

# WUI VEGETATION CODE WORKGROUP

## SPECIAL MEETING

SEPTEMBER 30, 2025

2:30 PM

Redwood Room – 2180 Milvia St. 6<sup>th</sup> Floor North

Fire Chief's Representative – Asst. Chief Colin Arnold

Assistant Chief David Winnacker  
Richard Illgen  
George Perez-Velez

Eric Weaver  
Margit Roos-Collins

### AGENDA

#### Preliminary Matters

#### Call to Order

#### Public Comment on Non-Agenda Matters

**AGENDA MATTERS** *All Regular agenda matters are for discussion and possible action.*

- 1. Action:** Discussion of existing local code amendments to ensure clarity and conduct a final review of the proposed revisions to the annotated Vegetation Ordinance prior to submission to the Fire Chief for review and consideration.

**Written Materials:** Vegetation Ordinance, Annotated  
Clean Copy of Vegetation Ordinance

#### WORK GROUP REPORTS

#### Adjournment

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to the Wildland Urban Interface Division of the Berkeley Fire Department, [wildfire@berkeleyca.gov](mailto:wildfire@berkeleyca.gov) 510-981-5620. Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information. Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Berkeley Fire Department located at 2100 Martin Luther King Jr. Way Berkeley, CA.*

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

~~~~~  
I hereby certify that the agenda for this regular/special meeting of the Berkeley City's Disaster and Fire Safety Commission was posted at the front of the Division of Training, 997 Cedar Street, as well as on the City's website, three days prior to the scheduled Commission meeting.

**SECRETARY SIGNATURE**

*Colin Arnold*

ATTACHMENT 1

Chapter 49 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 49 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

SECTION 4902 DEFINITIONS

Section 4902.1 General. For the purpose of this chapter, certain terms are defined as follows:

**BOLES OF A TREE.** A bole of a tree is its main trunk, specifically the part extending from the roots up to the first branches and canopy.

**DIRECTOR.** Director of the California Department of Forestry and Fire Protection (CAL FIRE).

Commented [A1]: Remove?

**FIRE PROTECTION PLAN.** A document prepared for a specific premises, project or development, either existing or proposed for a Wildland-Urban Interface (WUI) area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

**FIRE HAZARD SEVERITY ZONES.** Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Area or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189, and locally amended and adopted under ordinance 7958-N.S.;

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

**FLATLANDS MITIGATION AREA (ZONE 1)** encompasses the entire City of Berkeley except for areas in the Hills Mitigation Area, Panoramic Mitigation Area and Grizzly Peak Mitigation Area.

Commented [A2]: Delete?

**FORBS.** Forbs are herbaceous, non-woody flowering plants that are not grasses, sedges, or rushes

**FUEL BREAK.** A natural or human caused change in fuel characteristics which affects fire behavior so that fires burning into them can be more readily controlled (NWCG-PMS 205).

Commented [A3]: Remove?

**FIRE-RESISTANT VEGETATION.** Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.

Commented [A4]: New code language is "Fire Smart" to avoid confusion regarding whether plants will burn in accordance with UC Agriculture and Natural Resources Publication 8695

Commented [A5]: Also defined in the new code

Commented [A6]: Workgroup concerned that this term may be needed later, so maintain the record here

[Note: The following sources contain exam

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ples of types of vegetation that can be considered fire resistant vegetation (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and Natural Resources; Sunset Western Garden Book)).

**GRIZZLY PEAK MITIGATION AREA (ZONE 4)** encompasses those areas of the city east from parcels addressed on the west side of Grizzly Peak Boulevard to the eastern city boundary.

Homes addressed on, or with a structural frontage on either side of Grizzly Peak Boulevard are included in the area.

The Grizzly Peak Mitigation Area is designated as a Very-High Fire Hazard Severity Zone.

**HILLS MITIGATION AREA (ZONE 2) HIGH FIRE HAZARD SEVERITY ZONE** encompasses those areas designated as Very High or High Fire Hazard Severity Zones, adopted and locally amended pursuant to California Government Code, Sections 51175 through 51189, that are not included in the Grizzly Peak Mitigation Area or Panoramic Mitigation Area.

This area includes areas of the City east / north east of the line formed by these roads. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

