

**International
Electrical**



**Brotherhood
Workers**

AFL-CIO

Local Union No. 332

2125 CANOAS GARDEN AVENUE, SUITE 100

SAN JOSE, CALIFORNIA 95125

Telephone: (408) 269-4332

Fax: (408) 979-5500

November 7, 2019

Re: 2019 California Energy Code - Local Amendments (Reach Codes)

Dear City Council Member:

Each local government is required by law to adopt new changes to the California Building Standards Code every three years (known as code cycles) proposed by the State. The next code cycle will take effect January 1, 2020. This creates an opportunity to simultaneously adopt optional local building code amendments (known as Reach Codes) that exceed state code standards.

Historically, cities/counties sometimes adopt amendments to the Energy (Title 24, Part 6) and California Green Building Standards - CAL Green (Title 24, Part 11) codes to meet local environmental goals or aspirations.

This creates a significant Reach Code opportunity to reduce future GHG in new buildings by discouraging or eliminating the use of natural gas. This can be accomplished by incentivizing and/or requiring new buildings to use more electric appliances to utilize the clean renewable electricity available rather than natural gas.

Cities across the region are recognizing that all-electric homes and EVs reduce production of greenhouse gases (CHG) and provide healthier and safer homes and transportation at reduced cost.

Moving to all-electric homes is an important step for our economy and IBEW Local 332 is taking aggressive steps to ensure that we have trained workforce to address this need.

The IBEW Local 332 has been training men and women as electricians for over 100 years in Santa Clara County. The training requirements to become a journeyman electrician is based on a five (5) year apprenticeship program that focuses on installation, safety, compliance with Federal, State and County Codes and design of all electrical systems. As the future unfolds, IBEW Local 332 is transforming training objectives to meet with the innovations for electrification of homes with a conscious focus on controlling cost and energy. How is this being done? Through training in smarter, controlled based devices in lighting, which consumes 48% of the energy in a home. Through training and installation of advance designs and control of HYAC systems and home appliance, which are the highest consumers of energy in homes. Through training on the installation and maintenance of solar panels that can now be integrated into the roof designs of homes. Finally, through the installation of electric vehicle charging stations, since the growth of electric cars is predicted to increase from the current 3 million to 125 million cars by 2030 according to the International Energy Agency.



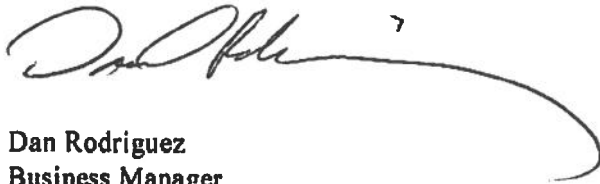
Each one of these areas represent only a small portion of the training each electrician receives as an apprentice and through journeymen upgrade courses. Additionally, IBEW Local 332 journeymen meet the State of California requirements for certification to work on homes, industrial/commercial buildings, and public transportation sites and receive added certifications for specialized training on lighting controls, electric vehicle charging stations, building automations, and the list goes on.

We are pleased to be at the forefront of the effort to ensure that Santa Clara County will have the workforce needed to deliver high quality electrical service and installation of innovative technologies such as heat-pump water heaters, induction stoves, and electric vehicle charging to meet these needs.

We encourage the City Council to adopt building reach codes to accelerate cleaner, safer and lower cost homes and transportation.

Thank you for your consideration of this request. If there is any way that IBEW 332 can be of assistance on this or other matters, please do not hesitate to call.

Thank you,

A handwritten signature in black ink, appearing to read 'Dan Rodriguez', with a long, sweeping underline that extends to the right.

Dan Rodriguez
Business Manager
IBEW Local 332



Redwood Energy

1887 Q Street
Arcata, CA 95521

Sean Armstrong-Partner and Project Manager
707.826-1450
seanarmstrongpm@gmail.com

Michael Winkler-Partner and Energy Analyst
707.822.1857
mwinkle@yahoo.com

November 5, 2019

To Whom it May Concern,

I have learned that some Bay Area development community members are worried about upsized transformers due to water heating requirements. My consulting firm has worked with dozens of affordable housing developers on more than 200 developments. There is no need to upsize transformers for all-electric buildings—there are better design alternatives.

One local developer with examples of how to design all-electric without upsizing a transformer is RCD, a large affordable housing provider headquartered in Berkeley, who is developing the all-electric Quetzal Gardens in San Jose and the all-electric Coliseum Place in Oakland—both 6 stories and for low income families with ground floor commercial space and parking lots. During design development we encountered thresholds of power use that would trigger an additional \$35k transformer for the building. For Domestic Hot Water, we made different choices at each project to avoid the transformer threshold:

At Quetzal Gardens, instead of using 50 gallon, 30 Amp heat pump water heaters we selected 65 gallon, 15 Amp heat pump water heaters.

At Coliseum Place, instead of using 50 gallon, 30 Amp heat pumps water heaters, we shared 30 Amp, 80 gallon tanks between 2-3 apartments and elevated the hot water temperature 15F, from 125F to 140F, with safety mixing valves.

The choice to use 65 gallon tanks provided tenants with 2 more hot showers in the morning, while the 50 gallon tanks, even with 30 Amps of Power, could only produce 1 more hot shower in the morning. The choice to share tanks between apartments was to reduce costs, but with the increased temperature and volume of hot water the same amount of hot water service was provided.

For a different reason, in the end RCD did choose to install a second transformer at Quetzal Gardens. This was to allow for electric car chargers to be built out into the entire parking garage, which used a car lift to fit more vehicles into the space. The car lift uses almost no power (surprisingly), and actually the car garage fans used more power. The \$35k cost increase to the \$65M development of Quetzal Gardens represents .06% of the budget--a vanishingly small amount to ensure the parking garage can support the continued electrification of vehicles in the Bay Area.

Quetzal Gardens was RCD's first all-electric apartment complex design, but quickly followed by the low income family housing at Coliseum Place in Oakland. Katie Ackerly of David Baker Architects, the Architect for both, reported to me last week, "I don't think we'll ever be asked to do a building with gas again" because every developer who has approached David Baker Architects in the last year has requested an all-electric building.

Sincerely,

Sean Armstrong
Managing Principal and Co-Founder
Redwood Energy
Redwoodenergy.tech

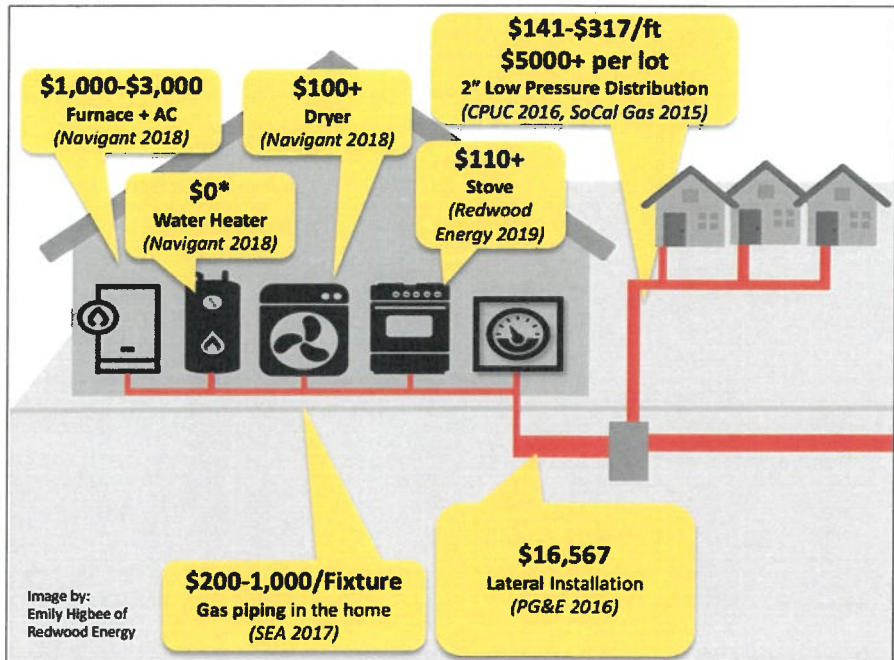
"It's a no brainer. The cost of bringing gas to your site is expensive. In our developments we see it is less expensive to build all-electric and as efficient, or more efficient, in operations. If I built a new house for myself, I would build it all-electric: you can't generate gas onsite, but you can generate electricity."

-Chris Dart, President of Danco Communities, Humboldt County's largest Affordable Housing developer

Bay Area Gas Costs Fact Sheet



Accidents locating gas lines have severe consequences for contractors.



Consultants working for both PG&E and SoCalGas have found more than \$20,000 in developer-paid cost increases from gas appliances, plumbing and infrastructure.

