Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

“SRA Fire Safe Regulations, 2020”

Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7
Subchapter 2, Articles 1-5

Adopt
1276.04

Amend
1270; 1270.01; 1270.03; 1270.04; 1270.05; 1270.06; 1271.00; 1273.00; 1273.01;
1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.07; 1273.08; 1273.09; 1274.00;
1274.01; 1274.02; 1274.03; 1274.04; 1275.00; 1275.01; 1275.10; 1275.15; 1275.20;
1276.00; 1276.01; 1276.02; 1276.03

Repeal
1270.07; 1270.08; 1270.09; 1271.05; 1272.00; 1273.10; 1273.11; 1274.05; 1274.06;
1274.07; 1274.08; 1274.09; 1274.10

INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE
REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION
IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))…NECESSITY
(pursuant to GC § 11346.2(b)(1) and 11349(a))….BENEFITS (pursuant to GC §
11346.2(b)(1))

Pursuant to Public Resources Code 4290, the Board is required to “…adopt regulations
implementing minimum fire safety standards related to defensible space which are
applicable to state responsibility area lands under the authority of the department.” The
statute, among other things, requires minimum wildfire protection standards in
conjunction with building, construction and development in State Responsibility Area
(SRA). The regulations set standards for future design and construction of structures,
subdivisions and developments in SRA and provide for basic emergency access and
perimeter wildfire protection. These measures provide for emergency access; signage
and building numbering; private water supply reserves for emergency fire use; and
vegetation modification. This regulation amends the existing regulations for the
purposes of improving regulatory clarity and uniform implementation of wildfire
protection standards association with residential subdivision development.

Such regulations are necessary to inhibit the ignition and spread of wildland fires in the
wildland-urban interface, the area where buildings and vegetation are sufficiently close
that a wildland fire could spread to a structure or a structure fire could ignite wildland
vegetation. Studies have shown that urbanization has a pronounced effect on fire
activity: fire activity has increased in Mediterranean ecosystems across five continents,\(^1\) the majority of fires are burning closer to developed areas,\(^2\) and fire activity peaks in areas where urbanization has occurred but a large proportion of native vegetation remains.\(^3\) This wildfire hazard is a significant threat to human and natural resources throughout the 31 million acres and over 800,000 homes in the SRA. The imminent nature of the fire hazard problem has been repeatedly recognized by many high profile efforts, including the Governor's Blue Ribbon Fire Commission of 2004; U.S. General Accounting Office report on western National Forest fire conditions; the Western Governors’ Association promulgation of the National Fire Plan; the USDA Forest Service (USFS) Sierra Nevada Forest Plan Amendment, 2004; legislation proposed by both houses of the California Legislature; and Governor Brown’s Executive Order B-52-18 (May 2018).

The threat to homes from wildfire is well documented, and major wildland fires in California threaten a wide range of public and private assets. In 2003, wildfires destroyed more than 730,000 acres, 3,600 residential structures, and resulted in the tragic loss of 25 lives in California. The southern California wildfires that year were followed by mudslides that tragically killed 14 people. The subsequent mudslides possibly resulted from vegetation lost to wildfire and flash flooding. In 2017, wildfires burned over 1.3 million acres, and five of those fires are now in the top twenty most destructive in the state. The wildfires killed 41 civilians and 2 firefighters and destroyed or damaged over 10,000 structures. The Thomas Fire, in December, burned over 280,000 acres and is the largest California wildfire by acreage.

Having narrow and overgrown roads leading into and out of communities that lie in the wildland urban interface setting are jeopardizing the safety and lives of not only firefighters but the residents who live in these communities. These narrow roads do not and will not allow for the simultaneous use by evacuating citizens and responding fire department equipment. The 2006 Esperanza Fire claimed the lives of five firefighters, and the final report list roads as a contributing factor that lead to the deaths of the firefighters. In 2015, poor road networks led to deaths in the Valley Fire.

Temperatures in the American West have increased at a rate of twice the global average. Over the last 30 years, there have been four times the number of large and long-duration forest fires in the West, the length of fire season is two months longer, and the size of wildfires has increased.\(^4\) Commensurately, the costs of wildfires has increased over time. From 1979 to 1990, emergency fund expenditures exceeded $100

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million (2001 dollars) only once. Between 1990 and 2001, losses exceeded $100 million three times. Between 2001 and 2015, damages have exceeded $100 million seven times. Suppression expenditures have also increased, exceeding $200 million eleven times since 2000. It is within this increasingly dangerous and expensive context the Board seeks to regulate development in the SRA to provide for civilian and firefighter safety.

The Board first adopted regulations to implement PRC 4290 that became effective on May 30, 1991. The adoption of these regulations was accompanied by a significant investment in public outreach, internal training, and communications intended to clarify the regulations. These regulations contained a provision to allow counties to certify their local ordinances as meeting or exceeding the Board standards, which allows counties to use those local standards in the SRA instead of the statewide Board standards. This allows a county to establish different requirements for development in the SRA that meet or exceed the standards and/or intent set in the regulations by the Board. By certifying their local ordinances, counties provide flexibility to their public by adapting statewide minimum standards – developed to be appropriate for Del Norte to San Diego – to the unique topography, development patterns, etc, in their area.

When these regulations were first adopted, the Board spent a significant amount of energy coordinating this certification process with counties. As a result of these efforts, 47 counties either adopted the Board's regulations verbatim into their local ordinances or had their local ordinances certified as meeting or exceeding the SRA Fire Safe Regulations. However, those certifications become invalid when a county amends their local ordinances or when the Board amends the state regulations. Many counties put their certified ordinances in the same section of their ordinances that contain their fire codes. The California Fire Code, on which those local fire codes are based, is updated on a triennial cycle – at a minimum, most jurisdictions should be sending their local ordinances to the Board for certification when they update their fire code every three years. Starting with the 1995 California Fire Code, effective January 1, 1996, local jurisdictions should have had their ordinances reviewed for certification approximately eight times. Few counties have done so.

In 2008, the Board gathered the public comment they had received regarding the Fire Safe Regulations and directed staff to review § 1270 et seq, primarily focusing on any necessary changes to Article 1. As a result, changes to Article 1, Administration, 14 CCR §§ 1270, 1270.02-1270.09, were made effective January 31, 2013. These amendments provided clarity regarding which construction and building activities in the SRA were required to adhere to the Fire Safe Regulations, provided more information on the certification process described above, and clarified lines of authority regarding inspections, exception approvals, and mitigation practices.

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In addition to those regulatory changes effective January 2013, staff raised a number of additional potential issues with the regulations, including confusing sections, potential conflicts with other codes, and requirements that were outdated for modern firefighting equipment and tactics.

Given those issues, the Board and the CAL FIRE Executive Team determined it was necessary to do a complete review of the SRA Fire Safe Regulations. A team of Board and CAL FIRE staff and appropriate stakeholders initiated that review in 2011. This workgroup completed an exhaustive set of revisions, amending Articles 2 through 5, made effective on January 1, 2016. The workgroup reviewed the existing development requirements against relevant codes and statutes, such as the California Fire Code, current fire apparatus equipment dimensions, and social and regulatory changes to land development processes in California, and amended, repealed, or adopted regulations in those articles as necessary. Revising these rules was intended to reduce inconsistencies or conflicts within and between codes and regulations, address the needs of fire apparatus and civilian vehicles during a wildfire emergency, and improve clarity to the regulated public regarding the applicability, enforcement, and implementation of these rules.

As a result of the Board’s 2013 and 2016 changes to the Fire Safe Regulations, all previously issued County certifications were voided. Letters were mailed to CAL FIRE Units and Contract Counties, County Administrative Officers/County Executive Officers, and County Board of Supervisors to inform them of the changes to the regulations and the need for re-certification. As of June 2018, 12 counties have certified their local ordinances for use in the SRA.

