

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: August 3, 2020

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Introduction and 1<sup>st</sup> Reading of Ordinance 755 N.S. – Adopting a Fire Zone Map and Adding Fuel Reduction and Vegetation Management Requirements to the City Code

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RECOMMENDATION

Approve the 1<sup>st</sup> reading of Ordinance 755 N.S. – Adopting a Fire Zone Map and Adding Fuel Reduction and Vegetation Management Requirements to the City Code.

BACKGROUND

Wildfire activity is on the rise, burning five million acres nationwide in 2007 to almost ten million acres in 2017 according to the National Interagency Fire Center. With this increase in wildfire activity comes an increased impact on buildings, including homes and businesses in Piedmont which is within the wildland-urban interface. Residents and business owners can take steps to reduce the risk to their property located in wildfire prone areas. Eliminating fuels from the immediate area surrounding a building, referred to as defensible space, can decrease the potential for a structure to become a casualty of a wildfire.

The purpose of the proposed code changes are to provide minimum vegetation management standards, in an effort to decrease the likelihood of ignition of a structure during direct flame impingement or exposure to burning embers projected by a wildfire. These protective measures should result in a systematic reduction in fire losses through the use of performance and prescriptive requirements.

To help harden Piedmont against wildfire, two separate actions are contained in the proposed ordinance. First, as required by state law, adopt the Very High Fire Severity Zone map developed by the state Director of Forestry and Fire Protection. Currently this map includes eastern portions of Piedmont near Park Boulevard, St. James Drive, and Tyson Lake. Properties in this area will have to meet higher vegetation management standards due to the higher fire danger in this area. The state is set to update this map and it is anticipated that a larger portion of Piedmont may be encompassed in future state updates.

Second, the ordinance updates the vegetation management requirements on properties outside this Very High Fire Severity Zone (VHFSZ). The recommended practices are intended to

increase the survivability of the community during a catastrophic wildfire. Staff has worked to make the vegetation management requirements imposed by this ordinance achievable while also ensuring as much hardening against wildfires as practical. Staff began training to apply these various standards over the past year and will continue throughout summer 2020. Facets of the proposed changes have been applied to our current enforcement practices over the past year with positive feedback from the community. These standards provide more clarity and practical direction for the property owner.

### FINANCIAL IMPACT ON RESIDENTS

The City's recommendations were developed with extensive research by staff including consultation with the State Fire Marshal's Office as well as CalFIRE Planning and Land-use personnel. The specific elements of the Fuel Reduction and Vegetation Management standards were developed from National Fire Protection Association (NFPA), the California Fire Code, and extensive review of policies and practices from other regional jurisdictions as noted in Attachment B.

According to recent estimates, more than 4.5 million U.S. properties are at high to extreme wildfire risk and losses from wildfires have added up to \$5.1 billion over the past ten years. While direct financial impacts to Piedmont are difficult to quantify due to the unpredictability of a catastrophic wildfire; the likelihood of a wildfire in our region is significant and fires have occurred nearby with devastating consequences. Residents may initially see an increase in costs to comply with these proposed standards, but ongoing compliance should be similar to current landscape maintenance costs. Standards will be applied incrementally when permissible, dependent on the severity of the hazard.

While residents may initially see their landscaping costs rise, the potential savings are enormous when compared to the cost of wildfire damage to a residence. The reality of the risk and expense of a wildfire can be lowered by simple but deliberate maintenance practices around the home. Once initial compliance is achieved, annual property maintenance would only need to be refreshed.

The proposed ordinance also aligns with national wildfire research conducted by the Insurance Institute for Business and Home Safety and the FIREWISE national wildfire fire safety campaign. In pursuit of these efforts, Piedmont residents may ultimately realize economic benefit on their property insurance as our community complies with these best practices. Fire department staff are also actively engaged with the Hills Emergency Forum, Oakland Firesafe Council, Oakland Community Preparedness & Response and other regional wildfire prevention partners. This update to our code and related efforts will allow the Fire Department to continue its focus on pursuing a wildfire protection mitigation framework and assess FIREWISE certification elements for Piedmont as declared in 2020-2021 department priorities.

### ATTACHMENTS

- A) Ordinance 755 N.S. - Adopting Fire Zone Maps and Adding Fuel Reduction and Vegetation Management Requirements to the City Code

- B) Information Sheet on 2020 Code Updates as Related to Wildfire Safety

REFERENCES

- A) [State of California Wildland Urban Interface Map](#)
- B) [State of California Very High Fire Severity Zone Map](#)
- C) [City of Piedmont Local Hazard Mitigation Plan](#)
- D) [Wildfire Research Conducted by Insurance Institute for Business and Home Safety](#)
- E) [Wildfire Public Policy 2019 Q1 Insurance Institute for Business and Home Safety](#)
- F) [Alameda County Community Wildfire Protection Plan](#)
- G) [Analysis of 2017-2018 Wildfires](#)
- H) [Damage analysis of 2017-2018 wildfires shows importance of mitigation](#)

By: Bret Black, Fire Chief

ORDINANCE NO. 755 N.S.