- a. The Arlington Avenue from the Kensington Border to Marin Avenue
- b. Sutter Street from the Southern portal of the Northbrae Tunnel to Eunice Street Fountain Walk from Marin Avenue to Sutter Street
- b.c. Sutter Street from the southern portal of the Northbrae Tunnel to Eunice Street.
- e.d. Eunice Street from Sutter Street to Spruce Street
- e. Spruce Street from Eunice Street to Hearst Avenue
- d.f. Hearst Ave from Spruce Street to Gayley Road
- e.g. Gayley Road from Hearst Avenue to Piedmont Ave Stadium Rim Way
- f.h. Piedmont Avenue from Gayley Road Stadium Rim Way to Bancroft Way Dwight Way
- g.i. Piedmont Crescent from Piedmont Ave to Warring Street Warring Street from Dwight Way to Derby Street
- j. Warring Street from Dwight Way to Derby Street Belrose Avenue from Derby Street to Garber Street
- k. Derby Street from Warring Street to Belrose Avenue.
- h.l. Belrose Avenue from Derby Street to Garber Street
- i.m. Claremont Boulevard from Garber Street to Claremont Avenue
- j.n. Claremont Avenue from Claremont Boulevard to the Oakland Border

**Commented [A7]:** Clarify the numbers associated with zones, see if we can eliminate

**Commented [A8]:** Confusing with two state maps contained within this zone

**Commented [A9]:** Lopez, David Can we move the numbered zone out of the title and into the body of the definition to reduce confusion with the public, but still allow the crossover to B&S?

**Commented [A10]:** Call out the definitions further and identify boundaries

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Tunnel Road from Ashby Avenue to the Oakland Border

**IGNITION-RESISTANT MATERIAL.** A type of building material that complies with the requirements in Section 704A.2 in the California ~~Berkeley~~ Building Code.

**LOCAL RESPONSIBILITY AREAS (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.

**PANORAMIC MITIGATION AREA (ZONE 3)** encompasses those areas of the city bounded by the line formed by these roads and by the City Limit to the east.

The entirety of the Panoramic Mitigation Area is designated as a Very High Fire Hazard Severity Zone. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

- a. Canyon Road from the Oakland border to Stadium Rim Way  
Centennial Drive from the Oakland border to Stadium Rim Way
- b. Stadium Rim Way from Centennial Drive to Canyon Road  
to Bancroft Way
- c. Canyon Road from Stadium Rim Way to Bancroft Way
- d. Bancroft Way from Canyon Road to Bancroft Steps
- e. Bancroft Way from Stadium Rim Way to Prospect Street
- d-e. Prospect Street from Bancroft Way to Bancroft Steps from Bancroft Way to Bancroft Way
- e. Bancroft Steps from Prospect Street to Warring Street
- f. Bancroft Way from Bancroft Steps  
Warring Street to Piedmont Avenue
- g. Piedmont Avenue from Bancroft Way to Dwight Way
- h. Dwight Way East from Piedmont Avenue to the Oakland border  
the eastern terminus of Dwight Way.
- h-i. A straight line extending East from the terminus of Dwight Way to the Oakland border.

**STATE RESPONSIBILITY AREA (SRA).** Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.

**VERY HIGH FIRE HAZARD SEVERITY ZONE.** Encompasses those areas identified by CalFIRE as Very High Fire Hazard Severity Zones pursuant to California Government Code 51175-51189 and locally amended and adopted under ordinance 7958-N.S.

**WILDFIRE.** Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code, Sections 4103 and 4104.

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**WILDFIRE EXPOSURE.** One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

**WILDLAND-URBAN INTERFACE (WUI).** A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

**SECTION 4903 PLANS**

**Section 4903.3 Submittal, approval and fees.** When required to submit a Fire Protection Plan or Vegetation Management Plan for any reason the responsible party shall prepare or cause to be prepared a Fire Protection Plan in accordance with the latest standards of the Berkeley Fire Department. The Fire Protection Plan shall be submitted to, reviewed and approved by the Berkeley Fire Department and shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan in accordance with the hourly rate established by City Council resolution.

**SECTION 4905 WILDFIRE PROTECTION BUILDING CONSTRUCTION**

**Section 4905.2 Construction methods and requirements within established limits.** Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code Berkeley Building Code and Berkeley Residential Code, including the following:

1. California Building Code, Chapter 7A-Chapter 7A of the Berkeley Building Code (B.B.C), Berkeley Municipal Code Section 19.28.030.