As they received and reviewed local ordinances for compliance with these new regulations, the Board became aware that other regulations contained in Title 24 CCR, part 2, the California Building Code, and part 9, the California Fire Code, as well as the California Vehicle Code, the California Manual of Uniform Traffic Control Devices, and other state codes have similar and potentially conflicting requirements as those found in the SRA Fire Safe Regulations. Legislative changes to the definition and requirements for accessory dwelling units and other structures added further confusion to these regulations.

In addition, it became apparent that many counties were unaware of the SRA Fire Safe Regulations and certification process, and that a greater effort to communicate the requirements in the SRA Fire Safe Regulations to both external stakeholders and internally at CAL FIRE was required. As counties submitted their revised ordinances to the Board for certification after 2016, the Board realized these communication efforts and compliance rates would be improved if SRA Fire Safe Regulation updates coincided with the triennial updates to the California Fire Code. This proposed update, and future updates, to the Fire Safe Regulations will have the same effective date as the California Fire Code triennial updates.
The **problem** is that to avoid perennially conflicting with other statutes and regulations in the state, notably the California Fire Code, the SRA Fire Safe Regulations need to be updated on the same triennial cycle as the Fire Code. The SRA Fire Safe Regulations also require updates for internal consistency and clarity. Processes for county compliance with the Fire Safe Regulations are unclear and local jurisdictions do not have adequate flexibility to apply the Fire Safe Regulations for local conditions in the current rules.

The **purpose** of the proposed action is to

- Reorganize the Fire Safe Regulations to reduce confusion and improve consistency;
- Accurately reflect the applicable construction and installation permits under these regulations;
- Reduce confusion regarding the enforcing agencies;
- Provide greater flexibility to local jurisdictions’ processes for allowing exceptions to these rules;
- Ensure definitions for these regulations are relevant, up to date, and consistent with their usage in the following articles;
- Promote county compliance with the SRA Fire Safe Regulations and to clarify the process by which that occurs;
- Apply field-tested methods to ingress and egress requirements;
- Provide greater flexibility to local jurisdictions when they implement their street and building naming and numbering system(s); and
- Allow for greater flexibility in implementing setback requirements and to require ongoing defensible space maintenance on communal property, such as that under the control of a homeowner’s association.

The **effect** of this proposed action is to amend the requirements for fire safe development in the State Responsibility Area for consistency with related statutes and codes, to provide clearer lines of authority and implementation processes, and to create standards that reflect modern firefighting apparatus dimensions and fire prevention policy, with an effective date to be set concurrently with the triennial California Fire Code update.

The primary **benefit** of the proposed action is the continued protection of new development in the SRA from wildfire. These protection measures will increase the safety of people and property by providing defensible space that may allow them to escape an oncoming wildfire; allow firefighters to find, defend, and protect their property; and to prevent the ignition of property due to flying embers. The proposed action will also increase government efficiency through the consolidation of several relevant regulatory sections into one section and the reduction of duplicative or inconsistent regulations. The action will improve regulatory compliance by using public feedback to clarify the standards and requirements.

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY’S**
DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.

The Board is proposing action to adopt 14 CCR § 1276.04; amend 14 CCR §§ 1270; 1270.01; 1270.03; 1270.04; 1270.05; 1270.06; 1271.00; 1273.00; 1273.01; 1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.07; 1273.08; 1273.09; 1274.00; 1274.01; 1274.02; 1274.03; 1274.04; 1274.05; 1274.06; 1274.07; 1274.08; 1274.09; 1274.10; 1275.00; 1275.01; 1275.10; 1275.15; 1276.00; 1276.01; 1276.02; 1276.03; and repeal 14 CCR §§ 1270.07; 1270.08; 1270.09; 1271.05; 1272.00; 1273.10; 1273.11; 1274.05; 1274.06; 1274.07; 1274.08; 1274.09; 1274.10.

The problems are:

- Because of their irregular update schedule, the SRA Fire Safe Regulations are often in conflict with related statutes and codes promulgated by the Legislature or other state agencies.
- Since the inception of these regulations in 1991, the conceptualization of a dwelling unit, accessory building, utility building, and other structures in California law has significantly changed, and the SRA Fire Safe Regulations have not kept up with these changes.
- In the last 25+ years, firefighting apparatus and tactics have changed significantly, and the SRA Fire Safe Regulations may no longer be functioning as intended as part of California’s fire prevention and protection programs.
- Stakeholder feedback, from the regulated public and internally at the Board and CAL FIRE, has indicated specific places of confusion in the regulations, and requirements that are difficult to implement or do not provide enough alternative methods for compliance.

The purpose of the proposed action is to make amendments to the SRA Fire Safe Regulations to address remaining issues from previous revisions; fix areas of inconsistencies or conflicts; reflect modern definitions, firefighting equipment, and development patterns in California; and reorganize the regulations for improved compliance.

The below adoptions, amendments, and repeals are necessary to effectuate this purpose of this action.

The following universal changes were made within the regulations to accomplish this:

1. “Roadway(s)” was changed to “road(s).”
2. “Roads, streets, and private lanes” and “street(s),” “street networks,” and similar terms and phrases were changed to “road(s).”
3. Arabic numerals were spelled out.
The following section-specific changes were made:

1270.00. Title
The term “wildland fire” was replaced with “wildfire” for internal consistency in the regulations. The phrase “and Fire Protection” was added to the name of “California Board of Forestry” to properly reflect the full, official name of the Board.

1270.01. Purpose
This section was divided into subsections for ease of reading. The first appearance of “SRA,” in subsection (a), is spelled out, and abbreviated in subsection (b) for clarity.

The language “A local jurisdiction may petition the Board for certification pursuant to section 1270.03. Where Board certification has not been granted, these regulations shall become effective September 1, 1991.” was deleted because the reference to Board certification was confusing and duplicative of 14 CCR § 1270.03. The reference to the effective date of the regulations was deleted because these regulations have been and will be revised over time and referencing the initial effective date was confusing to the public.

1270.02. Scope
“the” was added between “within” and “SRA” within provision (a)(1) for grammar.

A new paragraph (a)(2) was added, moving the existing (c)(4) language. Since the permitting process for siting newly installed pre-constructed residences can differ from the permitting process for new construction, moving this paragraph to (a) provides greater clarity to the regulated public regarding the applicability of these regulations. After being moved to paragraph (a)(2), the language was revised to reflect modern definitions for structures typically used for residential occupancies. This revision is the result of consultation with the Office of the State Fire Marshal and the California Department of Housing and Community Development regarding the types of structures typically used for housing. This revision ensures these regulations are not conflicting or inconsistent with the California Fire Code, California Building Code, or the Health and Safety Code. The following paragraphs (a)(2) and (a)(3) were renumbered to (a)(3) and (a)(4).

Functionally speaking, this revision to (a)(2) does not result in any substantive regulatory changes but rather more accurately reflects the nuanced terms used by the Health and Safety Code to describe different kinds of prefabricated or portable housing structures. In the strikeout text in paragraph (c)(4), one notes that the definitions came from the same sections of Health and Safety Code, with the addition of HSC 18001.8 in the new (a)(2), which is a new section of HSC added in 2003 that was overlooked in previous revisions of the SRA Fire Safe Regulations. By using the specific terms utilized in the HSC, rather than the generic “manufactured homes,” these regulations avoid potential confusion with the definitions in the HSC.
Paragraph (c)(5) was renumbered to paragraph (c)(4). Subsection (d) was revised for clarity and grammar.

1270.03. Local Ordinances (now Provisions for Application of these Regulations)
This existing regulatory section has been moved to 14 CCR § 1270.04 to provide reading clarity to the public. The new order of regulations – Title, Purpose, Scope, Application – mimics the order of the California Fire Code and California Building Code, which are more familiar to readers. This will result in less confusion among the public as they read these codes.

