminary discussions. In the Coastal Zone, final adoption of the proposed revisions would require approval by the California Coastal Commission to modify the City's Local Coastal Program.

### Fiscal Ramifications

#### 1. Open Space Division Brush Management Responsibilities

The City of San Diego Park and Recreation Department Open Space Division manages over 22,600 acres of City-owned open space, and is responsible for Zone 2 brush management along the urban edge where these lands adjoin developed areas. A Geographic Information System (GIS) study is currently underway to accurately determine the amount of acres of this urban interface area. Preliminary results show that, assuming the proposed average brush management Zone 2 width of 65 feet, this area would be approximately 1,750 acres. Ideally, the entire brush management area would be thinned on an average of every two years.

#### 2. Brush Management Staffing:

Current: Budgeted staffing consists of one Utility Supervisor, two Laborers, a portion of a District Manager, plus \$90,000 per year in outside contracts, at an annual cost of \$336,097. The number of staff has steadily declined from a one-year high of 21 employees in 1987 to the current 3.25 budgeted positions. Over the last several years, the Park and Recreation Department has supplemented this by reducing other budgeted expenditures to supplement brush management by \$40,000-\$45,000 per year. To partially offset position losses, contractual crews have been added, although those have also been reduced over time to the current six to eight persons, operating four days per week.

At this current staffing level, an average of approximately 70 acres of brush is thinned per year. The areas needing brush management are typically steep, often difficult to access, and the labor involved is physically challenging, all of which contributes to the number of acres that can be thinned per year. Given the current level of staffing, brush thinning mostly occurs in response to referrals from the Fire Department, route slips (approximately 25 were received last year), specific adjacent property owner complaints (67 phone calls have been received thus far this year), or for a limited number of identified high priority areas. For open space areas that need brush thinning but cannot be accommodated in an acceptable timeframe, Right of Entry Permits can be issued if requested by adjoining property owners who are willing to

perform the work in compliance with City standards. However, given the physical difficulty of the work, few property owners currently take advantage of this option.

FY 2004 Needs: In order to both accommodate the additional requests for brush management in City-owned open space in the wake of the Cedar Fire, and to continue to maintain the current brush management schedule for the remainder of 2004, a second brush management crew would be needed . Due to impacts to the General Fund, this may have to be accomplished by re-deploying other Park and Recreation staff to perform brush management functions. Two grounds maintenance positions and a supervisor, as well as the necessary vehicles, would be re-assigned from the Developed Regional Parks Division to the Open Space Division Brush Management Section. This would significantly impact the Mission Bay Shoreline Parks crew through the loss of two positions: a Utility Supervisor and a Laborer. This would result in significant safety and efficiency issues by increasing supervisory responsibilities of the remaining supervisor to 24 staff in multiple locations , and by reducing the Shoreline support crew by one-third (from three to two Laborers), resulting in longer response time for safety repairs and park maintenance. It would also impact Balboa Park maintenance through the loss of a Grounds Maintenance Worker I, and commensurate reduction in landscape maintenance, weed and litter control, manual irrigation, and transient camp control.

FY 2005 and Beyond Needs: To adequately perform brush thinning for the currently estimated 1,750 acre urban interface area every two years would require increasing the total brush management budget to \$5,266,962 for the first year to include additional staff, associated non-personnel expenses, contractual services, and one-time capital expenses. This would entail an increase in brush management staff from 3.25 to 43.25 budgeted positions, and would allow an increase in annual acres thinned from 70 to 875 acres. The staffing increase would include adding 11 crews totaling 34 positions, plus necessary supervisory and administrative support at an additional cost above the current budget of \$336,097 of approximately \$4.9M. Total cost for brush management would be approximately \$5.3M for the first year (including one-time expenditures) and \$4.4M per year thereafter.

	<b>Current Costs</b>	<b>Additional Costs *</b>	<b>Total Costs Year 1</b>	<b>Total Costs Ongoing</b>
PE+ other NPE (uniforms, refuse fees, etc.)	\$246,097	\$2,956,170	\$3,202,267	\$3,202,267
Contracts	\$90,000	\$990,000	\$1,080,000	\$1,080,000
Administrative Staff**		\$159,695	\$159,695	\$159,695
One Time Expenses (Vehicles, Office space, computers, tools etc.)		\$825,000	\$825,000	\$0
<b>Total</b>	<b>\$336,097</b>	<b>\$4,930,865</b>	<b>\$5,266,962</b>	<b>\$4,441,962</b>

\* Consists of 11.00 Utility Worker I, 23.00 Laborers, 3.00 Utility Supervisors, 1.00 Grounds Maintenance Manager.

\*\*Consists of 1.00 Administrative Aide II, 1.00 Principal Drafting Aide

### 3. Funding Options:

- a. General Fund: The General Fund has supported the brush management program since 1988. Increasing the General Fund budget for this program will require reductions in other programs
- b. Maintenance Assessment District: Given the unmet brush management staffing need and expected budget shortfalls for the upcoming fiscal years, use of a maintenance assessment district as a funding option could be explored. This unique citywide brush management maintenance assessment district would have to be voted on by all affected City of San Diego property owners. Estimated costs of forming such a district, due to the size of the district, the complexities of the assessment engineer's report in determining special benefit for potentially hundreds of thousands of affected parcels in proximity to open space, and to the citywide balloting effort, could be as high as \$500,000. This initial expenditure could be included in the district's year one budget and recaptured if the district is successfully formed, but repayment would not be guaranteed.

### ALTERNATIVE(S)

#### 1. Brush Management Revisions:

The City Council could continue with the existing brush management regulations without pursuing any modifications. The Fire Chief could continue on a case-by-case basis to require modifications to the brush management zones and/or require additional architectural features as is current allowed for under the Municipal Code.

#### 2. Alternatives to Funding Expanded Brush Management:

- a. Increased Right of Entry (ROE) Permits: Currently ROEs are issued at the request of adjoining private property owners if there is a brush management need and City staff is unable to schedule brush management in a reasonable period of time. This option could be publicized in affected communities to increase awareness of this option, and City staff would provide information, direction, tracking, and brush pick up. This would require at least one additional brush management crew, and staff to both administer and support the property owner program, at an estimated total cost of \$620,000 for the first year and approximately \$500,000 thereafter, including some potential increased contract costs. It is unclear how many additional acres could be thinned annually under this alternative, but given the difficulty of the work and small number of ROE's currently requested, an annual increase of 30-40 acres may be a reasonable estimate, resulting in a total annual brush management area of 100-110 acres.

- b. Community Brush Management Days: This could potentially involve designation of two to four Saturdays in different areas of the City for “Community Brush Management,” where volunteers could work on City land. Park and Recreation staff from throughout the department would be deployed on an overtime basis to provide training and supervision. Significant advance publicity would need to occur, with administrative support, equipment and clean up provided by the City. Estimated costs of this option could be \$200,000-250,000 annually. As with the ROE alternative above, it is unclear how many additional acres could be thinned, but a similar estimate of an annual increase in brush management of 30-40 acres may be reasonable.

Respectfully submitted,

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Loveland/AH/KG

Note: The Attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachment(s): 1. Proposed Brush Management Regulations  
2. Public Brochure on Brush Management