2. California Residential Code Section R337 of the Berkeley Residential Code (B.R.C.), Berkeley Municipal Code Section 19.29.050.
3. California Referenced Standards Code, Chapter 12-7A.

**SECTION 4907 DEFENSIBLE SPACE**

Property owners are not required or authorized by this code to enter the properties of another person to implement the requirements of this Section.

**Section 4907.3 Adjacent Property Requirements.**

5- The Fire Code Official may require a property owner to perform hazardous vegetation and fuel management on their land to maintain defensible space up to 100 feet from structures located on adjacent properties.

**Section 4907.4 Mitigations Required.**

**Commented [A11]:** Can this be more clear to reflect the expectations in 4707.4

**Commented [A12]:** Added

**Commented [A13]:** Does this apply to VMPs during new construction

**Commented [A14]:**

**Commented [A15]:** Sprague This language creates a challenge for property owners when a neighbor builds an ADU that then affects the veg. mgmt on the adjoining property, and this process should be further evaluated.

**Commented [A16]:** For plan review

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Within the Hills Mitigation Area, Grizzly Peak Mitigation Area, and the Panoramic Mitigation Area, aWithin the locally adopted Very High Fire Hazard Severity ZoneA a person who owns, leases, controls, operates, or maintains lands shall at all times maintain:

1. Remove all branches within 10 feet of any chimney or stovepipe outlet.
2. Maintain the roof and roof gutters of any structure, and the surface of any attached deck, porch, landing, or stairs free of leaves, needles, or other deposited vegetative materials.

Maintain 6 feet of vertical clearance between branches and all other parts of trees or other vegetation overhanging the roof or other portion of any Structure or attached deck.

3.
4. Zone 0: 0-5 feet from any structure: The requirements of 4907.4.5 below apply to this zone.

4-5. Zone 1: 5 to 30 feet from any structure:

a. Remove any privacy hedges, or contiguous vegetation, or contiguous vegetation without adequate fuel separation to prevent spread to the athe structure., that will create a pathway for fire to reach a sStructure.

~~b.a. Maintain 6 feet of vortical clearance between branches and all other parts of trees overhanging the roof or other portion of any Structure or attached deck.~~

~~e.b. Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of dead or dying wood, dead branches, dead limbs, or other Combustible Material.~~

d. Maintain the roof and roof gutters of any structure, and the surface of any attached deck free of leaves, needles, or other vegetative materials.

~~e.c. Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6'8 feet above the ground or surface fuels.~~

~~f.a. Remove all branches within 10 feet of any chimney or stovepipe outlet.~~

g. Storage of firewood, lumber, or other Combustible Material is not permitted.

**Commented [A17]:** This needs limiting language to make clear it does apply throughout the city.

**Commented [A18]:** Moved the structure specific sections out of Zone 1 and 2.

**Commented [A19]:**

**Commented [A20]:** Required for clarity.

**Commented [A21]:** Fire Chief discussion regarding whether requirements cross property lines.

**Commented [A22]:** Additional specifics or clarity on what constitutes a pathway for fire given that ZZ is established

**Commented [A23]:**

**Commented [A24]:** Add a reference to horizontal slope spacing section

**Commented [A25]:**

**Commented [A26]:** Changed to match state language in Gov Code 51182.

**Commented [A27]:** Move this out of Zone 1 requirements.

**Commented [A28]:** Is 8' consistent throughout the code?

**Commented [A29]:** This is an established standard: IBHS <https://wildfireprepared.org/wp-content/uploads/WPH-How-To-Prepare-My-Home-Checklist.pdf>

**Commented [A30]:** This needs to be combined with g and clarified.

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h.d. Keep low growing shrubs and trees, no higher than 6 feet in height, spaced apart or in small groupings of no more than 3 shrubs or trees with a maximum aggregate diameter of 10 feet. Shrub or tree groupings must be separated from other shrubs or shrub groupings by 15 feet such that no continuous path of vegetation is created. Where shrubs or small trees are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 640 feet, whichever is greater.