The language from the previous 14 CCR § 1270.04 has been moved into this section with three changes:
1) “of the Department of Forestry and Fire Protection (CAL FIRE)” was added after “Director” in subsection (a), since this is the first reference to the Director in the regulations;
2) “installation or” was added before “use permits for construction development” because certain pre-fabricated structures, such as manufactured homes and mobile homes, require an installation permit rather than a construction permit from a local jurisdiction. This revision closes what would otherwise be a loophole in the regulations where installation permits did not need to be sent to and reviewed by the Director.
3) “or their designee” was added after “the Director” to clarify to whom applications for building permits can be sent to, and who may review and make recommendations to the local jurisdiction. Because the definition of “Director” in 14 CCR § 1271.00 contains this language already, this change has no regulatory effect. This language is repeated in this section because the experience of CAL FIRE staff indicate that local jurisdictions remain confused about who will be reviewing permits and maps, and so redundancy in this section would improve compliance.

Otherwise the existing 14 CCR § 1270.04 language was moved verbatim to this section. The authority and reference citations were revised accordingly.

1270.04. Provisions for Application of these Regulations (now Local Ordinances)
This existing regulatory section has been moved to 14 CCR § 1270.03 to provide reading clarity to the public. The new order of regulations – Title, Purpose, Scope, Application – mimics the California Fire Code and California Building Code, which are more familiar to readers. This will result in less confusion among the public as they read these codes.

The language from the existing 14 CCR § 1270.03 has been moved into 14 CCR § 1270.04 nearly verbatim but has been reformatted for clarity into subsections (a), (b), and (d). The previous formatting was difficult to read, as it was one unbroken paragraph of text. The last sentence of subsection (d) was revised for clarity, so that it did not refer to outdated sections of regulations.
A new subsection (c) was added to the regulatory text, which directs local jurisdictions to email their local ordinances to the Board for certification. This new section was necessary for clarity in the submission process and to reduce confusion amongst the public regarding the certification process.

Authority and reference citations have been updated to reflect the movement of 14 CCR § 1270.03 and § 1270.04.

1270.05 Inspection Authority (now Inspections)
Introductory language to this section was added for clarity.

The language in subsection (a) was changed to remove reference to an outdated section of regulation.

The existing paragraphs (a)(3) and (a)(4) in this section were reorganized into one paragraph (a)(3) and some language was moved into a new subsection (b). After consultation with CAL FIRE legal staff and reports from the field, it was determined the existing (a)(3) and (a)(4) were redundant and confusing. Subsection (a) now makes it clear who may perform the inspections, and subsection (b) makes it clear under what conditions the entities in paragraphs (a)(2) and (3) may perform them.

Introductory language was added to the new subsection (b) so the regulated public is clear when the requirements in (b)(1) and (b)(2) apply. Paragraph (b)(1) was revised from its existing language to provide greater flexibility to local jurisdictions and to provide clarity. By adding “or by reference” in provision (b)(1), local jurisdictions are provided greater flexibility when deciding the manner in which to incorporate these requirements into their land development permitting and approval process. Incorporating the rules by reference provides for the same practical effect as incorporating them verbatim – when they are incorporated by reference, the reader of the permit or approval requirements is directed to the State rules.

Paragraph (b)(1) was also revised to strike “building permit or subdivision approval process” and add “permitting or approval process for the activities described in § 1270.02.” Given the revisions to 14 CCR § 1270.02 in this rule package, especially to 14 CCR § 1270.02(c)(4), broadening the language in 14 CCR § 1270.05(b)(1) would be more inclusive of the difference processes and procedures that local jurisdictions employ to inspect, permit, and/or approve the activities that are regulated under these articles. This provides greater flexibility to local jurisdictions, who are no longer required to adhere to a particular permitting process in order to comply with state regulations.

The second sentence of existing 14 CCR § 1270.06, beginning with “When inspections are conducted….,” was added to this section as subsection (e). “Should” in previous 14 CCR § 1270.06 was changed to “shall” in new 14 CCR § 1270.05 (e) for clarity. Since the inception of this regulatory scheme, it was the intention of inspections to occur prior to the activity being certified as completed. This is aligned with other code inspection processes the public is familiar with, such as fire code inspections by the Office of the
State Fire Marshal, and ensures public safety in the event a code violation is found – the violation can be corrected before it is exposed to the public and causes potential harm.

This 14 CCR § 1270.06 text was added to 14 CCR § 1270.05 to provide clear information to the public regarding all of the applicable inspection-related regulations. Having this information in separate sections resulted in a reader looking at section 1270.05 or 1270.06 on its own and believing that section contained the entirety of the inspection-related requirements, when in fact it does not. With all of this information in one section, other related requirements won't be “missed” in this manner.

1270.06. Inspections (now Exceptions to Standards)
The existing language in this section was moved to 14 CCR § 1270.05 because the information in this section was relevant to § 1270.05 and the Board wanted to provide the public with all the inspection-related regulatory language in one section.

The existing language in 14 CCR § 1270.07 was moved into this section and was given a subsection letter (a) for reading ease by the public.

The existing regulatory text from 14 CCR § 1270.08 Request for Exceptions was added to this section as a subsection (b); the Board wanted to provide the public with all the exception-related regulatory text in one place. There are two changes to the rule text as compared to the existing § 1270.08 language:

1) “At a minimum,” was added to “The request shall state….” within § 1270.06(b) to allow local jurisdictions the flexibility to impose stricter requirements on exception applicants.

2) “Jurisdictions may establish additional procedures or requirements for exception requests.” was added to the end of the existing regulatory text to make it clear that local jurisdictions may establish stricter exception application requirements if they so wish.

These changes provide flexibility to local jurisdictions to allow them to establish stricter standards than the Board has set statewide. After reviewing local ordinances for certification after the most recent revisions to these regulations effective in 2016, it was apparent local jurisdictions have a variety of methods they use to process requests for exceptions, and the current Board rules were not providing enough flexibility to allow jurisdictions to implement their own localized processes. This regulatory change should provide adequate flexibility to local jurisdictions to do so.

14 CCR § 1270.09 Appeals was added verbatim to this section for reading ease. By adding that language to this section, the public has all of the necessary information regarding exceptions in one place and they do not have to reference additional regulations in order to get all the information they need to submit an exception and/or appeal the decision on the exception. Each existing paragraph was given a lettered subsection ((c), (d), and (e)) in 14 CCR § 1270.07 for reading ease.

1270.07 Exceptions to Standards
1270.08. Request for Exceptions
1270.09. Appeals

These sections have been moved to 14 CCR § 1270.06; please see above for purpose and necessity statements.

1271.00. Definitions

The definition of “accessory building” was deleted. Changes in the Health and Safety Code, Government Code, Building Code, and Fire Code to the definitions of “accessory building,” “accessory dwelling unit,” “junior accessory dwelling unit,” etc, rendered this existing “accessory building” definition obsolete and confusing. The types of buildings previously regulated with this definition are now included under the new definition of “utility and miscellaneous Group U buildings.”

The definition of “building” was revised to reduce these regulations’ reliance on a direct cross reference to a section of the California Building Code that may change with updates to the Code. The most effective way to have a consistent definition of “building” was to delete the reference to the California Building Code. Language was added to except utility and miscellaneous Group U from the definition of a “building” to reflect the modern characterization of “group M, division 1, Occupancy” structures that are excepted in the existing regulation. The California Building Code changed these types of buildings from a Group “M” classification to Group “U.” This change has no regulatory effect in terms of the types of structures defined as a “building.”

“CDF” was changed to “CAL FIRE” to reflect the modern abbreviation for the Department of Forestry and Fire Protection.