Local HVAC Bids: Electric vs. Gas in Single Family Homes



Your One Stop Contractor
 HVAC, Solar, Windows, Insulation, Water Heaters
 CSLB #719381

**Whole House HVAC Bids from A-1 Guaranteed.
 Provided Sept 16, 2019 by Larry Waters.**

Furnace + AC
 \$13,308 (Lafayette)
 \$14,650 (Vacaville)

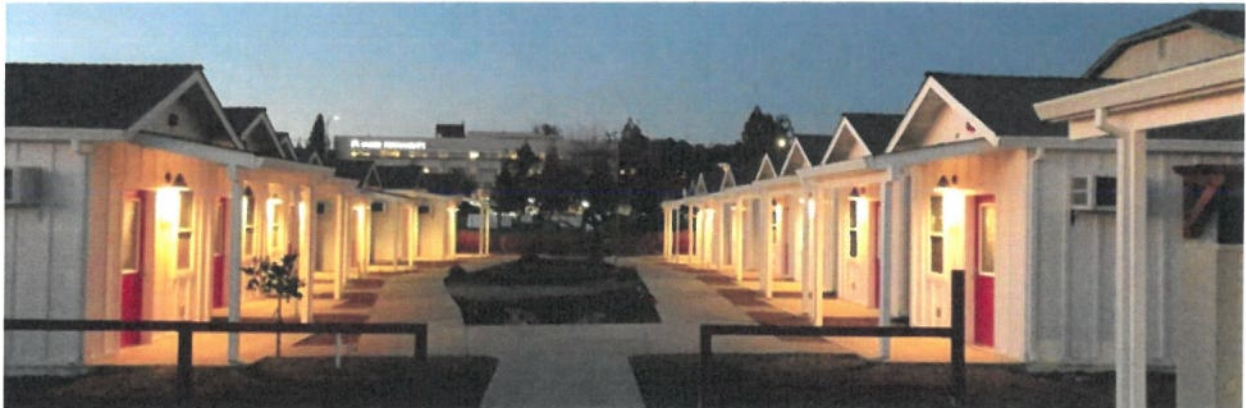
Heat Pumps
 \$11,460 (Albany)
 \$12,670 (Berkeley)

Gas Savings Documented at Local Developments




BLH Construction—Built three apartment complexes in Calistoga (2015), Cloverdale (2016), and Ukiah (2019), with one planned in Windsor (2020). **Avoided Gas lateral savings were \$15,000 per building, up to \$45,000 per site.**

-Brian Holland, Chief Operations Officer. Sept 18, 2019.



Wolff Contracting built 14 Tiny Homes for homeless veterans in Santa Rosa (2019). **Gas lateral savings to site and 14 tiny homes was \$30,000.**

-John Morgan, Project Manager. June, 2018.



Residential Rule 16 Gas and Electric Single Service Extensions*

November 21, 2016

Re: [REDACTED]

LAFAYETTE, CA 94549

Dear [REDACTED]

We are writing to let you know Pacific Gas and Electric Company (PG&E) will extend electric service to the project address listed above. This letter, including PG&E's terms and conditions below, will serve as our contract. As required by the California Public Utilities Code, this contract will be handled in a separate contract. Please complete the following three steps to execute this contract:

1 Review the following project cost summary information.

	GAS	ELECTRIC
Total Service Costs	\$14,768.82	\$0.00

PG&E lateral pricing to a standard lot in Richmond, CA was \$14,770 (2016)



Robert S. Kenney
Vice President
State and Regulatory Affairs

P. O. Box 77000
San Francisco, CA 94177-0001
Mail Code B23A
(415) 973-2500
Robert.Kenney@pge.com

November 5, 2019

VIA EMAIL TO: council@losgatosca.gov

Town Council
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Dear Honorable Town Council Members:

Pacific Gas and Electric Company (PG&E) is proud to provide electric and natural gas service to the Town of Los Gatos of this commitment, PG&E welcomes the opportunity to support the Town of Los Gatos' efforts to promote efficient, all-electric new construction, when it is cost-effective.

PG&E strongly supports California's climate and clean air goals. We recognize that achieving these goals requires a range of approaches and tools, including increasing the use of energy-efficient electric appliances in buildings when cost-effective. PG&E welcomes the opportunity to avoid investments in new gas assets that might later prove underutilized as local governments and the state work together to realize long-term decarbonization objectives. With all this in mind, PG&E supports local government policies that promote all-electric new construction when cost effective.

Beyond new construction, PG&E believes a multi-faceted approach is needed to cost-effectively achieve California's broader economy-wide long-term GHG reduction objectives, including both electrification and decarbonizing the gas system with renewable natural gas and hydrogen. As California's decarbonization policies evolve, PG&E will continue to ensure the safe and reliable operation of the electric and gas systems to continue supporting the customers that depend on us.

PG&E appreciates the partnership with the Town of Los Gatos during its policy development process, which allows us to prepare for the future and continue providing the best service possible to customers. PG&E continuously forecasts load in its service territory and implements upgrades to the distribution grid to meet the demand. PG&E fully expects to meet the needs that all-electric buildings will require. PG&E remains ready to engage with our customers, local government, businesses, and community members to meet their needs safely, reliably, affordably, and with clean energy.

PG&E looks forward to continuing to work with the Town of Los Gatos to accomplish its policy goals.

November 5, 2019

Page 2 of 2

Thank you, and have a safe day.

Sincerely,

A handwritten signature in blue ink that reads "Robert S. Kenney". The signature is written in a cursive style.

Robert S. Kenney
Vice President

cc: Marico Sayoc, Town Council Member [msayoc@losgatosca.gov]
Aimee Bailey, PhD, Director of Decarbonization and Grid Innovation, Silicon Valley Clean
Energy [aimee.bailey@svcleanenergy.org]
Daniel Cedeno, Government Relations Representative [Daniel.Cedeno@pge.com]
Darin Cline, Sr. Manager, Government Relations, PG&E [Darin.Cline@pge.com]

Robert Gray

Subject: FW: All-Electric Reach Code

From: Pete Gang <pete@commonsensedesign.com>

Sent: Tuesday, November 05, 2019 1:15 PM

To: Council <Council@losgatosca.gov>

Subject: All-Electric Reach Code

Dear Council members,

I am writing with regards to consideration of an **all-electric reach code**, (tentatively?) scheduled for the November 5th, 2019 Los Gatos City Council meeting.

As a California-licensed general building contractor (#B-504,602) and architect (#C-22,447) with over 30 years experience designing zero net energy (ZNE) and low-energy buildings, I would like to offer the following in strong support of “decarbonizing” our building stock, both new and existing:

My Top Twelve Arguments Against Natural Gas

1. All of the current literature substantiates the fact that all-electric new homes are less expensive to build than mixed-fuel homes. The most significant cost savings result from the avoided costs of installing the underground gas piping (from the gas main to the gas meter) and the gas piping inside the home.

According to the [2019 Cost-effectiveness Study: Low Rise Residential New Construction, released by California Energy Codes and Standards](#), incremental cost savings for an all-electric new single-family home (compared to a mixed-fuel new home) are estimated to be \$6,171.

According to an April 2019 study funded by Southern California Edison, SMUD, and the LA Department of Water and Power titled [Residential Building Electrification in California](#), initial cost savings are estimated to be in the range of \$3,000 to \$10,000.

According to a September 2018 report prepared by TRC Solutions for the City of Palo Alto titled, “[City of Palo Alto 2019 Title 24 Energy Reach Code Cost Effectiveness Analysis DRAFT](#),” the **costs saved by not installing natural gas in residential new construction** — including plan review, street cut fee, connection charge to existing main, gas meter, gas piping within the residence, and the cost of appliances — total **\$6,314** (assuming iron piping).

2. [Applies in Sonoma County]: Even greater cost savings are available to fire survivors who choose to rebuild all-electric: the [Advanced Energy Rebuild program](#) (offered jointly by Sonoma Clean Power, PGE, and BAAQMD) offers financial incentives of up to \$17,500 per home.

3. Many builders conflate discussion of optional all-electric reach codes with discussion of mandatory changes in the upcoming 2019 CA Energy Codes (which take effect January 1, 2020). The 2019 Energy Codes will require installation of a PV system of sufficient size to provide for the electric needs of a mixed-fuel home (typically a ~2.5 kW system). Even though this added feature has been proven cost-effective over a 30-year timeframe, it is expected to add around \$10,000 to the cost of a new home (at approximately \$4 per watt).

4. Not only does all-electric construction result in **reduced initial costs, homeowners will see reduced ongoing utility costs** due to efficiencies of 300% or more that are typical of electric heat-pump technologies used for heating/cooling and water heating. In contrast, gas appliances have a theoretical maximum efficiency of only 100%.

5. Builders also mention that their customers don't like cooking on electric stoves. They are thinking of the old radiant coil electric cooktops. Few of these customers are familiar with electric induction cooktops, which are the new standard. [Sacramento Municipal Utility District \(SMUD\)](#) reports that 91% of people who try cooking on an electric induction cooktop, prefer it over gas.

6. **Replacing gas appliances with electric appliances results in healthier indoor environments.** We are required to install carbon monoxide (CO) detectors in all new residential construction due to the hazards associated with combustion byproducts. Electric appliances do not carry similar hazards.

7. The California Energy Commission acknowledges that we are moving inexorably toward all-electric buildings and away from using natural gas.

8. PGE acknowledges that we are moving inexorably toward all-electric buildings and away from using natural gas. In a letter dated August 21, 2019 to Windsor Town Manager Ken McNab, PGE Vice President Robert S. Kenney states, ***"PG&E welcomes the opportunity to avoid investments in new gas assets that might later prove underutilized as local governments and the state work together to realize long-term decarbonization objectives. With all this in mind, PG&E supports local government policies that promote all-electric new construction when cost effective."***

9. When builders attempt to compare the greenhouse gas emissions of gas appliances with those of electric appliances, they typically limit their discussion to CO2 emissions and neglect to mention emissions of CH4, or methane, which comprises ~85% of natural gas. We now understand that **methane is a relatively short-lived greenhouse gas with over 100 times the heat-trapping potential of CO2 on an annual basis.** Fugitive emissions of methane occur at all points in the production, distribution, and storage of natural gas and are currently conservatively estimated to be around 3% of production.