e. If there are multiple new structures on the same property, new structures accessory such as a shed, hot tub, and playset, ensure these structures are spaced at least 10 feet apart. Have at most three (3) of these structures within 30 feet of a building or structure.

i. Existing moveable structures shall comply with the above.

f. Relocate storage of exposed firewood piles or lumber, or other Combustible Material outside of Zone 1 unless they are completely covered in a fire-resistant covering approved by the State Fire Marshal's Building Material Listing Service. material.

2.6. Zone 2: 30 to 100 feet from any structure:

a. All exposed wood piles must have a minimum of ten feet (10 ft.) of clearance, down to bare mineral soil, in all directions.

~~a. Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.~~

4.7. For both Zones 1 and 2:

a. Remove vegetative and combustible material capable of transmitting fire to a structure as determined by the Fire Code Official.

b. Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).

c. Cut annual grasses and annual forbs down to a maximum height of four inches (4 in.) prior to, or upon reaching the senescent or ripening phase when the preponderance of vegetative material is cured or dead.

d. Non-irrigated brush is not permitted.

**Commented [A31]:** Review for clarity, include small trees in definition, and review separation distance science. Consider defining drip line

**Commented [A32]:** Added small trees.

**Commented [A33]:** Delete first sentence, this is in conflict with other areas and deleting brings into standard with IBHSWPH

**Commented [A34]:** Do we need to include the 10', or the language "whichever is greater. 10'" seems drastic

**Commented [A35]:** Is 3x sufficient

**Commented [A36]:** Clarification on property lines

**Commented [A37]:** [Mention was removed] define combustible material to clarify this

**Commented [A38]:** [Mention was removed] pull state language on approved material

**Commented [A39]:** Should this language be moved to 3 as it applies to both zones. Discuss the conflict between Fuel Separation and Continuous Tree Canopy methods. Consider adding the reference as an appendix

**Commented [A40]:** New proposed language. Could also remove grass and forbs and replace with "annual vegetation".

**Commented [A41]:** Clarify timing here or elsewhere as forbs are defined. Consider clarifying forbs in definitions

**Commented [A42]:** Revisit to clarify what this means in our jurisdiction.

**Commented [A43]:** Recommend striking as the requirements of Item 1A address the issue.

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- c. Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground, or three times the height of the understory vegetation, whichever is greater. Where a tree is not adaptable to limbing to the height described above, use a combination of limbing and/or modify and remove fuels adjacent to and underneath the tree to provide clearance above grade that is equivalent to three times the height of the tallest understory fuel.
- d. Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground.
- e. Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.
- e-f. Maintain horizontal spacing between shrubs. Consistent with fuel management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable, non-native grasses and weeds.
- i. Flat or mild slope (less than 20%): Two times the height of the shrub.
  - ii. Mild to moderate slope (20-40%): Four times the height of the shrub
  - iii. Moderate to steep slope (greater than 40%): Six times the height of the shrub
- iv. Shrubs maintained as trees shall comply with requirements for trees, and not this section.

**Commented [A44]:** In conflict with the 8' standard that precedes this. Have an informal conversation about what informs the vertical spacing standard.

**Commented [A45]:** Changed to 6' throughout.

**Commented [A46]:**

**Commented [A47]:** Removed second sentence for clarity.

**Commented [A48]:** Need to capture invasive perennial forbs

**Commented [A49]:** In conflict with the 8' standard that precedes this. Have an informal conversation about what informs the vertical spacing standard.

**Commented [A50]:** Changed to 6' throughout.

**Commented [A51]:**

**Commented [A52]:** Should this language be moved to 3 as it applies to both zones. Discuss the conflict between Fuel Separation and Continuous Tree Canopy methods. Consider adding the reference as an appendix

**Commented [A53]:** Do we need to call out that ground cover is allowed

ATTACHMENT 1

