

# WUI VEGETATION CODE WORKGROUP

## REGULAR MEETING

OCTOBER 22, 2025

1:00 PM

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

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

Approval of the October 15 Minutes

Public Comment on Non-Agenda Matters

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

1. **Action:** **Discussion and possible action on suggestions for the Resident Guide.**
2. **Action:** **Discussion on developing a framework for submitting scientific evidence for review.**

**Written Materials:** LA Report to BOF Zone Zero Committee

3. **Action:** **Agenda topics submitted by a member for consideration and discussion:**  
State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Soils and Geology  
Fire-resistant Vegetation

Eucalyptus and Other Dangerous Trees  
Building Composition and Compliance  
Compliance Costs  
Review and Discussion of Submitted Reference  
Materials on Wildfire Preparedness and Zone 0  
Regulations

**Written Materials:**    **To reduce printing and paper use, referenced documents below will be available in a binder for public access at the meeting.**

State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Firewise: How To Prepare Your Home For Wildfires  
Elsevier, Landscape and Urban Planning article  
NFPA Preparing Homes for Wildfire  
Reducing the Vulnerability of Buildings to Wildfire  
Science Summary by Dr. Travis Longcore  
Brentwood HOA Comments on Proposed Zone 0  
Regulations  
Zone 0 Won't Save Your Home from Wildfire

**4.     Action:**                    **Discussion regarding citations, penalties, and appeals process and reviewing differing perspectives on the enforcement approach (e.g., formal vs. informal).**

**Written Materials:**    BMC 1.28  
Email regarding internal Administrative Citation  
Progress.  
Proposed Modifications of Berkeley Fire Code for  
WUI Appeals and Violations  
Report 26, Fire Hazard Severity Zone 0  
Implementation Plan, dated September 9  
BFD WUI Division Inspection and Compliance  
Process Statement

## **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*

## **CITY OF LOS ANGELES**

### **COUNCIL MOTION REPORT BACK 10-2468-S2**

DATE: September 8, 2025

TO: Public Safety Committee - City Council  
City of Los Angeles

FROM: City of Los Angeles Community Forestry Advisory Committee (CFAC)  
Los Angeles Fire Department (LAFD)

### **RE: Recommendations on the State's proposed landscape management regulations**

#### **I. Introduction**

On July 1, 2025, the Los Angeles City Council adopted an amended Motion (CF 10-2468-S2) directing the Community Forest Advisory Committee (CFAC) and the Los Angeles Fire Department (LAFD) to report on the State of California's (State) proposed regulation changes to landscape management in Very High Fire Hazard Severity Zones (VHFHSZ) and propose recommendations for revising those regulations to allow for better integration of biodiversity and ecological health in fire mitigation planning. The goal is to protect our natural resources while reducing fire risk within the fire hazard severity zone.

The proposed regulations add a new enforcement zone to the existing Zones 1 and 2. The new Zone 0 would create a more restrictive buffer prohibiting trees (with some exceptions), and all in-ground plants, shrubs, and lawn, within five-feet of any structure in the VHFHSZ, resulting in the estimated removal of nearly 2,000 acres of vegetation within the City of Los Angeles.. This report focuses on the unintended impacts, principally from an ecological perspective, but also its actual effectiveness in a dense urban setting. Furthermore there are economic, social, equity, historical, cultural, and health consequences which these changes could impose on communities across Los Angeles.

Our conclusions and recommendations reflect real world conditions in Southern California. The primary factors driving destructive fires in our communities are: proximity of homes to one another, high wind conditions, and the condition of vegetation.

This report will above all recommend exempting well-maintained vegetation and trees from removal, allow for an appeals process, and give flexibility to local fire departments and their inspectors.

#### **II. Background**

Wildfire has long shaped Southern California's ecology. As development pushed deeper into fire-prone wildlands, entire communities were built in what ecologists call the wildland-urban interface (WUI), where natural fires persist despite urbanization. This combined with invasive species and high-wind events, has increased fire intensity and risk. Research shows that modern urban fires are primarily driven by house-to-house ignition during wind events rather than vegetation, making structure spacing and home hardening more effective than widespread vegetation removal. Effective mitigation should focus on ignition prevention, building hardening, and managing the spacing and vulnerability of structures, more than removing vegetation.

#### **Current State Fire Code**

The California Legislature has enacted a series of evolving policies to protect communities from wildfires. In 1965, it passed California Public Resources Code (PRC) Section 4291, establishing minimum standards for vegetation management. These were amended in 2013 and 2024 to further define rules and responsibilities. In 1982, the legislature mandated the mapping of Fire Hazard Severity Zones to identify



areas most likely to experience wildland fires. These CalFire maps define State Responsibility Areas (SRAs), usually in rural areas, where the financial responsibility for preventing and suppressing wildfires is primarily the responsibility of the state, and the mostly urban Local Responsibility Areas (LRAs), where local fire departments, like the Los Angeles Fire Department, have primary responsibility.

The maps define three tiers of Fire Hazard Severity: Moderate, High, and Very High. The vegetation management requirements in Section 4291 apply to *all properties in SRAs and properties in the Very High Fire Severity Zones in LRAs*.

The broad clearance standards set by the state in these areas are designed to maintain vegetation in wildland areas “so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation.”

**Current Zone 1 Requirements – Within 30 feet of all structures or to the property line**

- Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the Zone whether such vegetation occurs in yard areas around the "Building or Structure," on the roof or rain gutters of the "Building or Structure," or any other location within the Zone.
- Remove dead tree or shrub branches that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces, and keep all branches a minimum of ten feet (10 ft.) away from chimney and stovepipe outlets.
- Relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire resistant material.
- Remove flammable vegetation and items that could catch fire which are adjacent to or under combustible decks, balconies and stairs

**Current Zone 2 Requirements – Within 30–100 feet of all structures or to the property line**

- Cut annual grasses and forbs down to a maximum height of 4 inches
- Remove fuels to create proper horizontal and vertical spacing among shrubs and trees, and remove lower tree limbs
- All exposed woodpiles must have a minimum of 10 feet clearance, down to bare mineral soil, in all directions
- Remove all dead and dying trees, branches, shrubs, or other plants, and surface debris. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, and cones, shall be permitted to a depth of 3 inches

**Current LA Municipal Fire Code**

The fire code for the City of Los Angeles encompasses the full state code and clarifies that the clearance rules “shall not require the removal of trees, ornamental shrubbery or plants which are used as ground cover, provided such do not provide a ready fuel supply to augment the spread or intensity of a fire.” The rules for the first 100’ surrounding a structure otherwise are stricter than the state’s, requiring that vegetation be cut to a maximum height of 3 inches, prescribing a pruning and spacing regimen for established trees and shrubs, and doubling the amount of defensible space from 100’ to 200’. In the first 100’ the rules include:

- For trees taller than 18 feet, remove lower branches so no foliage is within 6 feet of the ground, and remove all dead material. For trees and shrubs less than 18 feet, remove lower branches to 1/3 of their height, and remove all dead material.

- Native shrubs trimmed up from the ground to 1/3 of their height and not exceed 216 cubic feet in volume.
- Native shrubs spaced at a distance of not less than three times their maximum diameter, but not less than 18-feet from the edge of any other native shrub, building or structure
- All dead wood and other combustible material within 18-feet of such shrub removed except as provided above.
- All roof surfaces shall be maintained free of substantial accumulation of leaves, needles, twigs and any other combustible matter.
- Maintain 5 feet of vertical clearance between roof surfaces and portions of overhanging trees.
- Comply with protected native tree and shrub ordinance.

### ***The AB3074 “Ember-Resistant Zones Act” and Zone 0***

Citing a measurable increase in the frequency and destructiveness of California fires, in 2020, California Assemblymember Laura Friedman introduced AB 3074. The “Fire prevention: wildfire risk: defensible space: ember-resistant zones act” instructed the State Board of Forestry and Fire Protection to create a new defensible zone that would eliminate materials “likely to be ignited by embers” in a new zone of 0’-5’ around structures in SRAs and Very High Fire Severity Zones in LRAs. The bill aimed to increase property protection while allowing for consideration of ecological and other impacts and required consultation with fire officials, government representatives, environmentalists, and other stakeholders. It included these parameters:

- The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.
- It should consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.
- The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation.
- Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure.
- That “in the development of this program, the State Fire Marshal shall consult with representatives from local, state, and federal fire services, local government, building officials, utility companies, the building industry, insurers and insurance research organizations, and the environmental community”
- That suggested administrative procedures “allow for appeal of the citation by the property owner.”
- That the Department of Forestry take “into account property owners’ financial resources and the scope of work necessary to achieve compliance”

The bill instructed the Board of Forestry (BOF) to create guidelines for these provisions, but no action was taken until after the Palisades and Eaton Canyon fires when Governor Newsom issued an executive order instructing them to finalize them by the end of 2025.

### ***Proposed Zone 0 Requirements***

The Board of Forestry’s Zone 0 Advisory Committee began issuing proposed regulations in March. They have evolved over the months but as of August 2025 (full text of their August Plead is provided in Appendix A), the proposed Zone 0 requirements included the following:

- No landscaping materials that are likely to be ignited by embers are permitted including but not limited to grass, ornamental or native plants, shrubs, fallen leaves and tree needles, weeds, and combustible mulches including bark and woodchips. (No in-ground plants allowed.)
- Potted plants are allowable within certain parameters regarding size, placement, and materials.
- Trees are allowed provided there are no dead or dying branches and that all live branches are kept 5' above the roof of any structure, 10' above any chimneys or stovepipes and 5' from the side of any structure.
- The provisions for trees are exempted in the case of single specimen of trees that are well-pruned and maintained so as to effectively manage fuels and fuel ladders, as provided in Public Resources Code Section 4291.
- No combustible boards, timbers, firewood, combustible petroleum-based products, window boxes, and trellises are permitted.
- 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 Combustible fences are permitted within five feet (5 ft) of a Building or Structure including an attached deck.
- Outbuildings are not permitted in Zone 0.
- The requirements for Zone 0 will take effect for new Structures upon the date that the regulations are updated and for existing Structures three years thereafter.

**The rule regarding excluded materials within the 0-5' zone goes beyond what was intended in AB3074, taking it from an “ember-resistant zone,” to a non-combustible zone.** Non-combustible suggests no vegetation or other burnable material, while ember-resistant allows for healthy, well-maintained vegetation because it is full of water, unlike other more easily ignited items, such as wood mulch.

In the case of trees, the proposed regulations seem comparable to current LA Municipal Fire Code, requiring a distance of 5' from an adjacent roofline and 10' from a chimney or stovepipe. But they also require removal of branches within 5' of an adjacent wall. This requirement could mean virtually no branches on the trunk of the tree to above the roofline, or on just one side of the tree. Either scenario could inflict structural or life-threatening damage to the tree. Native trees and shrubs especially are ill-suited to this kind of pruning.