The use of “his/her” was deleted in the definition of “Director” to “their” for readability and inclusiveness.

The definition of “driveway” was changed to reduce confusion among the regulated public. Field reports indicate that the existing definition of a driveway was un-intuitive, confusing, and resulted in inconsistent implementation. After an examination of these field reports, historical information about the creation of this definition, and a collection of informal feedback from stakeholders, a new definition was developed that meets the original intent of this regulation but is more plainly written, which will result in consistent implementation. The background research determined that delineating a driveway from a road and establishing different requirements for each was primarily a mechanism to ensure that after a certain threshold of residential units was reached, installing a road rather than a driveway would ensure adequate ingress and egress for that higher number of people and emergency vehicles during a wildfire or other evacuation event.

The new definition of a driveway limits the number of residential units and parcels it can serve and achieves the same practical effect as the existing language. The new definition explicitly allows a driveway to serve up to two parcels, which allows a landowner in the SRA to leave a heritage parcel behind for their heirs to subdivide and each build a residential unit on, should they desire. In the previous definition, it was
unclear the maximum number of parcels that a driveway can serve, and this change clarifies that upper limit. The parcels are each limited to two residential units, since that is typically the maximum number of residential units allowed on a single family home-zoned parcel in local jurisdictions. This new definition allows families to subdivide heritage parcels and also provides adequate ingress and egress for larger communities.

Because the access needs of a driveway differ from that of a road, the Board has set different standards for the size and weight requirements of driveways and roads. Defining a “driveway” as vehicular access to up to two parcels and no more than four residential units strikes the balance between providing sufficient fire equipment access to residential parcels without restricting landowners' ability to subdivide their land or build an additional residential unit.

14 CCR § 1271.05 Distance Measurements was added verbatim to this section as a definition for reading ease by the public. Staff reports indicate that many jurisdictions “missed” section 1271.05 when reading the regulations and did not necessarily accurately apply it. By including this language in the Definitions section instead, clarity, applicability, and compliance will improve.

The definition of a “dwelling unit” was deleted for congruity with the Health and Safety Code, Government Code, Building Code, and Fire Code. Please see the necessity and purpose statements for “accessory building” and “building” above and “residential unit” below.

“or driveway” was added to the definition of “Hammerhead/T” to clarify that these kinds of turnarounds are acceptable to use on driveways as well as roads. Because the definition of “roadway” was changed (see below for purpose and necessity statements), the public might be confused regarding the application of hammerhead or “T” shaped turnarounds and assume that they were not allowable on driveways. This regulatory change makes it clear that they are allowable. This change, for the same reasons, was made to the definitions of “traffic lane,” “turnaround,” “turnouts,” and “vertical clearance” in this section.

The phrase “at least” was struck in the definition of “hydrant” to provide clarity when implementing this section. “At least” was replaced by “either” to more accurately reflect that a hydrant may have either of the indicated outlet sizes; it is not required to have both. This also more accurately reflects the requirements in 14 CCR § 1275.15 regarding hydrant outlet sizes.

A definition for “residential unit” was added to reflect a number of changes to the definitions of “accessory building,” “accessory dwelling unit,” “junior accessory dwelling unit,” etc, in the Health and Safety Code, Government Code, Building Code, and Fire Code. Rather than try to align the definition of these wide variety of housing structures to any one particular Code, and then be conflicting or inconsistent with another Code, the best option for these regulations is to broadly define a “residential unit” as one that includes any building, or portion thereof, that provides living facilities. This new definition
borrows heavily from the deleted definition of a “dwelling unit” (see above) and adds additional language specifying that this definition is not exclusive to residential units built on-site, but also manufactured homes, mobilehomes, and factory-built housing. This change provides clarity to the regulated public and reduces the likelihood of internally inconsistent regulations in these articles.

The definition of “Roads, streets, private lanes” was changed to better reflect the use of those terms throughout the regulations. These regulations do not refer to “streets” or “private lanes,” so those terms were struck from the titular definition, and the definition of “roads” was changed to add “includes public and private streets and lanes” to provide better clarity to the public. Language was added to this definition for clarity about when vehicular access falls under the requirements for a driveway versus a road. The purpose and necessity for those qualifications can be found under the revised “driveway” definition above.

“Roadway structures” was changed to “Road or driveway structures” to clarify that such defined structures may also appear on driveways. “Roadway bed” was changed to “traffic lane” to reflect the terms defined in this section and utilized throughout this set of regulations. There are no changes with regulatory effect to this definition.

The phrase “roadbed or surface” in the definition of “Shoulder” was deleted and replaced with “vehicular access.” “Roadbed” is not defined in this section, and “vehicular access” clarifies that a shoulder must also provide access to vehicles; a “surface” next to the traffic lane is not necessarily a surface made of the same material as the traffic lane that can support vehicular access.

“and Fire Protection” was added to the definition of “State Board of Forestry” to accurately reflect the full name of the regulatory body. The abbreviation for the State Board of Forestry and Fire Protection, “SBOF,” was changed to “Board” to reflect the modern abbreviation used to refer to the Board of Forestry and Fire Protection. The definition of the Board was changed to reference the section of Public Resources Code that defines the membership and mission of the Board.

The phrase “or driveway” was added in the definitions of “traffic lane,” “turnaround,” “turnouts,” and “vertical clearance” because “roadway” is not a defined term in these regulations. Utilizing the phrase “the portion of a road or driveway….” clarifies that these concepts are applicable to all types of vehicular access established in these regulations.

A definition for “utility and miscellaneous Group U buildings” was added to reflect changes in the California Fire Code regarding the “group” occupancy lettering system. This change does not have a regulatory effect but aligns the definition of a utility or miscellaneous building with the changes to accessory buildings and dwellings described earlier in this section and with the California Fire Code. This change reduces confusion and inconsistency within and between codes.

1271.05. Distance Measurements
This section was struck and added to “Definitions” above; please see that section for purpose and necessity statements.

1272.00. Maintenance of Defensible Space Measures
This section was moved to Article 5 Fuel Modification Standards. Please see that section for purpose and necessity statements.

1273.00. Intent
The reference to “Road and street networks” was changed to “Roads and driveways” for consistency with the defined terms in 14 CCR § 1271.00. “Street networks” was not a defined term, so it was replaced with “driveways” in order to better reflect the terms defined in section 14 CCR § 1271.00 and used throughout these regulations.

The reference to 1270.02(e) was corrected to reflect the proper reference to 14 CCR § 1270.02(d). The reference to 14 CCR § 1273.11 was changed to 14 CCR § 1273.09 to reflect the reorganization of these regulations.

1273.01. Road Width (now Width)
The title of this section was changed to reflect its new contents. A comma was deleted after “unless other standards are provided in this article” for grammar.

A reference to the requirement for vertical clearances on roads in California Vehicle Code 35250, which regulates the height of vehicles and loads, was added to this section. This section of code was previously referenced in 14 CCR § 1273.07(a) of these regulations, but for consistency the requirement for clearances on roads was moved into this section. The other sections of Vehicle Code referenced in 14 CCR § 1273.07(a) were determined to be irrelevant to the Board’s legislative directive to establish regulations for defensible space.

Vehicle Code Section 35250, by regulating the heights of vehicles and loads, provides local jurisdictions with de facto vertical clearance requirements on roads. Referencing this statute in the SRA Fire Safe Regulations ensures adequate vertical clearance on roads for firefighting apparatus.

The language regarding one way road widths and driveway widths from 14 CCR §§ 1273.08 and 1273.10, respectively, were added to this section as lettered subsections (b) and (c) so all the regulations regarding road and driveway widths were in one location. This makes it easier for the public to access the width requirements for all defined vehicular access in the SRA.