f. Maintain space between tree canopies:

- Flat or mild slope (less than 20%): 10 feet.
- Mild to moderate slope (20-40%): 20 feet.
- Moderate to steep slope (greater than 40%): 30 feet.

j.g. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure or the canopy of other trees.

**Section 4907.6 Specific requirements.** Effective January 1, 2026 the Grizzly Peak Mitigation Area and Panoramic Mitigation Area shall be subject to 4907.6 instead in addition to 4907.4.

A person who owns, leases, controls, operates, or maintains lands shall at all times maintain:

1. Zone 0: 0 to 5 feet from any structure:

a. Maintain all areas within five (5) horizontal feet of any structure, outbuildings, attached deck or stairs, and the area under attached decks and stairs free of vegetative and non-vegetative combustible material.

- i. This includes but is not limited to shrubs, vegetative ground cover, climbing vines, combustible boards, timbers, firewood, debris, synthetic lawn, wood mulch products, playsets, plastic trash and recycle cans, trellises, pergolas, shade coverings, planters, attached window boxes, privacy walls, boats, RVs, and other material that could be ignited by embers, radiant heat, or direct flame.
- ii. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials, including bare mineral soil, are permitted.
- iii. Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window or eave; are kept in an unaffixed, non-combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on, around and under the plants shall be removed.
- iv. Exception: Hot tubs may be installed within five (5) horizontal feet of a structure, provided they comply with all Zone 0 clearance requirements applicable to structures.

b. Trees: No (new) trees are permitted in Zone 0 unless.

**Commented [A54]:** In conflict with Continuous Tree Canopy section

**Commented [A55]:** Carry over the changes in 4907.4 if the group does not object.

**Commented [A56]:** Clarify vegetation types

**Commented [A57]:** Consider a recommendation back to council to maintain awareness of BoF recommendations, and direct the Fire Department not enforce parameters under active discussion with the BoF

**Commented [A58]:** Consider adding "unless"

ATTACHMENT 1

e.b. ~~Exception: If the bole of a tree is present within Zone 0, that tree is permitted if its canopy base is above taller than the adjacent Building or Structure's roof ridgeline, does not have and is maintained free of any dead and dying branches; (Existing sSingle specimens of trees are permitted in Zone Zero if:~~

**Commented [A59]:** Edited for clarity.

**Commented [A60]:** Track BOF language about single specimen and consider science that informs that decisions. Bole

i. ~~Maintained free of dead material.~~

i.ii. ~~All live tree branches shall be kept:~~The canopy is maintained to create:

1. ~~SixTen~~ feet (610') above the adjacent building or structure's roof ~~(when reaching above the roofline)ridgeline;~~
  2. ~~TenSixTen~~ feet (10610') away from chimneys and stovepipe outlets; and
  3. Five feet (5') ~~away of horizontal clearance from the sides of any Building, Structure, attached deck, porch, landing or stairs, and hot tubs within five (5) feet of a structure.~~
- ~~3-4.6' of vertical clearance above attached decks, attached, landing or stairs, and hot tubs within 5' of a structure.~~

**Commented [A61]:** Added landing

**Commented [A62]:** Suggested language for trees that needs review and discussion. Suggestion is to replace (b) with the language in parentheses.

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d.c. The roof and rain gutters of a Building or Structure shall be kept clear of leaves, needles, and vegetative material.

e.d. Existing fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment. After the effective date of this regulation, no new or replacement sections ~~or replaced sections~~ of combustible fence (parallel or perpendicular) are permitted within 5 feet of a building or structure including an attached deck.

Commented [A63]: Issues with fences and sections of fence

f.e. Outbuildings are not permitted in Zone 0, unless constructed according to the standards in Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations. Outbuildings that meet these standards shall be considered part of the Building or Structure for the purpose of measuring Zone 0.