#### ***Southern California Context - LA Is Different***

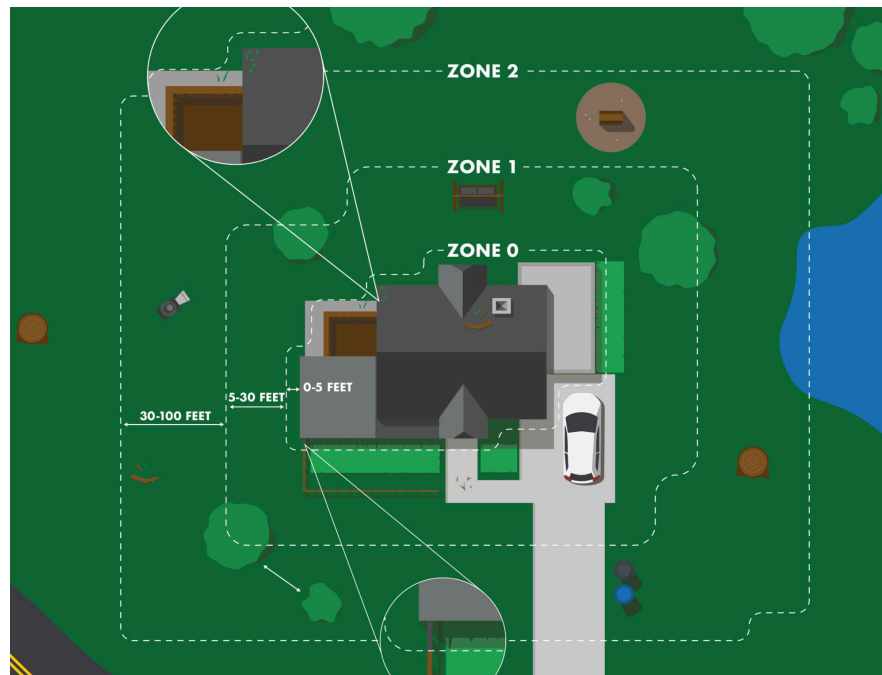
The state's proposed regulations impose a one-size-fits-all solution on an enormous state with vast differences. Many of the underlying case studies, graphics, and demonstration projects used in devising the rules were based on conditions more commonly found in forested areas in Northern California. LA's hillside communities, however, are a mix of irrigated landscapes, over-cleared and degraded hillsides, native chaparral, and ever-expanding, often densely-built residential areas. LA's wildland-urban interface areas – distinct from Northern California – make fire behavior more complex and firefighting more challenging. In a letter to the Zone 0 Advisory Committee, the nonprofit wildfire advisory group [MySafe:LA](#) urges it to “explicitly recognize the geographic and structural differences between Northern and Southern California. In Southern California, particularly in Los Angeles County, many homes are situated in densely populated neighborhoods with limited setbacks, multistory construction, and closely spaced neighboring structures. These conditions sharply contrast with many Northern California communities, where larger parcels and greater opportunities for defensible space exist.”

Additionally, the hotter, drier climate, combined with persistent drought, Santa Ana winds and highly-flammable invasive species, complicate fire management and highlights the necessity of creating strategies specifically tailored to Southern California's conditions.

Despite the requirement for local input, Los Angeles City and LAFD officials have thus far not been included in discussions on the proposed changes, nor has the Board of Forestry's Zone 0 Advisory Board visited the region to observe local conditions first hand. Only after persistent pressure from local advocates has the Board of Forestry agreed to hold a meeting in Southern California in September of 2025, six months into the rulemaking process.

### Relevant Research

The current state proposal reflects fire hazard conditions more typically found in forested areas common to Northern California. The graphic illustrating Zone 0 on the [Board of Forestry website](#) shows a large flat lot with ample property separation seldom found in LA's WUI zones.



Board of Forestry graphic shows a large flat lot more common in Northern California than LA's WUI areas.

But recent peer-reviewed studies on urban conflagrations in WUI areas – where fire spreads uncontrollably from structure-to-structure – have shown that building materials, home spacing, and moisture content in nearby vegetation are more predictive of home survival than the presence of nearby vegetation.

### Wind-Driven Fires

Following the January fires, US Geological Survey fire ecologist Jon Keeley observed to LAist that fires change when they go from chaparral to neighborhoods. “The bottom line is the winds far outweigh the fuel in terms of fire spread in a (high wind) situation like this. **When you have these winds it makes fuels less relevant. And the fuels are definitely not relevant once it gets into the urban environment, because the primary fuels are the homes.**”



Density is a major factor in spread of fire

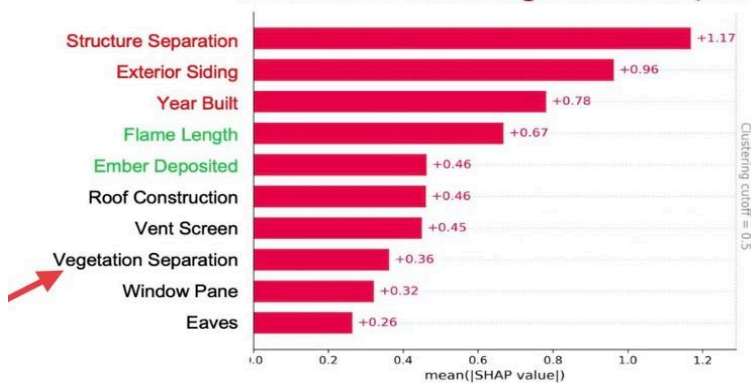
### **Structure Spacing and Home-Hardening**

Once in the built environment, a wildland fire becomes an urban conflagration where characteristics of the homes and businesses become primary factors of fire spread. A 2025 study analyzing five California fires from 2017 - 2022, showed that of ten primary drivers measured as factors for fire risk, *structure spacing was the most significant*. “Vegetation separation” (defensible space) was eighth, though the models did not take into account the possible presence of *irrigated* vegetation which might have reduced its role even further. (*“Isolating the Primary Drivers of Fire Risk to Structures in WUI regions in California,”* Michael Gollner, et al. 2025.)

Isolating the Primary Drivers of Fire risk to Structures in WUI Regions of California

### **Stacked WUI data: 5 Past fires (2017-2022)**

Michael Gollner, 2025



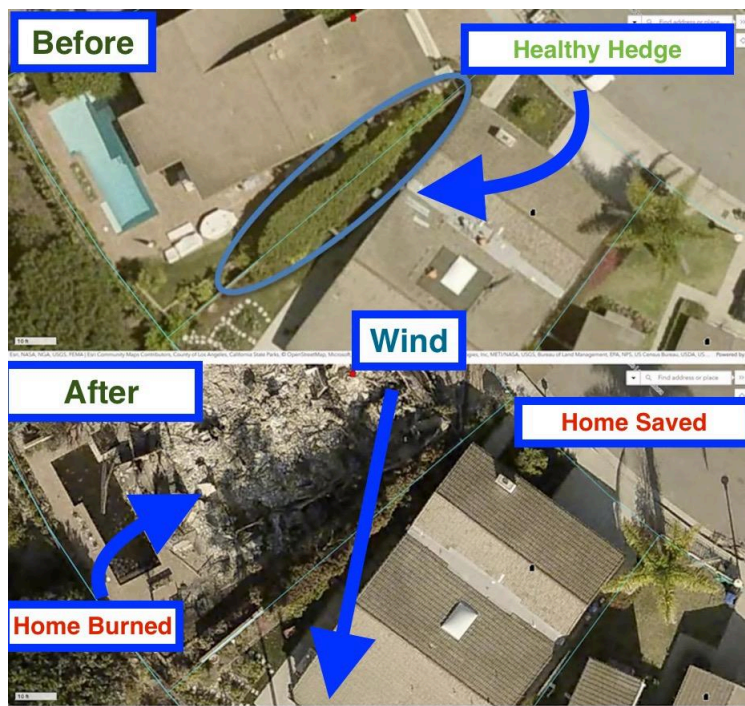
mgollner@berkeley.edu



In urban conflagrations, home hardening is also more predictive of structure survival than proximity to vegetation. A study of the 2018 Woolsey fire in which more than 1,600 homes were lost, high-resolution data analysis shows vegetation around buildings explained very little about structure loss. **“Despite detailed pre-fire information on vegetation around nearly 11,000 buildings, we did not find a critical role for vegetation in defensible space in relation to building outcomes after the Woolsey Fire. Instead, building materials and landscape attributes were higher-ranking in variable importance.”** (*“Using high-resolution land cover data to assess structure loss in the 2018 Woolsey Fire in Southern California”* Miranda H. Mockrin, Dexter H. Locke, Alexandra D. Syphard, Jarlath O’Neil-Dunne. Journal of Environmental Management, 2023.)

### ***Protective Properties of Vegetation***

In many cases, trees, especially oaks and other large trees and hedges can offer protection in wind-driven fires by catching embers and slowing winds. In an article for the LA Times, wildfire researchers Max Moritz and Luca Carmignani cautioned against mandating the removal of vegetation that could prove protective in urban fires. “Green, well-maintained plants can slow the spread of a fire by serving as heat sinks, absorbing energy and even blocking embers.” The moisture in well-hydrated plants stops the flames like green firewood. “When well-watered, living plant material is heated by a nearby energy source, such as a fire, the moisture inside it must be driven off before it can ignite. That evaporation cools the surrounding area and lowers the plant’s flammability.” ([Moritz and Carmignani - LA Times](#)) While most healthy vegetation offers some protection, fire-adapted native oaks are particularly effective as has been stated clearly by public agencies such as the Resource Conservation District of the Santa Monica Mountains (see: <https://youtu.be/tKc66QITkr8>).



*Photos before and after the 2025 Palisades fire show thick green vegetation between two closely spaced homes. The arrow shows the direction of the fire’s spread. When surviving plants appear scorched after these fires, it is often on the side of the plant facing a nearby structure that burned. That suggests that wind-blown embers ignited houses first: The houses were then the fuel as the fire spread through the neighborhood. (Max Moritz; Cal Fire damage inspection photos)*

Plant health and hydration are key to fire resilience:

- US Forest Service scientists showed that moisture content in trees correlates with lower structure loss. (*“Exploring urban vegetation type and defensible space’s role in building loss during wildfire-driven events in California”* Landscape and Urban Planning. Escobedo et al, 2025.)
- Plant moisture data based on NDWI\* (Normalized Difference Water Index) data confirms that irrigation and plant hydration are key fire-resistance variables. (Escobedo et al. 2025)
- Historic orchard buffers reduced fire spread in LA suburbs like Altadena. “The urban environment was surrounded by citrus orchards. And that’s what buffered the communities from the wildland areas. And if fires ... burned into them, they generally burned out. Today, we don’t have citrus orchards. We just have more homes.” (John Keeley, Interview with [The Smokey Wire](#).)

\*The Normalized Difference Water Index (NDWI) is a new method that has been developed to delineate open water features and enhance their presence in remotely-sensed digital imagery. The NDWI makes use of reflected near-infrared radiation and visible green light to enhance the presence of such features while eliminating the presence of soil and terrestrial vegetation features.

### ***Board of Forestry Research***

The Board of Forestry has relied heavily on data from the Insurance Institute for Business and Home Safety (IBHS) – the insurance industry’s research arm – in developing its proposed regulations. IBHS’ experiments and demonstrations routinely cast vegetation in the role of primary culprit for fire spread, even when these tests fail to accurately or fully simulate real on-the-ground conditions. [One IBHS demonstration contrasted](#) the performance of a structure benefitting from home-hardening and Zone 0-protections with a test structure that included a Zone 0 non-compliant wooden fence and adjacent wood pile along with no hardening improvements. Not surprisingly, the more vulnerable structure burned more quickly. Given the insurance industry’s vested interest in California fire policy, these test results cannot be considered unbiased. Insurance companies benefit from simplified rules that facilitate remote inspections, and streamline policy and claims disputes. Environmental impacts are likely not a consideration. (The insurance industry is pressing hard for these restrictive rules. With insurance companies starting to pull out of California, legislators and regulators may be feeling pressure to comply.)

### ***Unintended Consequences***

The specifics of the Board of Forestry’s proposed guidelines are in conflict with realities of Southern California’s unique ecology, the density of the built environment, and environmental vulnerabilities.

When Assemblymember Laura Friedman authored AB3074 creating an *ember-resistant zone*, she considered these conditions, emphasizing the importance of preserving native species and weighing impacts on soil erosion, shade, and aesthetics and instructed the Board of Forestry to do the same. Noting that the Zone 0 Committee’s proposed *non-combustible* zone does not reflect those concerns, now Congresswoman Friedman wrote to the chair in July 2025, urging him to **“publish a guidance document that provides regionally appropriate vegetation management suggestions that preserve and restore native species** that are fire resistant or drought tolerant, or both.” She reminded the Committee that the bill “calls for fuels to be maintained in a condition so that **wildfires burning under average weather conditions** will be unlikely to ignite structures nearby” and urged the Board to **“prioritize regulations that are both scientifically informed and reasonably attainable to ensure maximum compliance.”**

MySafe:LA echoes that sentiment in [their letter to the committee](#): “We strongly caution against a universal mandate to eliminate all vegetation within the 5-foot Zone 0, including in new construction. It is ... important to emphasize that the original 2020 legislation (AB 3074) called for an “ember-resistant” zone—not an “ember-free” one. The distinction is critical. While there is no guarantee that any hardened home will survive a wildfire, the spirit of this legislation is not to create absolute prevention of ignition, but rather to reduce the scale of wildfire destruction by improving structure survivability. **A flexible, science-informed approach is more likely to meet this intent than a rigid ban on all vegetation within Zone 0.**

Flexibility and common sense are key. A bipartisan coalition of Oregon legislators are currently moving to revoke the state’s fire maps in order to free residents of “costly home hardening measures and strict defensible space mandates” that go along with them. As one State Senator put it, “Repealing the fire maps and associated government overreach cannot wait. Oregonians have lost too much of their lives and resources worrying about this issue already. Many of them fear they will not be able to continue living in their houses.”