In paragraph (b)(1), the phrase “providing for travel in different directions” was added. This provides clarity to the regulated public that a one-way road is required to be connected to roads at each end that provide for travel in multiple directions. This avoids a series of one-way roads connected to each other that may result in entrapment, congestion, and other problems.
There were non-substantive revisions with no regulatory effect made to the text of (b) and (c) for readability, clarity, and consistency with defined terms.

In subsection (c), the required vertical clearance on driveways was reduced from fifteen feet to thirteen feet, six inches. This revision follows years of formal and informal feedback from the public noting that fifteen feet was a stricter requirement than the California Vehicle Code had for clearance on roads (see VEH 35250), and that the Board was putting local jurisdictions in the position of having to enforce a stricter requirement on the public than that adhered to by the government on local roads. Upon examining the purpose for fifteen feet of clearance, it was discovered it was a necessity for older, taller fire equipment that is no longer used by fire agencies. This revision reduces the clearance required on driveways to match the current requirements from the California Vehicle Code for roads.

1273.02. Roadway Surface (now Road Surfaces)
The name of this section was revised to properly reflect its contents.

The existing language in this section has been given a lettered subsection (a).

The existing language was revised to reflect the deletion of “roadway” from 14 CCR § 1271.00 Definitions.

The second sentence of this regulation as existing was moved, with no changes, to a new subsection (c) for readability and clarity.

Subsection (b) was added to this regulation for clarity. Reports from the field indicate significant confusion amongst both the public and government agencies about the weight limit requirements for driveways and road and driveway structures in the SRA. Simply clarifying the definition of “road,” “roadway,” etc, in subsection (a) would not be sufficient to communicate to the people affected that driveways and road and driveway structures had a different, lower weight limit than roads.

40,000 pounds is an appropriate requirement for driveway design based on the dimensions of CAL FIRE’s popular Model 34 engine. The gross weight of a Type 3 Model 34 engine used by CAL FIRE and many other fire agencies in wildland fire fighting, is 35,000 pounds. If the “booster tank” is filled to capacity with 500 gallons of water, the weight of the vehicle is over 39,000 pounds (500 gallons of water at 8.3lbs/gallon). A requirement that driveways be able to support a load of 40,000 pounds accommodates the equipment that is most likely to be assigned to protect and defend residential structures during a wildfire.

1273.03. Roadway Grades (now Grades)
The name of this section was revised to properly reflect its contents.

This section was revised for clarity. When this section is applied in the field, it has been reported that the regulated public are unclear whether this grade restriction applies to
the average grade of the road or driveway or to any specific point of the road or driveway. The intention of this regulation was that no point of the road or driveway shall exceed 16%, because tests have shown that is the point at which emergency response vehicles and sedans begin slipping. By arguing that this regulation meant the average grade shall not exceed 16%, the regulated public suggested that grades significantly higher than 16% could be allowable throughout portions of the road or driveway, which would not accommodate emergency vehicles. This section was also given the subsection letter (a) for clarity.

Additional language in a new subsection (b) was added to this section to clarify that local jurisdictions could provide for exceptions that allow grades up to 20% slope with mitigations. The 16% test referenced above took place on gravel, and local jurisdictions have found “same practical effect” tools to utilize, such as paving and texture on the roads, that prevent slippage at higher slopes. This new language provides local jurisdictions with these flexible options if they determine the steeper grade with mitigations is appropriate or necessary for their communities.

1273.04. Roadway Radius (now Radius)
The name of this section was revised to properly reflect its contents.

The term “roadway” was replaced with “road or roadway structure” to reflect the terms defined in 14 CCR § 1271.00. A grammar change dividing the existing rule text into two sentences was made for clarity. Arabic numerals were spelled out.

1273.05. Roadway Turnarounds (now Turnarounds)
The name of this section was revised to properly reflect its contents.

The first sentence of the existing rule text has been given a lettered subsection (a) with no changes to the regulatory text. The second and third sentences of the existing rule text were given a lettered subsection (b) with no changes to the rule text. These nonsubstantive changes were made for reading ease by the public and implementing agencies.

The reference to “the following figure” of 14 CCR § 1273.05 (b) was deleted and replaced with “the figures in 14 CCR §§ 1273.05(e) and 1273.05(f).” It was noted that the figure provided in this section was unlabeled, which made it difficult to follow. The new section 1273.05(e) has the portion of the figure that was previously on the left, indicating the required design of a turnaround on a road with the required two ten-foot traffic lanes, and the new section 1273.05(f) has the portion of the figure previously on the right, indicating the required design of a turnaround on a driveway with the required single ten-foot traffic lane. The figures themselves have not changed. The existing figure, showing the two turnarounds side by side, has been deleted.

Subsections 1273.10(b) and (c) were moved verbatim into a new subsection (c) in this section. Sections 1273.09(b) and (c) were moved verbatim into a new subsection (d).
Moving those existing sections into 14 CCR § 1273.05 allows the reader to find all the regulations and requirements relating to turnarounds in one location.

1273.06. Roadway Turnouts (now Turnouts)
The name of this section was revised to reflect that this section applies to all turnouts on any kind of vehicular access as defined in this code. The requirements in this section are unchanged.

1273.07. Roadway Structures (now Road and Driveway Structures)
The name of this section was revised to reflect that this section applies to structures on all kinds of vehicular paths.

Subsection (a) was deleted because the referenced sections of the Vehicle Code regulate the construction and operation of motor vehicles and are outside the scope of authority granted to the Board in PRC 4290. The reference to PRC 35250 was moved to 14 CCR § 1273.01; please see that section for purpose and necessity statements.

The existing subsection (b) is relettered to (a). The existing subsection (c) is relettered to (b). “Traffic” is added before “lane” for consistency with defined terms. The sentence beginning “Where elevated surfaces designed for emergency use…” was given a new subsection (c). The sentence beginning “A bridge with only one traffic lane…” was given a new subsection (d) for improved clarity and ease of reading, interpretation, and implementation by the regulated public and agencies.

1273.08. One-Way Roads (now Dead-end Roads)
The existing language in this section is deleted and moved, with editorial changes, to 14 CCR § 1273.01(b). This change places all the road and driveway width requirements in one code section, so the reader does not have to search throughout the code to find each individual requirement. The new language in this section is from 14 CCR § 1273.09 Dead-end Roads.

The language from 14 CCR § 1273.09 Dead-end Roads was copied here verbatim, and new language was added in subsection (b) to direct the reader to 14 CCR § 1273.05(d). This ensures that the reader was aware of specific turnaround requirements for driveways. This will reduce confusion regarding dead-end road construction requirements and ensure the regulated public is aware of all turnaround requirements.

1273.09 Dead-end Roads (now Gate Entrances)
This section was deleted. Subsection (a) was moved to 14 CCR § 1273.01(c), with (b) and (c) moved to 14 CCR § 1273.05. Subsections (b) and (c) were deleted from this section and added verbatim to 14 CCR § 1273.05(d). This improves the readability of these regulations, as the reader now has all the information pertaining to turnaround requirements in one code section.

The existing language from 14 CCR § 1273.11 was moved into this section. In subsection (a), the required vertical clearance was reduced from fifteen feet to thirteen
feet, six inches. Please see the purpose and necessity statement under 14 CCR § 1273.01.

Subsection (d) was moved to subsection (c), and subsection (c) was moved to subsection (d). Flipping the locations of these subsections improves the readability of this section and better organizes this section so that all the requirements related to the construction of gates is uninterrupted by other requirements for gate entrances.

1273.10 Driveways
1273.11 Gate Entrances
These sections are repealed; their regulatory content was moved to other sections as described above.

1274.00. Intent
The term “street” was removed from this section because it is contained in the definition of “road” in 14 CCR § 1271.00. A comma was removed for grammar.

