

ATTACHMENT 1

§55.0101 Adoption of the California Fire Code (2001 Edition) Purpose and Intent, and Administrative Provisions

- (a) Portions of California Fire Code (2001 Edition) adopted. Except as otherwise provided in this Article, the California Fire Code (2001 Edition), including appendices, is hereby adopted. A copy of the California Fire Code (2001 Edition), is on file in the office of the City Clerk as Document No. OO-769841. The California Fire Code (2001 Edition), is referred to in this Article as “C.F.C. (2001 Edition).” The California Fire Code Standards (2001 Edition), is hereby adopted and is to be used in conjunction with the C.F.C. (2001 Edition). A copy of the California Fire Code Standards (2001 Edition), is on file in the office of the City Clerk as Document No. OO-18659, and may be cited in this Article as “C.F.C. Standards (2001 Edition).”
- (b) San Diego Fire Code. The document known as the San Diego Fire Code consists of the following documents:
- (1) Those portions of the C.F.C. (2001 Edition), adopted by the City in section 55.0101 with changes as specified in this Article.
 - (2) C.F.C. Standards (2001 Edition).
 - (3) Sections 55.0101 through ~~55.9201~~ 55.9105 of Chapter V, Article 5, of the San Diego Municipal Code.
 - (4) Applicable sections of the California Code of Regulations.
- (c) Relationship of San Diego Municipal Code section numbers to C.F.C. (2001 Edition) section numbers. Sections within the C.F.C. (2001 Edition) retain those same section numbers when referred to within the text of the San Diego Municipal Code. Thus, Section 901 of the C.F.C. (2001 Edition) will be cited as “C.F.C. 901 (2001 Edition)” within the text of the San Diego Municipal Code.

Where a section of the C.F.C. (2001 Edition) is adopted with changes, it is promulgated within the Municipal Code by using a numbering system to reflect both the Municipal Code numbering system and the C.F.C. (2001 Edition) numbering system. For example, section 901 of the C.F.C. (2001 Edition) is adopted with changes in San Diego Municipal Code section 55.0901. The first two digits to the left of the first decimal point are the chapter and article number of the San Diego Municipal Code. The two digits to the right of the first decimal point represent the Municipal Code's division number. The last four digits reflect the numbering system of the C.F.C. (2001 Edition). A zero (0) after the decimal point is a filler to accommodate the San Diego Municipal Code numbering system and is added when the section number in C.F.C. (2001 Edition) is less than four digits.

The Municipal Code numbering system reflects the numbering system of the C.F.C. (2001 Edition) excluding the chapter and article numbers to the left of the decimal point and when appropriate, the utilization of a filler zero (0). Consequently, with these modifications, the numbering in the San Diego Municipal Code sections 55.0101 through ~~55.9201~~ 55.9105 corresponds with the numbering system change in the C.F.C. (2001 Edition).

- (d) Definitions. Whenever the following terms appear within the text of the C.F.C. (2001 Edition), they have the following definitions:

Chief means the Fire Chief.

Chief of the Fire Prevention Bureau means the Fire Marshal of The City of San Diego.

Corporation Counsel means the City Attorney.

Municipality or jurisdiction means The City of San Diego.

- (e) Prospective and Retrospective Application. Unless specifically stating that they may be applied prospectively only, provisions of the San Diego Fire Code may be retrospectively applied in accordance with C.F.C. section 102 (2001 Edition).
- (f) Effective Date. Unless otherwise stated in a specific San Diego Municipal Code section or C.F.C. (2001 Edition) section adopted by the City, the effective date of the San Diego Fire Code shall be August 19, 1999.
- (g) Reference to California Building Code. Any reference within the San Diego Fire Code to the "C.B.C." shall refer to those provisions of the California Building Code as adopted by Chapter IX of the San Diego Municipal Code.
- (h) Portions of the C.F.C. (2001 Edition) not adopted. The following sections of the C.F.C. (2001 Edition) are not adopted:

APPENDIX I-A

APPENDIX I-B

APPENDIX II-E

APPENDIX VI-C

103.1.4

901.4.3

902.2.2.1

903.2

2501.10.4

2501.18

7701.4

7802.4.3

7802.4.4.2

Table 81-A

Table 81-B

~~§55.9201 — Special Hazards Appendix II — A Suppression and Control of Hazardous Fire Areas~~

