

County of Santa Clara
Department of Planning and Development



DATE: May 23, 2023

TO: Fire Marshal's Office – Appeal Hearing Officer (Chief Estrada)

FROM: Robert Cain, Associate Planner

SUBJECT: Appeal of Cal Fire Exception Denial for PLN15-10815-MOD1-APL3

RECOMMENDED ACTION

Consideration of an Appeal of the decision of Cal Fire to deny an exception request regarding the end of road turnaround standards in the State Responsibility Area. Owners/Appellants: Margaret Belska and Peter Manca. Property address/location: 0 Higuera Highland Lane, San Jose. Assessor's Parcel No.: 654-15-028. Zoning: HS-d1. Supervisorial District: 3. File No.: PLN15-10815-MOD1-APL1. CEQA: Deemed not to be a project under CEQA.

Possible Actions:

- a. Grant the appeal on the basis that the proposal to provide an end of road turnaround which meets County SD16 Type B standard for the property at 0 Higuera Highland (APN: 654-15-028), San Jose meets the intent of providing defensible space and provides the same practical effect as the turnaround standard in the Fire Safe Regulations.
- b. Deny the appeal, thereby upholding Cal Fire's denial of the exception request and requiring an end of road turnaround fully compliant with Public Resources Code 4290 standards.

PROJECT DESCRIPTION

Project Setting

The subject parcel is located at 0 Higuera Highland Lane (APN 645-15-028), and is approximately 18.8 acres (gross) in size. The property is undeveloped, and the Applicant is proposing a single-family residence and associated site improvements. The General Plan land use designation is Hillsides, and the Zoning is HS-d1 (Urban Hillside Residential, Santa Clara Valley Viewshed Design Review). The property is located within the State Responsibility Area (SRA), which is defined in Public Resources Code section 4125 as areas where the State (Cal Fire) is financially responsible for fire suppression, prevention, and is considered the "*inspection entity*" for projects located within the SRA.

The subject property is located near the end of Higuera Highland Lane, a privately maintained road, approximately 10,000 feet from Mount Pleasant Road, along Higuera Road.

Because Higuera Highland Lane is a dead-end road, Cal Fire requires an end-of road turnaround meeting one of their two approved designs; a T-shaped turnaround which is 60 feet wide or a bulb turnaround which is 80 feet wide. The applicant has the ability to construct this turnaround inside of an access easement, which is 60 feet wide. This width would not allow the bulb radius, and while the T-shaped turnaround could fit inside of the easement, it would require supportive grading beyond the easement's edge, for which the applicant does not have permission to perform.

The Applicant applied for a Modification of a previously approved concurrent land use application for Building Site Approval, Grading Approval, and Design Review (PLN15-10815, approved June 7, 2016) to reduce the approved 7,176 square-foot single-family residence to 3,000 square-feet, with modifications to associated on-site improvements. The Modification was accepted into the Department of Planning and Development on September 3, 2020. As part of the review of this application, Cal Fire provided comments that it would not approve the requested project due to the existing Board of Forestry fire access standards that are not currently being met. The roads to access the subject property appear to be less than 20 feet in width, which do not meet the minimum standards for Cal Fire access, and the road is longer than what is allowed for a dead-end road. As Higuera Highland Lane is a private road, the County does not have records on the actual paved width. A Survey was requested but not provided by the Applicant. Documents provided showed the road to be at least 18 feet wide in most places. The issue of the road width and the length of the dead-end road were subject of an initial exception request to Cal Fire, Appeal to the Fire Safe Regulations Appeal hearing officer, and finally Appeal to the Planning Commission, where on February 24, 2022, the project was approved without road widening or secondary access road requirements. This hearing shall only focus on the issue of the end of road turnaround.

Discussion of Fire Safe Regulations Exceptions

The State Minimum Fire Safe Regulations are contained in Title 14 of the California Code of Regulations, beginning at § 1270.00 ("Fire Safe Regulations") (refer to Attachment C and Table A below). The Fire Safe Regulations detail the basic wildfire protection standards of the California Board of Forestry and Fire Protection, which apply to the SRA and the local Very High Fire Hazard Severity Zone (VHFHSZ). § 1270.07 of the Regulations establishes a process for applicants to request exceptions to the standards (refer to Attachment C and Table A below).

The first step in that process is for Applicants to request an exception from the inspection entity. For projects in the SRA, Cal Fire makes the initial decision to approve or deny the exception request. If Cal Fire denies the exception, the applicant may appeal that decision to the local jurisdiction (County of Santa Clara). Subsection (c) of the Fire Safe Regulations states *"(w)here an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes."* The County has designated that the Fire Staff designated by the Fire Marshal for such

purposes, in consultation with the Building Official and the Director of the Roads and Airports Department, shall hear this appeal.

Standard of Review on Appeal of Cal Fire Exception Decision

When making a decision on an appeal of an exception request denied by Cal Fire, the local jurisdiction must comply with the following requirements in § 1270.07 of the Fire Safe Regulations:

- (d) Before the Local Jurisdiction makes a determination on an appeal, the inspector [Cal Fire] shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested Exception on Wildfire protection.
- (e) If an appeal is granted, the Local Jurisdiction shall make findings that the decision meets the intent of providing Defensible Space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the Cal FIRE Unit headquarters that administers SRA fire protection in that Local Jurisdiction.

Discussion of Applicable Fire Safe Regulations

§ 1273.05(a) requires turnarounds on driveways and dead-end roads. § 1273.05(b) requires that this turnaround be a bulb with a 40-foot radius (80-foot width), not counter the shoulder or parking areas, or a hammerhead/T, where the top of the T is a minimum of 60 feet in length. The Applicant initially proposed the hammerhead/T configuration.

On April 5, 2023, the Applicant was informed via a phone call and email that the Department of Planning and Development (the Department) could not sign off on a Grading Permit because there was proposed work outside of the easement. The Applicant was directed to either provide a notarized letter of authorization from the neighbor whose property would be affected, or to redesign the area of the turnaround. The Department reached out to Cal Fire and was informed that they would not accept an alternate design. The Applicant informed the Department that they wished to pursue an alternate design as they were restricted to work within the easement.