The rules as currently proposed place a huge burden on property owners, imposing *known current* harms in an effort to reduce the risk – with debatable effectiveness – of *possible future* harms.

### III. Impact and Key Considerations

The reaction to disasters like the fires of January of 2025 is often to enact extreme and prescriptive safety measures, but there is a risk of letting fear and “the need to do something” override science-based decision making. Policymakers should resist the impulse to impose inappropriate models state-wide when flexibility might offer more regionally appropriate and effective and ultimately, less costly, solutions.

The state’s proposed regulations are a well-meaning attempt to protect our communities, but their implementation could cause widespread negative impacts. In addition to loss of habitat and biodiversity, these include rising temperatures and increased energy use, inequitable impacts, and a cascade of other unintended consequences that will fall at the front door of the City Council and virtually all city departments. Los Angeles residents will be looking to city officials to demonstrate good stewardship of LA’s unique ecosystem and find both constructive and effective solutions.

#### Key Impacts

##### ***Ecological - Biodiversity***

- **Compromise LA’s Unique Biodiversity:** Los Angeles is a biodiversity hotspot, meaning that while it is home to an exceptionally high concentration of endemic species, its native biodiversity is also under threat. The removal of hundreds of acres of trees and other vegetation would exacerbate that threat.
- **Undermine LA’s Biodiversity Goals:** LASAN’s Biodiversity Program has established a set of broad biodiversity goals to ensure “that ecosystems are protected, enhanced, and restored, environmental and public health benefits are maximized and equitably shared by all, and that Los Angeles is a resilient, biophilic City for generations to come.” Adopting the current Zone 0 regulations is in conflict with those goals.
- **Loss of Tree Canopy:** Interactive [GIS maps](#) produced by LA County quantify the potential tree loss. Across 37,381 VHFHSZ acres in Los Angeles, approximately 1,783 acres (4.7%) of canopy fall within Zone 0. High-loss communities include Silver Lake (18%), and Echo Park (16%).



| <b>Neighborhood</b> | <b>CD</b> | <b>Acres</b> | <b>% Tree Canopy</b> |
|---------------------|-----------|--------------|----------------------|
| Silver Lake         | 13/4      | 108          | 18                   |
| Echo Park           | 13        | 26           | 16                   |
| Eagle Rock          | 14        | 83           | 12                   |
| Highland Park       | 1/14      | 53           | 12                   |
| Hollywood           | 13        | 76           | 11                   |
| Chinatown           | 1         | .29          | 11                   |
| Pacific Palisades   | 11        | 113          | 8.9                  |
| Hollywood Hills     | 4         | 147          | 7.6                  |
| Sherman Oaks        | 4         | 108          | 7.7                  |
| Shadow Hills        | 7         | 20           | 6.6                  |
| Porter Ranch        | 12        | 25           | 5                    |
| Encino              | 4         | 104          | 4.7                  |
| Beverly Crest       | 5         | 105          | 3.9                  |



*AI Rendering shows that some residences like this apartment building on Franklin Ave. in Hollywood could see a significant loss of surrounding vegetation.*

- **Loss of Habitat:** In addition to the trees are the shrubs, ground cover and young trees that could be lost. The County GIS maps only capture data on trees over 10', so the vegetation loss would be far greater than indicated. Vegetation (especially native plants) provides forage and shelter for wildlife such as bugs, birds, lizards and mammals. Hedges are like condos for local birds. Even street trees play a crucial role. While connectivity is crucial, analysis of urban wildlife shows even small yards and areas with sparse vegetative cover can also have ecological value and can benefit bird populations. (["The ecological role of native-plant landscaping in residential yards to birds during the nonbreeding period"](#) Smallwood & Wood 2023)
- **Landscape Type Conversion:** Excessive clearing can lead to "Landscape Type Conversion," where sage scrub, chaparral, or other habitat type is converted to non-native, weedy grasslands, destroying habitat and increasing the risk of wildfire.
- **Disruption of Bird Nests:** Removing or disturbing wild bird nests is illegal in California. The removal of thousands of acres of trees and hedges would impact countless nesting bird pairs and require widespread education to avoid illegal destruction.
- **Weakened Trees:** Tree health and structural integrity may be severely impacted if limbed up or "broccoli-topped" to avoid structures as a result of the new rule requiring all limbs be removed within 5 feet of walls.

- **A City Defined by “Defensible Space”:** Zone 0 worsens an already excessive vegetation clearing regimen. Given the tree and shrub spacing required in Zones 1 and 2, with the addition of Zone 0, instead of landscaping, the majority of the city’s green space and yards will become “defensible space” and hardscape. Spacing plants unnaturally far apart destroys plant communities, leaves openings for flammable invasives to become established, creates wind tunnels and openings for wind-driven embers, and may lead to soil degradation, dehydration and destabilization.

#### ***Ecological - Other***

- **Increased Wildfire Risk:** Removal of healthy, well-irrigated landscape vegetation creates an opening for the establishment of invasive and highly flammable mustard and grasses. Overclearing vegetation can also create “wind tunnels” that accelerate ember spread, especially after moisture-retaining vegetation is removed.
- **Increased Mudslide Risk:** Excessive clearing removes stabilizing vegetation, dries out soil, and increases the risk of mudslides and flooding.
- **Increased Carbon Emissions:** A hotter city means more electricity use for air conditioning. Embedded carbon in new concrete hardscape, replacement metal fencing, and masonry walls will not only increase heat but also exacerbate climate change.
- **Increased Heat and Pollution:** A reduced urban tree canopy will increase the heat island effect, reduce the pollution-mitigating properties of trees, and increase the use of electricity for cooling which contributes to the climate crisis.

#### ***Public Health***

Trees play a crucial role in a community’s overall well-being, providing mental and physical health benefits, and saving lives during excessive heat events. At a time when we need to be adding shade to protect residents from the growing threat of climate change, Zone 0 will be contributing to these impacts:

- **Loss of shade and increased heat:** Excess heat kills on average more than 200 residents in LA County per year and leads to hundreds of hospitalizations. Trees don’t just shield us from the sun, they are natural air conditioners and can lower air temperatures up to 10 degrees on a very hot day, a difference that lowers the death risk from heat.
- **Inequitable Distribution of Impacts:** Because they have so few trees to start with, neighborhoods with the smallest tree canopies will suffer the largest percentage losses under Zone 0, and suffer disproportionate impacts especially if they are in high heat severity areas.
- **Loss of Mental Health Benefits:** Exposure to urban nature creates a sense of belonging and connection to community. Lack of nature can lead to increased stress, anxiety, and depression. Children may also experience learning impairments and difficulties with emotional regulation.
- **Loss of Walkability:** Front yard and street trees provide pedestrian shade. Their removal means more time indoors.

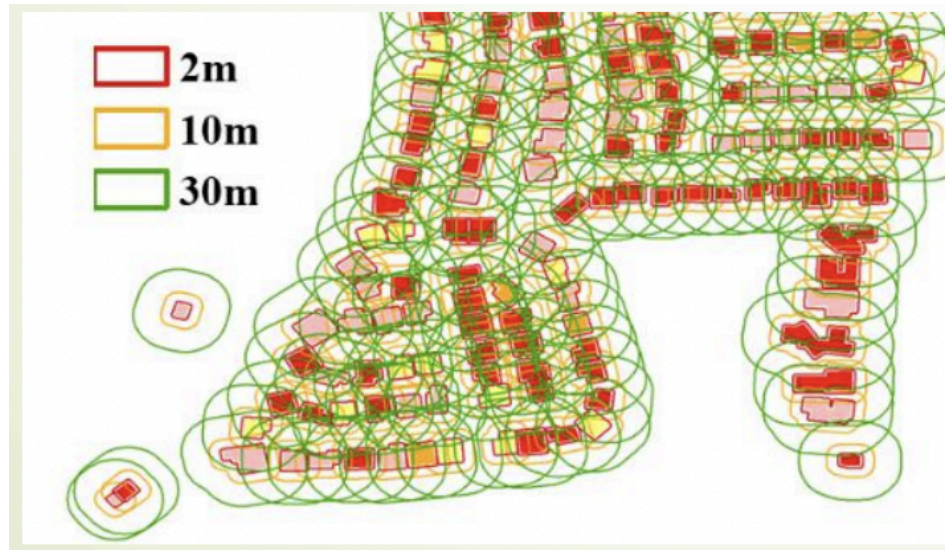
#### ***Social***

Removing tens of thousands of trees and untold tons of vegetation from neighborhoods with disparate resources will strain the fabric of society.

- **Expanded [Fire Severity Zone Maps](#) Hit Low-Income Neighborhoods Hardest:** Areas never before subject to brush clearance requirements will now face the costs and impacts

of these new rules. Communities like Thai Town, Hollywood, and Chinatown could see a loss of up to 40% of tree cover and the loss of potential for *expanding* their tree cover.

- **Homes on Small Lots Face Outsize Impacts:** Losing two trees in a yard with four trees means a 50% reduction in shade and green space. The 0-5' clearance zone may also mean no side yard vegetation for these homes.
- **Conflict with City Laws:** Mandated tree removal or aggressive limbing may violate the City's Protected Tree Ordinance. Mandated planting of Protected Tree *replacement* trees would also conflict with Zone 0 requirements.
- **Impact on Aesthetics, Privacy, and Quality of Life:** Loss of vegetation will mean a hotter, uglier, less safe living experience and loss of privacy, especially for homes with smaller yards.
- **Impact on Cultural and Educational institutions:** Landmark properties such as UCLA and the Getty Museum could see the removal of historic gardens and green space.
- **Impact on ADUs and Outbuildings:** Compliance with Zone 0 boundaries could push homes, ADUs, and sheds into conflict with Zone 0 boundaries of neighboring properties, requiring vegetation removal by the neighbor. (Escobedo, Maranghides) See photo below of overlapping zones in an urban area (Escobedo).



- **Homeowner Revolt:** The rules make no allowance for appeals on clearance mandates for rare or valuable specimen plants or for plants that can retard fire. Residents are already vowing to refuse to comply, creating conflict with fire inspectors and other city officials. Potential loss of property values and flight of homeowners to other states.

### ***Economic***

A significant portion of Angelenos and the City itself will be negatively impacted economically by the proposed regulations:

- **Impact on green waste system:** Estimated amount of vegetation and combustible material that will need to be removed will be in the hundreds of thousands of tons. Current green waste processed is 620,000 tons/year.
- **Homeowner Vegetation and Wood Fencing/Gate Removal:** Minimum estimate of average cost of compliance is \$13,000 per home

- **Municipal Vegetation Removal:** An unprecedented strain on the city's waste management system
- **Rebuilding, Repairing and Replacing:** Once cleared, impacted properties will need new hardscaping and fencing and possible repairs. Hillside properties may need geological surveys and retaining walls to shore up slopes left newly vulnerable by the loss of stabilizing vegetation. The average estimated expense is in the tens of thousands of dollars and where extensive retaining walls are required, costs could go into six figures
- **Utility Bills:** Hotter homes mean more air conditioning use, greater peak-period electricity use, and an estimated minimum 5% increase in electric bills for all customers, and reduced electrical system reliability. Existing infrastructure may not support the increase in demand
- **Loss of economic value of trees:** TreePeople estimates that for each dollar invested in an urban tree in California, \$5.82 in benefits are generated

AB3074 instructs the Department of Forestry and Fire Protection to “pursue collaborative approaches to achieve compliance with new defensible space requirements, taking into account property owners’ financial resources and the scope of work necessary to achieve compliance.” The Zone 0 Advisory Committee has indicated that some funding will be available, primarily to low-income households but would likely not be adequate to cover the most costly modifications.