10. 90% of the natural gas used in California is imported from out of state and obtained through **hydraulic fracturing, or fracking.** It is now widely understood that fracking is associated with a long list of catastrophic consequences, including aquifer depletion, aquifer contamination, destruction of landscapes, air pollution, and widespread physical and mental health consequences.

11. Builders sometimes suggest that instead of working to reduce or eliminate the use of natural gas in buildings we should work on reducing emissions from the transportation sector. It's not an "either-or." We need to do **all of the above.**

12. Builders sometimes bemoan the fact that these proposed changes are happening so fast. The reason that we are calling it a climate emergency is because **it is an emergency.** One responds to an emergency with appropriate alacrity.

Thank you for your vision and your courage!

Toward a livable planet for all future generations,

Pete Gang, Architect
707-338-7111

Robert Gray

Subject: FW: Reach Codes

From: Laurel Prevetti <LPrevetti@losgatosca.gov>
Sent: Thursday, November 07, 2019 9:50 AM
To: BSpector <BSpector@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>
Subject: RE: Reach Codes

We are happy to include it. Thank you.

From: BSpector <BSpector@losgatosca.gov>
Sent: Thursday, November 07, 2019 8:35 AM
To: Laurel Prevetti <LPrevetti@losgatosca.gov>
Subject: Fw: Reach Codes

This Menlo Park information would be helpful to our consideration.

B.

From: John Shepardson
Sent: Thursday, November 7, 2019 7:58 AM
To: Steven Leonardis <SLeonardis@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Steven Leonardis <SLeonardis@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>
Subject: Reach Codes

Leaders:

<https://www.almanacnews.com/news/2019/09/03/city-plans-to-require-most-new-commercial-buildings-to-be-all-electric>

City plans to require most new commercial buildings to be all-electric

by Kate Bradshaw / Almanac

23 comments. See comments.

Every three years, California updates its building codes. While those codes have become increasingly stringent and focused on environmental sustainability, the state permits cities to adopt their own amendments to them, so long as those policies exceed the state's sustainability standards.

The Menlo Park City Council on Aug. 27 decided to adopt several such amendments, called "reach codes," that will make the city one of the state's most pioneering jurisdictions in promoting greener buildings, requiring the vast majority of

new nonresidential buildings to be all-electric. The decision is set to be finalized with a formal vote and first reading of the ordinance scheduled for the council's Sept. 10 meeting.

While the council initially recommended an exception for for-profit restaurants, it ultimately agreed to eliminate the exception.

Staff members reported that they had conducted market research and argued that using electric induction stoves is an increasing trend in the food service industry; they are safer, two to three times more efficient, and offer higher performance than gas and traditional electric cooktops.

Switching to all-electric systems can offer major construction and operational savings, staff reported. The switch could save a hotel up to \$1.3 million in construction costs and \$1.24 million in operational costs, staff said.

The council agreed to offer an appeal process for businesses that can demonstrate that using induction stoves instead of gas-powered ones would be a hardship.

Exceptions will be offered to life sciences buildings for space heating purposes only, due to their reliance on precise temperature-controlled environments for lab work. However, following the recommendation of commenter Scott Shell, an architect, the council agreed to require life sciences buildings to install wiring that will make the building ready to convert to all-electric when better electric heating technology comes along.

Emergency operation centers, such as fire stations and police and community centers, would also be exempt from the all-electric rule, since it is critical that those facilities be able to access natural gas during an emergency or disaster when electricity is not available.

In addition, the council agreed to require new nonresidential buildings and high-rise residential buildings to have solar panels that generate a minimum of 3 kilowatts for buildings under 10,000 square feet and 5 kilowatts for buildings greater than or equal to 10,000 square feet.

These steps are expected to help the city keep its commitment to reduce greenhouse gas emissions by 27% from 2005 levels by 2020. Building energy usage made up about 55% of the city's overall greenhouse gas emissions in 2013, according to staff.

Adam Stern, former executive director of local environmental nonprofit Acterra, noted while speaking in public comment that as the Amazon rainforest burns, "It's very easy to think that climate change is a problem we can't get our hands around. ... The new reach code, reviewed by many stakeholders, is an ideal opportunity to put a stake in the ground and say Menlo Park is going to lead on the path toward carbon neutrality and (advance) our policies to reduce greenhouse gases."

If passed as expected, the new building codes will be effective Jan. 1, 2020.

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Comments

11 people like this

Posted by **Joseph E. Davis**

a resident of Woodside: Emerald Hills

on Sep 3, 2019 at 3:44 pm

I can't get over the seemingly unbounded arrogance of Menlo Park's city council as they seek to manage how the residents of Menlo Park should live and work. Disturbing.

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[Email Town Square Moderator](#)

25 people like this

Posted by **Birdnscrap**

a resident of Portola Valley: Central Portola Valley

on Sep 3, 2019 at 5:11 pm

Birdnscrap is a registered user.

Excellent leadership by Menlo Park.

Great to see that forward thinking by the town.

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[Email Town Square Moderator](#)

11 people like this

Posted by **Peter Carpenter**

a resident of Atherton: Lindenwood

on Sep 3, 2019 at 7:24 pm

Peter Carpenter is a registered user.

I presume that the City will be providing emergency power to any resident who requires it for medical reasons when PG&E utilizes their new policy of unsupervised and prolonged service interruptions.

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[Email Town Square Moderator](#)

9 people like this

Posted by **Menlo Voter.**

a resident of Menlo Park: other

on Sep 4, 2019 at 8:04 am

Menlo Voter. is a registered user.

So the city requires all commercial buildings to be all electric. Then what?

Unintended consequence number 1: the owners DO NOT install solar and use power from the grid. 45% of power in this

state is generated by burning natural gas. It's more efficient to burn natural gas to heat water on site than it is to heat it with electricity. So, we actually end up with MORE CO2 in the air than if all electric wasn't required.

Unintended consequence number 2: Building owners install back up generators to deal with likely power outages. What do those generators run on? Natural gas or diesel. So every time the power goes out we have commercial buildings spewing CO2 into the air.

Way to go council. Do you people actually think these things through when you propose them or do you just put them forward so you can be seen as "doing something"?

Never mind. I already know the answer.

How about this. STICK TO DEALING WITH THE ACTUAL PROBLEMS OF THIS CITY INSTEAD OF THIS KIND OF BS. This kind of garbage is NOT what I voted for you for.

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[Email Town Square Moderator](#)

11 people like this

Posted by **Thank you!**

a resident of Atherton: Lindenwood

on Sep 4, 2019 at 1:19 pm

You'll get my vote again!

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[Email Town Square Moderator](#)

6 people like this

Posted by **Brian**

a resident of Menlo Park: Felton Gables

on Sep 4, 2019 at 1:54 pm

Why doesn't the city do something useful --- like undergrounding utilities like Palo Alto did?

instead of unsightly utility poles?

Report Objectionable Content
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2 people like this

Posted by **Menlo Voter.**

a resident of Menlo Park: other

on Sep 5, 2019 at 8:26 am

Menlo Voter. is a registered user.

Thank you! How did you vote for Menlo Park council members? You live in Atherton.

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7 people like this

Posted by **randyw**

a resident of another community

on Sep 5, 2019 at 10:13 am

Menlo Voter - You are factually wrong on several points. Over 85 percent of PG&E's power in come from greenhouse-gas free resources, this number will continue to grow. New projects with electric heat use heat pumps. Heat pumps are more efficient than gas - it moves heat rather than generates it. In commercial situations the heat can be moved to the office space(which always need to be cooled)so provide even more efficiency. Further most commercial building have substantial roof and parking areas available for solar.

Report Objectionable Content

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4 people like this

Posted by **snowflakes**

a resident of Menlo Park: The Willows

on Sep 5, 2019 at 11:58 am

po' peeps who object so strenuously to fighting a global problem - not in my backyard!!

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4 people like this

Posted by **Menlo Voter.**

a resident of Menlo Park: other

on Sep 5, 2019 at 12:13 pm

Menlo Voter. is a registered user.

randyw:

The power mix has changed then as it used to be about 45% gas fired power plants. Solar panels are very expensive. While commercial buildings may have very large roofs for panels, if you fill a roof with panels you're looking at a very large cost. A system to power a large residence of around 4000sf runs around \$150,000 to \$175,000. for a house. That's about 2000sf or a little less of panels. Heating water with heat pump water heaters is a lousy way to heat water. I've installed them. The recovery rate is awful compared to gas. Heat pumps are good at cooling. Not so good at heating. That's why most split systems using heat pumps in commercial situations end up having heat strips added to the system to provide additional heat. Believe it or not, commercial buildings actually require heat during the winter, not cooling.

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15 people like this

Posted by **San Mateo County**

a resident of Menlo Park: Downtown

on Sep 5, 2019 at 12:45 pm

Actually in San Mateo County the energy mix coming from the San Mateo PCE is 50 percent renewable and 80% carbon free. And it's cheaper than PGE. For a little more cost, 1cent more per kilowatt hour than PG&E, you can upgrade to 100% carbon free.

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10 people like this

Posted by **West Menlo**

a resident of Menlo Park: Sharon Heights

on Sep 5, 2019 at 1:00 pm

@Randy and @Menlo Voter: you are both kind of correct. 15% of PG&E electricity comes from coal and gas. 34% comes from nuclear. The remainder comes from other sources (wind, solar, hydro, etc). My problem is that a local government dictates what we do from an energy standpoint. I believe it's none of their business. What's next? Telling us what kind of car to drive? What kind of food to eat? Where does the insanity and intrusion into our lives stop? Also, we pay the highest rates in the country for electricity. That will likely be going up as well in the near term. Why doesn't council start working on things like dealing with the homeless problem in MP, balancing the mix of housing versus new business permits, getting our fair share of transit dollars to help with our traffic issues caused in part (you guessed it) by our inept city council allowing for too much business development versus housing developments. Yes, I agree that City Council kind of sucks, but we voted them in. Let's vote this group out and get some folks in who will concentrate on fixing some local issues.