1274.01. Size of Letters, Numbers and Symbols for Street and Roads Signs (now Road Signs)
The name of this section was revised to delete “street,” since “streets” are contained within the definition of “road” in 14 CCR § 1271.00. The name of this section is revised to delete “Size of Letters, Numbers and Symbols” so the name accurately reflects the broader content of this section, Road Signs.

The requirements in 14 CCR § 1274.04 Names and Numbers on Street and Road Signs were substantially related to the information in 14 CCR § 1274.01 and that language was moved, with editorial changes, to this section and labeled with subsection (a).

In subsection (a), the terms “public and private” and “and streets” was deleted from the previous language because those terms are included in the definition of “road” in 14 CCR § 1271.00. The term “countywide” was deleted as counties have road naming systems that divide the county into different areas or zones and within those zones determine an appropriate naming or numbering convention. Specifying a consistent system “countywide” was unnecessary, as the general importance of an overall established system(s) was more important than having one system countywide.

The term “county” was replaced with “local jurisdiction” to reflect those areas or zones rather than the county-wide naming system. Using the more general “local jurisdiction” term here would reduce confusion among counties who were trying to apply those zones to the naming of roads in their jurisdiction.

The term “or streets” was removed because streets are included in the definition of “road” in 14 CCR § 1271.00.
The existing text in this regulation beginning with “The size of letters...” was given a subsection (b) for reading clarity. Changes were made for grammar, clarity, and to delete a reference to “street and.”

1274.02. Visibility and Legibility of Street and Road Signs (now Road Sign Installation, Location, and Visibility)
This section was renamed to “Road Sign Installation, Location, and Visibility” to reflect its new contents.

Previous sections 14 CCR §§ 1274.02, 1274.05, 1274.06, and 1274.07 were added to this section with lettered subsections. These sections are substantially related to one another and provide greater clarity to the reader if they are all under one section rather than spread out through the regulations.

§ 1274.05 is now subsection (b).

§ 1274.06 is now subsection (c) with subparagraphs (i) and (ii). A comma was added after “one-way road” for grammar.

§ 1274.07 is now subsection (d). “Street and private lane” was deleted because streets and private lanes are included in the definition of “road” in § 1271.00. The language “installed prior to final acceptance by the local jurisdiction of road improvements” was deleted and replaced with “posted at the beginning of construction and shall be maintained thereafter.” The existing language fundamentally meant the same as this proposed language, but when implementing that section of regulation, county officials were confused regarding the definition of “final acceptance” and “the local jurisdiction of road improvements.” The new language states in clearer, plain English language the intent of this regulation.

1274.03. Height of Street and Road Signs (now Addresses for Buildings)
The existing regulatory text in this section referring to the height of street and road signs was deleted as it was redundant and repetitive, and the requirements under this section were more clearly stated in §§ 1274.01 and 1274.02, as proposed to be revised. This also provides greater flexibility to local jurisdictions, who have different requirements for different types of road signs as required by the California Manual of Uniform Traffic Control Devices.

This section was renamed “Addresses for Buildings” to reflect its new contents. The regulatory language in § 1274.09 was substantially related to the language in § 1274.03 and moved that language to this section for clarity. The text from § 1270.08 was given the letter (a) and the text from § 1274.09 the letter (b) for reading comprehension.

Within subsection (a) “Accessory buildings will not be required.....” was revised to read “Utility and miscellaneous Group U buildings are not required...” The phrase “are not,” rather than “will not,” more clearly communicates that the intent of the Fire Safe Regulations is not to require separate addresses for utility and miscellaneous Group U
buildings, and that the option to require such addressing is at the discretion of the local jurisdiction. The use of the future progressive tense in “…will not be…” implies that local jurisdictions are disallowed from enacting stricter standards regarding utility and miscellaneous Group U building addressing. The Fire Safe Regulations are minimum standards for development in the SRA, and to limit local jurisdictions from creating stricter standards for a particular requirement, if the local jurisdiction so desires, would be against the intent of these regulations.

The existing 14 CCR § 1274.09 language, now in subsection (b) of 14 CCR § 1274.03, has been deleted and replaced with a requirement that the size of letters, numbers, and symbols for addresses conform to the requirements established in the California Fire Code. This is to reduce redundancy, confusion, and incompatible requirements between the two Codes. A new subsection (c), however, retained the requirement from § 1274.09 for reflectorized addresses for dwelling units and accessory dwelling units. In a wildfire or other emergency situation, the identification of residential buildings would be of the utmost importance, and reflectorized addresses are visible in the low light conditions common to wildfires. The California Fire Code is sufficient for addressing otherwise, because the Fire Code goes into more detail, requiring different addressing equally specific requirements for different occupancies, and applies to all construction in the state, not just the SRA. Developing similar addressing standards in the Fire Safe Regulations is duplicative and potentially conflicting.

1274.04. Names and Numbers on Street and Road Signs (now Address Installation, Location, and Visibility)
The existing regulatory text in this section was moved into § 1274.01. Necessity statements and a description of the revisions to this regulatory language can be found under § 1274.01. This section was renamed to “Address Installation, Location, and Visibility” to reflect its revised contents.

The former second paragraph of § 1274.09 (“Address identification…”) was split into lettered subsections for ease of reading. Splitting up this text brings attention to a number of requirements that were previously contained in one confusing block of text.

The new subsection (a) contains the first sentence of the above-mentioned second paragraph and the first sentence of former subsection (a) in § 1274.10. These sentences were combined into one sentence because they contained redundant, but related, information. They both reflected the requirement for plainly legible and visible permanent addresses for buildings. This new subsection (a) reduces the repetitive language, making the requirements for building addressing clearer for the public.

In this new subsection (a), the phrase “address identification” was deleted and replaced with “All buildings shall have a permanently posted address which...” The term “address identification” was never defined and poorly introduced the intent of this section to the reader. The revised phrase is clearer and contains defined terms.
The new subsection (b) contains the third sentence from the second paragraph of § 1274.09 (“Where access is by means…”). That sentence is revised to delete “a monument, pole or other sign or means shall be used to identify the address” and replace it with “an unobstructed sign or other means shall be used so that the address is visible from the public way.” The previous text was cumbersome and confusing for the public to interpret what the Board intended with the unusual requirement for a “monument” or “pole.” The intent of the regulation was to ensure that the address of a building on a private road is visible from the public road, and the existing language did not accurately communicate that requirement. This plainer language establishes the requirement that the address must be posted in a manner that is visible to the public way, but gives greater flexibility to the local jurisdiction and the public when implementing the intent of the regulation.

The new subsection (c) contains the language from § 1274.10(b). This rule text was revised for greater clarity. The intent of the regulation is that addresses along one-way road shall be visible from both directions, and so this revision uses plainer language to state that.

The new subsection (d) contains the language from § 1274.10(c). The phrase “or sign” was added to “mounted on a single post” because the public was apt to misinterpret “post” to literally mean a cylindrical post or pole that was required to contain all addresses on a driveway. Rather, the regulation intended that all addresses for a single driveway shall be posted in one location – whether that was a pole, sign, monument, or other method – and so “sign” has been added to this section so as to not restrict the interpretation of this section to mean only a cylindrical post.

The new subsection (e) contains language from § 1274.10(d). The language “…or otherwise posted to provide for unobstructed visibility from that intersection” was added to the end of the sentence in this subsection to provide local jurisdictions and the public flexibility with implementing this subsection. Due to a variety of factors – the topography, road system design, driveway location, etc – it may not be feasible to post the address sign directly at the intersection of road(s) providing access to the business. The intent of this regulation is for the address to be visible to those traveling down the road(s), and adding the option to post the address near the intersection rather than at the intersection provides for that intent while allowing flexibility with regards to exactly where the sign is posted.

The new subsection (f) contains the second sentence from existing § 1274.10(a). This sentence has been revised for clarity and consistency with § 1274.02(d) and to reduce redundancy with § 1274.04(a).