#### ***Urban Street Trees, Drought, and Risk Considerations***

Per Bureau of Streets Services (Streets LA) Los Angeles faces a growing street tree maintenance backlog, with its 17-year trimming cycle far exceeding the recommended 5-7 years for its 654,000 trees. This leads to increased deadwood and compromised limbs, elevating fire and safety risks, especially in high winds.

In the Very High Fire Hazard Severity Zone (VHFHSZ), 637 of approximately 6,400 trees are dead, and the rest need trimming. Without dedicated funding, the City faces liability for unmaintained trees linked to fires or public safety issues.

This zone also has 787 vacant tree well sites that may never receive planting. Additionally, Zone 0 implementation may require removing existing street trees where 7-foot sidewalks and property-line structures eliminate replanting, causing permanent canopy loss, particularly in vulnerable, already treeless communities.

Street trees are crucial for urban water cycles, capturing stormwater, enhancing infiltration, and cooling the environment through transpiration, which aids climate adaptation and fire resilience. Restrictive Zone 0 interpretations could undermine water conservation and heat mitigation goals by removing this vegetation.

Los Angeles’ street trees provide essential shade, a stated goal to increase for our city. Ensuring these trees are maintained — not removed — should be a critical component of LA’s fire resilience strategy.

#### ***Enforcement and Impact on the LAFD***

It will fall to the LA Fire Department to enforce these new clearance requirements and add to an already challenging workload. LAFD is currently tasked with inspecting about 155,000 properties a year and can make physical inspections of only a small fraction of those. Although LAFD is prepared to follow the law, there will be challenges with the addition of a mostly vegetation-free Zone 0.

#### ***Workforce Capacity***

- With the expanded Fire Hazard Severity Zone maps, the number of properties LAFD requiring inspection may increase by 25-30,000.
- The Department employs 5-6 inspectors for every 10,000 properties in the VHFHSZ, meaning an additional 12-18 inspectors, plus support staff and at least one new Captain.



- Estimated personnel cost will be about \$2 million.
- The Department also anticipates increasing the use of drone and satellite technology to facilitate inspections.

***Additional Challenges***

- **Homeowner resistance:** Grassroots opposition is emerging in reaction to Zone 0 with many homeowners already vowing to refuse to comply. There is concern about possible conflicts with fire inspectors which could increase legal actions, costs, and the time LAFD spends on citations and legal actions.
- **Homeowner disputes:** Overlapping Zone 0 areas could lead to disputes between neighbors over whose tree or structure must be modified or removed
- **Outreach:** Education and communication will be essential for compliance but there are concerns about funding and execution.
- **Conflict with insurance companies:** Both entities do property inspections. Who has ultimate authority?



#### IV. Recommendations

Given the long list of negative impacts likely to result from the current proposed Zone 0, City officials could reasonably advocate before the Zone 0 Advisory Committee for appropriate defensible space regulations that would protect the city's overall ecosystem health while enhancing fire safety.

The following specific recommendations are offered to reduce the environmental impacts of the proposed rules:

- **Exempt healthy, hydrated and well-maintained vegetation that is “not likely to be ignited by embers”:** The *moisture content* of vegetation is far more predictive of fire spread than the *presence* of vegetation.
- **Focus on maintenance and irrigation:** Well-maintained and well-hydrated vegetation in Zone 0 is not a source of fire spread and is consistently shown to slow fire progress.
- **Prioritize fire adapted native plant species as appropriate:** Because they evolved with fire, some native plants offer protective qualities such as thicker bark and greater moisture retention that can limit a fire's ability to spread.
- **Explicitly exempt locally protected native trees and shrubs from all tree regulations:** These plants are essential for biodiversity and in most cases, adapted to and resilient to fire.
- **Explicitly exempt historic and heritage trees:** These majestic trees can define a neighborhood and their size makes them unlikely to burn in a fast-moving wildfire.
- **Explicitly exempt living municipal street trees:** Live, well-maintained municipal street trees should not be subject to mandatory removal within Zone 0, consistent with current L.A. Municipal Fire Code. If well pruned and maintained the threat is minimal in most cases, but the loss of shade would be devastating, especially to tree-poor communities.
- **Allocate targeted defensible space resources for dead tree removals and hazardous limb mitigation.**
- **Acknowledge and integrate urban water cycle benefits of street trees into defensible space and vegetation management policy.**
- **Allow for an appeals process:** Special cases for particular trees or circumstances should be allowed the possibility of additional consideration.
- **Move away from a one-size-fits-all approach:** An urban area in chaparral vegetation should not be treated the same as a rural setting in a coniferous forest—the strategies to reduce fire risk are not the same and the risks are inherently different.
- **Fund educational campaigns on vegetation management and home hardening:** Because vegetation maintenance and home-hardening are more reliable predictors of survivability, funds should be directed to education in these areas.
- **Give flexibility to local fire departments and their inspectors:** Fire inspectors regularly assess the condition of vegetation and the likelihood it will contribute to the spread or intensity of a fire. We should respect their expertise and allow them to do their jobs.
- **Ban artificial turf by name from defensible space:** An earlier draft of the Zero Zero proposed regulations called for the ban of artificial turf from Zone Zero, but this was removed at the behest of lobbyists. Restore a ban for this product from all defensible space, as artificial turf has the highest heat generating index of any building material, and it releases toxic fumes during a fire that threaten the health of first responders.

As the research shows, the urban wildfire problem is not principally with vegetation, it is with high density construction in WUI areas, inadequately defended structures, and invasive plants causing habitat degradation or loss. The focus of the state from both a policy and investment standpoint should not be on

healthy vegetation removal but on home hardening and other defensive measures such as rooftop sprinklers and pool pumps. AB3074 includes a home hardening component, instructing the State Fire Marshal to “develop a list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures.” Yet no action has been taken by the State Fire Marshal, nor ordered by the Governor. The state PRC Code 4291 (a) (1) (B) also allows for a balancing of approaches to fire protection, **“the amount of fuel modification necessary shall consider the flammability of the structure** as affected by building material, building standards, location, and type of vegetation.”

Though it is not in the purview of the Board of Forestry’s Zone 0 Committee to consider the structure itself in its guidelines, the research provided herein suggests a more holistic and flexible approach to wildfire safety would achieve substantial, scientifically-supported protection without sacrificing the multiple, invaluable benefits of trees and other vegetation.

The City of Los Angeles could support that approach by issuing recommendations for property owners and responsible parties for additional fire safety strategies such as Home Hardening, On Site Water Retention, and Landscape Strategies and Management/Stewardship. Recommendations regarding select strategies are included in Appendix B.

## V. Conclusion

Based on the research and data presented in this report, the proposed removal of essentially all vegetation in Zone 0 will not necessarily reduce fire risk, it may in fact exacerbate it. Additionally, the cost of such drastic measures as proposed by the Zone 0 Advisory Committee will be enormous to the City and its residents, both financially and environmentally.

By opposing these regulations as currently proposed and promoting fire-resilient development and stewardship practices, the City of Los Angeles can significantly reduce fire vulnerability and the costs associated with wildfire damage without the associated harm to the city's biodiversity. Implementing the recommendations outlined in this report citywide will help to increase public safety and support the resilience of communities in the face of increasingly destructive wildfire events.

**As of the submission of this report, the Zone 0 Advisory Committee plans to hold a public workshop in the Los Angeles area on the afternoon of Thursday, September 18, 2025, where in-person and remote public comment will be taken. The meeting location and time have not been announced. We strongly encourage Councilmembers – especially those whose districts include high fire hazard areas – to attend this meeting and urge advisory board members to create guidelines that will work for *all* of California. A position letter from the City of Los Angeles to the Board of Forestry and the Governor will also be essential to ensure these regulations are appropriate for the City of Los Angeles.**

The Zone 0 Advisory Committee expects to meet on Monday September 22nd in Sacramento, just days after the Southern California meeting, presumably to finalize proposed draft regulations. The finalized regulations would then likely be presented to the full Board of Forestry for review and approval in October and then to the Governor for approval by the end of this calendar year.

To receive emails about upcoming meetings, subscribe to Board of Forestry notifications here: <https://list-manage.us20.list-manage.com/subscribe?u=172af298a6a70bf21ef09866c&id=f9d930c4f0>

## VI. Relevant City Contacts

### A. Community Forest Advisory Committee

CF 10-2468-S2 Ad Hoc Report Back Subcommittee:  
Cyndi Hubach - Subcommittee Chair, CD 13 Alternate Representative  
Joanne D'Antonio - CFAC Chair, CD 2 Representative  
Marianne King - CD12 Representative  
Lynnette Kampe - CFAC Secretary, CD1 Alternate Representative

### B. Los Angeles Fire Department

Chris Thyfault, Brush Clearance Captain.  
David Perez, Fire Marshall  
Ronnie Villanueva, Interim Fire Chief

### C. Contacts for More Information

1. Travis Longcore – Urban Ecologist, Adjunct Professor - UCLA Institute of the Environment and Sustainability. [longcore@urbanwildlands.org](mailto:longcore@urbanwildlands.org)
2. John Todd – Wildland Fire Consultant, Retired Deputy LAFD Fire Prevention Bureau, former L.A. County Fire Department Deputy Chief. [frstrydude@verizon.net](mailto:frstrydude@verizon.net)
3. Greg Rubin – Landscape designer / leading expert in native landscaping and fire resilience. [greg@calowndesign.com](mailto:greg@calowndesign.com)
4. Francisco Escobedo – Research Social Scientist at USDA Forest Service Pacific Southwest Research Station. [Francisco.Escobedo@usda.gov](mailto:Francisco.Escobedo@usda.gov)

## **Appendix A**

### **August Zone 0 Rule Plead of the Board of Forestry Zone 0 Advisory Committee (as it appears with their deletions and revisions on their website)**

Below is draft rule text that the Zone 0 Regulation Advisory Committee will discuss at a public workshop on Monday August 18 2025. The Board invites comments on all provisions of the draft rule text.

**Board of Forestry and Fire Protection**  
**Defensible Space Zone 0**  
**Title 14 of the California Code of Regulations**  
**Division 1.5, Chapter 7,**  
**Subchapter 3 Article 3**

#### § 1299.01. Purpose.

The intent of this regulation is to provide guidance for implementation of Public Resources Code Section 4291 to improve safety for fire fighters defending a home as well as increase the survivability of a "Building or Structure" as defined, ~~that exists in grass, brush, and forest covered lands~~ within the designated State Responsibility Area (SRA) of California.

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

#### § 1299.02. Definitions.

The following definitions apply to this article:

(a) Attached: Directly connected or affixed to a Building or Structure.

(b) Building or Structure. Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground. A Building or Structure, for the purpose of an ember-resistant zone, includes an attached deck.

(c) Combustible: Vegetative, wood, or petroleum-based materials that are likely to ignite and transmit flames.

~~(d)~~ Defensible space. The buffer that landowners are required to create on their property between a "Building or Structure" and the plants, brush and trees or other items surrounding the "Building or Structure" that could ignite in the event of a fire.

(e) Existing Building or Structure. An Existing Building or Structure is a Building or Structure other than a New Building or Structure.

(f) New Building or Structure. A New Building or Structure is a Building or Structure that did not exist prior to the effective date of the regulation that added this subsection.