~~9201.1 Scope through 9201.16 Clearance of brush or vegetative growth from structures. Sections 9201.1 through 9201.16 of the C.F.C. (2001 Edition) have been adopted without change pursuant to section 55.0101(a).~~

~~9201.16.1 General through 9201.16.8 Maintenance of the Approved Brush Management Plan.~~

~~9201.16.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas designated in Table A by the Fire Chief in San Diego Municipal Code section 55.9201, subsection 9201.16.5, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:~~

~~(a) — Maintain around and adjacent to the building or structure an effective firebreak clear of brush and vegetation for a distance therefrom equal to the applicable total Brush Management Zones Depth from Table B found in San Diego Municipal Code section 55.9201, subsection 9201.16.5, on each side thereof or the property line, whichever is closest. Brush management in all zones shall be performed and maintained in accordance with Appendix II A of the U.F.C. (1994 Edition) and the standards adopted by the City Council as set forth in section six (6) 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.~~

~~(b) — Remove that portion of any tree which extends within ten (10) feet of the outlet of any chimney.~~

~~(c) — Maintain any tree adjacent to or overhanging any building free of dead wood.~~

~~(d) — Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.~~

~~9201.16.2 Vacant land. The Fire Chief may require any person owning, leasing, controlling or maintaining vacant property which abuts land upon which a building or structure is located that is covered under San Diego Municipal Code section 55.9201, subsection 9201.16, to clear brush and vegetation on their property and to keep it clear at all times for up to the balance of the distances specified in Table B of San Diego Municipal Code section 55.9201, subsection 9201.16.5 from the building or structure on the abutting lot when necessary for public safety. Brush clearing and maintenance shall be performed and maintained in accordance with Appendix II A of the U.F.C. (1994 Edition) and the standards adopted by the City Council set forth in Section six (6) 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 amendment.~~

~~9201.16.3 Safeguards during construction. Any person proposing to build a building or structure on property they own, lease, control, or maintain in, upon or immediately adjoining any hazardous fire area designated by the Fire Chief in Table A of San Diego Municipal Code section 55.9201, subsection 9201.16.5 shall at all times:~~

- (a) — ~~Maintain around and adjacent to any building or structure an effective firebreak clear of brush and vegetation for a distance therefrom equal to the applicable total Brush Management Zones Depth, from Table B of San Diego Municipal Code section 55.9201, subsection 55.9201.16.5 on each side thereof. Brush Management in all zones shall be performed and maintained in accordance with Appendix II A of the U.F.C. (1994 Edition) and the standards adopted by the City Council set forth in Section 6 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.~~
- (b) — ~~Remove that portion of any tree which extends within ten (10) feet of the outlet of any chimney.~~
- (c) — ~~Maintain any tree adjacent to or overhanging any building free of dead wood.~~
- (d) — ~~Maintain the roof of any structure free of leaves needles or other dead vegetative growth.~~

~~9201.16.4 Environmental Concerns. The requirements of San Diego Municipal Code section 55.9201, subsection 9201.16.1; section 55.9201, subsection 9201.16.2 and section 55.9201, subsection 9201.16.3 do not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, provided they do not form a means for rapidly transmitting fire from any surrounding native growth to any building or structure, and that these requirements shall not be construed to require brush management on publicly owned open space and parkland.~~

Table A

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

Table A establishes a fire hazard severity classification rating based upon the priority designation of an area and a structure's geographic location in the City.

Table B

BRUSH MANAGEMENT ZONES DEPT				
ZONE	DESCRIPTION	FIRE HAZARD SEVERITY CLASS		
		LOW	MOD.	HIGH
1	Ornamental landscape or Brush Clearance	30' min.	35' min.	40' min.
3	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 B establishes the required depth for each brush management zone based upon the fire hazard severity class identified in Table A.

