



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: San Rafael Fire Department

Prepared by: Darin White, Fire Chief  
Quinn Gardner, Emergency Manager

City Manager Approval: 

**TOPIC: AMENDMENT OF THE CURRENT VEGETATION MANAGEMENT ORDINANCE**

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 4.12.010 AND 4.12.030 OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH CITYWIDE VEGETATION MANAGEMENT AND WILDFIRE MITIGATION STANDARDS TO HELP REDUCE THE RISK OF A CATASTROPHIC WILDFIRE.**

**RECOMMENDATION:** Staff recommends that the City Council pass to print the proposed ordinance making changes to San Rafael Municipal Code sections 4.12.010 and 4.12.030, establishing citywide vegetation standards to protect lives and property from the threat of wildfire.

**BACKGROUND:**

While wildfires are a natural part of California’s landscape, the fire season in California and across the West is starting earlier and ending later each year and is filled with larger and more devastating fires. Warmer spring and summer temperatures, reduced snowpack, and earlier spring snowmelt create longer and more intense dry seasons that increase moisture stress on vegetation and make our environment more susceptible to severe wildfire. Despite fire season typically ending in late fall, when precipitation levels increase, Southern California experienced a rare Red Flag warning on December 23<sup>rd</sup>, 2020, the latest date a warning of that level has ever been recorded. On January 19<sup>th</sup>, 2021 additional Red Flag warnings were issued in Southern California and similar conditions resulted in wildfires in Santa Cruz and San Mateo counties.

Another contributor to the wildfire problem is that decades of fire suppression have disrupted natural fire cycles, leading to fuel build-up and more intense fires. Due to these factors, the state can expect to experience longer fire seasons, greater acreage burned, increased frequency and severity of drought, and related impacts such as widespread tree mortality and bark beetle infestation. Climate change is considered a key driver of this trend and is acting as a force-multiplier that will increasingly exacerbate wildland fires over the coming decades.

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**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

San Rafael's unique topography and geography make the entire city particularly susceptible to fires, particularly wind driven events. Currently, the City's wildfire prevention efforts focus on our Wildland Urban Interface (WUI) areas, which were established to identify areas thought to be most at risk for being impacted by a wildfire. However, increasingly high and unpredictable winds contribute to fire ignitions and spread well beyond traditional WUI boundaries. Wind-borne embers can account for up to 90 percent of home ignitions, at times a mile or more from the active flame front.

The WUI is not a place, per se, but it can be described as an area in which a set of conditions exist that predispose the area to wildfire ignition and spread. According to the National Fire Protection Association, conditions include (but are not limited to): the amount, type, and distribution of vegetation; the flammability of the structures (homes, businesses, outbuildings, decks, fences) in the area, and their proximity to fire-prone vegetation and to other combustible structures, weather patterns and general climate conditions, topography, hydrology, average lot size, and road construction. While about half of San Rafael's properties fall within the WUI, the majority of the city lies in close enough proximity to and/or has many of the same conditions as the WUI, so that a wildfire in any area of the City could prove catastrophic. The lack of structure and vegetation standards and the accompanying wildfire prevention and mitigation education efforts outside the WUI is contributing to increasing risk for half the City.

In 2007, to provide standards for the creation of defensible space on properties within the WUI, the City of San Rafael adopted a model ordinance for vegetation management in the WUI. However, as climate change and increased fuel build-up contribute to more devastating fires, these boundaries are no longer sufficient or effective. It is now necessary to adopt vegetation management standards for property owners throughout the City of San Rafael to reduce the potential and intensity of uncontrolled fires that can threaten to destroy resources, life, or property.

In response to devastating wildfire events in 2017 and 2018, the City Council directed staff to create the [San Rafael Wildfire Prevention and Protection Action Plan](#) (WPPAP), which was adopted as the wildfire prevention and mitigation framework in August of 2020. Prior to the Plan's adoption, a Citizens Wildfire Advisory Committee, led by then Mayor Phillips and Councilmember Bushey, met, reviewed, discussed, and had their suggestions incorporated into the final WPPAP and implementation strategies. Action items 1, 2, and 3 of the WPPAP specifically call for the creation of the standards included in the proposed ordinance to reduce impacts of wildfire in and around San Rafael.