1274.05. Intersecting Roads, Streets and Private Lanes
1274.06. Signs Identifying Traffic Access Limitations
1274.07. Installation of Road, Street and Private Lane Signs
These sections were moved into § 1274.02. Necessity statements and a description of the revisions to this regulatory language can be found under § 1274.02.
1274.08. Addresses for Buildings
1274.09. Size of Letters, Numbers and Symbols for Addresses
1274.10. Installation, Location and Visibility of Addresses
These sections were deleted and the regulatory text was moved to § 1274.03 “Addresses for Buildings” and § 1274.04 “Address Installation, Location, and Visibility.” Necessity statements and a description of the revisions to the first paragraph in § 1274.09 (“Size of letters….”) can be found above in § 1274.03 and the second paragraph (“Address identification….”) above in § 1274.04.

1275.00 Intent
A comma was deleted for grammar.

1275.01 Application
The second sentence of this section, beginning “When a water supply…,” is deleted from this section and moved to § 1274.02 for clarity.

1275.10 General Standards (now § 1275.02 Water Supply)
This section was renumbered to follow § 1275.01 numerically.

The second sentence from § 1275.01 beginning “When a water supply…..,” was moved to this section and given a lettered subsection (a) for clarity. This language was inappropriately placed in the “Application” section, and it is more relevant to the requirements found in this section.

The language “water systems that comply….,” was deleted. The statement was redundant regarding the intent of the regulations. By capturing the standards for water systems in regulations, it is apparent that water systems must meet those requirements.

The remaining four paragraphs in this section were given lettered subsections (b), (c), (d), and (e) for reading clarity.

The existing language in subsection (b) was rearranged to provide clarity regarding the applicability of the California Fire Code versus the National Fire Protection Association (NFPA) standard. NFPA states directly in Chapter 1 Administration, 1.1 Scope of Standard 1142, that their standard is only intended to apply to areas where an adequate and reliable water supply sufficient to control and extinguish fires in the area served by the water supply does not exist, and this regulatory change reflects that limitation.

The reference to the NFPA 1142 standard was updated to the more recent 2017 edition and incorporated by reference.

The phrase “or crash” was added to subsection (e) to make the water system protection requirements consistent with the protection requirements for hydrants and fire valves in § 1275.02 below.
1275.15. Hydrant/Fire Valves (now §1275.03 Hydrants and Fire Valves)
This section was renumbered to 14 CCR § 1275.03 to mimic the numbering system of the earlier articles and to follow section 1275.02 numerically.

The “/” mark in the section title was removed and replaced with “and” for grammar, and “hydrants” and “fire valves” were made plural for grammar.

The term “grade” in subsection (a) was replaced with “the finished surface” because field reports indicated that local jurisdictions were defining “grade” differently. As a result, hydrants and fire valves would end up eighteen inches above the road grade, but a curb or other street feature added additional height on top of the grade, and the fire hydrant or valve no longer had a full eighteen inches of clearance. The term “finished surface” is plain English suggested by firefighters that is less likely to be misinterpreted in the field and result in greater compliance. Eighteen inches of clearance is required to accommodate the size of the wrench typically carried on fire engines to remove hydrant caps.

The language following “the finished surface” was deleted. More appropriate requirements for these standards are found in the California Fire Code, which is now referenced in this section. “The hydrant serving any building....” was also deleted because it conflicted with requirements in the California Fire Code.

“For” was added in between “inch” and “draft” in subsection (b) for grammar. The regulation now clearly states the differing hydrant head requirements for pressure and gravity systems versus draft systems.

The last two sentences from existing subsection (b) were combined and given a lettered subsection (c) for clarity. The term “such” was deleted for grammar and clarity. “Freeze or” was added to the crash protection requirements to make the hydrant and fire valve protection requirements consistent with those for the water systems overall in section § 1275.02. “Delivery system” was replaced by “local jurisdiction” to clarify the implementing and enforcing authority.

1275.20 Signing of Water Sources (now §1275.04 Signing of Water Sources)
This section was renumbered to mimic the numbering systems in the previous articles and to follow § 1275.03 numerically.

This section was given a lettered subsection (a) and then further divided into paragraphs (a)(1), (a)(2), (a)(2)(i), and (a)(2)(ii) for greater reading clarity.

The “/” mark was deleted and replaced with “or” for grammar throughout.

1276.00 Intent
This section was revised for grammar. There are no changes with regulatory effect in this section.
1276.01 Setback for Structure Defensible Space
The existing regulation requires a 30 foot setback for parcels one acre or larger, applicable to “buildings and accessory buildings” and as measured “from all property lines and/or the center of a road.” Several changes with regulatory effect were made to this section.

The limited applicability of the 30 foot setback to parcels one acre or larger, currently required in § 1276.01(a), has been deleted. The new language requires a 30 foot setback on all parcels, regardless of size. In this section, “buildings and accessory buildings” was revised to “all buildings” for consistency with the new definitions established in § 1271.00. This regulatory change relieves the burden on the public to provide a 30 foot setback for all buildings of both a primary character (residential or business use, for example) and of an accessory or utility character. Previously, the 30 foot setback was required for all structures on a parcel.

The language in previous subsection (b) was deleted and new language expanding on the requirement in subsection (a) was added. These subsections were revised because county planning agencies and firefighters wanted further guidance on how to implement “same practical effect” setback requirements for parcels less than one acre, as previously allowed in regulation. It was discovered that more and more jurisdictions are taking into consideration vegetation, topography, and other factors when siting buildings, particularly residential ones, on a parcel. In some cases, this results in a conflict where the most fire safe location on the parcel is a location where the building cannot meet the 30 foot setback requirement. The authority having jurisdiction is placed in the difficult position of enforcing a law intended to provide fire safety (i.e., § 1276.01), but in fact does not take into account site-specific considerations and may, in the larger context of that particular parcel, actually be less fire safe.

Suggestions were solicited from local fire agencies on revisions to this section that would provide adequate fire safety and flexibility to local jurisdictions. As a result, new language in 14 CCR § 1276.01(b), (b)(i), and (b)(ii) was added. This language

- Gives examples of acceptable practical reasons why a 30 foot setback may not be possible (14 CCR § 1276.01(b)).
  - This is necessary to indicate to local jurisdictions some of the acceptable situations for determining a 30 foot setback is not possible.
- Establishes the intent of “same practical effect” requirements that may be used in lieu of a 30 foot setback (14 CCR § 1276.01(b)(i)).
  - This is necessary to provide local jurisdictions with the Board’s intent for regulating setbacks, without which a local jurisdiction cannot envision and implement a different option that would provide for the same practical effect of these regulations.
- Provides options to local jurisdictions that could be considered to have the same practical effect as the 30 foot setback (14 CCR § 1276.01(b)(ii)).
  - The immediate same practical effect options that come to mind for practitioners in this field often involve significant increases in building costs, such as stronger fire-rated walls than would normally be required.
for such a building. The same practical effect options in this section, cited as examples only, are intended to provide the public with alternatives that do not have as much of, if any, impact on housing costs.

A new subsection (c) was added to this section to establish that regardless of any setbacks to prevent home-to-home ignition, structures in the State Responsibility Area are also required to comply with the defensible space requirements established by the Board. This section was added to reduce confusion regarding the purpose of setbacks and defensible space, and to pre-emptively avoid a reduction in compliance with the defensible space requirements that may occur as a result of that confusion.

1276.02 Disposal of Flammable Vegetation and Fuels (now Maintenance of Defensible Space Measures)
14 CCR § 1272.00 was moved from Article 1 to Article 5 and renumbered to 14 CCR § 1276.02 to reflect its new location. The phrase “commonly owned” was added in front of “properties” to clarify that this section applies to properties where a common ownership is responsible for its upkeep and maintenance. The intention of this section is that commonly owned properties, such as a greenbelt that is part of a Homeowners’ Association-controlled subdivision, continues to maintain its defensible space after their final inspection.