On May 5, 2023, the Applicant requested that Cal Fire grant an exception, stating that “*I am restricted to a 60' wide easement at the subject location. All improvements, including grading support, must be performed within this easement. This precludes me from using one of the turnarounds provided for in § 1273.05 as they would require, at a minimum, for grading to be performed outside of the easement. I am proposing to install an alternative fire truck turnaround which is compliant with the requirements of the local jurisdiction. As shown in the attached Plan, this turnaround complies with Santa Clara County SD16 Type B requirements and allows me to contain all work, including grading, within my easement. The proposed turnaround will have the **same practical effect** as a § 1273.05 compliant turnaround.*” On May 8, 2023, Cal Fire informed the Applicant that the exception would not

be granted, but the Applicant could seek relief from their local jurisdiction (refer to Attachment B).

REASONS FOR RECOMMENDATION

The appeal hearing on the exception request shall be heard by the Fire Staff designated by the Fire Marshal, and shall consider the entire scope of the exception request, including the proceedings and conclusions of the original decision-maker (Cal Fire), and considering the merits of the cases made by the appellants/applicants.

California Environmental Quality Act (CEQA) Review

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA); this appeal of the fire exception determination made by Cal Fire is not subject to CEQA.

Appeal Summary & Response to Appeal

The Applicant is appealing Cal Fire’s denial of an exception to the Fire Safe Regulations on the basis that the requirements for the turnaround are not achievable within the access easement. The relevant code sections cited by Cal Fire are listed below in Table A for reference, with the findings that Cal Fire could not make identified in **bold**, followed by a summary of the Applicant’s grounds for appeal and Staff’s response. All of the below regulations apply to new development or construction in the State Response Area.

Table A: Fire Safe Regulations not met per Cal Fire’s Determination

<u>SRA/VHFHSZ Fire Safe Regulations</u>	
§ 1273.05 (a)	Turnarounds are required on Driveways and Dead-end Roads.
§ 1273.05 (b)	The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.

The Applicant states that they do not have permission to do the required grading outside of the access easement that would be required to support a turnaround that is compliant with the Fire Safe Regulations, and that the proposed turnaround meets local requirements and meets the same practical effect as the standards in the Fire Safe Regulations.

ADDITIONAL INFORMATION

Consultation with Cal Fire Staff

As noted in the “Standard of Review on Appeal of Cal Fire Exception Decision” section of this report, pursuant to § 1270.07(d) of the Fire Safe Regulations, “Before the Local

Jurisdiction makes a determination on an appeal, the inspector [Cal Fire] shall be consulted and shall provide to that Local Jurisdiction [the County] documentation outlining the effects of the requested Exception on Wildfire protection.” Additionally, pursuant to § 1270.07(e) of the Fire Safe Regulations, “If an appeal is granted, the Local Jurisdiction [appeal hearing officer] shall make findings that the decision meets the intent of providing Defensible Space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the Cal Fire Unit headquarters that administers SRA fire protection in that Local Jurisdiction.”

Section 1270.01 defines the following terms used in section 1270.07:

(f) Defensible Space: The area within the perimeter of a parcel, Development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching Wildfire or defense against encroaching Wildfires or escaping Structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or Development, excluding the physical Structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, Road names and Building identification, and fuel modification measures.

(j) Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

County Staff has informed Cal Fire Staff of this appeal and provided Cal Fire a copy of the staff report and appeal record. Cal Fire staff was requested to provide the required documentation outlining the effects of the requested exception on wildfire protection. If County Staff receives a response, said documentation will be uploaded to the Fire Safe Regulation Appeals webpage, and supplementation information for this application record. Additionally, Cal Fire Staff was invited to the hearing. The Cal Fire Staff contact information was provided to the Appeal hearing officer.

Consultation with Director of Roads and Airports and Building Official

Pursuant to Ordinance Code Section C1-104, as part of the County’s process for implementation of the State Minimum Fire Safe Regulations, the appeal hearing officer (Fire Staff designated by the Fire Marshal for projects within the SRA) shall consult with the Director of Roads and Airports (Director of R & A) and Department of Planning and Development Building Official (Building Official) in making their decision. The Director of R & A and Building Official were provided a copy of the subject appeal and provided a copy of the appeal record. Both officials or their designees will be present at the hearing to provide further consultation.

BACKGROUND

Public Noticing

As a result of the Appeal, and pursuant to the County of Santa Clara Ordinance Code Section C12-449, notice of the meeting to hear the appeal was mailed to all real property owners within 300-feet of the subject property on May 11, 2023 and was also published in the Post Records on May 12, 2023.

Public Comments

As of the preparation of this report, no public comments were received by the Department for the subject application appeal (PLN15-10815-MOD1-APL3).

STAFF REPORT REVIEW

Project Planner: Robert Cain, Associate Planner, (408) 299-5706,
robert.cain@pln.sccgov.org.

Reviewed by: Sam Gutierrez, Principal Planner, (408) 299-5787,
samuel.gutierrez@pln.sccgov.org

ATTACHMENTS:

- Attachment A – Cal Fire Exception Request (PDF)
- Attachment B – Cal Fire Exception Denial (PDF)
- Attachment C – State Minimum Fire Safe Regulations (PDF)

ATTACHMENT A

Cal Fire Exception Request

From: [Margaret B](#)
To: Carlos.Alcantar@fire.ca.gov
Cc:
Subject: [EXTERNAL] Request for Exception to PRC 4290 for DEV22-0647
Date: Friday, May 5, 2023 8:04:09 AM
Attachments: [DEV22_0647_C2.0.pdf](#)