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8 people like this

Posted by **San Mateo County**

a resident of Menlo Park: Downtown

on Sep 5, 2019 at 1:31 pm

The City Council largely responsible for development was voted out in the last election. This Council actually is working to address development issues in their subcommittees.

[Web Link](#)

[Web Link](#)

[Web Link](#)

This City Council also is working on homeless issues:

[Web Link](#)

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[Email Town Square Moderator](#)

14 people like this

Posted by **San Mateo County**

a resident of Menlo Park: Downtown

on Sep 5, 2019 at 1:38 pm

@westmenlo: the Council is addressing zoning for new construction that is going to be built in the City of Menlo Park, most immediately much of which is slated near Facebook. The developers of those projects appeared at the hearing and spoke in favor of the zoning in Reach Codes. These Reach Codes were created by the State of California to be adopted by local cities. It's not like the council created them out of thin air. They came from the State. The only way they can be

adopted is through local municipality adoption. Your summary of the Council doing work somehow out of their job, or without stakeholder support, is just inaccurate.

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18 people like this

Posted by **randyw**

a resident of another community

on Sep 5, 2019 at 3:13 pm

Menlo Voter --

What the power mix used to be seems irrelevant. Same with your accounting of the first cost of solar system. I just installed solar, and the pay off is less than 7 years, if the commercial building lasts more than that they can simply get a loan and they will save money.

Almost all commercial buildings are cooling load dominant. Go into an office building after closing and they get warm even without the main source of heat (people) just from the equipment. Pumping that heat into water doubles efficiency. Residential Hybrid hot water heaters (heat-pump plus electric strip boosters) are typically more than 50% more efficient than direct elec. heating (which are close to 100%.)

Low recover rates are not a problem since there is even loading through the day(few bathtubs to fill.)

West Menlo --

This is exactly where regulation makes most sense. First costs are higher but life cycle costs are dramatically lower. Additionally the impact of inaction are borne by society broadly, so regulation prevents the developer and tenant from shifting costs to others. This requirement lowers total cost for the building and society.

Even if you are a libertarian - the cost impacts of global warming are real, and so if you drive an inefficient car or use an incandescent light bulb, your \$ costs are not the full costs of your choice. In this case, the regulation saves everyone money.

[Report Objectionable Content](#)
[Email Town Square Moderator](#)

4 people like this

Posted by **West Menlo**

a resident of Menlo Park: Sharon Heights

on Sep 5, 2019 at 5:00 pm

@Randy

If the costs are less, as you say, then the market will adjust to the more efficient solution over time. The government should not be forcing these issues, choosing winners and losers, and forcing people to buy what they dictate. What's next? Telling me I have to buy an electric car? I will do that if and when I want, and when I choose. Otherwise, we are getting dangerously close to living in a totalitarian state—and California is getting way too close to that for my liking.

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7 people like this

Posted by **Menlo Boomer**
a resident of Menlo Park: Linfield Oaks
on Sep 5, 2019 at 8:02 pm

Why should I have to ~adjust my behavior and preferences in an inconsequential way~ just because it would "contribute to solving an existential crisis"?!?!

Ridiculous.

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6 people like this
Posted by **randyw**
a resident of another community
on Sep 5, 2019 at 8:06 pm

West Menlo -- Even if your bogus rational choice economic theory was true - which a thousand examples prove it is not. If the decision is made by the developer doesn't pay the utilities and who doesn't pay to rebuild the burnt down town of Paradise.

Yes California has lots of regulations. We also have one of the most successful economy's in the country AND lowest pollution per capita. Co2 per capita is less than 60% the national average.

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4 people like this
Posted by **West Menlo**
a resident of Menlo Park: Sharon Heights
on Sep 5, 2019 at 8:22 pm

@menlo Boomer

This is why. If it's an existential crisis (very debatable, by the way), then you HAVE to buy an electric car, you CAN'T eat any meat, you can't build any more wind turbines (the manufacture of the concrete pylons and plastics and mining of ores for metals are net positive carbon producing), you can't manufacture any more batteries for electric cars (check out WSJ article on what it takes to generate the 1000 pounds of rare earth metals for the batteries, from China which produces HUGE amounts of carbon in the manufacturing process). CAN'T fly anymore airplanes (not even Al Gore and his private jet—especially Al Gore and his private jet). No more trucks because they are all diesel. So, no food deliveries...

And you're telling me that the people in Menlo Park can't use gas for cooking and heat when the impact on Mother Gaia is absolutely NOT MEASURABLE. Yes, I agree that the decision to force people in MP off of gas is ridiculous, and verging on totalitarian.

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7 people like this
Posted by **Force?**
a resident of Menlo Park: Downtown
on Sep 5, 2019 at 8:51 pm

The zoning rules only apply to new construction. Not remodels. No one currently on gas is being forced off of it.

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4 people like this

Posted by **Alan**

a resident of Menlo Park: Belle Haven

on Sep 6, 2019 at 11:06 am

We put in a heat pump into our new in-law unit in the back yard (used as an office); the cost of power used is trivial. In a mild climate like ours, heat pumps that just have an exterior unit work very well. If we had bitter cold winters, that would be another matter, but in Menlo Park, it's ideal, competitive with gas.

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4 people like this

Posted by **Alan Brown**

a resident of Menlo Park: Belle Haven

on Sep 6, 2019 at 11:21 am

When I used to live in apartments and a condo, almost all have electric heat (some heat pump, others baseboard - not particularly efficient). The concern about outages ... well, if it's for a few hours, in our mild climate, it's bearable for most people; keep the doors closed. If it's for multiple days - such as after an earthquake - I'm not sure natural gas won't be cut off also.

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3 people like this

Posted by **Joan**

a resident of Menlo Park: Central Menlo Park

on Sep 6, 2019 at 12:55 pm

When I moved into this house, the water heater was electric and I couldn't believe the utility bill. I switched to a gas water heater and my bill dropped by half. Electric rates have increased dramatically since then and I would not want to go back.

I agree with West Menlo. This is far too much intrusion into our lives. It may be commercial buildings today but down the road it will likely apply to private homes as well.

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Reach Codes

Peninsula Clean Energy (PCE), the San Mateo County Office of Sustainability (OOS), and Silicon Valley Clean Energy (SVCE) are supporting our municipalities to adopt building codes that will result in safer and more comfortable buildings, increase our electric vehicle charging infrastructure, and reduce our carbon footprint.

In support of municipalities and counties in PCE and SVCE service territory, PCE and SVCE are providing extensive technical assistance plus a \$10,000 incentive to each city that brings reach codes to their councils. For more information, please visit PeninsulaReachCodes.org.

Robert Gray

Subject: FW: Revising Chapter 9 Fire Prevention and Protection
Attachments: 8.36.010__Title. County of Napa fire hazard abatement ordinance (003).pdf; 325.2.1 __Clearances..doc - Los Angeles County.pdf; Codes Display Text State of Calif 51175 - 51189 (003).pdf; Los Angeles County Fire Clearance Diagram.pdf; Pages from Annex_9 _Town_of_Los_Gatos_2017 (003)-2.pdf; Pages from AgendaPacket-Council Meeting- November 5, 2019 7.00 PM.pdf

From: Phil Koen <pkoen@monteropartners.com>
Sent: Sunday, November 24, 2019 11:31 AM
To: Robert Gray <RGray@losgatosca.gov>
Cc: Robert Schultz <RSchultz@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Arn Andrews <aandrews@losgatosca.gov>
Subject: Revising Chapter 9 Fire Prevention and Protection

Dear Robert,

I understand that you have been designated as the Town employee receiving public comment regarding proposed changes to Chapter 9, Fire Prevention and Protection. I am writing to you to request that the Town review the proposed changes to Chapter 9 of the Town of Los Gatos Municipal Code as submitted to the Town Council at their November 5, 2019 meeting and make all necessary changes to require 100 foot defensible zone for all lots (whether improved or unimproved) within the very high fire hazard severity zone as determined by the Town of Los Gatos (LRA). I have attached the most recent map that the Town has published which shows the Town's very high fire hazard severity zone (LRA). As you can see over 60% of all property in Los Gatos is within the VHFHSZ.

I have also attached pages 150 – 152 of the November 5 agenda packet that outlined the proposed amendments to Chapter 49 of the 2019 California Fire Code. The proposed amendments, as highlighted by the red box, refer the reader to the State Government Code sections 51175-51189 for definitions of the required defensible zone for “buildings and structure” within the VHFHSZ. As a side comment, I would suggest that the Town code incorporate this language directly in the ordinance so the reader does not have to go to the State Government Code to determine local fire prevention requirements.

I have attached the State Government Code sections 51175-51189 which addresses VHFHSZ requirements. The Government Code states that local agencies have the authority to impose more restrictive fire and public safety requirements.