~~For new structures adjacent to slopes requiring brush management, the Zone 1 depth within Table B may be reduced by ten (10) feet when all of the following architectural features are provided:~~

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

~~substantial conformance exists with previously approved
discretionary permits.~~

~~(d) For new structures adjacent to slopes requiring brush management, the depth of the applicable Zone 1 setback from Table B may be reduced in accordance with Section 55.9201.16.5. For new structures, the depth of the applicable Zone 3 shall be increased one foot for every one foot reduction of the building setback below the corresponding Zone 1 depth established within Table B.~~

~~9201.16.6 Corrective Action. In the event that any of the conditions regulated by San Diego Municipal Code section 55.9201, subsection 9201.16.1; section 55.9201, subsection 9201.16.2, or 55.9201, subsection 9201.16.3 exist, the Fire Chief may give notice to the owner of the property upon which such condition exists to correct the prohibited condition. If the owner fails to correct such condition, the Fire Chief may cause the condition to be corrected and make the expense of the correction a lien upon the property upon which the condition exists, pursuant to the Municipal Code provisions governing the abatement of nuisance (San Diego Municipal Code sections 13.0301 through 13.0308).~~

~~9201.16.7 Publicly Owned Land. On all lots which have received approval on a tentative map subsequent to November 15, 1989, all new structures shall be sited such that no brush management will occur on publicly owned open space or parklands.~~

~~9201.16.8 Maintenance of the Approved Brush Management Plan. The approved brush management plan shall be maintained in accordance with guidelines set~~

~~forth by the Fire Chief. If a Development Services Department permit is required, the approved brush management plan shall be maintained in accordance with guidelines set forth by the Development Services Director in addition to those set forth by the Fire Chief. If publicly owned space or parklands are involved, the Park and Recreation Director may establish additional requirements for maintenance.~~

~~9201.17 Clearance of Brush or Vegetative Growth Roadways through 9201.24 Liability for Damage. Sections 9201.17 through 9201.24 of the C.F.C. (2001 Edition) have been adopted without change pursuant to section 55.0101(a).~~

§142.0402 When Landscape Regulations Apply

- (a) This division applies to all proposed planting and irrigation work.
- (b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A

Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C		
1.	New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are located in the zone or are proposing the use category shown (Column C)	Gross floor area (in square feet)	Zone or Proposed Use Category	
	1,000 sf	RM or Commercial Zones; or <i>Multiple Dwelling Unit</i> Residential use subcategory or <i>Commercial Development</i>	142.0403-142.0407, 142.0409, and 142.0413	Building Permit/ Process One
	5,000 sf	Industrial Zones; or <i>Industrial Development</i>		
2.	Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are located in the zone or are proposing the category of use shown (Column C)	Gross floor area or Percent Increase in gross floor area (in square feet or percentage of lot area)	Zone or Proposed Use Category	
	1,000 sf or 20 percent increase	<i>Multiple Dwelling Unit</i> Residential Zones or use subcategory	142.0403-142.0407, 142.0409, 142.0410(a), and 142.0413	Building Permit/ Process One
	1,000 sf or 10 percent increase	Commercial Zones; or <i>Commercial Development</i>		
	5,000 sf or 20 percent increase	Industrial Zones; or <i>Industrial Development</i>		
3.	New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones		142.0403, 142.0406-142.0409, and 142.0413	Building Permit/ Process One
4.	New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones		142.0403, 142.0408, 142.0409, and 142.0413	Building Permit/ Process One

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more	142.0403, 142.0408, 142.0409, 142.0410(b), and 142.0413	Building Permit/ Process One
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>	142.0403, 142.0409, and 142.0413	Building Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height	142.0403, 142.0411, and 142.0413	Building Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas	142.0403, 142.0411, and 142.0413	No permit required by this division
9. New structures; additions to structures; or subdivisions that create lots where new structures could be located on properties adjacent to any contiguous, highly flammable area of native or naturalized vegetation greater than 10 acres or contiguous area of native or naturalized vegetation greater than 50 acres. <u>All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.</u>	142.0403, 142.0412, and 142.0413	Building Permit/ Process One No permit required by this division if work is performed in accordance with applicable regulations
10. Existing structures on properties that are adjacent to any area of highly flammable native or naturalized vegetation. <u>Undeveloped public or private premises, within 100 feet of a structure, that contain native or naturalized vegetation or environmentally sensitive lands</u>	142.0403, 142.0412, and 142.0413	No permit required by this division if work is performed in accordance with applicable regulations
11. New trees or shrubs planted in the <i>public right-of-way</i>	142.0403 and 144.0409	Public Right-Of-Way Permit/ Process One

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in this section and with the Landscape Standards in the Land Development Manual.