AN ORDINANCE ADOPTING RECOMMENDATIONS OF THE DIRECTOR OF  
FORESTRY AND FIRE PROTECTION DESIGNATING VERY HIGH FIRE HAZARD  
SEVERITY ZONE AND ADDING FUEL REDUCTION AND VEGETATION  
MANAGEMENT REQUIREMENTS TO THE PIEDMONT CITY CODE

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. BACKGROUND

California Government Code sections 51178 and 51179 require local agencies, including the City of Piedmont (“City”) to designate by ordinance, very high fire hazard severity zones following receipt of recommendations from the Director of Forestry and Fire Protection.

The California Government Code prescribes certain, specified requirements for property owners located in areas designated as being located in very high fire hazard severity zones to manage vegetation in a manner to prevent fires.

California Government Code section 51182 provides that property owners within very high fire hazard severity zones must maintain a defensible space of 100 feet from each side of the front and rear of the structure, with the intensity of fuels management varying within the 100-foot perimeter of the structure, as the most intense level of fuels management is required within the first 30 feet around the structure.

California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet.

The spread and severity of fires occurring in Piedmont is of particular concern, given that Piedmont is a predominantly hillside community where a significant number of structures in the City are single family dwellings built on sloping terrain and are located in close proximity to one another.

In many cases in Piedmont, dwellings are situated less than 8 feet apart, and fires can easily spread from house to house and are more readily spread upslope in the direction of prevailing winds.

The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits, but did not damage any structures. Piedmont however does have similar climatic and topographical conditions as those areas in other jurisdictions affected by 1991 fire.

Approximately 20 percent of Piedmont has been designated as very high fire hazard zone by the Director of Forestry and Fire Protection. However, the remainder of Piedmont that is not specifically deemed as a very high fire hazard zone by the Director of Forestry and

Fire Protection is located in close proximity to such designated areas. In addition, Piedmont's unique topography and geography make the entire City particularly susceptible to fires.

Property owners' or occupants' lack of proper vegetation management has the potential to create fire hazards that can have potentially devastating consequences for the entire community.

Lack of vegetation management is also dangerous because it can impede emergency vehicle access in the event of fires or natural disasters in a manner that jeopardizes public health and safety throughout the City.

Based on these facts, it is necessary to adopt vegetation management standards for property owners in Piedmont in order to reduce the potential and intensity of uncontrolled fires that can threaten to destroy resources, life, or property.

The City Council of the City of Piedmont finds that the failure to manage and maintain private property in accordance with of the prescribed vegetation requirements in this Ordinance is a public nuisance, and should be subject to abatement by the City of Piedmont.

## SECTION 2. ENACTMENT OF CITY CODE SECTION 8.14.030 – FIRE FUEL REDUCTION AND VEGETATION MANAGEMENT

Section 8.14.030 of the Piedmont City Code is hereby enacted, to read in its entirety:

### **“8.14.030 Fire Fuel Reduction and Vegetation Management.**

A. Purpose and Declaration of Public Nuisance. Due to the unique topography and geography of the City, unchecked fire fuel loads and lack of vegetation management create a fire hazard and may potentially impede emergency vehicle access in the event of natural disaster, thereby jeopardizing public health and safety throughout the City. Failure to manage and maintain private property in accordance with of the prescribed vegetation requirements in this section shall be deemed a public nuisance subject to abatement by the City of Piedmont.

B. Vegetation management requirements. Standards for vegetation management described herein shall be applicable to and within private property located within the City bounds, unless stricter requirements apply under section 8.14.050 due to being located in a designated very high fire hazard zone, and failure to maintain property in accordance with such standards shall subject the responsible person to fine and/or abatement in accordance with chapter 1 or chapter 6 of this code.