Here is where I believe the problem lies. The State Government Code section 51182 (1) mandates a 100 foot defensible zone on any person who owns an “occupied dwelling” within a VHFHSZ, **buy not beyond the property line**. There is an exception called out in paragraph 2, which states that a greater distance beyond the property line **may only be required if “local ordinance” includes a findings that the clearing is necessary to significantly reduce the risk of transmission of flame sufficient to ignite the structure.**

From my review of the Town's Municipal code it appears the Town does not have any such local ordinance. Therefore the defensible zone for an “occupied dwelling” in the Town of Los Gatos currently terminates at the property line. I believe this needs to be changed since fire does not know property lines **and an adjacent property should be held to a proper fire prevention standard for the good of all residents.**

I have also attached fire codes from the County of Napa and Los Angeles County which have adopted **100 foot defensible zones across property lines**. I would draw your attention to the County of Napa's ordinance which clearly details the responsibility of adjacent property owners to clear their property of combustible vegetation when an occupied building is less than 100 feet from the property line. **This is only common sense and a similar requirement needs to be included in the Town's Chapter 9 Fire and Protection Code.**

Lastly I have attached a diagram that was drawn by the Los Angeles County which shows the defensible zone crossing property lines.

I would greatly appreciate the Town implementing a 100 foot defensible zone for all property (whether improved or unimproved) within the Town's designated VHFHSZ (LRA). This requirement apparently does not exist today and needs to be adopted so the Town has the same 100 foot defensible zone standard the counties of Napa and Los Angeles have mandated.

Thank you.

Phil Koen

Chapter 8.36 - FIRE PROTECTION—WEED AND RUBBISH ABATEMENT

Sections:

8.36.010 - Title.

This chapter shall be known and may be referred to as the Napa County Fire Hazard Abatement Ordinance.

(Ord. 1303 § 1 (part), 2008; Ord. 1290 § 1 (part), 2007)

8.36.020 - Purpose of provisions—Public nuisance findings.

Pursuant to and in accordance with the determination made and the authority granted by the state under Section 14930 of the Health and Safety Code, the board of the county makes the following findings and declarations:

- A. The uncontrolled growth and/or accumulation of combustible vegetation or rubbish on parcels as defined in this chapter is hereby found to create a condition that is a fire hazard and potentially injurious to the health, safety, and general welfare of the public.
- B. The presence of such combustible vegetation or rubbish, is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this chapter. Nothing in this chapter shall replace or conflict with the authority of the county agricultural commissioner to eradicate noxious weeds under applicable sections of the California Food and Agricultural Code.

(Ord. 1303 § 1 (part), 2008; Ord. 1290 § 1 (part), 2007)

8.36.030 - Definitions.

"Combustible vegetation" means material that in its natural state will readily ignite, burn and transmit fire from native or landscape plants to any structure or other vegetation. Combustible vegetation includes, but is not limited to, dry grass, brush, weeds, green waste, dead or dying trees, litter or other flammable vegetation that create a fire hazard.

"Defensible space" means that area described in the Napa County Defensible Space Guidelines which is adjacent to each side of a building or structure and must be cleared of all brush, flammable vegetation, or combustible growth, subject however to the exceptions set forth in the Napa County Defensible Space Guidelines.

"Enforcement officer" means the fire marshal, assistant fire marshal or fire inspector of the county. In the case of enforcement by a fire district, "enforcement officer" means the fire chief of the fire district.

"Fire hazard" shall mean any condition, arrangement, act or omission which:

1. Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or
2. May obstruct, delay, hinder or interfere with the operations of a fire department or the egress of occupants in the event of fire.

"Green waste" means and includes, but is not limited to, organic material such as yard trimmings, plant waste, untreated wood wastes, paper products, natural fiber products, mulch and compost, but does not include growing plants.

"Occupied building" means a structure or building either potentially or actually occupied by persons on either a permanent or temporary basis including but not limited to residences or businesses.

"Parcel" means any contiguous quantity of land in the possession of, owned by, or recorded as the property of, the same person or entity, and which is located in the unincorporated area of the county of Napa.

"Prohibited materials" means combustible vegetation, green waste, rubbish or weeds.

"Rubbish" means and includes all the following types of waste, but is not restricted to nonputrescible wastes: paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials.

"Structure" means any building or structure used for support or any use or occupancy.

"Weeds," as used in this chapter, means and includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Sagebrush, chaparral, and any other brush or weeds which attain such hard growth as to become, when dry, a fire hazard;
3. Weeds and grasses which are otherwise noxious;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
5. Dry grass, stubble, brush, litter, or other flammable plant material which endangers the public safety by creating a fire hazard.

(Ord. 1303 § 1 (part), 2008: Ord. 1290 § 1 (part), 2007)

8.36.040 - Applicability of article.

This chapter shall be applicable to all unincorporated areas of the county. It shall also apply within those unincorporated areas in independent fire districts having governing bodies other than the board provided the governing body takes action to enforce this chapter by adopting an appropriate resolution authorizing the fire chief of the district to enforce the requirements of this chapter. If any part of this chapter is in conflict with any other part of this code the more restrictive provision(s) shall control.

(Ord. 1290 § 1 (part), 2007)

8.36.050 - Enforcement.

The enforcement officer shall have the duty and power to enforce the provisions of this chapter.

(Ord. 1290 § 1 (part), 2007)

8.36.060 - Public nuisances.

The following are declared to be public nuisances within the unincorporated areas of the county and it shall be the responsibility of the owner of the property, upon which such nuisance exists, to abate such nuisances at his or her own expense whenever they may exist during each fire season declared by the California Department of Forestry and Fire Protection:

- A. The accumulation of combustible vegetation or rubbish within one hundred feet, or to the property line, whichever is less of any unoccupied structure;
- B. The accumulation of combustible vegetation or rubbish within one hundred feet of any occupied building;
- C. The accumulation of combustible vegetation or rubbish on undeveloped parcels one acre or less in size;
- D. The accumulation of combustible vegetation or rubbish that contribute to the fuel load or hinder the clearing of properties or delay fire fighting operations on any parcel when such accumulations create a fire hazard as determined by the enforcement officer;
- E. A portion of any tree that extends within ten feet of the outlet of any chimney or stovepipe;
- F. The accumulation of dead or dying wood in any tree adjacent to or overhanging a structure;
- G. The accumulation of combustible vegetation or leaves on a structures roof or in the gutters;
- H. The absence of a screen, constructed of nonflammable material with openings of not more than one-half inch in size, on any outlet of a chimney or stovepipe.

(Ord. 1303 § 2 (part), 2008: Ord. 1290 § 1 (part), 2007)

8.36.070 - Duty to remove—Date of removal of nuisances.

Removal of public nuisances described in Section 8.36.060 of this code shall be accomplished by June 1st of every year and such obligation continues until the end of the fire season as declared by the California Department of Forestry and Fire Protection. The Napa County Defensible Space Guidelines have been adopted to establish guidelines for fuel treatments that comply with the requirements of Section 8.36.060.

(Ord. 1303 § 2 (part), 2008; Ord. 1290 § 1 (part), 2007)

8.36.080 - Adjacent property owner's responsibilities.

When an occupied building is less than one hundred feet from a property line and combustible vegetation on an adjacent parcel presents a fire hazard for the occupied building the owner of the parcel where the fire hazard exists shall be responsible for clearing the area on that owner's land which is within one hundred feet of the occupied structure and is needed to provide the necessary fire protection in the manner and to the extent required by the Napa County Defensible Space Guidelines.

(Ord. 1303 § 2 (part), 2008; Ord. 1290 § 1 (part), 2007)

8.36.090 - Order to abate.

The enforcement officer may issue an order of abatement of a nuisance to the owner of the affected property in the manner set forth in Section 8.36.110 of this chapter. The property owner shall have twenty-one calendar days from the date of the order of abatement to abate the nuisance.

(Ord. 1290 § 1 (part), 2007)

8.36.100 - Abatement by county personnel or private contractors.

If the property owner fails to comply with the order of abatement, then the enforcement officer may cause the weeds, combustible vegetation, green waste, rubbish, and other such accumulations to be removed by county personnel. Alternatively, the county may elect to contract with private contractors to remove the weeds, combustible vegetation, green waste, rubbish, and other such accumulations.

(Ord. 1290 § 1 (part), 2007)

8.36.110 - Notices to abate—Service of notice.

- A. Following a determination that a public nuisance of the type described in Section 8.36.060 exists, notice to abate the fire hazard shall be provided by the enforcement officer or designee in the following manner:
1. By personal delivery to the owner of the affected property; or
 2. By certified or registered mail, postage prepaid, to the owner of the affected property as the owner's address appears upon the current county equalized assessment; or
 3. By conspicuously posting upon the affected property.
- B. The failure of the owner or any other person to receive any notice required by this chapter to be given shall not affect the validity of any proceedings taken pursuant thereto.
- C. The notice shall be titled with the words "Notice to Abate Fire Hazard." The notice shall be in substantially the following form:

[MONTH DAY YEAR]

You are hereby notified that there is a condition that constitutes a fire hazard on the following described property owned by you:

(Describe property by owner's address (if available) AND APN Number as it appears upon the current county equalized assessment roll)

The nature of the fire hazard is as follows:

(Describe nature of fire hazard)

You are hereby notified that the Board of Supervisors has declared that such fire hazard constitutes a public nuisance and you are required to remove said fire hazard within twenty-one (21) calendar days of the date of this notice. If you fail to do so, the fire hazard will be removed by the County of Napa and the cost of removal shall be assessed against your property and will constitute a lien upon said real property until paid. This charge representing the cost of removal will be in addition to the administrative charge imposed by section 8.36.160 of the Napa County Code.

