



# STAFF REPORT

AGENDA NO: 10c

MEETING DATE: May 5, 2025

**To:** Honorable Mayor and City Council

**Date:** May 5, 2025

**From:** David Pucci, Fire Chief – (650) 558-7600  
Patricia Koch, Fire Marshal – (50) 558-7600

**Subject:** Introduction of an Ordinance Adopting Local Responsibility Area (LRA) Fire Hazard Severity Zones as Designated by the State Fire Marshal, Pursuant to Assembly Bill 211; CEQA Determination: Exempt Pursuant to State CEQA Guidelines Sections 15378 and 15061(B)(3)

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## **RECOMMENDATION**

Staff recommends that the City Council introduce the proposed Ordinance designating Local Responsibility Area (LRA) Fire Hazard Severity Zones in Burlingame.

### **Recommended Procedure and Order of Operations:**

- A. Receive the staff report and ask any questions of staff
- B. Conduct a public hearing
- C. Following the public hearing, introduce the proposed Ordinance and determine whether to bring it back for a second reading for adoption.

## **BACKGROUND**

In the aftermath of the devastating 1991 Oakland Hills Fire, Assembly Bill 337 (Bates, 1992) directed the California Department of Forestry and Fire Protection (CAL FIRE) to evaluate, identify, and recommend fire hazard areas within Local Responsibility Areas (LRAs) - regions where local agencies bear the financial responsibility for wildfire prevention and suppression. This legislation added Sections 51175–51188 to the California Government Code, establishing the framework for designating Very High Fire Hazard Severity Zones (VHFHSZ). CAL FIRE last updated the LRA VHFHSZ maps in November 2008. At that time, no VHFHSZs were identified or recommended within Burlingame.

The State Fire Marshal, a division within CAL FIRE, is responsible for the ongoing review and development of LRA Fire Hazard Severity Zone (FHSZ) maps statewide.

In 2021, the State Legislature passed Senate Bill 63 (SB 63), further expanding the responsibilities of the State Fire Marshal. The bill amended California Government Code Section 51178 to require the identification of not only very high, but also high and moderate fire hazard severity zones within

an LRA. These designations are based on uniform statewide criteria and reflect the anticipated severity of wildfire hazards in each area. Key factors include fuel loading, topography, fire weather, and other relevant conditions—particularly areas where wind has been recognized as a significant factor in wildfire spread.

On February 24, 2025, the City of Burlingame and the Central County Fire Department received the updated LRA FHSZ maps from the State Fire Marshal. These revised maps now designate very high, high, and moderate fire hazard severity zones within Burlingame.

Developed using advanced scientific modeling, the FHSZ maps incorporate data on vegetation, terrain, weather patterns, and other variables that influence wildfire behavior. It is important to note that these maps assess **fire hazard**, not **fire risk**. Fire hazard refers to the likelihood and potential behavior of wildfire under specific physical conditions over a 30- to 50-year timeframe. This assessment does **not** account for mitigation measures such as defensible space, home hardening, recent wildfire activity, or fuel reduction efforts. Fire risk is the potential damage a fire can have on an area under existing conditions, including any modifications such as defensible space, irrigation and sprinklers, and ignition resistant building construction.

To fulfill the requirements in California Government Code Section 51178.5, the City of Burlingame and the Central County Fire Department made the information available for public review and comment by publishing the FHSZ maps on agency websites for public access within 30 days of release.

## **DISCUSSION**

California Government Code Section 51179(a) requires local agencies to designate, by Ordinance, moderate, high, and very high fire hazard severity zones (VHFHSZs) within their jurisdiction within 120 days of receiving recommendations from the State Fire Marshal, pursuant to Section 51178.

As a local agency, the City of Burlingame may expand LRA Fire Hazard Severity Zones. At its discretion, the City may designate areas not identified by the State Fire Marshal as very high (when supported by substantial evidence), high, or moderate fire hazard severity zones as such. However, a local agency **cannot** reduce the fire hazard severity level assigned by the State Fire Marshal for any area. Once adopted, changes made by the local agency to fire hazard severity zones are considered final and cannot be rebutted by the State Fire Marshal.

Within 30 days of adopting the ordinance, the City of Burlingame must transmit a copy to the California Board of Forestry and Fire Protection.