1. Developed parcels. For any parcel developed with a dwelling unit, or developed with any other structure or structures required to obtain a building permit prior to construction, each responsible person for such parcel shall ensure that vegetation on

the parcel is maintained in accordance with the requirements below. Each responsible person shall:

- a. Cut down, remove, or reduce any hazardous vegetation or combustible material. Hazardous vegetation or combustible materials include, but are not limited to weeds, grass, vines, leaves, brush, diseased or dead trees, combustible growth, debris, or rubbish capable of being ignited and endangering property.
  - b. Maintain a defensible space of at least 30 feet from the perimeter of each building or structure located on a parcel. The size of the defensible space area may be increased or decreased by the fire code official based on site-specific analysis of local conditions, which include, but are not limited to, considerations of: the size of the property, whether the property is located on a steep slope, whether property located in an exposed windswept location, the fire risk that the vegetation surrounding the property poses, the proximity of adjacent structures and risk to such adjacent structures, and whether the vegetation surrounding the property is regularly maintained or pruned. A responsible person is not required to manage vegetation located beyond the property line of the subject parcel.
  - c. Maintain any space that is within 3 feet from a roadway clear of any flammable vegetation, and maintain a 15-foot vertical clearance, free of vegetation, above roadways including streets, driveways and rights-of-way.
  - d. Remove or trim any vegetation that is deemed by the Fire Marshal to impede emergency vehicle access.
  - e. Remove all portions of trees within 10 feet of functioning chimneys or stovepipe outlets.
  - f. Maintain the roof and gutters free of leaves, needles, or other dead/dying wood.
  - g. Remove brush and tree limbs that are within six feet of the ground from mature trees.
  - h. Remove flammable vegetation and limbs from trees that may pose a fire and/or safety hazard to the home or property.
  - i. Install a spark arrestor on functioning chimneys or stovepipe outlets.
2. Vacant parcels. For any vacant parcel in the city, each responsible person for such parcel shall ensure that vegetation on the parcel is maintained in accordance with the requirements below. Each responsible person shall:

- a. For parcels with an acreage that is 0.5 acres or less, the responsible person shall clear the entire lot of flammable vegetation and maintain it to a height of 6 inches or less.
  - b. For parcels with an acreage that is greater than 0.5 acres, clear the area that is one hundred feet along the perimeter of the property line of flammable vegetation and maintain such vegetation to a height of 6 inches or less. A responsible person is not required to manage vegetation located beyond the property line.
  - c. Maintain any space that is within 3 feet from a roadway clear of any flammable vegetation, and maintain a 15 foot vertical clearance, free of vegetation above roadways including streets, driveways and rights-of-way.
  - d. Remove flammable vegetation and limbs from trees that may pose a fire and/or safety hazard from the property.
  - e. Remove brush and tree limbs that are within six feet of the ground from mature trees.
3. Penalties. Violations of this section shall be subject to penalties. Penalty amount may be established by resolution of the City Council. If penalty amounts have not been established by resolution of the City Council, violations of this section shall be punishable by fine in the amounts specified in Government Code section 51185.

### SECTION 3. ENACTMENT OF CITY CODE SECTION 8.14.040 – DESIGNATION OF VERY HIGH FIRE HAZARD SEVERITY ZONE

Section 8.14.040 of the Piedmont City Code is hereby enacted, to read in its entirety:

#### **“8.14.040 Designation of Very High Fire Hazard Severity Zone**

The City Council designates those areas identified on the City’s Very High Fire Hazard Severity map as designated in figure 8.14.040, as Very High Fire Severity Zones in accordance with section 51179(a) of the California Government Code. A copy of such map shall be kept on file with the Fire Marshal.”

### SECTION 4. ENACTMENT OF CITY CODE SECTION 8.14.050 – VEGETATION MANAGEMENT IN VERY HIGH FIRE HAZARD SEVERITY ZONE

Section 8.14.050 of the Piedmont City Code is hereby enacted, to read in its entirety:

#### **“8.14.050 Vegetation Management in Very High Fire Hazard Severity Zone**

All properties within a Very High Fire Severity Zone shall comply with vegetation management requirement in Government Code section 51182, unless such property is deemed exempt by the Fire Chief or designee in accordance with Government Code section 51183 or 51184. Violations of this section shall be deemed a public nuisance subject to abatement under chapter 6 of this code. In addition being subject to punishment as prescribed under Government Code section 51185, such violations may be enforced via administrative fine under chapter 1 of this code. Administrative fine amounts may be established by resolution of the City Council.”

#### SECTION 5. ENACTMENT OF CITY CODE SECTION 8.14.050 – DEFINITIONS

Section 8.14.060 of the Piedmont City Code is hereby enacted, to read in its entirety:

##### **“8.14.060 Definitions.**

In this division:

*Defensible Space* means the area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas, as provided in Government Code section 51177(a).

*Flammable vegetation* means: (1) vegetation, brush, or grasses, which is dry, dead, or dying and which is over six inches in height; or (2) vegetation which has a high resin or sap content including but not limited to Arborvitae, California Bay, Cedar, Cypress, Douglas Fir, Eucalyptus, Fir, Juniper, Palm, Pine, Spruce, Yew, California buckwheat, California sagebrush, Chamise or greasewood, Laurel sumac, Manzanita, Pampas grass, Rosemary, Scotch broom, Spanish Broom, Sugar bush, and Toyon and which is over six inches in height.