(g) Outbuilding. Buildings or Structures that are less than one hundred-twenty (120) square feet in size and not used for human habitation. For purposes of this Section, an-“Outbuilding” is not a “Building or Structure” as defined in subsection (b) above.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

#### § 1299.03. Requirements.

Defensible space is required to be maintained at all times, ~~whenever flammable vegetative conditions exist.~~

(a) One hundred feet (100 ft.) of defensible space clearance shall be maintained in ~~two~~ three distinct “Zones” as follows: Zone 0 is the area within five feet (5 ft.) around each Building or Structure or to the property line, whichever comes first. “Zone 1” extends from five (5ft.) to thirty feet (30 ft.) out from each “Building or Structure,” or to the property line, whichever comes first; “Zone 2” extends from thirty feet (30 ft.) to one hundred feet (100 ft.) from each “Building or Structure,” but not beyond the property line. The vegetation treatment requirements for Zone 0 are more restrictive than for Zone 1; the requirements for Zone 1 are more restrictive than for Zone 2; as provided in this section ~~(a) and (b) below.~~ The Department of Forestry and Fire Protection’s “Property Inspection Guide, 2000 version, April 2000,” provides additional guidance on vegetation treatment within Zone 1 and Zone 2, but is not mandatory and is not intended as a substitute for these regulations.

#### (b) Zone 0 Requirements:

(1) No landscaping materials that are likely to be ignited by embers are permitted within Zone 0. This includes, but is not limited to grass, ornamental or native plants, shrubs, fallen leaves and tree needles, weeds, and combustible mulches including bark and woodchips.

(A) Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or in front of a window, glass door, or vent; are kept in an unaffixed, not combustible pot or container that is no larger than five (5) gallon capacity; and set apart by one and a half (1.5) times the height of the plant or twelve inches (12”), 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 the plants shall be removed.

(2) Trees within Zone 0 shall be maintained so that there are no dead or dying branches. All live tree branches shall be maintained five feet (5’) above the adjacent Building or Structure’s roof,

ten feet (10') away from chimneys and stovepipe outlets, and five feet (5') away from the sides of any Building or Structure.

(B) Exception: this subdivision does not apply to single specimens of trees or ~~other vegetation~~ that are well-pruned and maintained so as to effectively manage fuels and fuel ladders, as provided in Public Resources Code Section 4291.

(3) No items that are likely to be ignited by embers are permitted within Zone 0, including but not limited to combustible boards, timbers, firewood, ~~Combustible~~ petroleum-based products, window boxes, and trellises. The roof and rain gutters of a Building or Structure shall be kept clear of leaves and needles. The area under decks, balconies, and stairs shall be kept free from vegetative material and combustible items.

(4) Combustible gates shall not be directly adjacent to or attached to a Building or Structure.

(5) 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 ~~sections of~~ Combustible fences are permitted within five feet (5 ft) of a Building or Structure including an attached deck.

(6) Outbuildings are not permitted in Zone 0.

(7) The requirements for Zone 0 shall take effect for New Buildings or Structures upon the date that the guidance document, as described in PRC § 4291(e), is updated and for existing Buildings or Structures three years thereafter. Upon updating the guidance document, the Board shall post it on its website.

(8) For existing structures, the Department may allow work in stages to support implementation of Zone 0 and address the costs of compliance.

(a) Zone 1 Requirements:

(1) Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and ~~pine~~ needles from the Zone whether such vegetation occurs in yard areas around the "Building or Structure," ~~on the roof or rain gutters of the "Building or Structure,"~~ or any other location within the Zone.

(2) ~~Remove dead tree or shrub branches that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces, and keep all branches a minimum of ten feet (10 ft.) away from chimney and stovepipe outlets.~~

(3) ~~Relocate exposed firewood piles outside of Zone 1 unless they are completely enclosed in a fire-resistant material.~~

(4) ~~Remove flammable vegetation and items that could catch fire which are adjacent to or under combustible decks, balconies and stairs.~~

(b) Zone 2 Requirements:



(1) In this zone, 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, and the “Property Inspection Guide” referenced elsewhere in this regulation.

(2) In both the Fuel Separation and Continuous Tree Canopy methods the following standards apply:

(A) 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.).

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

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

(ee) For both Zones 1 and 2:

(1) “Outbuildings” and Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance: ten feet (10 ft.) of clearance to bare mineral soil and no flammable vegetation for an additional ten feet (10 ft.) around their exterior.

(2) Protect water quality. Do not clear vegetation to bare mineral soil and avoid the use of heavy equipment in and around streams and seasonal drainages. Vegetation removal can cause soil erosion, especially on steep slopes. Keep soil disturbance to a minimum on steep slopes.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

#### **§ 1299.05. Alternative Methods.**

The provisions of these regulations are not intended to exclude alternative methods not specifically prescribed by these regulations. A fire expert designated by the Director may approve alternative practices which provide for the same practical effects as those stated in these regulations within the SRA.

Within the LRA the authority having jurisdiction may choose to develop alternative practices for Zone 0 compliance that take into account local variation, including differences in geography, geology, ecology, city and county ordinances, and architecture.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code. Reference: Sections 4291 and 4291.3, Public Resources Code.

## Appendix B

### Recommendations for Holistic Fire Resistance Strategies

These recommendations combine **home hardening, landscape stewardship, and water retention strategies** to reduce fire risk while balancing ecological health, urban livability, and housing needs. The approach emphasizes **incentives, flexibility, and education** rather than rigid one-size-fits-all rules, ensuring resilience across both hillside and urbanized areas of Los Angeles.

#### Home Hardening

- Encourage **voluntary adoption** of fire-resistant construction practices beyond code requirements.
- Examples: **building placement with greater setbacks** from slopes and adjacent structures, retrofitting vents/eaves, fire-rated doors/windows, defensible space, fire-resistant landscaping, limiting combustible materials.
- Incentives:
  - **Streamlined permitting** for projects incorporating fire-resistant materials.
  - **Financial rebates** (e.g., fireproof roofs, rooftop sprinklers, dual-paned windows).
  - **Optional certification** (e.g., IBHS Wildfire Prepared Home) to improve insurance options.
  - **Support for natural materials** (adobe, cob, earth blocks).
- Expand project types required to comply with **Very High Fire Hazard Severity Zone (VHFHSZ)** standards.

**Resources:** CalFire Retrofit Guide, USGBC Wildfire Guides, CA Fire Code Chapter 49 & 7A, cost analyses.

#### Landscape Strategies & Management

- Shift from “**brush clearance**” to “**vegetation management**”:
  - Prioritize removal of invasive/flammable species.
  - Properly maintain vegetation free of dead material
  - Promote native, fire-adapted plants.
  - Maintain ecological health (hillsides, watersheds, wildlife).
- Develop **best practices** such as through the Mayor’s Office Climate Cabinet (soil regeneration, invasive species management, fire-resilient plant palettes).
- Establish **tailored landscape standards** for VHFHSZ areas (hillsides vs. urbanized zones like Ventura Blvd., Hollywood, NE LA) avoiding conflicts with urban tree canopy protections
- Require **landscape inspections** and fees for compliance.

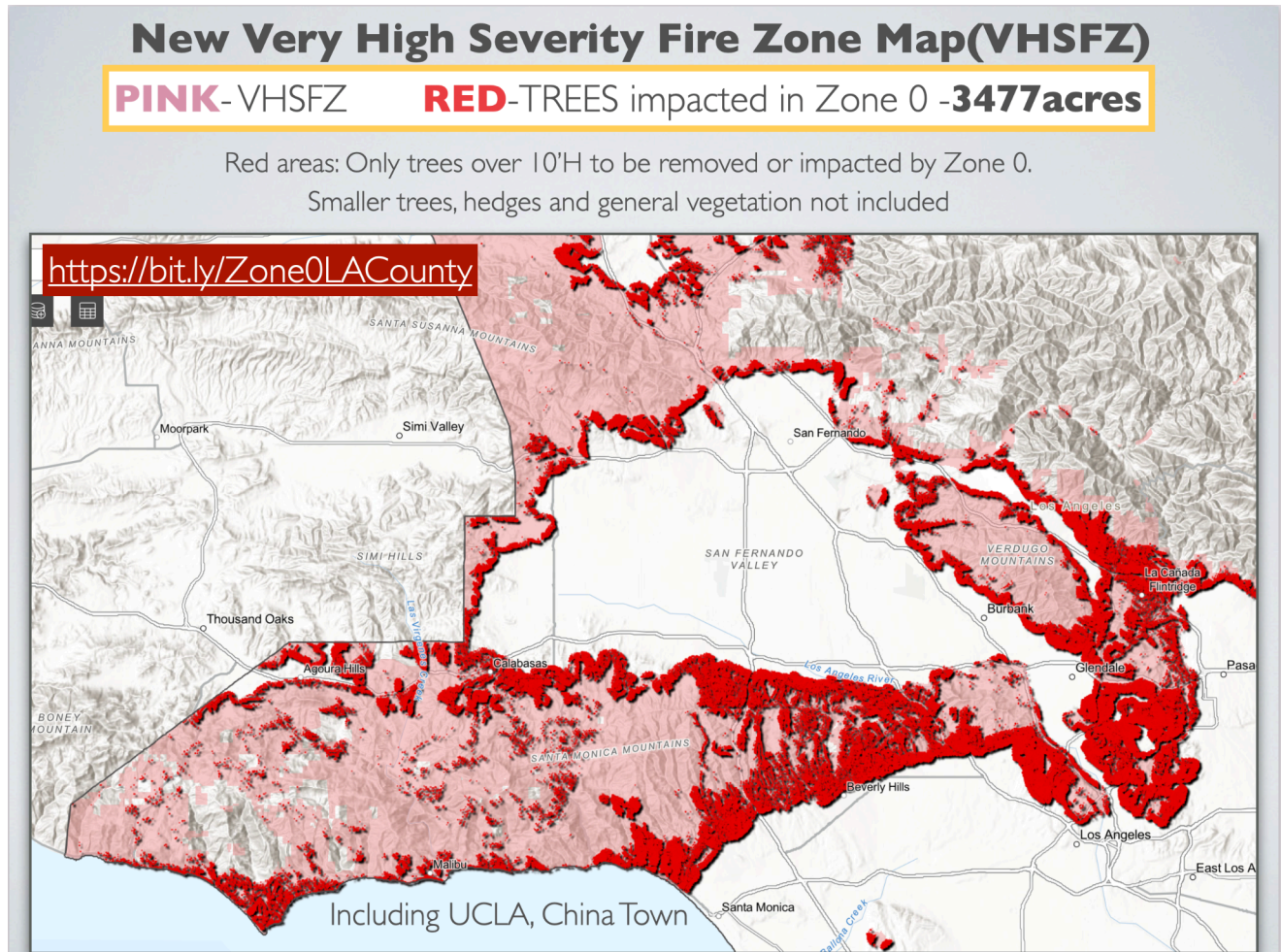
**Resources:** CA Native Plant Society Fire Guides, Post-Fire Restoration Manual, City of LA Forest Management guidance, CalFire standards (for reference and response).

#### On-Site Water Retention Strategies

- Use **Low Impact Development (LID)** to capture and store stormwater for:
  - Irrigation (keeping landscapes green),
  - Fire suppression,
  - Dust control in burned/arid areas.
- Incentives: waived/expedited permits for voluntary LID adoption.
- Promote **rainwater harvesting systems** and **healthy soil strategies** (reduce compaction, increase moisture, create shaded/hydrated gardens).
- Encourage or require **pool pumps and rooftop sprinklers** in high fire hazard areas to support firefighting.
- Incentivize greywater systems in the VHFSZ. This is a waterwise way to abide by the AB3074 instruction to "minimize water consumption." Greywater systems sustainably hydrate plants and mitigate fire risk in Zone Zero while not utilizing potable water resources.