Commented [A64]: Added limiting language to avoid requiring sprinklers etc.

Zone 1: 5 to 30 Feet from any structure:

Remove any privacy hedges or contiguous vegetation that will create a pathway for fire to reach a Structure.

Keep low-growing shrubs, no higher than 6 feet in height, spaced apart or in small groupings of no more than 3 shrubs with a maximum aggregate diameter of 10 feet. Shrub groupings must be separated from other shrubs or shrub groupings by 15 feet such that no continuous path of vegetation is created. Where shrubs are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 10 feet, whichever is greater.

If there are multiple structures, such as a shed, hot tub, and playset, ensure these structures are spaced at least 10 feet apart. Have at most three (3) of these structures within 30 feet of a building or structure.

Relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire-resistant material.

Zone 2: 30 to 100 feet from any structure:

All exposed wood piles must have a minimum of ten feet (10 ft.) of clearance, down to bare mineral soil, in all directions.

Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.

For both Zones 1 and 2:

Remove vegetative and combustible material capable of transmitting fire to a structure as determined by the Fire Code Official.

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Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).

Cut annual grasses and forbs down to a maximum height of four inches (4 in.).

Non-irrigated brush is not permitted.

Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground, or three times the height of the understory vegetation, whichever is greater. Where a tree is not adaptable to limbing to the height described above, use a combination of limbing and/or modify and remove fuels adjacent to and underneath the tree to provide clearance above grade that is equivalent to three times the height of the tallest understory fuel.

Maintain horizontal spacing between shrubs:

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Maintain space between tree canopies:

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New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure or the canopy of other trees.

**Commented [A65]:** This is in conflict with the Continuous Tree Canopy. Consider to strike.

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**FORBS.** Forbs are herbaceous, non-woody flowering plants that are not grasses, sedges, or rushes

**GRIZZLY PEAK MITIGATION AREA** encompasses those areas of the city from parcels addressed on the west side of Grizzly Peak Boulevard to the eastern city boundary. Homes addressed on, or with a structural frontage on either side of Grizzly Peak Boulevard are included in the area. The Grizzly Peak Mitigation Area is designated as a Very-High Fire Hazard Severity Zone.

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This area includes areas of the City east / north east of the line formed by these roads. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

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- a. The Arlington Avenue from the Kensington Border to Marin Avenue
- b. Fountain Walk from Marin Avenue to Sutter Street
- c. Sutter Street from the southern portal of the Northbrae Tunnel to Eunice Street.
- d. Eunice Street from Sutter Street to Spruce Street
- e. Spruce Street from Eunice Street to Hearst Avenue
- f. Hearst Ave from Spruce Street to Gayley Road
- g. Gayley Road from Hearst Avenue to Piedmont Ave
- h. Piedmont Avenue from Gayley Road to Bancroft Way.
- i. Piedmont Crescent from Piedmont Ave to Warring Street.
- j. Warring Street from Dwight Way to Derby Street.
- k. Derby Street from Warring Street to Belrose Avenue.
- l. Belrose Avenue from Derby Street to Garber Street
- m. Claremont Boulevard from Garber Street to Claremont Avenue
- n. Claremont Avenue from Claremont Boulevard to the Oakland Border

**IGNITION-RESISTANT MATERIAL.** A type of building material that complies with the requirements in Section 704A.2 in the California-Berkeley Building Code.

**LOCAL RESPONSIBILITY AREAS (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.

**PANORAMIC MITIGATION AREA (ZONE 3)** encompasses those areas of the city bounded by the line formed by these roads and by the City Limit to the east. The entirety of the Panoramic Mitigation Area is designated as a Very High Fire Hazard Severity Zone. Homes addressed on, or with a structural frontage on either side of these road segments are included in the zone:

- a. Centennial Drive from the Oakland border to Stadium Rim Way