Dear Mr. Alcantar,

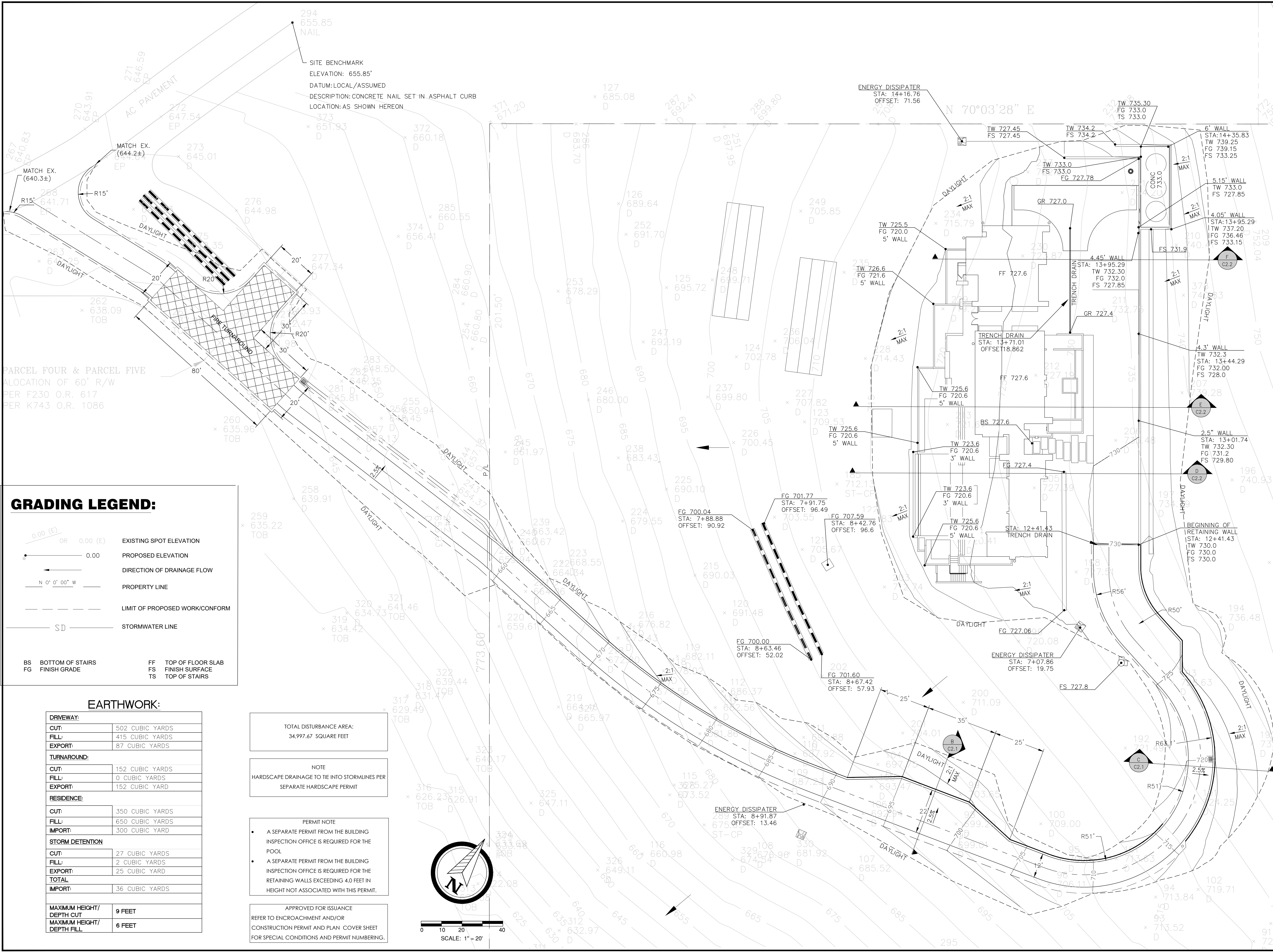
I would like to formally request an exception to § 1273.05 for the end of road turnaround at the termination of Higuera Highland Lane, where it connects to my driveway to APN 654-15-028.

I am restricted to a 60' wide easement at the subject location. All improvements, including grading support, must be performed within this easement. This precludes me from using one of the turnarounds provided for in § 1273.05 as they would require, at a minimum, for grading to be performed outside of the easement.

I am proposing to install an alternative fire truck turnaround which is compliant with the requirements of the local jurisdiction. As shown in the attached Plan, this turnaround complies with Santa Clara County SD16 Type B requirements and allows me to contain all work, including grading, within my easement. The proposed turnaround will have the **same practical effect** as a § 1273.05 compliant turnaround.

I sincerely urge you to grant my exception request and allow me to install the proposed alternative fire truck turnaround. My project is currently completely blocked by this issue. If I cannot obtain an exception, I will not be able to build my house, and no turnaround will be built at this location. I strongly believe that any turnaround is better than no turnaround at all.

I appreciate your consideration,
Margaret Belska



GRADING LEGEND:

0.00 (E) OR 0.00 (E) EXISTING SPOT ELEVATION
0.00 PROPOSED ELEVATION
DIRECTION OF DRAINAGE FLOW
N 0' 0" 00" W PROPERTY LINE
LIMIT OF PROPOSED WORK/CONFORM
SD STORMWATER LINE

BS BOTTOM OF STAIRS
FG FINISH GRADE
FF TOP OF FLOOR SLAB
FS FINISH SURFACE
TS TOP OF STAIRS

EARTHWORK:

DRIVEWAY:	
CUT:	502 CUBIC YARDS
FILL:	415 CUBIC YARDS
EXPORT:	87 CUBIC YARDS
TURNAROUND:	
CUT:	152 CUBIC YARDS
FILL:	0 CUBIC YARDS
EXPORT:	152 CUBIC YARD
RESIDENCE:	
CUT:	350 CUBIC YARDS
FILL:	650 CUBIC YARDS
IMPORT:	300 CUBIC YARD
STORM DETENTION	
CUT:	27 CUBIC YARDS
FILL:	2 CUBIC YARDS
EXPORT:	25 CUBIC YARD
TOTAL	
IMPORT:	36 CUBIC YARDS
MAXIMUM HEIGHT/DEPTH CUT	
MAXIMUM HEIGHT/DEPTH CUT	9 FEET
MAXIMUM HEIGHT/DEPTH FILL	
MAXIMUM HEIGHT/DEPTH FILL	6 FEET