**Appendix C**  
**Additional Graphics**

**LA County map of affected areas in the Very High Fire Hazard Severity Zones.**

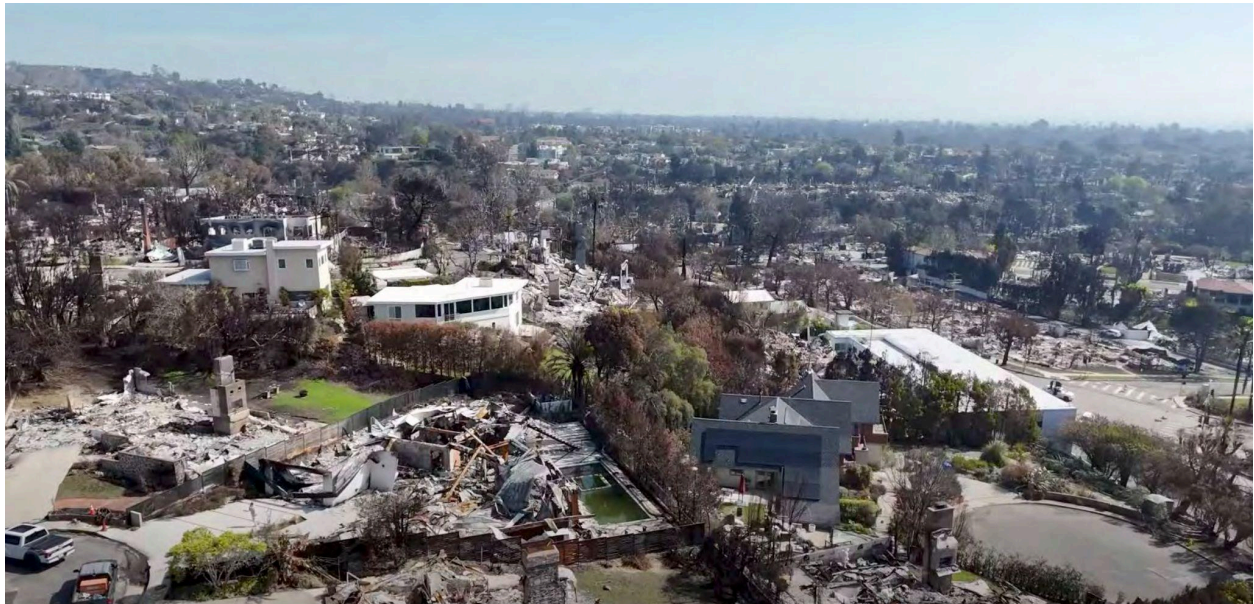




**Homes protected by their vegetation that survive the Palisades fire:**









## Chapter 1.28

### ADMINISTRATIVE CITATIONS

Sections:

- 1.28.010 Purpose and applicability.**
- 1.28.020 Enforcement officer--Defined--Authority.**
- 1.28.030 Administrative citation.**
- 1.28.040 Amount of fines.**
- 1.28.050 Payment of the fine.**
- 1.28.060 Hearing request.**
- 1.28.070 Advance deposit hardship waiver.**
- 1.28.080 Hearing officer.**
- 1.28.090 Hearing procedures.**
- 1.28.100 Hearing officer's decision.**
- 1.28.110 Late payment charges.**
- 1.28.120 Recovery of administrative citation fines and costs.**
- 1.28.130 Right to judicial review.**
- 1.28.140 Notices.**

#### **1.28.010 Purpose and applicability.**

- A. This chapter provides for administrative citations as provided in Government Code Section [53069.4](#).
- B. The remedies provided by this chapter are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this code.
- C. Use of this chapter shall be at the sole discretion of the City. (Ord. 6710-NS § 2, 2002)

#### **1.28.020 Enforcement officer--Defined--Authority.**

- A. For purposes of this chapter, "enforcement officer" shall mean any City employee or agent of the City with the authority to enforce any provision of this code.

B. Enforcement officers shall have authority to issue administrative citations pursuant to this chapter. (Ord. 6710-NS § 2, 2002)

### **1.28.030 Administrative citation.**

A. Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation of that provision has occurred, the enforcement officer may issue an administrative citation to any person responsible for the violation.

B. Each administrative citation shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The section of this code violated and a description of the violation;
4. The amount of the fine for the code violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
6. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
7. An order to correct the code violation described in the administrative citation if said violation is correctable as described in Section [1.20.030](#);
8. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained and an advance deposit waiver; and
9. The name and signature of the citing enforcement officer.

C. In addition to the administrative citation and penalty authorized by this chapter, an order to correct a violation under subdivision B.7 of this section may be enforced as set forth in the chapter applicable to that violation.

D.

1. In cases involving a continuing violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety, a reasonable time not to exceed six months shall be provided to remedy or correct the violation prior to imposition of fines or penalties. In determining what is a reasonable time, the City may consider the estimate of local professionals including licensed contractors. In the case of such violations, the time within which the violation must be corrected in order to avoid a fine shall also be specified on the administrative citation.
2. In cases where a citation is based solely on a person's failure to have obtained a permit or license from the City other than for a regulated business activity, and the person has not previously been cited for the same violation, the citation shall specify a reasonable time to obtain the permit or license, and the penalty shall not exceed \$50.00 if the cited person shows proof of correction to the enforcing officer within the time established for obtaining the permit or license. This subdivision shall apply to violations of Title [23](#) only at the option of the enforcement officer. (Ord. 6836-NS § 1 (part), 2005; Ord. 6710-NS § 2, 2002)

#### **1.28.040 Amount of fines.**

- A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council.
- B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within 36 months from the date of an administrative citation.
- C. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date. (Ord. 6710-NS § 2, 2002)

#### **1.28.050 Payment of the fine.**

- A. The fine shall be paid to the City within 30 days from the date of the administrative citation.
- B. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 6710-NS § 2, 2002)

---

**1.28.060      Hearing request.**

- A. Any recipient of an administrative citation may contest the existence of a violation of the code, that they are the responsible party or any order issued under Section [1.28.030.B](#) by completing a request for hearing form and returning it to the City within 21 days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section [1.28.070](#).
- B. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- C. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. (Ord. 6836-NS § 2 (part), 2005; Ord. 6710-NS § 2, 2002)

**1.28.070      Advance deposit hardship waiver.**

- A. Any person who intends to request a hearing under Section [1.28.060](#) and who is financially unable to make the advance deposit of the fine as required in Section    may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the City on an advance deposit hardship waiver application form within ten days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in Section [1.28.060.A](#) shall be stayed unless or until the City makes a determination not to grant the advance deposit hardship waiver.
- D. The City may grant the advance deposit hardship waiver only if the cited party submits a sworn declaration, together with any supporting documents or materials, which demonstrates their financial inability to deposit with the City the full amount of the fine in advance of the hearing.
- E. If the City determines not to issue an advance deposit hardship waiver, the cited party shall remit the deposit to the City within ten days of the date of that decision or 30 days from the date of the administrative citation, whichever is later.

F. The City shall issue a written determination of its reasons for granting or denying an advance deposit hardship waiver. This written determination shall be final.

G. The written determination shall be served upon the applicant for the advance deposit hardship waiver by first class mail. (Ord. 6710-NS § 2, 2002)

### **1.28.080      Hearing officer.**

The City Manager shall designate the hearing officer for administrative citation hearings. (Ord. 6710-NS § 2, 2002)

### **1.28.090      Hearing procedures.**

A. No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance in accordance with Section [1.28.060](#) or an advance deposit hardship waiver has been granted in accordance with Section [1.28.070](#).

B. A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 30 days from the date that the request for hearing is filed in accordance with the provisions of this chapter.

C. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine, a failure to exhaust their administrative remedies and consent to any order issued pursuant to Section [1.28.030.B.6](#) and [B.7](#).

E. The administrative citation and any additional report submitted by the enforcement officer shall constitute *prima facie* evidence of the respective facts contained in those documents. If the party contesting the citation presents evidence to the contrary, the burden of proof shall shift to the enforcement officer.

F. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 6836-NS § 3 (part), 2005; Ord. 6710-NS § 2, 2002)



---

**1.28.100      Hearing officer's decision.**

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold, reduce or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.
- B. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the City shall be retained by the City.
- C. If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine.
- D. If the hearing officer determines that the administrative citation should be canceled or reduced and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine or the amount paid in excess of the reduced fine, together with interest at the average rate earned on the City's portfolio for the period of time that the fine or excess fine amount was held by the City.
- E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.
- F. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount or number of administrative citation fines upheld by the hearing officer. (Ord. 6710-NS § 2, 2002)

**1.28.110      Late payment charges.**

Any person who fails to pay to the City any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines, as well as interest at the legal rate. (Ord. 6710-NS § 2, 2002)

---

**1.28.120 Recovery of administrative citation fines and costs.**

The City may collect any past due administrative citation fine or late payment charge by use of all available legal means, including, but not limited to, means available for the collection of judgments, liens and actions for recovery of money. The City also may recover its collection costs. (Ord. 6710-NS § 2, 2002)

**1.28.130 Right to judicial review.**

- A. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition seeking review in accordance with Government Code Section [53069.4](#).
- B. The City is prohibited from seeking review of an administrative decision of a hearing officer on an administrative citation pursuant to Government Code Section [53069.4](#).
- C. No administrative decision of a hearing officer on an administrative citation shall estop the City Council or any other board or commission or officer or employee of the City from exercising their independent authority and judgment in any other forum within or outside the City. (Ord. 7081-NS § 1, 2009; Ord. 6710-NS § 2, 2002)

**1.28.140 Notices.**

- A. Whenever a notice or report is required to be given or provided under this chapter, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail, in a sealed envelope postage prepaid, addressed to such person to be notified at their last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in a U.S. mail box.
- B. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

C. Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of 18 years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned. (Ord. 6710-NS § 2, 2002)

---

---

**The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Hosted by General Code.](#)





Eric Weaver &lt;ericmartinweaver@gmail.com&gt;

---

**Citation Process**

2 messages

---

**Winnacker, Dave** <DWinnacker@berkeleyca.gov>  
To: Eric Weaver <ericmartinweaver@gmail.com>

Thu, Sep 18, 2025 at 9:29 AM

Eric,

Following up our conversation following the workgroup meeting yesterday, I reviewed the internal Administrative Citation process. In relevant part:

**BEFORE ISSUING A CITATION--**

**GIVE THE VIOLATOR A CHANCE TO CORRECT THE VIOLATION**

Before issuing a citation, give the violator a reasonable chance to correct the violation-- remember, this may be the first time he or she has heard about it.

*Note: From here on out, everything should be in writing.*

**A. First Notice**

Send a "first notice and order to correct" to the violator. The purpose of this letter is to **politely**:

1. Notify the violator of the specific violation;
2. Explain how it must be corrected (*i.e.*, removal of brush, obtaining a building permit, getting a dog license, etc.);
3. Set a reasonable deadline for doing so.

**B. Penalties**

Maximum administrative penalties, well beyond those permitted for infractions, have been established by Council resolution. **However, until we have gained experience with administrative citations, penalties should be the same as for infractions:**

\$100 for the first violation

\$200 for the second violation

\$500 for the third and subsequent violations.



In the case of exceptional violations that have serious consequences, a higher penalty may be imposed. **You should consult with the City Attorney's office before imposing any penalty higher than \$500.00.**

Please let me know if this answers your questions. I am available for a call to discuss as needed.

Best,

Dave

510.684.3021

---

**From:** Arnold, Colin  
**Sent:** Thursday, September 18, 2025 8:54 AM  
**To:** Winnacker, Dave <DWinnacker@berkeleyca.gov>  
**Subject:** Citations

Internal



Colin Arnold • Interim Assistant Fire Chief  
Wildland Urban Interface Division  
[carnold@berkeleyca.gov](mailto:carnold@berkeleyca.gov) • 510-981-5620

---

**Eric Weaver** <ericmartinweaver@gmail.com>  
To: "Winnacker, Dave" <DWinnacker@berkeleyca.gov>

Thu, Sep 18, 2025 at 10:00 AM

Hi Dave. So this is great. But it needs to be made clear to the public. In my opinion at a minimum it should be in the information sheet the BFD is developing. In advance of the completion of the sheet we should try to think of another way to publish it.

Thanks for looking into this for me.

Eric

Eric Weaver  
ericmartinweaver@gmail.com  
[Quoted text hidden]



Colin Arnold • Interim Assistant Fire Chief  
Wildland Urban Interface Division  
[carnold@berkeleyca.gov](mailto:carnold@berkeleyca.gov) • 510-981-5620

image001.png  
9K

## Proposed Modifications of Berkeley Fire Code for WUI Appeals and Violations

### Section 111 Means of Appeal

111.5 This Section 111, Means of Appeal, shall not apply to appeals arising from Section [] Wildland Urban Interface Regulations. Appeals from Wildland Urban Interface notices or violations shall be in accordance with Section [] Enforcement and Appeals from Wildland Urban Interface Decisions.