In March of 2020, Marin County voters approved Measure C, a parcel tax to fund wildfire prevention efforts in Marin County. Measure C established and funds the Marin Wildfire Prevention Authority (MWPA). The MWPA consists of 17 Marin County agencies and is tasked with improving wildfire safety for all of Marin residents, businesses and visitors. To further that goal, the MWPA has produced a 2020 Work Plan, comprised of information gleaned from National Fire Protection Association (NFPA) lessons learned; the 2016 Marin Community Wildland Protection Plan (CWPP), 2017 Lessons Learned Report; a 2018 NFPA Report entitled, "Wildfire Risks: 3 Powerful Tips to Move People to Action," and the 2018-2019 Marin County Civil Grand Jury Report entitled: Wildfire Preparedness - A New Approach, Fire Safe Marin, and Firewise Neighborhoods across Marin. Using the WPPAP and MWPA Work Plan as a guide, City staff have developed the proposed ordinances to improve the City's resilience to wildfires through proper vegetation management around all structures and roadways.

These proposed standards will develop defensible space around all structures in San Rafael. Proper establishment and maintenance of defensible space benefits property owners, public safety personnel and all residents of the City by dramatically increasing the likelihood that structures will survive a wildfire as well as providing for firefighter safety during a firestorm and generally aiding in the protection of lives.

Furthermore, reducing structure ignitions directly correlates to a slower rate of fire spread and protects neighboring homes.

**ANALYSIS:**

The purpose of the proposed Ordinance change is to provide vegetation management standards to decrease the likelihood of ignition of a structure during direct flame impingement or exposure to embers projected by a wildfire. The removal of hazardous vegetation in the areas subject to this Ordinance are recognized as an essential action homeowners and property owners can take to increase the chances that homes, structures and other property will survive a wildfire, while protecting the natural environment.

The specific elements of the Ordinance were included in the WPPAP and developed from the NFPA, the California Fire Code, and extensive review of policies and practices from other regional jurisdictions. In addition, these recommendations are aligned with national wildfire research conducted by the Insurance Institute for Business and Home Safety and the FIREWISE national wildfire fire safety campaign.

For fire to start and sustain, heat, oxygen, and fuel are needed. A wildfire can be ignited if a spark (heat) connects with anything combustible (fuel) in any environment containing oxygen. Avoiding sparks and other heat sources can prevent wildfires. Wildfire mitigation focuses on reducing fuel to reduce the ability of a wildfire to spread and impact lives and property. Fuels can include everything from trees, underbrush and dry grassy fields to homes and other structures. The simplest and most practical wildfire prevention and mitigation action property owners can take is to treat and remove fuels, including fire hazardous vegetation, and other combustible material from around homes and other structures.

Small and light fuel materials, also called flashy fuels, such as dry grass, pine needles, dry leaves, twigs and other dead brush, ignite easier and burn faster than large logs or stumps. Since a twig's surface area is not much larger than its volume, it ignites quickly. By comparison, a tree's surface area is much smaller than its volume, so it needs more time to heat up before it ignites. These varying ignition potentials are reflected in the proposed ordinance.

During wildfire season, the City of San Rafael generally experiences dry, arid, windy weather systems, which are conducive to wildfires. The City also has a very diverse and complex topography, which includes dry, brush and grass-covered wildlands, mountainous areas, densely forested properties, ridges, canyons, and other terrain, which are also home to many sensitive plant and animal species. Many of the City's native and non-native plant species can be highly combustible during normal dry periods and have the potential to contribute significantly to the spread of wildfires within the City. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and in similar areas have resulted in catastrophic fire losses to life, property and the environment. The proximity of some of these features to the City center poses the risk of an urban conflagration, should a wildfire ignite.

An urban conflagration is a large destructive fire that moves beyond the WUI and penetrates an urban area, threatening entire neighborhoods. As the fire rapidly spreads, structures themselves can act as fuel, and firefighters are left with no time to construct fire breaks or extinguish ignited homes. The vegetation and other combustible material adjacent to and surrounding homes is the greatest contributor to ember ignitions and fire spread.

California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet. Defensible space refers to an area around the perimeter of structures from which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures. The creation of adequate defensible space focuses on measures to modify or break up the hazards emanating from the continuity of both horizontal and vertical fuels. Fuels that exhibit a large degree of both vertical and horizontal continuity are the most hazardous; particularly when they are on slopes. Thus, mitigation of wildfire hazards within the defensible space perimeter focuses not only on breaking up the continuity of horizontal and vertical fuels but also addresses environmental concerns like habitat and erosion protection.

Regular fuel management and modifications consistent with the requirements of this Ordinance are necessary to ensure adequate defensible space is achieved on properties throughout the City. The defensible space established by this Ordinance is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures; currently there is no other feasible mitigation measure available to reduce the risk of ignition or spread of wildfire to structures on adjacent improved parcels.