“and measures” was deleted from existing language because “standards” adequately captured the requirements in these regulations. A comma was added after “standards” and “and” was deleted. Additional grammar changes were made. The phrase “included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval” was deleted and replaced with “provided in emergency access covenants or similar binding agreements” to accurately reflect the typical agreements enumerating the covenants, conditions, and restrictions upon a property(ies) or community(ies).

1276.03 Greenbelts (now Disposal of Flammable Vegetation and Fuels)
This language was moved from § 1276.02 after “Maintenance of Defensible Space Measures” was moved into that section.

The term “landfill” was deleted. It was brought up by the public that flammable vegetation and fuels may be disposed at biomass facilities or other “sites” that are not necessarily landfills, and therefore this limitation should be removed in the regulation. This revision provides greater flexibility to local jurisdictions regarding where such vegetation may be disposed.

1276.04 Greenbelts
This language was previously in 14 CCR § 1276.03. It was moved to this new section 1276.04 to reflect the new inclusion of Maintenance of Defensible Space Measures into this article as section 1276.03. There are no further changes to this language in this section.
ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3))
The effect of the proposed action is the following:
- reorganized regulations that provide clear standards to the regulation public;
- consistency in terms within and between these regulations and relevant codes; and
- more options to achieve prescriptive requirements.

Creation or Elimination of Jobs within the State of California
To the extent this proposed action increases costs for businesses, those costs are passed on to the end user (ie, the individual). No creation or elimination of jobs will occur as a result of this action.

Creation of New or Elimination of Businesses within the State of California
The regulatory amendments as proposed represent a continuation of existing fire safe development regulations and to the extent that any new regulatory requirements in this action have a cost to implement, that cost will be passed on to the end user (ie, the landowner and/or eventual land or homeowner, if the land is initially developed by a corporate entity). The proposed regulation will neither create new businesses nor eliminate existing businesses in the State of California.

Expansion of Businesses Currently Doing Business within the State of California
The regulatory amendments as proposed represent a continuation of existing fire safe development regulations. The proposed regulation will not result in the expansion of businesses currently doing business within the State.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment
The proposed action will have beneficial effects on health, welfare, and worker safety, and may benefit the State’s environment. This proposed action relates to the creation of defensible space in the SRA, which provides for the safety of residents by preventing home ignition and stopping or slowing the spread of wildfires and provides for the safety of firefighters when responding to wildfires. Defensible space may also benefit the environment by slowing or stopping the spread of a wildfire. Reducing a wildfire’s impacts benefits human health, via less emissions and particulate matter reducing air quality, and by reducing the potential destruction of ecological communities.

Business Reporting Requirement (pursuant to GOV § 11346.5(a)(11) and GOV § 11346.3(d))
The proposed regulation does not impose a business reporting requirement.

Summary
In summary, the proposed action:
- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses,
(B) will not eliminate existing businesses within California
(C) will not affect the expansion or contraction of businesses currently doing business within California.
(D) will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the “Introduction Including Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address.”

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, by making it costlier to produce goods or services in California.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))
Any increase in costs to a business as a result of these regulations is typically passed on to the consumer. A construction or landscaping company will charge the consumer the actual costs of the material goods needed to meet the requirements of these regulations (e.g., the cost of the amount of gravel required to meet minimum driveway requirements). These companies will also pass on any increase in labor costs (e.g., if it took laborers longer to achieve compliance with the new vegetation clearance requirements) to the consumer.

It is not anticipated that these proposed regulatory changes will result in an increase in costs. Substantive changes to these regulations in this proposed rulemaking package result in less onerous requirements than previously existed, such as lowering the requirement for vertical vegetation clearance by 18 inches and clarifying the driveway weight requirement (45,000 pounds as opposed to a roadway’s 70,000 pounds). As a result, there will be no significant adverse economic impact on businesses.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))
The Board relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action:


8. California Vehicle Code 35250, 35550, 35750

9. Health and Safety Code 18001.8, 18007, 18008, 19970, 19971, 19976.1

10. Public Resources Code 730, 4111, 4117, 4290, 4291


13. Title 24, California Building Standards Code, Part 2, California Building Code

14. Title 24, California Building Standards Code, Part 9, California Fire Code


20. Fire Safe Development Workgroup Excerpted Meeting Reports 2017-2018


22. Board of Forestry and Fire Protection Resource Protection Committee, excerpted notes from SRA Fire Safe Regulations Certification requests, 2016-2018


REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):

- ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR
- ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION

Pursuant to 14 CCR § 15252 (a)(2)(B), alternatives are not required because these regulations will not have any significant or potentially significant effects on the environment. Additionally, pursuant to 14 CCR § 1142(c), the discussion (of alternatives) may be limited to alternatives which would avoid the significant adverse environmental effects of the proposal. Consequently, the alternatives provided herein are provided pursuant to the APA (GOV § 11346.2(b)(4)) exclusively.

The Board has considered the following alternatives and rejected all but the “Proposed Action” alternative.
Alternative 1: No Action
The Board considered taking no action, but the “No Action” alternative was rejected because it would not address the problems. This alternative does not address existing confusion when implementing the regulations or the incongruities with other related codes.

Alternative 2: Take Action to Revise but not Reorganize SRA Fire Safe Regulations
This alternative would have focused this revision of the SRA Fire Safe Regulations on making substantive changes with regulatory effect to the regulations without reordering, renumbering, or otherwise reorganizing the regulations.

The Board rejected this alternative as it does not address the problem that the regulations as they were organized were confusing, leading to requirements that were “missed” in implementation by the regulated public. This alternative would have retained an organizational structure to the regulations that was incongruent with regulations such as the California Fire Code and California Building Code, which are much more familiar to the regulated public, resulting in confusion.

Alternative 3: Proposed Action
The Board accepted the “Proposed Action” alternative to address the problem as it is the most cost-efficient, equally or more effective, and least burdensome alternative. Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute being implemented or made specific by the proposed regulation than the proposed action.

Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small business. Small business means independently owned and operated, not dominant in their field of operations and having fewer than 100 employees.

Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):
Pursuant to GOV §11340.1(a), agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.
The proposed action introduces additional prescriptive or performance-based standards, but also provides for alternative means of compliance (“same practical effect”) for prescriptive standards. These “same practical effect” options allow government agencies and the regulated public to meet the intent of any given requirement in the SRA Fire Safe Regulations with a different tool or standard than that strictly allowed in these regulations. Alternative 3 is preferred for the reasons described above. The rationales for individual provisions serve as the explanation for why a standard is prescriptive.

Pursuant to GOV § 11346.2(b)(1), the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to GOV § 11346.2(b)(4)(A), Alternatives 1 and 2 were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. Neither Alternatives 1 and 2 considered by the Board require fewer specific actions or procedures.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))

The Code of Federal Regulations has been reviewed and based on this review, the Board found that the proposed action neither conflicts with, nor duplicates, Federal regulations. There are no comparable Federal regulations for development and defensible space on private lands.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potentially significant environmental impacts from a qualified project. The Board’s rulemaking process was determined to be categorically exempt from environmental documentation in accordance with 14 CCR 1153(b)(1), Declaration of Categorical Exemptions. These regulations are not a CEQA project because there is no government permit or funding associated with the activity.

General evaluation of potential significant impacts indicates that significant impacts are not likely. There will be minor alterations to vegetation around roads and driveways as vegetation is removed in order to maintain native growth and reduce fire fuels around structures. Many of the draft regulation changes are intended to align Title 14 with the California Fire Code (Title 24), already in regulation, and therefore will not have significant environmental impacts.