### Section 112 Violations

112.5 This Section 112, Violations, shall not apply to enforcement arising from Section [] Wildland Urban Interface Regulations. Appeals from Wildland Urban Interface notices or violations shall be in accordance with Section [] Enforcement and Appeals from Wildland Urban Interface Decisions.

## SECTION 111 MEANS OF APPEALS

**Section 111.1 ~~Board of appeals established.~~ Appeals Procedure** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~ an appeal therefore may be taken to the City Council by the applicant or permit holder. Notice of the appeal must be filed with the City Clerk of the City of Berkeley within ten days from the date of mailing of the fire code official's decision to the applicant or permit holder. The notice of appeal shall contain a statement of the reasons for the appeal. The City Clerk shall forward one copy thereof to the fire code official. Within thirty days after the filing of the notice of appeal, the fire code official shall transmit to the City Council all their records pertaining to the decision appealed from.

**Section 111.1.1 Stay of Proceedings** The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

**Section 111.3 Qualifications.** ~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~ **Decisions:** The City Council shall review the action of the fire code official and shall do any one of the following:

- a. Refer the matter back to the fire code official.
- b. If the facts stated in or ascertainable from the application, the Notice of Appeal, the written statement of the fire code official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.
- c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the applicant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.
- d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.
- e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.

- f. If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.

**111.4 Administration.** The fire code official shall take immediate action in accordance with the decision of the Board City Council .

## **SECTION 112 VIOLATIONS**

**Section 112.1 Unlawful acts [Amended subsection].** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or to create, maintain or allow to continue any fire hazard.

**Section 112.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], ~~punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment~~ misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17 (d). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances". All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

## **SECTION 114 UNSAFE STRUCTURES OR EQUIPMENT**

**Section 114.7 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code. Where the owner does not comply with an abatement order under Section 114.4 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 114.7.1.

**Section 114.7.1 Abatement process [Additional subsection]** The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal code chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.

**Chapter 2 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.**

Draft Enforcement and Appeals re City of Berkeley Fire Code Chapter 49 – Requirements For  
Wildland-Urban Interface Fire Areas

This Chapter only applies to enforcement and appeals for Berkeley Fire Code Chapter 49 –  
Requirements For Wildland-Urban Interface Fire Areas

Section 1- Notice of Non-compliance.

- (a) A Notice of Non-Compliance is issued by the City notifying a Property Owner that the Property Owner's property is not in compliance with Chapter 49.
- (b) Prior to issuing a Notice of Non-Compliance, the City shall make reasonable efforts to review with the Property Owner the ways in which the property is not in compliance with Chapter 49. The purpose of enforcement is to encourage Property Owners to come into compliance with Chapter 49. To that extent, enforcement efforts should be informative and lenient, so as to gain compliance without the need for fines and other enforcement measures.
- (c) Service. A Notice of Non-Compliance may be served on the Property Owner by personal service or by mail, mailed to the Property Owner at the Property Owner's address set out in the Alameda County Assessor's records. A Notice served by mail shall add five days to any compliance period.
- (d) Time to Comply. A Property Owner shall comply with a Notice of Non-Compliance within the following time periods:
  - (1) 90 days to comply before notice of violation is issued.
  - (2) Exceptions. The following categories of Property Owners have 120 days to comply:
    - (A) Senior (65 or older);
    - (B) Low-to moderate income (120 percent of the area median income);
    - (C) Disabled (state definition of disability)
  - (3) Monetary exception. All work in excess of \$2,000 as estimated by a responsible professional is carried over to the next year, unless assistance is available to pay for work required in the Notice of Non-Compliance.
- (e) Time to complete work pursuant to Notice of Non-Compliance may be extended further or the length of the compliance period if the property owner shows reasonable, good faith in proceeding to comply with the work required by the notice.
- (f) The compliance period may also be extended for good cause. For example, the infirmity of the Property Owner, the unavailability of contractors or others to perform the work.



- (g) At any time in this process, the Property Owner may give the City permission to enter the property to cure the Non-Compliance. In which case, the City will invoice the Property Owner for the costs, and if not paid within 6 months, the City may place a lien on the property, which lien may include all costs of curing the Non-Compliance and the costs of placing the lien on the Property.

## Section 2 Administrative Citation for violation.

- (a) A Notice of Violation notifies a Property Owner that a Notice of Compliance has not been fully complied with and that the Property Owner will be issued an Administrative Citation as a penalty for non-compliance.
- (b) Property Owner failing to comply with a Notice of Non-compliance within the time frames set forth in Section 1 is considered in violation of Chapter 49 and may be given an administrative citation of \$100 for a first violation and given 90 (or 120 if an exception applies) days to comply with the Notice of Violation.
- (c) A Property Owner who fails to comply with a first notice of violation after the time permitted may be given an administrative citation of \$250, and 90 (or 120 if an exception applies) additional days to comply with the work required in the notice of non-compliance.
- (d) A Property Owner who fails to comply with a second notice of violation after 60 days may be given an additional administrative citation of \$500 and given 90 (or 120 days if an exception applies) additional days to comply with the work required in the notice of non-compliance.
- (e) The time frames to complete work after a Notice of Violation is issued may be extended for good cause.
- (f) If a Property Owner who has been given three Notices of Violation for the same non-compliance and has failed to complete the work required by the Notice of Non-Compliance within the allowed time, the City may seek permission from the Property Owner or a warrant to enter the property to complete the work. If the warrant is granted, permitting the City to enter the property to complete the work, the Property Owner may be charged for the cost of the corrective work and the cost of obtaining the warrant.

## Section 3. Appeal.

- (a) Board of Appeals. There shall be a Board of Appeal consisting of three members. One member shall be qualified as a Hearing Officer, one shall be qualified by experience and training to pass on the hazards of fire, and one shall be a resident of the City. None of the Board Members may be current or former employees or contractors of the City, except for the Hearing Officer, who may have been a former contractor of

the City as a Hearing Officer. The Hearing Officer shall serve as the presiding officer of the Board. The members of the Board shall be hired or appointed by the City Manager. The resident member shall serve without compensation.

- (b) A Property Owner may appeal a Notice of Compliance or a Notice of Violation to the Board of Appeals within 30 days after a Notice of Non-Compliance or a Notice of Violation is served. The Appeal document shall set out all grounds for Appeal ~~and~~ Any documents supporting the appeal shall be due within 30 days after filing the appeal, unless the time is extended by the Hearing Officer.~~provide any supporting documents.~~
- (c) Basis for Appeal. A Property Owner may appeal a Notice on the following grounds:
- (1) The intent of Chapter 49 or any rules applying or interpreting the Chapter have been incorrectly applied or interpreted,
  - (2) Chapter 49 does not apply to the property or circumstances of the Notice of Non-Compliance or Notice of Violation;
  - (3) An equally good or better form of construction for Chapter 49 is proposed;
  - (4) The facts of the Notice are in error,
  - (5) City denied an Alternate Means and Measures Request,
  - (6) Compliance with a Notice may cause substantial harm to the property or neighboring properties (such as mudslides)
  - (7) Such other good cause (such as incapacity or lack of financial resources to comply).
- (d) The Board shall not have the authority to waive requirements of Chapter 49 or to interpret the administration of this Chapter.
- (e) Stay. The filing of an Appeal stays any action on the Notice until the Appeal is decided by Board, except in the case of an immediate danger.
- (f) Final City Decision. The Board's decision is the final decision of the City.
- (g) Open hearing. All proceedings of the Board shall be publicly noticed and open to the public.
- (h) City support. The City Clerk shall provide support for the Board as the Board shall require. The City Attorney shall provide such legal support for the Board as the Board shall require.
- (i) City Review of Appeal. Prior to the Board hearing an Appeal, the City may review the Appeal and may address the issues raised in the Appeal and rescind or modify the Notice at issue. The City and the Property Owner may also engage in negotiations or mediation to seek to resolve the issues in the Notice informally.
- (j) City response. The City shall have 30 days to respond to an Appeal, unless extended by the Hearing Officer.

- (k) Property Owner Reply. The Hearing Officer may permit a Property Owner to reply to the City's appeal response, if good cause is shown, and set the time frame for the reply.
- (l) Extensions of Time. The Hearing Officer may grant such extensions of time for good cause that either the Property Owner or the City may seek.
- (m) The Board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this Chapter and applicable law. The procedures shall not require compliance with strict rules of evidence, and shall follow those rules commonly applicable to administrative hearings.
- (n) Decision. The Board may affirm, modify, or reverse a decision of the City with a majority vote.
- (o) Final Decision. The Board's decision is the final decision of the City.

### Section 3. Right of Judicial Review.

- (a) Any person aggrieved by an administrative decision of the Board may obtain review of the Board's decision by filing a petition seeking review in accordance with Government Code Section [53069.4](#).
- (b) The City is prohibited from seeking review of Board's decision pursuant to Government Code Section [53069.4](#).

### Section 4. Right to Request Review by the California Fire Marshall.

- (a) Whenever an Appeal implicates an application or interpretation of the California Fire Code, the Property Owner or the City may appeal the Board's decision to the California Fire Marshall pursuant to [state code citation].



Office of the City Manager

INFORMATION CALENDAR

September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Fire Hazard Severity Zone 0 Implementation Plan

INTRODUCTION

This report provides an update on the progress of implementing the Zone 0 component of the Effective Measures for Berkeley's Ember Resilience (EMBER) initiative, adopted by the City Council on June 17, 2025. EMBER is a comprehensive strategy aimed at reducing ignition risk within the community during a wildfire through vegetation management, resident engagement, home hardening incentives, and interagency partnerships. Council adopted the portion of EMBER that added Zone 0 defensible space principals to the Berkeley Municipal Code.

CURRENT SITUATION AND ITS EFFECTS

While the implementation plan is designed and launched, the Department has already taken meaningful action by narrowing the annual Defensible Space Inspection area from the former Very High Fire Hazard Severity Zone (over 9,000 parcels) to the Grizzly Peak and Panoramic Mitigation areas; just under 1,400 properties.

The smaller inspection area allows residents to make individual, scheduled appointments – a long sought after enhancement to the program. Inspectors are spending up to an hour with each resident discussing compliance, mitigation strategies, and upcoming code changes, compared to minimal engagement during past annual inspections due to the volume.

During this transition period, inspectors have been following a two-step approach:

1. Perform one property walkthrough using the existing legacy code.
2. Perform a second walkthrough explaining the 2026 code requirements and working with residents to create phased work plans that guide them towards improving resilience without requiring immediate completion of all the work.

Note: Residents are only required to comply with the legacy code, but many are choosing to move ahead with efforts to begin alignment of their properties with the forthcoming Zone 0 code, which will be rolled out in 2026.

## Resident Engagement

The Department has been tracking a significant increase in resident participation and in-person engagement with inspectors, including:

- **Full 360° inspections have increased from 36.3% to 55.6% (+19.3%),** a considerable improvement. Each full 360° inspection yields a more comprehensive recommendation for how a resident can reduce ignition risk and build resilience.
- **Residents walking with inspectors rose from 12.7% to 47% (+34.3%),** which results in a better understanding of the work that needs to occur.
- **Defensible space violations identified more than doubled** from the same period last year, from 244 to 571, indicating deeper and more thorough inspections.
- **Defensible space report engagement improved,** with 67.7% of residents opening their reports within 15 days, up from 59.7% last year.

## Vegetation Management – Chipping Services

The chipping program, which provides removal of more substantial vegetation that does not fit in a green bin, at no charge to residents, provides additional data points that support the effectiveness of the new approach.

- Through July 2025 crews have performed 673 pickups, removing 2,384 cubic yards of material, that's **17% more pickups and 44% more volume than the same period in 2024.**
- Strong growth in new participants via word-of-mouth and neighborhood outreach.

## BACKGROUND

The Department has developed a phased implementation plan to roll out the new Zone 0 requirements within the City's highest wildfire risk areas. This plan outlines the sequence of administrative, operational, and community engagement activities necessary to ensure a smooth transition. While the core milestones are established, the Department recognizes that implementation will require flexibility; adjustments will be made as needed based on lessons learned during each phase, particularly as the organization moves through the Fall and Winter of 2025.