Organizations such as the National Fire Protection Association (NFPA), Firewise USA and the Insurance Institute for Business and Home Safety (IIBHS) have identified three zones within the defensible space surrounding a structure in which mitigation efforts should be concentrated. Staff have used these zones to organize and establish specific vegetation standards.

1. The Immediate Zone (0 to 5 feet of a structure)  
This zone is most vulnerable to embers and should be clear of all dead and flammable vegetation.
2. The Intermediate Zone (5 to 30 feet from a structure).  
This area should be carefully landscaped to act as a fire break.
3. The Extended Zone (30 to 100 feet or in some cases, up to 200 feet, from a structure).  
This zone should act to interrupt the path of fire and keep embers from becoming airborne.



The above graphic from FireSafe Marin provides a sample illustration of the Immediate, Intermediate, and Extended Zones as well as the Access Zone to promote safe egress. Appropriate defensible space *does not require, or advocate, the clear cutting of trees and brush, but rather horizontal and vertical spacing and maintenance*. A continuous canopy of fire-resistant trees may be desirable in some Intermediate or Extended zones to create shade (sometimes referred to as a "shaded fuel-break") which acts to suppress weeds and grasses (flash fuels) and help retain moisture.

When implementing defensible space, the priority is to start at the Immediate zone (0-5ft) and work outwards, concentrating the greatest effort on combustible vegetation and other materials within five feet of the house and any attached decks and moving to the Intermediate and Extended zones. This is referred to as the 'house out' or "home outward" approach. Staff is recommending establishing vegetation standards that follow this approach and the best practices above, as identified by the NFPA, FEMA and the IIBHS. These best practices are intended to support homeowners to modify the existing built environment, to create good defensible spaces, reduce hazards, and create a more fire-adapted community

In San Rafael, many properties will share the same Intermediate or Extended Zones. The house out approach will help each property owner clearly understand the requirements and their responsibility for each zone on their property in relation to any nearby structure. The overlap of zones and property lines is one of the reasons the City, the MWPA, and FireSafe Marin continue to support the efforts of residents to work together to reduce wildfire risk and become a recognized [Firewise USA](#) neighborhood. The Firewise program offers a voluntary collaborative framework to help neighbors get organized, find direction, and take action to reduce wildfire risk.

The cost of wildfires is often quantified in lives lost, structures destroyed, and acres burned. In California alone, the 2020 wildfire season had, as of mid-October, killed more than 30 people, destroyed some 8,500 structures, and torched a record-breaking 4 million acres of land. While these are startling statistics, the total cost of wildfires extends well beyond these three metrics, starting with the funds it takes to contain or suppress wildfires. According to data from the National Interagency Fire Center, Federal wildfire suppression costs in the United States have spiked from an annual average of roughly \$425 million from 1985 to 1999 to \$1.6 billion from 2000 to 2019. State suppression costs have also risen; in California, over the past decade the average annual suppression cost has nearly doubled compared to the previous one, reaching close to \$400 million. The most recent CAL FIRE data released suggest the agency is on pace to spend nearly \$700 million on suppression for the 2019/2020 fiscal year. There are also less quantifiable metrics that may be even more costly, including disruptions to business, taxes, and tourism; residents left with soaring medical bills; and polluted air, soil, and waterways.

According to recent estimates, more than 4.5 million U.S. properties are at high to extreme wildfire risk and losses from wildfires have added up to \$5.1 billion over the past ten years. While direct financial impacts to San Rafael are difficult to quantify due to the unpredictability of a catastrophic wildfire; the likelihood of a wildfire in our region is significant and fires have occurred nearby with devastating consequences. Using data from the Marin Community Wildfire Protection Plan (CWPP) and Marin County Parcel/Assessor's data, San Rafael's Local Hazard Mitigation Plan (LHMP) places nearly \$1 billion in value in the very high hazard area during regular fire conditions and nearly \$4 billion in potential losses during extreme fire conditions. The relative hazard level incorporates population density, flame length, and rate of fire spread in the ranking.

Some residents may initially see an increase in costs to comply with these proposed standards, but ongoing compliance should be similar to current landscape maintenance costs. The costs versus potential savings are enormous when compared to the cost of wildfire damage to a residence. Standards will be applied incrementally when permissible, dependent on the severity of the hazard. The reality of the risk and expense of a wildfire can be lowered by simple but deliberate maintenance practices around the home. In pursuit of these defensible space efforts, San Rafael residents may ultimately realize economic benefit on their property insurance as our community complies with these best practices.

The attached ordinance amendment builds upon existing vegetation standards and the recommendations included in the Wildfire Action Plan. In addition to applying the standards to all properties in the City (Wildfire Action Plan item 2), new maintenance and spacing requirements are included. All of the recommendations are based off science, existing standards, and elements included in the Wildfire Action Plan.