(a) Plant Point Schedule

Table 142-04B assigns plant points based on plant type and size and applies where plant points are required by this division.

**Table 142-04B
Plant Point Schedule**

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Shrub	1-gallon	1.0
	5-gallon	2.0
	15-gallon or larger	10.0
Proposed Dwarf Palm	Per foot of brown trunk height	5.0
Proposed Tree	5-gallon	5.0
	15-gallon	10.0
	24-inch box	20.0
	30-inch box	30.0
	36-inch box	50.0
	42-inch box	70.0
	48-inch box and larger	100.0
Proposed Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0

Proposed Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Proposed Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
Proposed Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5
	each fan palm tree over 20 feet in height	30.0

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
Existing Shrub	12-inch to 24-inch spread and height	4.0
	24-inch and larger spread and height	15.0
Existing Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	100.0
	each additional inch beyond 2 inches	50.0
Existing Non-Native Tree	2-inch caliper measured at 4 feet above <i>grade</i>	50.0
	each additional inch beyond 2 inches	25.0
Existing Broad Headed Feather Palm Tree	Per foot of brown trunk height	5.0
Existing Feather Palm Tree	Per foot of brown trunk height up to 20 feet in height	3.0
	each feather palm tree over 20 feet in height	60.0
Existing Fan Palm Tree	Per foot of brown trunk height up to 20 feet in height	1.5

Existing Plant Material		Plant Points Achieved per Plant
Plant Type	Plant Size	
	each fan palm tree over 20 feet in height	30.0

(b) Plant Material Requirements

- (1) Planting of invasive plant species, as described in the Landscape Standards of the Land Development Manual, is not permitted.
- (2) All existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the *premises* when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the *premises*.
- (3) Plant material species shall be used that will continue to meet the requirements of this division after installation.
- (4) Tree locations shall be measured horizontally from the centerline of the tree trunk at *proposed grade*.
- (5) A minimum root zone of 40 square feet in area shall be provided for all trees. The minimum dimension for this area shall be 5 feet. This minimum dimension and root zone area may be reduced where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage adjacent improvements.
- (6) Plant material shall be maintained in a healthy, disease-free, growing condition at all times.
- (7) All pruning shall comply with the standards of the National Arborist Association.
- (8) Any plant material required by this division that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs that die 3 years or more after installation shall be replaced with 15-gallon size, and required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. The City Manager may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60- inch box tree.
- (9) Trees required by this division shall be self-supporting, woody plants with at least one well defined trunk and shall normally attain a mature height and spread of at least 15 feet.

- (10) Trees required by this division shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway *grade* and so that all branches over vehicular travel ways are ~~14~~16 feet above the *grade* of the travel way.
- (11) Shrubs required by this division shall be woody or perennial plants that are low branching or have multiple stems.
- (12) Tree root barriers shall be installed where trees are placed within 5 feet of *public improvements* including walks, curbs, or *street* pavement or where new public improvements are placed adjacent to existing trees. The City Manager may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.
- (13) Native plants shall be locally indigenous.
- (14) Naturalized plant material shall be plantings that can survive without irrigation after initial plant establishment.

(c) Irrigation Requirements

- (1) All required plant material shall be irrigated with a permanent, below-grade irrigation system unless specified otherwise in this division.
- (2) All required irrigation systems shall be automatic, electrically controlled, and designed to provide water to all required plantings to maintain them in a healthy, disease-resistant condition.
- (3) Irrigation systems shall meet the following design requirements:
 - (A) No irrigation runoff or overspray shall cross *property lines* or paved areas;
 - (B) The velocity of water flowing in irrigation system piping or supply pipes shall not exceed 5 feet per second downstream of the water meter;
 - (C) Irrigation systems shall be designed to minimize system maintenance requirement after installation. Above-ground irrigation system equipment that is exposed to potential damage shall be designed to be damage-resistant; an
 - (D) An approved rain sensor shutoff device is required for all systems and a moisture-sensing device that regulates the irrigation system for all lawn areas is required.