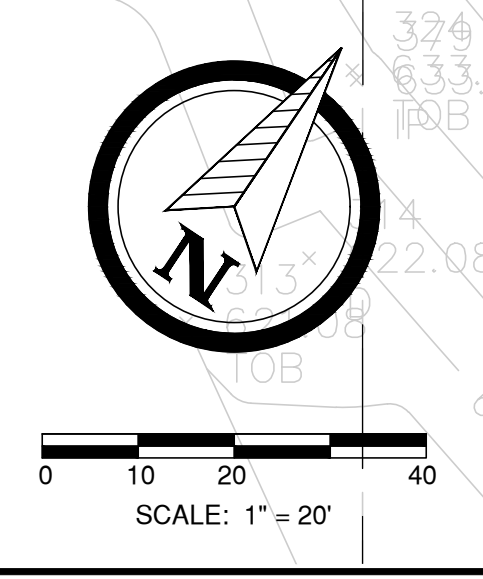
TOTAL DISTURBANCE AREA:
34,997.67 SQUARE FEET

NOTE
HARDSCAPE DRAINAGE TO TIE INTO STORMLINES PER
SEPARATE HARDSCAPE PERMIT

PERMIT NOTE

- A SEPARATE PERMIT FROM THE BUILDING INSPECTION OFFICE IS REQUIRED FOR THE POOL
- A SEPARATE PERMIT FROM THE BUILDING INSPECTION OFFICE IS REQUIRED FOR THE RETAINING WALLS EXCEEDING 4.0 FEET IN HEIGHT NOT ASSOCIATED WITH THIS PERMIT.

APPROVED FOR ISSUANCE
REFER TO ENCROACHMENT AND/OR
CONSTRUCTION PERMIT AND PLAN COVER SHEET
FOR SPECIAL CONDITIONS AND PERMIT NUMBERING.



CIVIL ENGINEERING
SAN FRANCISCO
510-228-6961
WWW.YCG-INC.COM

Seal 5/4/2023

REVISION	DATE	REVISION
PLANNING SUBMITTAL #1	05.17.2015	
PLANNING SUBMITTAL #2	01.11.2021	
PLANNING SUBMITTAL #2	06.14.2021	
BUILDING SUBMITTAL #1	03.18.2022	
BUILDING SUBMITTAL #2	09.02.2022	
BUILDING SUBMITTAL #3	09.21.2022	

BELSKA PROPERTY
HIGUERA HIGHLAND LANE
SAN JOSE, CA 94507

Project Number
153000

Sheet Name
GRADING AND DRAINAGE PLAN

Sheet Number
C2.0

ATTACHMENT B

Cal Fire Exception Denial

5/8/2023

To: Margaret Bolska

Re: Request for Exception: DEV22-0647

After reviewing the exception request via email for DEV22-0647, concerning the SRA Fire Safe Regulations § 1273.05. Turnarounds,

The CAL FIRE Santa Clara Unit will not grant an exception as the inspection entity for this project DEV22-0647. With projects that are currently in the State Responsibility Area, the CAL FIRE Santa Clara Unit encourages conformance with the fire protection recommendations for turnarounds described in the current version of the SRA Fire Safe Regulations (California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5).

The CAL FIRE Santa Clara Unit recommends providing safe turnarounds for emergency wildfire equipment and civilian evacuation concurrently.

The turnaround on Higuera Highland lane does not meet §1273.05. Turnaround. specifications described in the current version of the Fire Safe Regulations.

Fire Safe Regulations, Article 2 Emergency Access, and Egress, § 1273.05.

§ 1273.05. Turnarounds

(a) Turnarounds are required on driveways and dead-end roads.

(b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

The CAL FIRE Santa Clara Unit provides comments as fire protection recommendations based on the current version of the SRA Fire Safe Recommendations as written. Although the CAL FIRE Santa Clara Unit will not grant an exemption as the "inspection entity," we do not prohibit the applicant from requesting an exception from your local decision-making agency / the "local jurisdiction" as described in §1270.06. Exceptions to Standards.

Thank You,

Carlos Alcantar

CAL FIRE

ATTACHMENT C

State Minimum Fire Safe Regulations

Article 1. Administration

§ 1270.00. Title.

Subchapter 2 shall be known as the “State Minimum Fire Safe Regulations,” and shall constitute the minimum Wildfire protection standards of the California Board of Forestry and Fire Protection.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126, 4127 and 4290, Public Resources Code.

§ 1270.01. Definitions.

The following definitions are applicable to Subchapter 2.

- (a) Agriculture: Land used for agricultural purposes as defined in a Local Jurisdiction's zoning ordinances.
- (b) Board: California Board of Forestry and Fire Protection.
- (c) Building: Any Structure used or intended for supporting or sheltering any use or Occupancy, except those classified as Utility and Miscellaneous Group U.
- (d) CAL FIRE: California Department of Forestry and Fire Protection.
- (e) Dead-end Road: A Road that has only one point of vehicular ingress/egress, including cul-de-sacs and Roads that loop back on themselves
- (f) Defensible Space: The area within the perimeter of a parcel, Development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching Wildfire or defense against encroaching Wildfires or escaping Structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or Development, excluding the physical Structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, Road names and Building identification, and fuel modification measures.
- (g) Development: As defined in section 66418.1 of the California Government Code.
- (h) Director: Director of the Department of Forestry and Fire Protection or their designee.
- (i) Driveway: A vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale.
- (j) Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site

limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

(k) Fire Apparatus: A vehicle designed to be used under emergency conditions to transport personnel and equipment or to support emergency response, including but not limited to the suppression of fires.

(l) Fire Authority: A fire department, agency, division, district, or other governmental body responsible for regulating and/or enforcing minimum fire safety standards in the Local Jurisdiction.

(m) Fire Hydrant: A valved connection on a water supply or storage system for the purpose of providing water for fire protection and suppression operations.

(n) Fuel Break: A strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential, and/or ember production.

(o) Greenbelts: open space, parks, wildlands, other areas, or a combination thereof, as designated by Local Jurisdictions, which are in, surround, or are adjacent to a city or urbanized area, that may function as Fuel Breaks and where Building construction is restricted or prohibited.

(p) Greenways: Linear open spaces or corridors that link parks and neighborhoods within a community through natural or manmade trails and paths.

(q) Hammerhead/T: A "T" shaped, three-point Turnaround space for Fire Apparatus on a Road or Driveway, being no narrower than the Road or Driveway that serves it.