*Responsible person* means any natural person or a corporate entity that is the owner, occupant, lessor, lessee, manager, licensee, or other person having physical or legal control over a structure or parcel of land.

#### SECTION 6. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

#### SECTION 7. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk shall transmit a copy of the ordinance to the State Board of Forestry and Fire



Protection, and cause a notice to be posted with the office of the county recorder, county assessor, and county planning agency, as required by Government Code section 51179.

#### SECTION 8. CALIFORNIA ENVIRONMENTAL QUALITY ACT

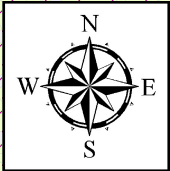
The City Council finds and determines that enactment of this ordinance is exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15304, pertaining to minor alternations to land. Alternatively, Title 14 California Code of Regulations, section 15308, actions for protection of the environment, and section 15307, actions for protection of natural resources, also exempt this action from environmental review.

[END OF ORDINANCE]

Attachments:

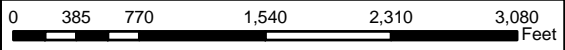
Exhibit A – Figure 8.14.010 - Very High Fire Hazard Severity Zone Map

# City of Piedmont Fire Zone Map



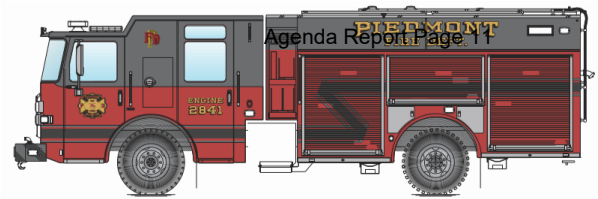
## Legend

- City Limit
- State of California Very High Fire Severity Zone
- Wildland Urban Interface Fire Area





# 2020 CODE UPDATE



There are two primary objectives related to wildfire safety in the proposed code submissions:

1. Improve a building's ability to withstand the affects of wildfire  
(Building Code Ordinance)
2. Update the City's vegetation management practices  
(Fire Hazard Severity Zones/ Vegetation Management Ordinance)

## Building Code Ordinance

**Home-Hardening** is based on the premise that eliminating a building's ignition opportunities reduces the chance embers will be able to propagate and ignite your home. Some examples of these features are double paned windows, fire-resistive siding, enclosing openings in the eaves with wire mesh, replacing plastic rain gutters with metal, among others. These **Home-Hardening** guidelines have been developed following extensive testing and case-study analysis by the state. Various aspects of this initiative are being added to the proposed code contained in Chapter 8 of the City code. In the case of a remodel, we are reducing the threshold percentage of home demolition which triggers **Home-Hardening** mandates. Our existing code requires 75% demolition. Staff is proposing 50% demolition as the trigger to align with other local agencies. This will require fire sprinklers and other wildfire related features (**Home-Hardening**) for remodels.

The portion of the city that lies outside the state's **Very High Fire Severity Zone (VHFSZ)** is now designated as within the **Wildland Urban Interface (WUI)** by our local authority. This is permitted at the discretion of the City, following research conducted by the fire department. As a result the entire city will be required to comply with **Home-Hardening** construction features for future projects.

Staff is also significantly restricting the use of wooden roof shakes and shingles, which will include remodels and repairs. Additionally, our illegal fireworks section has been amended to include penalties in alignment with industry best practices.

## Fire Hazard Severity Zones/ Vegetation Management Ordinance

Creating **Defensible Space** decreases ignition potential, reducing the likelihood of direct flame contact and the transfer of radiant heat to buildings during a wildfire. Fire Departments refer to these practices as **Vegetation Management**. Piedmont residents are currently required to comply with our existing standards within Chapter 8 of the City code.

We are proposing updates to our current **Vegetation Management** practices to align with local and state standards. Piedmont has developed a public outreach campaign to educate the community on our standards and will be taking an incremental approach for compliance this fire season. Similar criteria can be found in [Berkeley](#), [Moraga-Orinda \(DRAFT\)](#), [Town of Ross](#), [San Rafael](#) and [Oakland \(DRAFT\)](#).

Approximately 20% of Piedmont lies in a **Very High Fire Severity Zone (VHFSZ)** which is designated solely by the state. Piedmont is mandated to adopt this area by ordinance, enforcing the state's stricter **Vegetation Management** standards to areas within the **VHFSZ** (SB190 October 2019). The current **VHFSZ** map is currently being reviewed and updated by the state, which is likely to increase areas within Piedmont that are subjected to this criteria.