- (d) Planting Area Requirements
 - (3) Planting areas required by this division shall consist of the following:
 - (A) Low-growing woody or herbaceous groundcover, turf, shrubs, or trees;
 - (B) Unattached unit pavers, loose organic or inorganic materials, or *hardscape*; or
 - (C) Built improvements including water features, overhead *structures* (such as gazebos, trellis *structures*, etc.), or fixed seating.
 - (4) Planting areas may be counted toward the planting area required by this division if they are greater than 30 square feet in size with no dimension less than 3 feet.
 - (5) All required planting areas shall be maintained free of weeds, debris, and litter.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
 Biology Guidelines
 Historical Resources Guidelines
 Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code

§142.0412 Brush Management

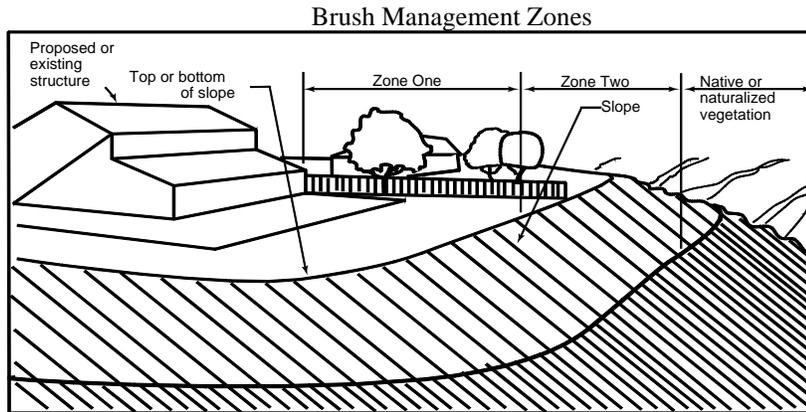
- (a) Brush management is required in all base zones on the following types of premises: ~~for the types of *development* listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A. However, within the Coastal Overlay Zone, brush management is required for all *coastal development*~~

~~within the MHPA and/or adjacent to steep hillsides containing sensitive biological resources~~

- (1) ~~New structures~~ Publicly or privately owned *premises* that are within 100 feet of a structure and contain native or naturalized vegetation.
- (2) ~~Additions to structures~~ Except for wetlands, environmentally sensitive lands that are within 100 feet of a structure, unless the Fire Chief deems brush management necessary in wetlands in accordance with Section 142.0412(i). Where brush management in wetlands is deemed necessary by the Fire Chief, that brush management shall not qualify for an exemption under the Environmentally Sensitive Lands Regulations, Section 143.0110(c)(7).
- (3) ~~Subdivisions that create lots where new structures could be located.~~
- (4) ~~Existing structures~~

- (b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of ~~flammable~~ native or naturalized vegetation. This fire break shall consist of two distinct brush management areas called “Zone One” and “Zone Two” as shown in Diagram 142-04D.

Diagram 142-04D



- (1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989. However, within the Coastal Overlay Zone *coastal development* shall be subject to the encroachment limitations set forth in Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations.
- (2) Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and shall consist of thinned, native or ~~naturalized~~ non-irrigated vegetation.
- (c) Except as provided in Sections 142.0412(f) or 142.0412(i), the width of Zone One and Zone Two shall not exceed 100 feet and shall meet or exceed that shown in Table 142-04H. ~~Where *development* is adjacent to slopes or vegetation that meets the criteria shown in the table, the required Zone One and Zone Two width shall be increased by the dimension shown.~~ Both Zone One and Zone Two shall be provided on the subject property unless a recorded easement is granted by an adjacent property

owner to the owner of the subject property to establish and maintain the required brush management zone(s) on the adjacent property in perpetuity.

Table 142-04H

Brush Management Zone Width Requirements

Criteria	Property Location	
	<u>Zone Widths West of Interstate 805 and El Camino Real</u>	<u>East of Interstate 805 and El Camino Real</u>
Minimum Zone One Width (See Section 142.0412(d))	20 <u>35</u> ft.	30 ft.
Additional Zone One Width (See Section 142.0412(e)) Required when <i>development</i> is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the <i>MHPA</i>	5 ft.	5 ft.
Zone One Width Within the Coastal Overlay Zone for <i>subdivisions</i> containing <i>steep hillsides</i> with <i>sensitive biological resources</i>	30 ft. Min	
Minimum Zone Two Width (See Section 142.0412(f))	20 <u>65</u> ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the <i>MHPA</i>	10 ft.	10 ft.