- D. An appeal of the decision of the enforcement officer to abate the property may be filed in accordance with the procedures set forth in Section 8.36.130 of the Napa County Code.
- E. A request for extension of time may be made in accordance with the procedures set forth in Section 8.36.120 of the Napa County Code.

(Ord. 1303 § 3, 2008; Ord. 1290 § 1 (part), 2007)

8.36.120 - Requests for extension of time.

The owner of the parcel affected by the notice may request an extension of time for the removal of prohibited materials. Said request shall be submitted to the enforcement officer within ten calendar days of the date the notice was sent. The enforcement officer shall notify the property owner, in writing, within ten calendar days of the date of request for extension whether or not the extension shall be granted and, if granted, the new date by which the abatement shall take place.

(Ord. 1290 § 1 (part), 2007)

8.36.130 - Appeal of decision of enforcement officer.

The owner of the parcel who wishes to contest the decision of the enforcement officer to abate may file a written appeal to the fire chief. Any such appeal shall be filed with the clerk of the board within ten days of the date the notice was sent. The written appeal shall include a statement of all facts supporting the appeal. The fire chief or its designee shall respond within ten calendar days of the filing of the appeal and the decision of the fire chief or its designee shall be in writing. An appeal to the fire chief is not deemed filed until it is delivered to the clerk of the board. The filing of such notice of appeal shall stay the effectiveness of the order of abatement until the appeal has been decided.

(Ord. 1303 § 4, 2008; Ord. 1290 § 1 (part), 2007)

8.36.140 - Appeals of abatement determination.

The owner of the parcel who wishes to contest the decision of the fire chief may file an appeal with the county safety officer. Any such appeal shall be filed with the clerk of the board within ten calendar days of the decision of the fire chief pursuant to Section 8.36.130 of this chapter. The county safety officer shall schedule a hearing date that is not more than ten calendar days following the filing of the appeal with the clerk of the board. The county safety officer shall render a decision at the conclusion of the hearing or within seven calendar days of the conclusion of the hearing. The decision of the county safety officer shall be in writing and shall be final with no right of further appeal notwithstanding any other provision of this code. An appeal to the county safety officer is not deemed filed until it is delivered to the clerk of the board. The filing of such notice of appeal shall stay the effectiveness of the order of abatement until the appeal has been decided.

(Ord. 1290 § 1 (part), 2007)

8.36.150 - Abatement by county.

Unless a timely appeal is made, heard and allowed by the fire chief and safety officer, as the case may be, the county may have the public nuisance removed pursuant to Section 8.36.100 of this chapter.

(Ord. 1290 § 1 (part), 2007)

8.36.160 - Cost of abatement.

Any expense including administrative expenses which the county incurs as a result of having weeds, combustible vegetation, green waste, rubbish, or other similar accumulations removed, shall be charged to the parcel owner. The enforcement officer shall keep an itemized account of the cost of enforcing the provisions of this chapter. Upon completion of abatement, the enforcement officer shall prepare and serve upon the owner of the parcel as shown on the last equalized assessment roll, anyone known by the board to be in possession of the parcel, and all lien holders of record, a cost bill specifying:

- A. The work done, whether by county personnel or private contractors;
- B. The costs of administering the abatement including but not limited to the costs relating to the protest and appeals hearings;
- C. An itemized account of the costs and receipts of performing the work;
- D. The street address, assessor parcel number, or other description sufficient to identify the property affected;
- E. The amount of the assessment proposed to be levied against the property;
- F. A statement that if an appeal is filed the county hearing officer will hear and consider objections and protests to the account and proposed assessment.

(Ord. 1290 § 1 (part), 2007)

8.36.170 - Cost of abatement—Work by owner prior to county removal of nuisance.

Any person may have the public nuisance removed at his or her own expense if it is done prior to the arrival of the person or persons the county has designated to remove the nuisance. However, in any case

in which an order to abate has been issued, the owner of the parcel shall be liable for the reasonable cost incurred by the county enforcing the abatement of the parcel(s) involved, including investigation, boundary determination, measurement, clerical and other costs. The provisions of Section 8.36.180 of this chapter apply to any such costs.

(Ord. 1290 § 1 (part), 2007)

8.36.180 - Appeal from determination of cost.

The owner of the property may appeal the cost bill (total abatement expenses). Such appeal shall be in writing and must be filed with the clerk of the board within thirty calendar days of the date of the mailing of the notice required by Section 8.36.160. An appeal hearing shall be set within fifteen calendar days of the filing of the appeal. Pursuant to subsection (j) of Government Code Section 25845, the county hearing officer is delegated the power and duty to hear these appeals. At the conclusion of the hearing, the county hearing officer may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The county hearing officer shall render a written decision, including any findings or conclusions required and file the decision and record with the clerk of the board. The determination of the county hearing officer as to all matters contained in the order is final. An appeal to the county hearing officer is not deemed filed until it is delivered to the clerk of the board. The filing of such notice of appeal shall stay the effectiveness of the order of abatement until the appeal has been decided.

(Ord. 1290 § 1 (part), 2007)

8.36.190 - Placement of lien on property in event of non-payment

If the owner does not pay the cost of the abatement expenses ("cost bill") within forty-five days after being billed or within fifteen days after an order of the county hearing officer affirming or amending the cost bill, then a copy of the cost bill shall be sent to the county auditor by the tenth day of August following the expiration of the period within which the cost bill must be paid. The auditor shall thereupon enter the amount of the cost bill, or such amount of the cost bill that has not been paid, as an assessment against the affected parcels of land as they appear on the current assessment roll. The county tax collector shall include the amount of the assessment on the bills for taxes levied against the respective parcels of land. Thereafter, the amount of the assessment shall be collected at the same time and in the same way as county taxes are collected. The owner is subject to the same penalties, procedure, and sale as in the case of delinquency for non-payment of ordinary county taxes. All laws applicable to the levy, collection and enforcement of county ad valorem taxes are applicable to these assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the cost bill relating to such property shall be transferred to the unsecured roll for collection.

(Ord. 1290 § 1 (part), 2007)

8.36.200 - Enforcement—Extent of duty to enforce.

Nothing in this chapter shall be construed as imposing on the enforcement officer or the county any duty to issue an order to abate a fire hazard and neither the enforcement officer nor the county shall be held liable for failure to issue an order to abate a fire hazard nor for failure to abate any fire hazard.

(Ord. 1290 § 1 (part), 2007)

Division IV. Agricultural Nuisances



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GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57550] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203] (Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 6.8. Very High Fire Hazard Severity Zones [51175 - 51189] (Chapter 6.8 added by Stats. 1992, Ch. 1188, Sec. 1.)

51175. The Legislature hereby finds and declares as follows:

(a) Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since embers, or firebrands, travel far beyond the area impacted by the front and pose a risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.

(b) The prevention of wildland fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(Amended by Stats. 2008, Ch. 366, Sec. 1. Effective January 1, 2009.)

51176. The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51177. As used in this chapter:

(a) "Defensible space" means the area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.

(b) "Director" means the Director of Forestry and Fire Protection.

(c) "Fuel" means any combustible material, including petroleum-based products and wildland fuels.

(d) "Fuel management" means the act or practice of controlling flammability and reducing resistance to control of fuels through mechanical, chemical, biological, or manual means or by fire, in support of land management objectives.

(e) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(f) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the vegetation to an occupied dwelling or structure or from an occupied dwelling or structure to vegetation.

(g) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources

Code.

(h) "Vegetation" means all plants, including trees, shrubs, grass, and perennial or annual plants.

(i) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.

(j) "Wildfire" means an unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to extinguish the fire.

(Amended by Stats. 2009, Ch. 208, Sec. 1. (SB 833) Effective January 1, 2010.)

51178. The director shall identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where Santa Ana, Mono, and Diablo winds have been identified by the Department of Forestry and Fire Protection as a major cause of wildfire spread.

(Amended by Stats. 2008, Ch. 366, Sec. 3. Effective January 1, 2009.)

51178.5. Within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, a local agency shall make the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps.

(Added by Stats. 1994, Ch. 843, Sec. 1. Effective September 27, 1994.)

51179. (a) A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178.

(b) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

(Amended by Stats. 2018, Ch. 641, Sec. 2. (AB 2911) Effective January 1, 2019.)

51180. For the purposes of Division 3.6 (commencing with Section 810) of Title 1, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property. This section shall apply only to natural conditions of public property and shall not limit any liability or immunity that may otherwise exist pursuant to this chapter.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51181. The director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter, and as necessary, shall make recommendations relative to very high fire hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with Sections 51178 and 51179.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51182. (a) A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered

land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:

(1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account 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. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained 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. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion.

(2) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

(3) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(4) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(5) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

(6) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

(7) Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) The Department of Forestry and Fire Protection shall develop, periodically update, and post on its Internet Web site a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species, 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.

(Amended by Stats. 2009, Ch. 208, Sec. 2. (SB 833) Effective January 1, 2010.)

51183. (a) The local agency may exempt from the standards set forth in Section 51182 structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of the structure, and may vary the requirements respecting the management of fuels surrounding the structures in those cases. This subdivision does not authorize a local agency to vary a requirement that is a building standard subject to Section 18930 of the Health and Safety Code, except as otherwise authorized by law.

(b) An exemption or variance under subdivision (a) shall not apply unless and until the occupant of the structure, or if there is no occupant, then the owner of the structure, files with the local agency a written consent to the inspection of the interior and contents of the structure to ascertain whether Section 51182 is complied with at all times.

(Amended by Stats. 2008, Ch. 366, Sec. 5. Effective January 1, 2009.)