(r) Hazardous Land Use: A land use that presents a significantly elevated potential for the ignition, prolonged duration, or increased intensity of a Wildfire due to the presence of flammable materials, liquids, or gasses, or other features that initiate or sustain combustion. Such uses are determined by the Local Jurisdiction and may include, but are not limited to, power-generation and distribution facilities; wood processing or storage sites; flammable gas or liquids processing or storage sites; or shooting ranges.

(s) Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that approves or has the authority to regulate Development.

(t) Municipal-Type Water System: A system having water pipes servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.

(u) Occupancy: The purpose for which a Building, or part thereof, is used or intended to be used.

(v) One-way Road: A Road that provides a minimum of one Traffic Lane width designed for traffic flow in one direction only.

(w) Residential Unit: Any Building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and/or sanitation, for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered Residential Units.

(x) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land; or an area of higher ground separating two adjacent streams or watersheds.

(y) Road: A public or private vehicular pathway to more than four (4) Residential Units, or to any industrial or commercial Occupancy.

- (z) Road or Driveway Structures: Bridges, culverts, and other appurtenant Structures which supplement the Traffic Lane or Shoulders.
- (aa) Same Practical Effect: As used in this subchapter, means an Exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:
- (1) access for emergency wildland fire equipment,
 - (2) safe civilian evacuation,
 - (3) signing that avoids delays in emergency equipment response,
 - (4) available and accessible water to effectively attack Wildfire or defend a Structure from Wildfire, and
 - (5) fuel modification sufficient for civilian and fire fighter safety.
- (bb) Shoulder: A vehicular pathway adjacent to the Traffic Lane.
- (cc) State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.
- (dd) Strategic Ridgeline: a Ridgeline identified pursuant to § 1276.02(a) that may support fire suppression activities or where the preservation of the Ridgeline as an Undeveloped Ridgeline would reduce fire risk and improve fire protection.
- (ee) Structure: That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (ff) Traffic Lane: The portion of a Road or Driveway that provides a single line of vehicle travel.
- (gg) Turnaround: An area which allows for a safe opposite change of direction for Fire Apparatus at the end of a Road or Driveway.
- (hh) Turnout: A widening in a Road or Driveway to allow vehicles to pass.
- (ii) Undeveloped Ridgeline: A Ridgeline with no Buildings.
- (jj) Utility and Miscellaneous Group U: A Structure of an accessory character or a miscellaneous Structure not classified in any specific Occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.
- (kk) Vertical Clearance: The minimum specified height of a bridge, overhead projection, or vegetation clearance above the Road or Driveway.
- (ll) Vertical Curve: A curve at a high or low point of a Road that provides a gradual transition between two Road grades or slopes.
- (mm) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in Government Code section 51177(i).
- (nn) Wildfire: Has the same meaning as “forest fire” in Public Resources Code Section 4103.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.02. Purpose.

(a) Subchapter 2 has been prepared and adopted for the purpose of establishing state minimum Wildfire protection standards in conjunction with Building, construction, and Development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very

High Fire Hazard Severity Zones, as defined in Government Code § 51177(i) (VHFHSZ).

(b) The future design and construction of Structures, subdivisions and Developments in the SRA and, after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter Wildfire protection measures as specified in the following articles.

(c) These standards shall provide for emergency access; signing and Building numbering; private water supply reserves for emergency fire use; vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve Undeveloped Ridgelines. Subchapter 2 specifies the minimums for such measures.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.03. Scope.

(a) Subchapter 2 shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial Building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsection (b).

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971;

(3) all tentative and parcel maps or other Developments approved after January 1, 1991; and

(4) applications for Building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the Buildings were not imposed as part of the approval of the parcel or tentative map.

(b) Subchapter 2 does not apply where an application for a Building permit is filed after January 1, 1991 for Building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) Affected activities include, but are not limited to:

(1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);

(2) application for a Building permit for new construction not relating to an existing Structure;

(3) application for a use permit;

(4) Road construction including construction of a Road that does not currently exist, or extension of an existing Road.

(d) The standards in Subchapter 2 applicable to Roads shall not apply to Roads used solely for Agriculture; mining; or the management of timberland or harvesting of forest products.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.04. Provisions for Application of these Regulations.

This Subchapter shall be applied as follows:

- (a) the Local Jrisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for Building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or Development within the SRA, or if after July, 1 2021, the VHFHSZ.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the Local Jrisdiction.
- (c) the Local Jrisdiction shall ensure that the applicable sections of this Subchapter become a condition of approval of any applicable construction or Development permit or map.

NOTE: Authority cited: Sections 4111 and 4290, Public Resources Code. Reference: Sections 4117 and 4290, Public Resources Code.

§ 1270.05. Local Regulations.

- (a) Subchapter 2 shall serve as the minimum Wildfire protection standards applied in SRA and VHFHSZ. However, Subchapter 2 does not supersede local regulations which equal or exceed the standards of this Subchapter.
- (b) A local regulation equals or exceeds a minimum standard of this Subchapter only if, at a minimum, the local regulation also fully complies with the corresponding minimum standard in this Subchapter.
- (c) A Local Jurisdiction shall not apply exemptions to Subchapter 2 that are not enumerated in Subchapter 2. Exceptions requested and approved in conformance with § 1270.07 (Exceptions to Standards) may be granted on a case-by-case basis.
- (d) Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, Building construction shall comply with the State Minimum Fire Safe Regulations.

NOTE: Authority cited: Sections 4111, 4119 and 4290, Public Resources Code. Reference: Section 4290, Public Resources Code.

§ 1270.06. Inspections.

Inspections shall conform to the following requirements:

- (a) Inspections in the SRA shall be made by:
 - (1) the Director, or
 - (2) Local Jurisdictions that have assumed state fire protection responsibility on SRA lands, or
 - (3) Local Jurisdictions where the inspection duties have been formally delegated by the Director to the Local Jurisdictions, pursuant to subsection (b).
- (b) The Director may delegate inspection authority to a Local Jurisdiction subject to all of the following criteria:
 - (1) The Local Jurisdiction represents that they have appropriate resources to perform the delegated inspection authority.