(d) ~~The width of brush management Zone One shall be increased by 10 feet for *structures* that do not meet all of the following requirements:~~

~~(1) — Roof material shall be fire retardant. Wood shake shingles, whether fire retardant treated or untreated, are not permitted.~~

~~(2) — Walls, eaves, and overhangs shall be one hour, fire resistive.~~

~~(3) — Eave vents shall be covered with wire screen not to exceed 1/4-inch mesh.~~

Brush management activities are prohibited within coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral habitats from March 1 through August 15, except where documented to the satisfaction of the

City Manager that the thinning would be consistent with conditions of species coverage described in the City of San Diego's MSCP Subarea Plan.

(e) Where ~~additional~~ Zone One width is required adjacent to the *MHPA* or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

- (1) The required front *yard setback* of the base zone may be reduced by 5 feet,
- (2) A sidewalk may be eliminated from one side of the *public right-of-way* and the minimum required *public right-of-way* width may be reduced by 5 feet, or
- (3) The overall minimum pavement and public right-of-way width may be reduced in accordance with the Street Design Standards of the Land Development Manual.

(f) The ~~minimum~~ Zone Two width may be decreased by 2 1 ½ feet for each 1 foot of increase in Zone One width ~~over~~ up to a maximum reduction of 30 feet of the Zone Two minimum width shown in Table 142-04H.

(g) Zone One Requirements

- (1) The required Zone One width shall be provided between ~~flammable~~ native or naturalized vegetation and any *structure* and shall be measured from the exterior of the *structure* to the vegetation.
- (2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible

construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and nonhabitable gazebos that are located within brush management Zone One shall be of noncombustible construction.

- (3) Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistive.
- (4) Trees within Zone One shall be located away from *structures* to a minimum distance of 10 feet as measured from the *structures* to the drip line of the tree at maturity in accordance with the Landscape Standards of the Land Development Manual.
- (5) Permanent irrigation is required for all planting areas within Zone One except as follows:
 - (A) When planting areas contain only species that do not grow taller than 24 inches in height, or
 - (B) When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.
- (6) Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.
- (7) Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining irrigation systems.

(h) Zone Two Requirements

- (1) The required Zone Two width shall be provided between Zone One and the undisturbed, ~~flammable~~ native or naturalized vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable *structure*, to the edge of undisturbed vegetation.
- (2) No *structures* shall be constructed in Zone Two.

- (3) Within Zone Two, 50 percent of the plants over ~~18~~ 24 inches in height shall be ~~cut and cleared~~ reduced to a height of 6 inches. Non-native plants shall be reduced in height before native plants are reduced in height.
- (4) Within Zone Two, all plants remaining after 50 percent are ~~cut and cleared~~ reduced in height, shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual. Non-native plants shall be pruned before native plants are pruned.
- (5) The following standards shall be used where Zone Two ~~area is in~~ an area previously graded as part of legal development activity and is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:
- (A) All new plant material for Zone Two shall be native ~~or naturalized~~ non-irrigated, low-fuel, and fire-resistive. No non-native plant material may be planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing *sensitive biological resources*.
- (B) New plants shall be low-growing with a maximum height at maturity of ~~2 feet~~ 24 inches. Single specimens of ~~fire-resistant~~ native trees and tree form shrubs may exceed this limitation if they are located to reduce the chance of

transmitting fire from native or naturalized vegetation to habitable *structures* and if the vertical distance between the lowest branches of the trees and the top of adjacent plants are three times the height of the adjacent plants to reduce the spread of fire through ladder fueling.

- (C) ~~All new Zone Two plantings shall be temporarily irrigated until established. Permanent irrigation is not allowed in Zone Two. Only low-flow, low-gallongage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. All new Zone Two plantings shall be irrigated temporarily until established to the satisfaction of the City Manager. Permanent irrigation is not allowed in Zone Two. Only low-flow, low-gallonage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation.~~ Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.