51183.5. (a) A transferor of real property that is located within a very high fire hazard severity zone, designated pursuant to this chapter, shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone, and is subject to the requirements of Section 51182.

(b) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The transferor, or the transferor's agent, has actual knowledge that the property is within a very high fire hazard severity zone.

(2) A map that includes the property has been provided to the local agency pursuant to Section 51178, and a notice is posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the local agency.

(c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.

(d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a very high fire hazard zone, the transferor shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

(e) Section 1103.13 of the Civil Code shall apply to this section.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

(Amended by Stats. 1999, Ch. 876, Sec. 7. Effective January 1, 2000.)

51184. (a) Section 51182 shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.

(3) Open space lands that are environmentally sensitive parklands.

(4) Other lands having scenic values, as declared by the local agency, or by state or federal law.

(b) This exemption applies whether the land or water area is held in fee title or any lesser interest. This exemption applies to any public agency, any private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that dedication.

(c) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.

(d) In the event that any lands adjacent to any land or water area described in subdivision (a) are improved such that they are subject to Section 51182, the obligation to comply with Section 51182 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance activities and other fire prevention measures required by Section 51182 shall be required only for the improved lands, not the land and water areas described in subdivision (a).

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51185. (a) A violation of Section 51182 is an infraction punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(b) If a person is convicted of a second violation of Section 51182 within five years, that person shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(c) If a person is convicted of a third violation of Section 51182 within five years, that person is guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500).

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51186. The local agency having jurisdiction of property upon which conditions regulated by Section 51182 are being violated shall notify the owner of the property to correct the conditions. If the owner fails to correct the

conditions, the local agency may cause the corrections to be made, and the expenses incurred shall become a lien on the property that is the subject of the corrections when recorded in the county recorder's office in the county in which the real property is located. The priority of the lien shall be as of the date of recording. The lien shall contain the legal description of the real property, the assessor's parcel number, and the name of the owner of record as shown on the latest equalized assessment roll.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51187. Any violation of Section 51182 may be considered a public nuisance pursuant to Section 38773.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51188. In the instance of conflict between this chapter and any provision of state law that allows a regional planning agency to regulate very high fire hazard severity zones, this chapter shall prevail.

(Added by Stats. 1992, Ch. 1188, Sec. 1. Effective January 1, 1993.)

51189. (a) The Legislature finds and declares that site and structure defensibility is essential to reduce the risk of structure ignition as well as for effective fire suppression by firefighters. This need to establish defensibility extends beyond the site fuel management practices required by this chapter, and includes, but is not limited to, measures that increase the likelihood of a structure to withstand ignition, such as building design and construction requirements that use fire resistant building materials, and provide standards for reducing fire risks on structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, including, but not limited to, attic, foundation, and eave vents, doors, and windows.

(b) No later than January 31, 2020, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards 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, based on information learned from the 2017 wildfire season.

(c) (1) No later than January 31, 2020, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall 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. The department shall incorporate the list in its fire prevention education and outreach efforts.

(2) In addition to the requirements of paragraph (1), the list shall include a guidance document, including regionally appropriate vegetation management suggestions that preserve and restore native plant species that are fire resistant or drought tolerant, or both.

(Amended by Stats. 2018, Ch. 641, Sec. 3. (AB 2911) Effective January 1, 2019.)

Santa Clara County Community Wildfire Protection Plan
Annex 9 – Town of Los Gatos

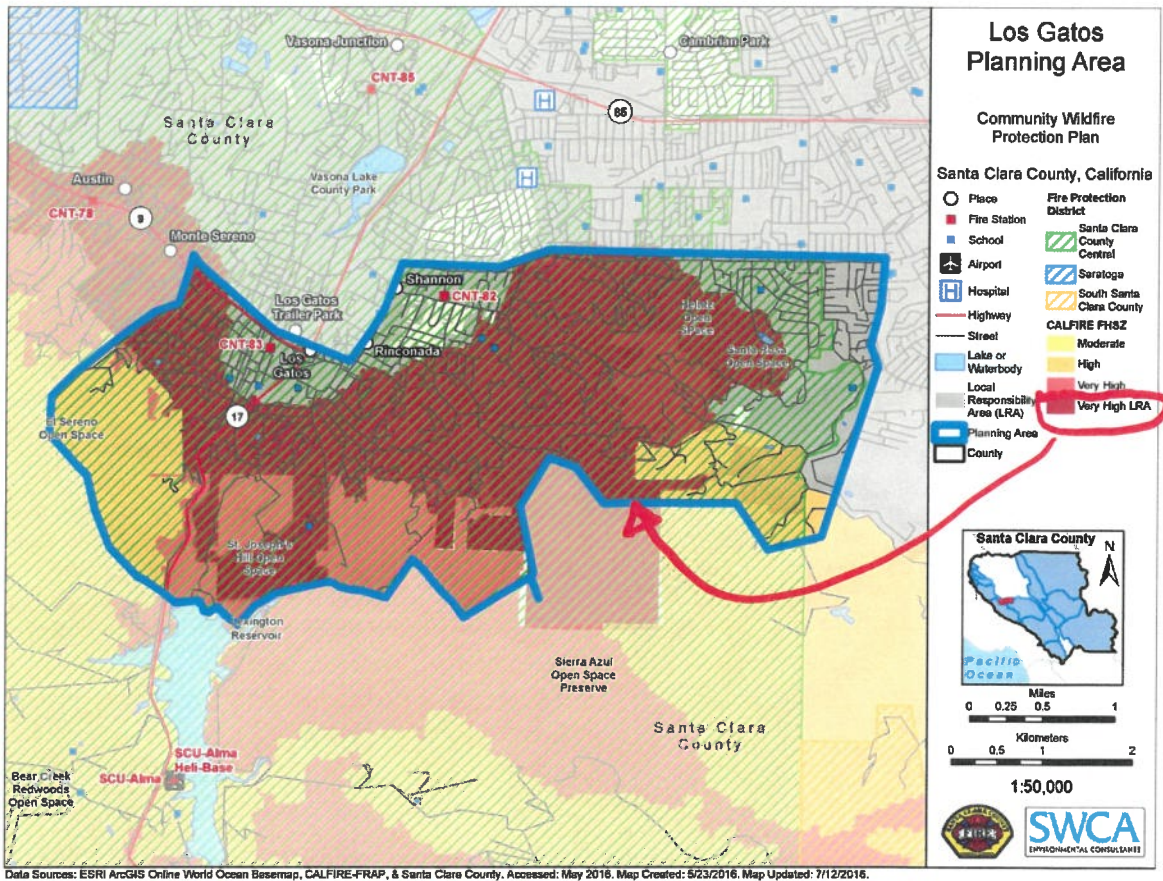


Figure 9.1. Los Gatos planning area.

325.2 - Structures.

325.2.1 - Clearances.

Any person owning, leasing, controlling, operating, or maintaining any building, structure, or apiary upon or adjoining any mountainous, or forest or brush-covered land or land covered with flammable growth, and any person owning, leasing, or controlling any land adjacent to such structures, shall at all times:

1. Place or store firewood, manure, compost, and other combustible materials a minimum of 30 feet (9.14 m) from any building, structure, or apiary.
2. Maintain around and adjacent to such building, structure, or apiary an effective fire protection or firebreak made by removing and clearing away, for a distance of not less than 30 feet (9.14 m) on each side thereof, all flammable vegetation or other combustible growth. This includes ornamental plants and trees known to be flammable, including but not limited to acacia, cedar, cypress, eucalyptus, juniper, pine, and pampas grass.

Exceptions:

1. Ornamental plants and trees that are individually planted, spaced, and maintained in such a manner that they do not form a means of transmitting fire from native growth to the structure.
2. Cultivated ground cover such as green grass, ivy, succulents, or similar plants provided that they are maintained in a condition that does not form a means of transmitting fire from native growth to the structure.
3. When the fire code official or commissioner finds that because of extra hazardous conditions, a firebreak of only 30 feet (9.14 m) around such building, structure, or apiary is not sufficient to provide reasonable fire safety, the person owning, leasing, controlling, operating, or maintaining the building, structure, or apiary shall maintain around or adjacent to any building, structure, or apiary an additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth located from 30 to 100 feet (9.14 to 30.48 m) from such building, structure, or apiary, as may be required by the fire code official or commissioner. Grass and other vegetation located more than 30 feet (9.14 m) from such building, structure, or apiary and less than 18 inches (45.72 cm) in height above the ground, may be maintained where necessary to stabilize the soil and prevent erosion.
4. That portion of any tree which extends within 10 feet (3.05 m) of the outlet of any chimney shall be removed.
5. Maintain any tree adjacent to or overhanging any building, structure, or apiary free of dead wood.
6. Maintain the roof of any building, structure or apiary free of leaves, needles, or other dead vegetative growth.
7. Nothing contained in this section shall be construed to require any person to maintain any clearing on land where such person does not have the legal right to maintain such clearing, nor shall any provision of this ordinance be construed to require any person to enter upon or to damage property of another without the consent of the owner thereof.

(Ord. 2017-0003 § 81, 2017.)

325.2.2 - Extra Hazard.

The governing body finds that in many cases because of extra hazardous situations, a firebreak around buildings, structures, or apiaries of only 30 feet (9.14 m) is not sufficient and that a firebreak of 50 feet (15.24 m) or more may be necessary. If the fire code official or commissioner finds that because of the location of any building, structure, or apiary and because of other conditions, a 30-foot (9.14-m) firebreak around such building, structure, or apiary as required by Section 325.2.1 is not sufficient, the fire code official or commissioner may notify all owners of the properties affected that they must clear all flammable vegetation and other combustible growth or reduce the amount of fuel content for a distance greater than 30 feet (9.14 m), but not to exceed 200 feet (60.96 m).