The following chart illustrates the reference or source of the content and specific language in the proposed amendments. All of these reference sources have been through extensive community review and input as part of the Wildfire Action Plan adoption and/or previous ordinance adoption. Proposed Section 2) B5 specifically addresses item 1 of the Wildfire Action Plan, removing highly flammable vegetation throughout San Rafael. Item 3 of the Wildfire Action Plan, mostly covered in proposed Section 2) C, establishes specific standards for the 0-5 feet zone around any structure. Adopting these new standards is the next essential step in implementing items 1, 2, and 3 of the adopted Wildfire Action Plan.

<b>Proposed Ordinance Item</b>	<b>Reference Source</b>
Apply Division 1 Citywide	WPAPP action item 2
Division 1, Section 2) A1	Existing SRMC 4.12.030 A1
Division 1, Section 2) A2	Existing SRMC 4.12.030 A2
Division 1, Section 2) A3	Existing SRMC 4.12.030 A4
Division 1, Section 2) A4	Existing SRMC 4.12.030 A3
Division 1, Section 2) A5	Existing SRMC 4.12.030 B1
Division 1, Section 2) A6	Existing SRMC 4.12.030 B3
Division 1, Section 2) B1	CA Fire Code 15.15.190
Division 1, Section 2) B2	Existing SRMC 4.12.030 B2
Division 1, Section 2) B3	Existing SRMC 4.12.030 B6
Division 1, Section 2) B4	WPAPP action item 3D
Division 1, Section 2) B5	Existing SRMC 4.12.030 A3 Exception; WPPAP action item 1
Division 1, Section 2) C1	Existing SRMC 4.12.030 B5
Division 1, Section 2) C2	WPAPP action item 3A
Division 1, Section 2) C3	WPAPP action item 3C
Division 1, Section 2) C4	WPAPP action item 3B
Division 1, Section 2) C5	Existing SRMC 4.12.030 B4
Division 1, Section 2) C6	WPAPP action item 3E
Division 1, Section 2) C7	WPAPP action item 3F
Division 1, Section 2) C8	WPAPP action item 3G
Division 1, Section 2) D	WPPAP action item 3 narrative; community and committee feedback

The implementation of these proposed changes will include extensive outreach and education as well as direct support to remove hazardous vegetation through an ongoing partnership with AmeriCorps and expanded MWPA funded chipper days. In addition, the MWPA is in the process of developing a grant program to offer financial assistance for completed defensible space work. Full time and seasonal staff will provide one on one education and planning consultations through defensible space evaluations and reports. Staff will make all reasonable efforts to work with property owners to achieve voluntary compliance with the standards before initiating any punitive corrective measures. Measure C funds will support the additional staff and assistance to residents so all of San Rafael can achieve and maintain defensible space.

The proposed updates require minimal changes for WUI properties and therefore staff recommends these changes be applicable in the WUI on August 1<sup>st</sup>, 2021. This would realize the benefits of these changes in the WUI prior to what is considered peak wildfire season. For properties outside the WUI, the proposed changes may require more effort and therefore staff is recommending residents be given a full year to comply. By requiring compliance for properties outside the WUI by April 1, 2022, staff will have time to evaluate compliance and help owners achieve defensible space prior to the peak 2022 wildfire season. Support for residents, including defensible space evaluations and reports, chipper days, and the AmeriCorps supported direct assistance program to remove vegetation, will be available to help residents meet these deadlines.

**COMMUNITY OUTREACH:**

Extensive feedback from the public was incorporated into the Wildfire Prevention and Protection Plan, including feedback directly related to this proposed change to the City's municipal code. Feedback will continue to be welcomed and considered throughout the ordinance drafting, public hearing, and adoption process.

After presenting the draft Plan on January 22, 2020, staff gathered public feedback and additional input from many community partners. These efforts included but were not limited to a community meeting at City Hall on February 11th, 2020, and meetings with the Marin County Fire Chiefs, Marin Association of Realtors, Marin County Fire Prevention Officers, San Rafael Fire Commission, San Rafael Neighborhoods Association, and Friends of China Camp. Presentations, including time for questions and feedback, were made to the Gerstle Park Neighborhood Association, Lincoln-San Rafael Hill Neighborhood Association, Rotary Club of San Rafael, San Pedro Road Coalition, Villa Real HOA and Marinwood Community Services District. In addition, the Plan was presented, and feedback received at meetings with San Rafael CERT, attendees of 1 Hour 2 Get Ready, and the County Public Disaster Education and Preparedness Committee (PDEP).