- (D) Where Zone Two is being revegetated as a requirement of Section 142.0411(a), revegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not grow taller than 24 inches. The remaining planting area may be planted with taller material, but this

material shall be maintained in accordance with the requirements for existing plant material in Zone Two.

(6) Zone Two shall be maintained on a regular basis by pruning and thinning plants; and controlling weeds; ~~and maintaining any temporary irrigation system.~~

(7) Except as provided in Section 142.0412(i), where the required Zone One width shown in Table 142-04H cannot be provided on premises with existing structures, the required Zone Two width shall be increased by one foot for each foot of required Zone One width that cannot be provided.

(i) The Fire Chief may modify the requirements of this section if the following conditions exist:

(1) In the written opinion of the Fire Chief, based upon a fire fuel load model report conducted by a certified fire behavior analyst, the requirements of Section 142.0412 fail to achieve the level of fire protection intended by the application of Zones One and Two; and

(4)(2) The modification to the requirements ~~shall~~ achieves an equivalent level of fire protection as provided by ~~this~~ Section 142.0412, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and

(2)(3) The modification to the requirements is not detrimental to the public health, safety, and welfare of persons residing or working in the area.

- (j) If the Fire Chief approves a modified plan in accordance with this section as part of the City's approval of a *development permit*, the modifications shall be recorded with the approved permit conditions.
- (k) For existing *structures*, the Fire Chief may require brush management in compliance with this section for any area, independent of size, location, or condition if it is determined that an imminent fire hazard exists.
- (l) Brush management for existing *structures* shall be performed by the owner of the property that contains the ~~flammable~~ native and naturalized vegetation. This requirement is independent of whether the *structure* being protected by brush management is owned by the property owner subject to these requirements or is on neighboring ~~adjacent~~ property.

§143.0110 When Environmentally Sensitive Lands Regulations Apply

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

- (a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire premises, unless otherwise provided in this division:
 - (1) *Sensitive biological resources*;
 - (2) *Steep hillsides*;
 - (3) *Coastal beaches* (including V zones);
 - (4) *Sensitive coastal bluffs*; and
 - (5) *Special Flood Hazard Areas* (except V zones).
- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
 - i. A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.
 - ii. All types of *development* proposals are subject to Section 143.0140.

- iii. Any *development* proposal that proposes to encroach into more than one type of *environmentally sensitive lands* is subject to all of the development regulations sections for each type of *environmentally sensitive lands* present. The applicable decision process is the higher process number indicated.
- iv. Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.
- v. Limited exceptions to the applicable *development* regulations for specific types of *development* are listed in Section 143.0111.

Table 143-01A
Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet ⁽²⁾	R	143.0141(a),(b)	143.0141	143.0142 ⁽⁵⁾ except (a)	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. Multiple dwelling unit and non-residential development and public works projects	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. Any subdivision of a premises	R	143.0141(a),(b)	143.0141	143.0142 ⁽³⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145 143.0146

Environmentally Sensitive Lands Potentially Impacted by Project						
Type of Development Proposal		Wetlands, listed non-covered species habitat ⁽¹⁾	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
	P	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the <i>Environmentally Sensitive Lands Regulations</i>	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four	SDP/Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required, Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- 1 This includes listed species and their habitat not covered by the Take Authorizations issued to the City by the State and Federal governments under the Multiple Species Conservation Program.
- 2 This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.
- 3 Outside the Coastal Overlay Zone, *subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- 4 *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillides* that does not comply with Section 143.0142(a).
- 5 Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).

- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
- (1) Outside the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* when the development will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the development proposal provides for the following:
 - (A) A 100-foot *setback* from sensitive *biological resources*;
 - (B) A 40-foot *setback* from the top of slope of *steep hillsides*;
 - (C) A 100-foot *setback* from *floodplains*.
 - (2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or accessory *structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any addition shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.
 - (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:
 - (A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.
 - (B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.
 - (C) The proposed improvements do not *encroach* into *sensitive biological resources*.
 - (D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.
 - (E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any *point*.
 - (4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

- (5) Outside the Coastal Overlay Zone, city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.
- (6) Outside the Coastal Overlay Zone, restoration projects where the sole purpose is enhancement or restoration of native habitats.
- (7) Except for brush management in wetlands in accordance with Section 142.0412(a)(3), Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.