- (2) The Local Jurisdiction acknowledges that CAL FIRE's authority under subsection (d) shall not be waived or restricted.
- (3) The Local Jurisdiction consents to the delegation of inspection authority.
- (4) The Director may revoke the delegation at any time.
- (5) The delegation of inspection authority, and any subsequent revocation of the delegation, shall be documented in writing, and retained on file at the CAL FIRE Unit headquarters that administers SRA fire protection in the area.
- (c) Inspections in the VHFHSZ shall be made by the Local Jurisdiction.
- (d) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws in the SRA even when the inspection duties have been delegated pursuant to this section.
- (e) Reports of violations within the SRA shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the Local Jurisdiction.
- (f) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of Occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or Building permit.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.07. Exceptions to Standards.

- (a) Upon request by the applicant, an Exception to standards within this Subchapter may be allowed by the Inspection entity in accordance with 14 CCR § 1270.06 (Inspections) where the Exceptions provide the Same Practical Effect as these regulations towards providing Defensible Space. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06, shall be made on a case-by-case basis only. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06 shall be forwarded to the appropriate CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located and shall be retained on file at the Unit Office.
- (b) Requests for an Exception shall be made in writing to the Local Jurisdiction listed in 14 CCR § 1270.06 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an Exception is requested; material facts supporting the contention of the applicant; the details of the Exception proposed; and a map showing the proposed location and siting of the Exception. Local Jurisdictions listed in § 1270.06 (Inspections) may establish additional procedures or requirements for Exception requests.
- (c) Where an Exception is not granted by the inspection entity, the applicant may appeal such denial to the Local Jurisdiction. The Local Jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.
- (d) Before the Local Jurisdiction makes a determination on an appeal, the inspector shall be consulted and shall provide to that Local Jurisdiction documentation outlining the effects of the requested Exception on Wildfire protection.
- (e) If an appeal is granted, the Local Jurisdiction shall make findings that the decision meets the intent of providing Defensible Space consistent with these regulations. Such

findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that Local Jurisdiction.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.08. Distance Measurements.

All specified or referenced distances are measured along the ground, unless otherwise stated.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 2. Ingress and Egress

§ 1273.00. Intent.

Roads, and Driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by Local Jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All One-way Roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including Shoulders. The Local Jurisdiction may approve One-way Roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) Residential Units.

(2) In no case shall a One-way Road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each One-way Road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.02. Road Surface.

- (a) Roads shall be designed and maintained to support the imposed load of Fire Apparatus weighing at least 75,000 pounds, and provide an aggregate base.
- (b) Road and Driveway Structures shall be designed and maintained to support at least 40,000 pounds.
- (c) Project proponent shall provide engineering specifications to support design, if requested by the Local Jurisdiction.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.03. Grades.

- (a) At no point shall the grade for all Roads and Driveways exceed 16 percent.
- (b) The grade may exceed 16%, not to exceed 20%, with approval from the Local Jurisdiction and with mitigations to provide for Same Practical Effect.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.04. Radius.

- (a) No Road or Road Structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in Roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.05. Turnarounds.

- (a) Turnarounds are required on Driveways and Dead-end Roads.
- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
- (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the Driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- (d) A turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each Dead-end Road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.
- (f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.

Figure A/Image 1 is a visual representation of paragraph (b).