## Phase I – Administrative & Structural Changes (July 2025 – October 2025)

- **July 2025:**
  - Update maps on public facing GIS portal. Visit <https://berkeleyca.gov> and then search "GIS". Select the "Community GIS Portal" link.

- Scroll down to find the “Fire and Emergency Services” link.
- Select members for the resident working group and create the administrative and logistical structure to support it.
- Design, build and launch digital Right of Entry form to allow residents to provide advance written permission for 360° inspections without owner present.
- Design and launch the new workflow for the Resident Assistance Program (RAP). RAP provides city support to bring a parcel into compliance with the Fire Code.
- Design and launch a solicitation for professional fire-wise landscape planning services.
- Reconfigure inspection software (pending any additional changes to the municipal code approved by Council in December 2025). The process of refining language in the software will continue through 2025 as feedback from inspections and resident interactions is used to improve the platform.
- **August 2025:**
  - Coordinate schedules with community members and launch the resident working group.
  - Run the first tranche of eligible properties through the RAP as a beta test and design, prepare and advertise a webinar for all eligible properties in September.
  - Begin a complete redesign of the Berkeley Fire Safe website to provide a more sophisticated and intuitive user interface, making it easier for residents to find and act on critical information. Key improvements will include targeted, parcel-specific guidance based on geographic location; a clearly organized, step-by-step approach that breaks requirements and best practices into manageable actions; and streamlined navigation to connect users quickly with resources, checklists, and compliance tools.
- **September 2025:**
  - Testing and final modifications to the Berkeley Fire Safe webpage.
  - Begin procurement for a communications consultant to assist in designing and running a multi-channel Zone 0 outreach program with a goal to have a consultant selected and onboarded by November 2025.



- **October 2025:**

- Launch new Berkeley Fire Safe webpage with updated user interface, branding and messaging.
- Update all existing public-facing information (websites, printed guides, FAQs).

### **Outreach & Engagement Rollout (November 2025 – March 2026)**

- **November 2025:**

- Finalize and launch outreach campaign with selected communications vendor. Potential components are outlined in the following months and are subject to change once a vendor is selected.
- Potential Step 1: Begin coordinated digital outreach (City email newsletters, social media, online ads).

- **December 2025 – January 2026:**

- Potential Step 2: Mail brochures and postcards to all affected parcels.
- Potential Step 3: Conduct public workshops, neighborhood Q&A sessions, and tabling at community events.

- **February – March 2026:**

- Begin inspector and staff training (classroom + field sessions).
- Potential Step 4: Partner with Home Owner Associations, neighborhood associations, FireWise groups, FireSafe Councils and local organizations for targeted outreach.
- Potential Step 5: Release short educational videos and “how-to” guides featuring local inspectors and subject matter experts.

### **Phase II – Beta Inspections (March 2025 – April 2026)**

- **March 2026:**

- Conduct pilot inspections in selected neighborhoods.
- Analyze findings and make necessary program improvements.

- **March – April 2026:**

- Make final adjustments to program including staff training, messaging, policy and procedures.

### **Phase III – Full Implementation (May 2026 – Ongoing)**

- **May 2026:**

- Begin Zone 0 inspection cycle across mitigation areas.
- Review data annually to refine outreach and enforcement.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Reducing flammable vegetation and promoting fire-resistant landscaping supports climate adaptation goals, decreases wildfire-related greenhouse gas emissions, enhances preparedness, and preserves healthy mature trees.

#### POSSIBLE FUTURE ACTION

1. Continue low-volume, high-engagement inspection model.
2. Expand Resident Assistance Program scope and eligibility.
3. Increase nonprofit-managed home hardening funding.
4. Develop additional partnerships with regional Fire Safe Councils and grant-makers.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

All fiscal impacts are currently projected to be covered through the Department's baseline budget allocations or grant funding.

#### CONTACT PERSON

David Sprague, Fire Chief, Berkeley Fire Department, (510) 981-3473

#### ATTACHMENTS:

1: Current Coaching Guide for Residents. Note: Will be integrated into the Defensible Space Inspection software by the time of this Council meeting.

# WILDFIRE HOME PROTECTION PLAN WORKSHEET

A PERSONALIZED GUIDE TO MEETING THE 2026 FIRE CODE

Property Address: \_\_\_\_\_ Resident Name: \_\_\_\_\_

Inspector(s): \_\_\_\_\_ Date: \_\_\_\_\_

## Resources you Qualify for:

- ☐ Resident Assistance Program
- ☐ Home Hardening Mesh Program
- ☐ Eucalyptus Understory Program

Visit [berkeleyfiresafe.org/programs](https://berkeleyfiresafe.org/programs), or  
email [firesafe@berkeleyca.gov](mailto:firesafe@berkeleyca.gov)

## Plan to address hazards in Ignition Zone 0 (0-5 ft. from a structure)

Priority items to be completed by May, 2026 (From structure out and ground up):

- |                                                   |                                                               |                                                                            |                                                   |                                        |
|---------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Ground Cover             | <input type="checkbox"/> Shrub Removal                        | <input type="checkbox"/> Limb Trees/Hedges within 5'                       | <input type="checkbox"/> Limb Trees (10' of roof) | <input type="checkbox"/> Remove Hedges |
| <input type="checkbox"/> Move combustible storage | <input type="checkbox"/> Re-pot plants into 5 gal. Containers | <input type="checkbox"/> Replace/Remove combustible gates/fences within 5' |                                                   |                                        |

Other: \_\_\_\_\_

Items to be addressed in the next phase of work (After 2026):

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

(continued on next page)

Plan to address hazards in Ignition Zone 1 (5-30 ft. from a structure)

Priority items to be completed by May, 2026 (From structure out and ground up):

☐ Shrub Spacing:

---

---

---

---

☐ Remove Ladder Fuels:

---

---

---

---

☐ Separate Contiguous Fuels  
(Hedges, etc):

---

---

---

Other:

---

---

---

Items to be addressed in the next phase of work (After 2026):

- ✓ 

---
- ✓ 

---
- ✓ 

---

Other notes:

FOLLOW UP FORM (IF NEEDED)

Date:

Inspector Name:

Resident Name:

Best Form of Resident Contact:

Information Needed:

Office Response:

## **BFD WUI Division Inspection and Compliance Process Statement**

The Berkeley Fire Department's Wildland Urban Interface (WUI) Division is committed to reducing hazardous vegetation and promoting home-hardening measures that protect lives, property, and our community from wildfire.

Our approach is based on compliance through education, with citations used only as a last resort. The division's goal is to achieve lasting risk reduction by helping residents understand what constitutes a hazard and how to address it safely and effectively.

During annual inspections, our staff emphasize outreach and education. Most residents in the Very High Fire Hazard Severity Zone are already aware of the risks and often need only clarification or guidance to achieve compliance.

While the Fire Code grants authority to issue citations, inspectors are directed to prioritize collaboration. They are empowered to identify the most significant hazards, work with residents to develop reasonable timelines for mitigation, and recognize legitimate challenges such as financial constraints, contractor availability, or environmental limitations.

When violations are issued, residents are provided a 60-day window for corrective action, followed by a reinspection. If hazards remain unaddressed, a service fee is applied for the reinspection, and a citation, typically \$100, may be issued 14 days later. Citations escalate only in rare cases of continued, willful noncompliance.

Ultimately, enforcement is reserved for situations where education and cooperation have failed. The division's philosophy is simple: help first, enforce when necessary; financial costs are best directed at the work to be done. By working in partnership with our community, we aim to create a safer, more resilient Berkeley.



# WUI VEGETATION CODE WORKGROUP

## REGULAR MEETING

OCTOBER 15, 2025

9:00 AM

Cypress Room – 2180 Milvia St. 1<sup>st</sup> Floor

Fire Chief's Representative – Asst. Chief Colin Arnold

Assistant Chief David Winnacker  
Richard Illgen  
George Perez-Velez

Eric Weaver  
Margit Roos-Collins

### DRAFT MINUTES

## Preliminary Matters

Call to Order: 9:05 AM

### Present:

- Assistant Fire Chief, Colin Arnold
- Assistant Fire Chief, David Winnacker
- Eric Weaver
- Richard Illgen
- Margit Roos-Collins
- George Perez-Velez

### Approval of the October 8 Minutes

Motion by Eric Weaver, seconded by Richard Illgen, and approved by consensus.

### Public Comment on Non-Agenda Matters

Public Members: 3 comments

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

1. **Action:** Discussion regarding citations, penalties, and appeals process and reviewing differing perspectives on the enforcement approach (e.g., formal vs. informal).

**Written Materials:**

BMC 1.28  
EMBER Enforcement, Page 3 (modified).  
Email regarding internal Administrative Citation Progress.  
Proposed Modifications of Berkeley Fire Code for WUI Appeals and Violations  
Report 26, Fire Hazard Severity Zone 0  
Implementation Plan, dated September 9  
BFD WUI Division Inspection and Compliance Process Statement

**Discussion:**

The group discussed the appeals and review process. Members also discussed approaches to enforcement and noted that misdemeanor citations would require City Attorney approval. Member Richard Illgen will forward questions regarding the appeals and decisions process to Chief Arnold for review to clarify areas that may need further refinement or that could raise due process concerns. Chief Arnold recommended pausing further discussion until additional review is completed.

Motion: Assistant Chief Arnold moved to table this item for further discussion later in the next meeting as last item on the agenda. The motion was seconded by Eric Weaver. Motion carried.

**2. Action:**

**Discussion and possible action on suggestions for the Resident Guide.**

**Discussion:**

The group continued discussion on developing a resident guide to support understanding and compliance with defensible space and vegetation management requirements. Members recommended including the following information in the Resident Guide: Overview of defensible space and vegetation management requirements. The Alternative Means and Methods Request (AMMR) process and examples of approved AMMR projects. Enforcement process and procedures. Availability of financial assistance programs and other programs. Providing a list of local contractors and links to resources and useful websites. Clarifying specific requirements such as Zone 0 and ember-resistant zone standards. Guidance for residents based on property location. Defining what materials are considered combustible. Addressing neighbor responsibilities and property

boundaries. Providing practical guidance for spacing of trees and structures, fencing, sheds, bins, and other common features. The group emphasized keeping the guide concise, user-friendly, and directing residents to the WUI Division for clarification or site-specific assistance. Members agreed that the goal is to help residents prepare effectively and reduce wildfire risk without creating unnecessary confusion. Additional suggestions included creating an FAQ section within the resident guide, incorporating a QR code linking to the website, and outlining the process for requesting exceptions or reporting practical difficulties. Members were asked to send additional FAQ ideas to Chief Arnold before the next meeting.

**3. Action: Discussion on developing a framework for submitting scientific evidence for review.**

**Discussion:** Agenda Item #3 was not addressed and will be carried forward to the next regular meeting for discussion.

**4. Action: Agenda topics submitted by a member for consideration and discussion:**  
State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Soils and Geology  
Fire-resistant Vegetation  
Eucalyptus and Other Dangerous Trees  
Building Composition and Compliance  
Compliance Costs  
Review and Discussion of Submitted Reference Materials on Wildfire Preparedness and Zone 0 Regulations

**Written Materials:** **To reduce printing and paper use, all referenced documents will be available in a binder for public access at the meeting.**

State Fire Regulations  
Excerpts from the Government Code on Fire Zones  
Firewise: How To Prepare Your Home For Wildfires  
Elsevier, Landscape and Urban Planning article  
NFPA Preparing Homes for Wildfire  
Reducing the Vulnerability of Buildings to Wildfire  
Science Summary by Dr. Travis Longcore  
Brentwood HOA Comments on Proposed Zone 0 Regulations

## Zone 0 Won't Save Your Home from Wildfire

### Discussion:

Agenda Item #4 was not addressed and will be carried forward to the next regular meeting for discussion.

## WORK GROUP REPORTS

### Adjournment

The meeting was adjourned at 11:05 AM on a motion by George Perez-Velez, seconded by Eric Weaver, and approved by consensus.

The next regular meeting is scheduled for Wednesday, October 22, 2025, at 1:00 PM.

*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*