Adoption of these fire hazard severity zones does have implications. The adoption of LRA VHFHSZs within Burlingame will trigger additional regulatory requirements for property owners, City departments, and the Central County Fire Department. These requirements stem from a range of state-level codes and statutes intended to reduce wildfire risk and enhance public safety within Wildland-Urban Interface (WUI) areas. A summary of the applicable regulations is provided below:

## 1. 2022 California Fire Code, Chapter 49 – Wildland-Urban Interface Requirements

Chapter 49 establishes fire protection standards for properties located in WUI areas, including LRA VHFHSZs. Its primary focus is on mitigating wildfire risk through vegetation management, defensible space, and access for emergency responders. Notable provisions include:

- **Section 4906 – Vegetation Management:** Requires all new landscaping within LRA VHFHSZs to be selected and maintained to reduce flammability in proximity to structures.
- **Section 4908 – Fire Safe Development Regulations:** Subdivisions that require a tentative map—or a parcel map where a tentative map is not required—must demonstrate compliance with State Responsibility Area (SRA) Fire Safe Regulations. Additionally, findings must be made regarding the availability of structural fire protection and suppression services.
- **Section 4910 – General Plan Safety Element:** The City is required to review and update its General Plan Safety Element to reflect the risks associated with designated LRA VHFHSZs. The revised element must be submitted to the California Board of Forestry and Fire Protection at least 90 days prior to its adoption or amendment.

## 2. California Government Code Section 51182 - Defensible Space Requirements

Property owners, lessees, or anyone who controls, operates, or maintains an occupied dwelling or structure within a LRA VHFHSZ are required to maintain 100 feet of defensible space around all sides of the structure, without extending beyond the property line. The Central County Fire Department is responsible for the defensible space inspections in the LRA VHFHSZs within Burlingame.

In addition, Assembly Bill 3074 (2020) introduced forthcoming requirements for a five-foot ember-resistant zone, known as “Zone Zero.” This zone is intended to eliminate flammable materials within five feet of a structure to reduce the risk of ignition from wind-driven embers.

Pursuant to Governor Newsom’s Executive Order N-18-25, and consistent with Public Resources Code (PRC) Section 4291 and Government Code Section 51182, the Board of Forestry and Fire Protection, in consultation with the State Fire Marshal, is expected to complete Zone Zero rulemaking by December 31, 2025. Once finalized, these requirements are anticipated to apply to both existing structures and new construction within Burlingame’s LRA VHFHSZs.

## 3. 2022 California Building Code, Chapter 7A – Construction Standards for Exterior Wildfire Exposure

Currently, Chapter 7A outlines ignition-resistant construction requirements for new buildings located within WUI areas, including LRA VHFHSZs. These provisions are intended to reduce a structure’s vulnerability to wildfire by regulating materials and construction methods for:

- Exterior walls
- Roof coverings
- Vents and eaves
- Windows and doors
- Decking and projections

The intent is to minimize structural ignition from direct flame contact or airborne embers during wildfire events.

#### **4. CA Civil Code § 1102.6f (2024) - Real Estate Transactions**

Section 1102.6f requires that, starting January 1, 2021, sellers of residential properties located in high or very high fire hazard severity zones must provide an additional fire risk disclosure if the home was built before January 1, 2010. The disclosure must:

1. Include a fire hardening statement explaining that the home was built before the Wildland-Urban Interface (WUI) building codes and may benefit from improvements.
2. Beginning July 1, 2025, provide a list of low-cost retrofits recommended under Government Code Section 51189 and disclose which of these retrofits, if any, the seller has completed.
3. Disclose, to the best of the seller's knowledge, whether any of the following fire-vulnerable features exist on the property:
  - a. Non-fire-resistant roof or eave vents
  - b. Untreated wood shingle or shake roofs
  - c. Combustible materials or landscaping within five feet of the structure
  - d. Single-pane or non-tempered windows
  - e. Missing roof flashing or bird stops
  - f. Rain gutters lacking metal or noncombustible covers

Additionally, if the seller has obtained a final inspection report under Government Code Section 51182, it must be provided to the buyer or made available.

It is important to note that according to guidance provided by CAL FIRE and the California Department of Insurance, the adoption of Fire Hazard Severity Zone maps is intended to support local land use planning and mitigation strategies and is not intended to influence insurance underwriting or availability.

In summary, adoption of the proposed Local Responsibility Area (LRA) Fire Hazard Severity Zones represents an important step to protect life, property, and natural resources from the growing threat of wildfire. Aligning with current state law and CAL FIRE guidance, this designation will provide a consistent framework for land use planning, development standards, defensible space enforcement, and public education. While it introduces additional responsibilities for both the City

and property owners, these measures are important to enhance community resilience and ensure compliance with evolving state fire protection mandates.

To ensure compliance with the 120-day requirement in Government Code 51179(a), staff recommends that the City Council proceed with introducing the proposed Ordinance and initiate the public process necessary for final adoption.

### **FISCAL IMPACT**

There is no fiscal impact associated with this agenda item.

Exhibits:

- Draft Ordinance
- LRA Map for the City of Burlingame
- Fire Hazard Severity Zones Methods
- Frequently Asked Questions About 2024 Fire Hazard Severity Zones
- Q&A – Insurance and CAL FIRE Fire Hazard Severity Zone Maps