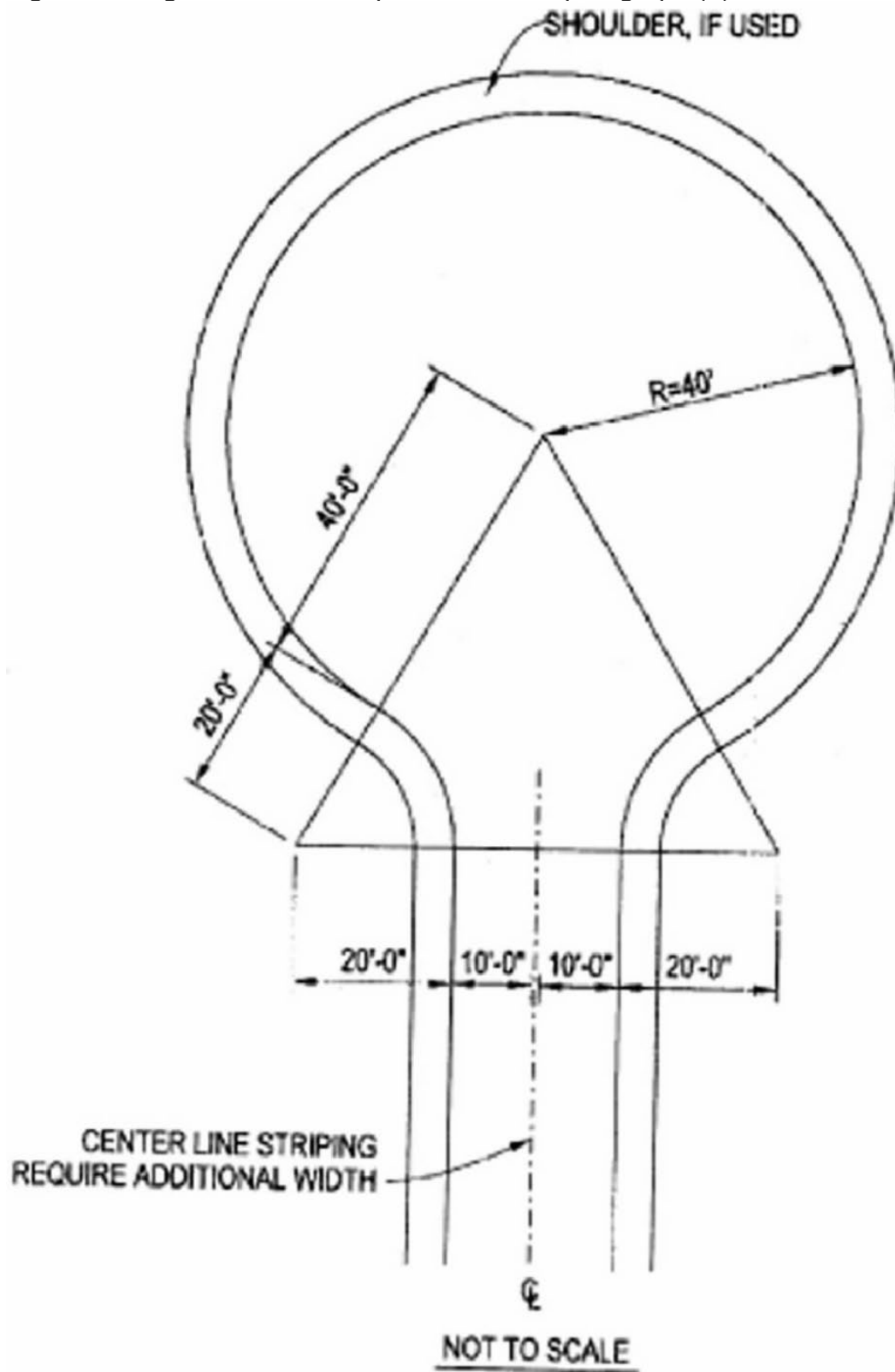
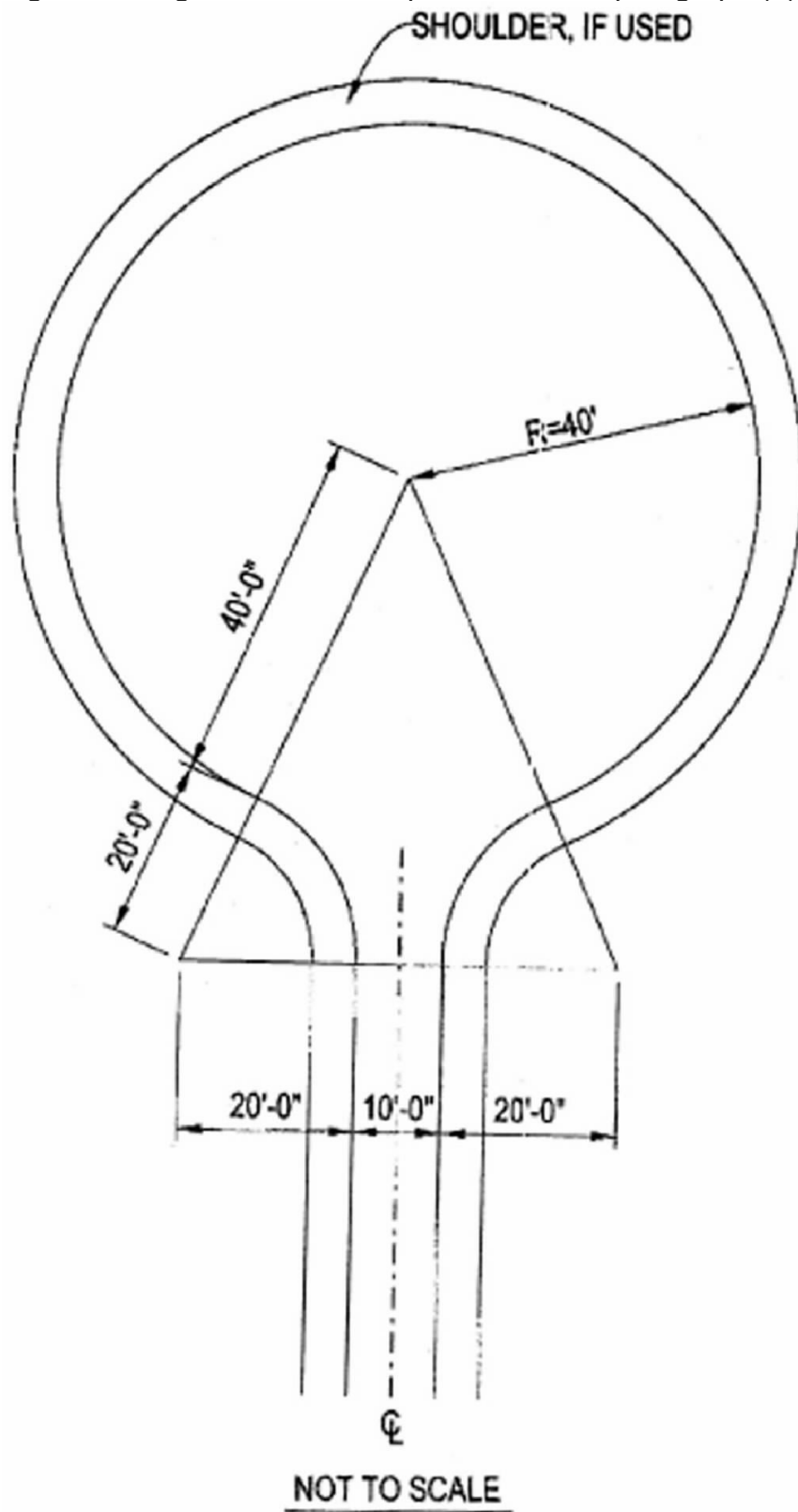


Figure B/Image 2 is a visual representation of paragraph (b).



NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.06. Turnouts.

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.07. Road and Driveway Structures.

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, One-way Road or single traffic lane conditions, shall reflect the capability of each bridge.

(b) Where a bridge or an elevated surface is part of a Fire Apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the Local Jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.08. Dead-end Roads.

(a) The maximum length of a Dead-end Road, including all Dead-end Roads accessed from that Dead-end Road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet

parcels zoned for 5 acres to 19.99 acres - 2,640 feet

parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the Road surface at the intersection that begins the Road to the end of the Road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.09. Gate Entrances.

- (a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").
- (b) All gates providing access from a Road to a Driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that Road.
- (c) Where a One-way Road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.
- (d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 3. Signing and Building Numbering

§ 1274.00. Intent.

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved Roads and Buildings shall be designated by names or numbers posted on signs clearly visible and legible from the Road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.01. Road Signs.

- (a) Newly constructed or approved Roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each Local Jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a Road providing access only to a single commercial or industrial Occupancy require naming or numbering.
- (b) The size of letters, numbers, and symbols for Road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.02. Road Sign Installation, Location, and Visibility.

- (a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.

- (b) Signs required by this article identifying intersecting Roads shall be placed at the intersection of those Roads.
- (c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:
 - (1) at the intersection preceding the traffic access limitation, and
 - (2) no more than one hundred (100) feet before such traffic access limitation.
- (d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.03. Addresses for Buildings.