(Ord. 2017-0003 § 81, 2017.)

325.5 - Right of Entry Upon Private Property.

The fire code official or commissioner or their assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of inspecting and/or removing vegetation pursuant to Sections 104.3 and 104.3.1 of this code.

(Ord. 2017-0003 § 81, 2017.)

325.10 - Roadway Clearance.

The fire code official or commissioner may require removal and clearance of all flammable vegetation or other combustible growth for a minimum of 10 feet (3.05 m) on each side of every roadway, whether public or private. The fire code official or commissioner may enter upon

private property to inspect, remove, and clear vegetation and growth as required by this section and may charge the responsible party for the cost of such action. This section shall not apply to single specimens of trees, ornamental shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire. As used in this section, "roadway" means that portion of a highway or private street improved, designed, or ordinarily used for vehicular travel. The minimum clearance of 10 feet (3.05 m) may be increased if the fire code official determines additional distance is required to provide reasonable fire safety.

(Ord. 2017-0003 § 81, 2017.)

326.14 - Roadway Clearance.

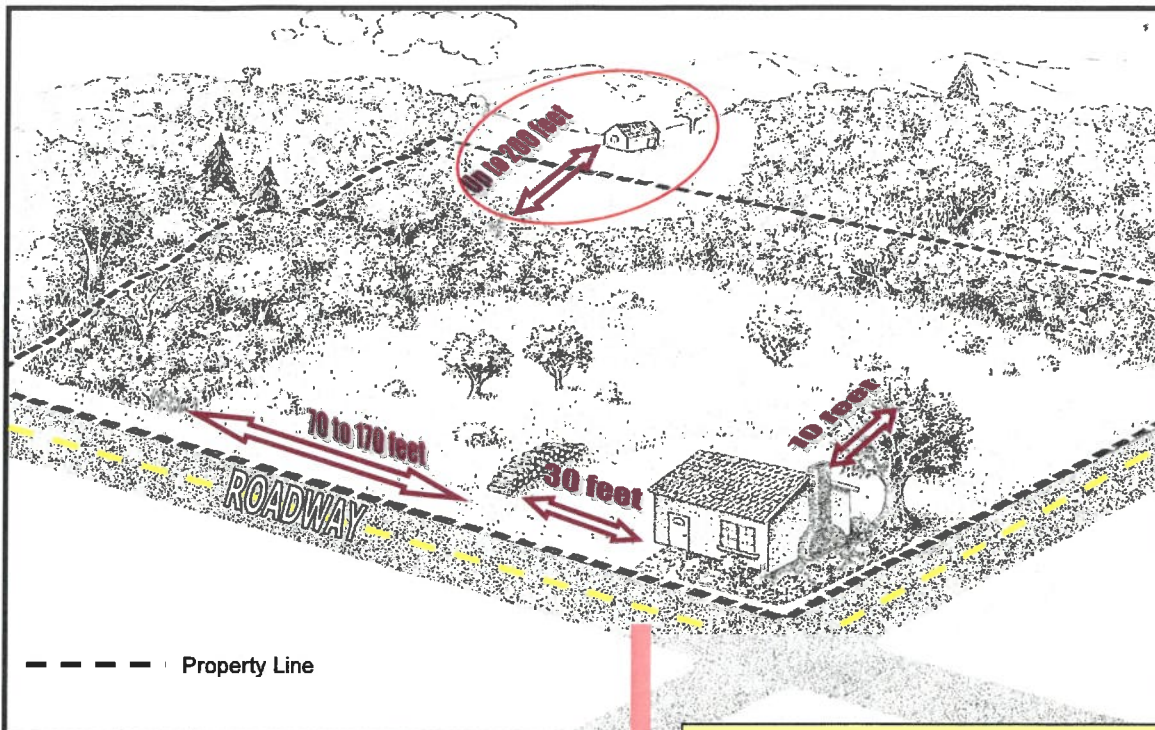
1. Clearance of brush or vegetative growth from roadways shall be in accordance with Section 325.10 of this code.
2. If the fire code official determines in any specific case that difficult terrain, danger of erosion, or other unusual circumstances make strict compliance with the provisions of this code undesirable or impractical, the fire code official may suspend enforcement thereof and require reasonable alternative measures.

(Ord. 2017-0003 § 82, 2017.)

326.15 - Illegal Dumping.

No person shall place, deposit, or dump any garbage, cans, bottles, papers, ashes, refuse, trash, rubbish, or combustible waste materials in or upon any hazardous fire area. No person shall dump such materials in, upon, or along any trail, roadway, or highway in any hazardous fire area. Dumping in areas approved by the Fire Department for this use shall not be deemed to be in violation of this section. This section may be enforced by the commissioner.

(Ord. 2017-0003 § 82, 2017.)




County of Los Angeles
 Department of Agricultural
 Commissioner/Weights
 and Measures

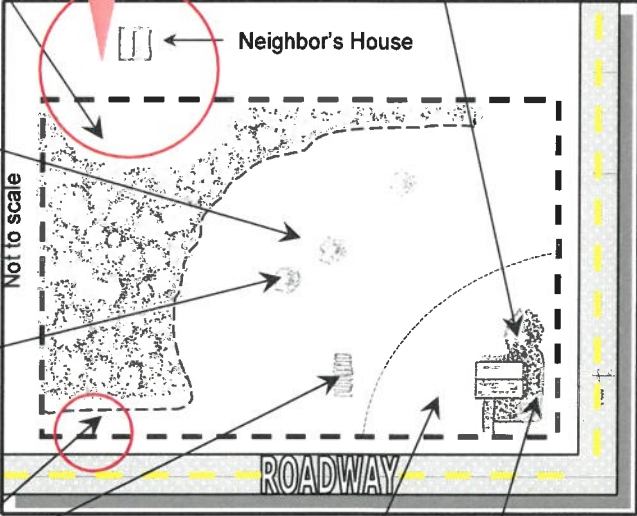
**Weed and Brush
 CLEARANCE REQUIREMENTS**

IMPORTANT! Clearance requirements apply to your property even if the structure being protected is not on your property!

Okay to have ornamental plants and trees if individually planted, spaced and maintained so they do not form a means of transmitting fire from native growth to the structure. No portion of a tree may extend within 10 feet of the outlet of a chimney and it must be free of dead wood. (County Code sec. 325.2.1 EXCEPTIONS (1))

IMPORTANT! Thinning or removal of vegetation an additional 70 to 130 feet (100 to 200 feet total) from structures may be required! Please contact your Zone Inspector! (626) 575-5484 <http://acwm.lacounty.gov> Grass and other vegetation located more than 30 feet from structures and less than 18 inches in height may be maintained where necessary to stabilize soil and prevent erosion. (County Code sec. 325.2.1 EXCEPTIONS (3))

Space trees and shrubs a minimum of 15 feet or three times their diameter from other shrubs. Trees should be spaced to allow a minimum of 30 feet between canopies at maturity. For trees taller than 18 feet, prune lower branches within 6 feet of the ground. For trees and shrubs less than 18 feet, prune lower branches to 1/3 of their height. Choose landscaping plants that are fire resistant and maintain all plants regularly removing dead branches, leaves, etc. (Go to <http://fire.lacounty.gov/FromChief.asp> and scroll down the page and click on the link on the left entitled "Ready! Set! Go! Wildfire Action Plan".)



Roadway clearance, minimum of 10 feet clearance for all flammable vegetation or other combustible growth. (County Code sec. 325.10)

Firewood, manure, compost or other combustible materials must be placed or stored a minimum of 30 feet from any building or structure. (County Code sec. 325.2.1 (1))

Remove/clear away all flammable vegetation or combustible growth for a distance of not less than 30 feet from any structure. This includes ornamental plants known to be flammable. (County Code sec. 325.2.1 (2))
NATIVE PLANTS CAN BE FLAMMABLE EVEN IF GREEN!

Okay to have cultivated ground cover provided they are maintained in a condition that does not form a means of transmitting fire from native growth to the structure. (County Code sec. 325.2.1 EXCEPTIONS (2))

CHAPTER 49
REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Chapter 49 of the 2019 California Fire Code is adopted with the following: amendments:

Amend Section 4902 as follows:

SECTION 4902 DEFINITIONS

Amend definition of Wildland-Urban Interface Fire Area as follows:

Wildland-Urban Interface Fire Area A geographical area identified by the state as a " Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area shall be defined as all areas within the Town of Los Gatos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the Town Clerk of the Town of Los Gatos.

SECTION 4906 HAZARDOUS VEGETATION AND FUEL MANAGEMENT

Amend Section 4906.2 to read:

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Hazard Severity Zones
 - 1.3. Very-high Fire Hazard Severity Zones
2. Land designated as a Very-high Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area the Town of Los Gatos.

SECTION 4907 DEFENSIBLE SPACE

Amend Section 4907.1 to read:

4907.1 General. Defensible space will be maintained around all buildings and structures in Sate Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction .

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.
Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.
2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.
Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.
3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
6. Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.
7. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
8. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other

projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Exception: Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

9. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non- fire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Add Section 4907.2 to read:

4907.2 Corrective actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

Add section 4908 to read:

SECTION 4908 FIRE PROTECTION PLAN

4908.1 General. When required by the code official, a fire protection plan shall be prepared.

4908.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.