- b. Stadium Rim Way from Centennial Drive to Canyon Road
- c. Canyon Road from Stadium Rim Way to Bancroft Way
- d. Bancroft Way from Canyon Road to Bancroft Steps
- e. Bancroft Steps from Bancroft Way to Bancroft Way
- f. Bancroft Way from Bancroft Steps to Piedmont Avenue
- g. Piedmont Avenue from Bancroft Way to Dwight Way
- h. Dwight Way East from Piedmont Avenue to the eastern terminus of Dwight Way.

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- i. A straight line extending East from the terminus of Dwight Way to the Oakland border.

**STATE RESPONSIBILITY AREA (SRA).** Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.

**VERY HIGH FIRE HAZARD SEVERITY ZONE.** Encompasses those areas identified by CalFIRE as Very High Fire Hazard Severity Zones pursuant to California Government Code 51175-51189 and locally amended and adopted under ordinance 7958-N.S.

**WILDFIRE.** Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code, Sections 4103 and 4104.

**WILDFIRE EXPOSURE.** One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

**WILDLAND-URBAN INTERFACE (WUI).** A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

### **SECTION 4903 PLANS**

**Section 4903.3 Submittal, approval and fees.** When required to submit a Fire Protection Plan or Vegetation Management Plan for any reason the responsible party shall prepare or cause to be prepared a Fire Protection Plan in accordance with the latest standards of the Berkeley Fire Department. The Fire Protection Plan shall be submitted to, reviewed and approved by the Berkeley Fire Department and shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan in accordance with the hourly rate established by City Council resolution.

### **SECTION 4905 WILDFIRE PROTECTION BUILDING CONSTRUCTION**

**Section 4905.2 Construction methods and requirements within established limits.** Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the ~~California Building Standards Code~~ Berkeley Building Code and Berkeley Residential Code, including the following:

1. California Building Code, Chapter 7A. Chapter 7A of the Berkeley Building Code (B.B.C), Berkeley Municipal Code Section 19.28.030.
2. California Residential Code Section R337 of the Berkeley Residential Code (B.R.C.), Berkeley Municipal Code Section 19.29.050.
3. California Referenced Standards Code, Chapter 12-7A.

## SECTION 4907 DEFENSIBLE SPACE

Property owners are not required or authorized by this code to enter the properties of another person to implement the requirements of this Section.

### Section 4907.3 Adjacent Property Requirements.

The Fire Code Official may require a property owner to perform hazardous vegetation and fuel management on their land to maintain defensible space up to 100 feet from structures located on adjacent properties.

### Section 4907.4 Mitigations Required.

Within the locally adopted Very High Fire Hazard Severity Zone a person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Remove all branches within 10 feet of any chimney or stovepipe outlet.
2. Maintain the roof and roof gutters of any structure, and the surface of any attached deck, porch, landing, or stairs free of leaves, needles, or other deposited vegetative materials.
3. Maintain 6 feet of vertical clearance between branches and all other parts of trees or other vegetation overhanging the roof or other portion of any Structure or attached deck.
4. Zone 0: 0-5 feet from any structure: The requirements of 4907.4.5 below apply to this zone.
5. Zone 1: 5 to 30 feet from any structure:
  - a. Remove contiguous vegetation without adequate fuel separation to prevent spread to the structure.
  - b. Maintain any tree, shrub, or other plant adjacent to or overhanging any Structure or attached deck free of dead or dying wood.
  - c. Maintain trees to remove Ladder Fuels so that foliage, twigs, or branches are greater than 6' feet above the ground or surface fuels.
  - d. Where shrubs or small trees are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 6 feet, whichever is greater.
  - e. New structures on the same property, such as a shed, hot tub, and playset, ensure these structures are spaced at least 10 feet apart. Have at most three (3) of these structures within 30 feet of a building or structure.