- (a) All Buildings shall be issued an address by the Local Jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U Buildings are not required to have a separate address; however, each Residential Unit within a Building shall be separately identified.
- (b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.
- (c) Addresses for residential Buildings shall be reflectorized.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.04. Address Installation, Location, and Visibility.

- (a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the Road fronting the property.
- (b) Where access is by means of a private Road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.
- (c) Address signs along one-way Roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a Road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest Road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 4. Emergency Water Standards

§ 1275.00. Intent.

Emergency water for Wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a Wildfire or defend property from a Wildfire.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.01. Application.

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the Local Jurisdiction.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.02. Water Supply.

(a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the Local Jurisdiction.

(b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.

(c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency Wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by Local Jurisdictions, such protection measures shall be provided.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.03. Hydrants.

(a) The Fire Hydrant shall be eighteen (18) inches above the finished surface. Its location in relation to the Road or dRiveway and to the Building(s) or Structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The Fire Hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Fire Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the Local Jurisdiction.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.04. Signing of Water Sources.

(a) Each Fire Hydrant or access to water shall be identified as follows:

(1) if located along a Driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the Driveway address sign and mounted on a fire retardant post, or

(2) if located along a Road,

(1) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said Fire Hydrant with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the Driveway, or

(2) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 5. Building Siting, Setbacks, and Fuel Modification

§ 1276.00. Intent.

To reduce the intensity of a Wildfire, reducing the volume and density of flammable vegetation around Development through strategic fuel modification, parcel siting and Building setbacks, and the protection of Undeveloped Ridgelines shall provide for increased safety for emergency fire equipment, including evacuating civilians, and a point of attack or defense from a Wildfire.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.01. Building and Parcel Siting and Setbacks.

(a) All parcels shall provide a minimum thirty (30) foot setback for all Buildings from all property lines and/or the center of a Road, except as provided for in subsection (b).

(b) A reduction in the minimum setback shall be based upon practical reasons, which may include but are not limited to, parcel dimensions or size, topographic limitations, Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints, and shall provide for an alternative method to reduce Structure-to-Structure ignition by incorporating features such as, but not limited to:

- (1) non-combustible block walls or fences; or
- (2) non-combustible material extending five (5) feet horizontally from the furthest extent of the Building; or
- (3) hardscape landscaping; or
- (4) a reduction of exposed windows on the side of the Structure with a less than thirty (30) foot setback; or
- (5) the most protective requirements in the California Building Code, California Code of Regulations Title 24, Part 2, Chapter 7A, as required by the Local Jurisdiction.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.02. Ridgelines.

- (a) The Local Jurisdiction shall identify Strategic Ridgelines, if any, to reduce fire risk and improve fire protection through an assessment of the following factors:
 - (1) Topography;
 - (2) Vegetation;
 - (3) Proximity to any existing or proposed residential, commercial, or industrial land uses;
 - (4) Construction where mass grading may significantly alter the topography resulting in the elimination of Ridgeline fire risks;
 - (5) Ability to support effective fire suppression; and
 - (6) Other factors, if any, deemed relevant by the Local Jurisdiction.
- (b) Preservation of Undeveloped Ridgelines identified as strategically important shall be required pursuant to this section.
- (c) New Buildings on Undeveloped Ridgelines identified as strategically important are prohibited, as described in subsections (c)(1), (c)(2), and (c)(3).
 - (1) New Residential Units are prohibited within or at the top of drainages or other topographic features common to Ridgelines that act as chimneys to funnel convective heat from Wildfires.
 - (2) Nothing in this subsection shall be construed to alter the extent to which utility infrastructure, including but not limited to wireless telecommunications facilities, as defined in Government Code section 65850.6, subdivision (d)(2), or Storage Group S or Utility and Miscellaneous Group U Structures, may be constructed on Undeveloped Ridgelines.
 - (3) Local Jurisdictions may approve Buildings on Strategic Ridgelines where Development activities such as mass grading will significantly alter the topography that results in the elimination of Ridgeline fire risks.
- (d) The Local Jurisdiction may implement further specific requirements to preserve Undeveloped Ridgelines.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.03. Fuel Breaks.

- (a) When Building construction meets the following criteria, the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority:

- (1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or
- (2) an application for a change of zoning increasing zoning intensity or density; or
- (3) an application for a change in use permit increasing use intensity or density.
- (b) Fuel Breaks required by the Local Jurisdiction, in consultation with the Fire Authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to Access routes, Buildings, or infrastructure within the Development.
- (c) Fuel Breaks shall have, at a minimum, one point of entry for fire fighters and any Fire Apparatus. The specific number of entry points and entry requirements shall be determined by the Local Jurisdiction, in consultation with the Fire Authority.
- (d) Fuel Breaks may be required at locations such as, but not limited to:
 - (1) Directly adjacent to defensible space as defined by 14 CCR § 1299.02 to reduce radiant and convective heat exposure, ember impacts, or support fire suppression tactics;
 - (2) Directly adjacent to Roads to manage radiant and convective heat exposure or ember impacts, increase evacuation safety, or support fire suppression tactics;
 - (3) Directly adjacent to a Hazardous Land Use to limit the spread of fire from such uses, reduce radiant and convective heat exposure, or support fire suppression tactics;
 - (4) Strategically located along Ridgelines, in Greenbelts, or other locations to reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics.
- (e) Fuel Breaks shall be completed prior to the commencement of any permitted construction.
- (f) Fuel Breaks shall be constructed using the most ecologically and site appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides.
- (g) Where a Local Jurisdiction requires Fuel Breaks, maintenance mechanisms shall be established to ensure the fire behavior objectives and thresholds are maintained over time.
- (h) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written legal agreements; permanent fees, taxes, or assessments; assessments through a homeowners' association; or other funding mechanisms.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.04. Greenbelts, Greenways, Open Spaces and Parks.

- (a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.03 (Fuel Breaks).

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.05. Disposal of Flammable Vegetation and Fuels.

The disposal, including burning or removal to a site approved by the Local Jurisdiction, in consultation with the Fire Authority, of flammable vegetation and fuels caused by site construction, Road, and Driveway construction shall be in accordance with all applicable laws and regulations.

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.