  - i. Existing moveable structures shall comply with the above.
  - f. Relocate storage of exposed firewood piles or lumber unless they are completely covered in a fire-resistant covering approved by the State Fire Marshal's Building Material Listing Service.



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6. Zone 2: 30 to 100 feet from any structure:
- a. All exposed wood piles must have a minimum of ten feet (10 ft.) of clearance, down to bare mineral soil, in all directions.
7. For both Zones 1 and 2:
- a. Remove vegetative and combustible material capable of transmitting fire to a structure as determined by the Fire Code Official.
  - b. Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).
  - c. Cut annual grasses and annual forbs to a maximum height of four inches (4 in.) prior to, or upon reaching the senescent or ripening phase when the preponderance of vegetative material is cured or dead.
  - d. Vertical Spacing: Limb trees by removing hanging bark, debris and branches that are within six feet (6 ft.) of the ground.
  - e. Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.
  - f. Maintain horizontal spacing between shrubs. Consistent with fuel management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable, non-native grasses and weeds.
    - i. Flat or mild slope (less than 20%): Two times the height of the shrub.
    - ii. Mild to moderate slope (20-40%): Four times the height of the shrub
    - iii. Moderate to steep slope (greater than 40%): Six times the height of the shrub
    - iv. Shrubs maintained as trees shall comply with requirements for trees, and not this section.

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- g. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure or the canopy of other trees.

**Section 4907.6 Specific requirements.** Effective January 1, 2026 the Grizzly Peak Mitigation Area and Panoramic Mitigation Area shall be subject to 4907.6 in addition to 4907.4.

A person who owns, leases, controls, operates, or maintains lands shall at all times:

1. Zone 0: 0 to 5 feet from any structure:

- a. Maintain all areas within five (5) horizontal feet of any structure, outbuildings, attached deck or stairs, and the area under attached decks and stairs free of vegetative and non-vegetative combustible material.
  - i. This includes but is not limited to shrubs, vegetative ground cover, climbing vines, combustible boards, timbers, firewood, debris, synthetic lawn, wood mulch products, playsets, plastic trash and recycle cans, trellises, pergolas, shade coverings, planters, attached window boxes, privacy walls, boats, RVs, and other material that could be ignited by embers, radiant heat, or direct flame.
  - ii. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible materials, including bare mineral soil, are permitted.
  - iii. Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window or eave; are kept in an unaffixed, non-combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on, around and under the plants shall be removed.
  - iv. Exception: Hot tubs may be installed within five (5) horizontal feet of a structure, provided they comply with all Zone 0 clearance requirements applicable to structures.
- b. Trees: Existing single specimens of trees are permitted in Zone Zero if:
  - i. Maintained free of dead material.
  - ii. The canopy is maintained to create:
    - 1. Six feet (6') above the adjacent building or structure's roof
    - 2. Ten feet (10') away from chimneys and stovepipe outlets; and
    - 3. Five feet (5') of horizontal clearance from the sides of any Building, Structure, attached deck, porch, landing or stairs, and hot tubs within five (5) feet of a structure.

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4. 6' of vertical clearance above attached decks, attached, landing or stairs, and hot tubs within 5' of a structure.
- c. The roof and rain gutters of a Building or Structure shall be kept clear of leaves, needles, and vegetative material.
- d. Existing fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment. After the effective date of this regulation, no new or replacement sections of combustible fence (parallel or perpendicular) are permitted within 5 feet of a building or structure including an attached deck.
- e. Outbuildings are not permitted in Zone 0, unless constructed according to the standards in Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations. Outbuildings that meet these standards shall be considered part of the Building or Structure for the purpose of measuring Zone 0.