Additional outreach was conducted using various online tools, including social media and the City of San Rafael website. The City website was updated shortly after the January 22nd meeting to include a copy of the draft Plan, supporting documentation, and an online feedback form. Short videos describing aspects of the Plan and encouraging feedback later were added to the website. As of March 8<sup>th</sup>, 2020, the dedicated webpage and feedback form had 3,736 views and 84 submissions, many with multiple comments. Two Nextdoor poll questions had over 325 total responses. Staff will continue to host community workshops, meetings and continue social media outreach and digital updates to engage and inform the public.

Prior to and during implementation of this ordinance, staff will conduct social media outreach via Nextdoor and the City website, distribute educational mailers to affected residents, and use other digital and print tools to continue to engage and inform the public.

The Citizens Wildfire Advisory Committee offered extensive feedback to the WPPAP items specifically relating to this. Their feedback included a focus on positive language and offering educational alternatives to fire hazardous plants. The committee acknowledged the risk, as supported by scientific research and recent case studies. The WPPAP that was presented to and adopted by City Council in August of 2020 had the committee's support.

**FISCAL IMPACT:** Staff time associated with public education, implementation and enforcement is covered by Measure C, MWPA defensible space funds. Assistance for property owners to meet the new standards, such as community chipper days, will also be covered by MWPA funds.

**OPTIONS:**

Staff suggest the following options be considered on this matter:

1. Pass to print the ordinance making amendments to SRMC sections 4.12.010 and 4.12.030
2. Pass the ordinance to print with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**



Pass to print attached proposed ordinance amending SRMC Sections 4.12.010 and 4.12.030.

**ATTACHMENTS:**

1. Ordinance
2. Public Notice of Ordinance for citywide vegetation management standards
3. Example Images

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 4.12.010 AND 4.12.030 OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH CITYWIDE VEGETATION MANAGEMENT AND WILDFIRE MITIGATION STANDARDS TO HELP REDUCE THE RISK OF A CATASTROPHIC WILDFIRE**

**WHEREAS** hazardous vegetation and/or combustible materials pose a significant danger to the health, safety, and welfare of the public by fueling and propelling wildfires, thereby increasing the danger to lives, property, and the environment; and

**WHEREAS** lack of proper vegetation management has the potential to create fire hazards that can have potentially devastating consequences for the entire community; and

**WHEREAS** California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet; and

**WHEREAS** research conducted by the Institute for Business and Home Safety has demonstrated that the first 0-5' around a structure (the immediate zone) poses the greatest risk to exposure to flying embers and direct flame contact; and

**WHEREAS** the spread and severity of fires occurring in San Rafael is of particular concern, given that the City is a predominantly hillside community where a significant number of structures are single family dwellings built on sloping terrain and are in close proximity to one another; and

**WHEREAS** San Rafael property owners are increasingly faced with managing hazardous fuel conditions on their property, and management and control of fire-prone vegetation is essential to the safety of life and property; and

**WHEREAS** as proven by the most recent devastating fire seasons of 2017, 2018, and 2020, wildfires do not respect human established boundaries such as the wildland urban interface (WUI); and

**WHEREAS** uniform application of all vegetation management and fire prevention related codes and ordinances has been shown to improve wildfire resilience throughout the community; and

**WHEREAS** Items 1, 2, and 3 of the San Rafael Wildfire Prevention and Protection Action Plan, adopted August, 2020 calls for the application of more stringent vegetation management, defensible space and fire mitigation standards citywide; and

**WHEREAS** it is the intent of the City Council to adopt amendments to the existing vegetation management ordinance which reduce San Rafael’s wildfire vulnerability as it relates to fire-prone vegetation and remove barriers, when appropriate, for private property owners to achieve responsible management of fire-prone plant species; and

**WHEREAS** the City Council finds that this project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(b) and 15304(i) because the proposed Municipal Code amendments seek to allow minor alterations to land to facilitate replacement of conventional landscaping with fire resistant landscaping, and to facilitate fire fuel management activities on public and private property; and

**WHEREAS** notice of the San Rafael City Council public hearing on the proposed Municipal Code amendments was sent by email to all those who subscribe and on the City website as well as presented during homeowner and neighborhood association meetings, online feedback forms and social media platforms such as Nextdoor, and extensive community input was received and incorporated; and

**WHEREAS**, on February 1, 2021, the City Council of the San Rafael conducted a public hearing on the item and considered all oral and written comments submitted to the City regarding the item prior to taking its actions on the item;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:**

**DIVISION 1: AMENDMENTS.**

1) Section 4.12.010 of the San Rafael Municipal Code, entitled “Purpose and intent” is hereby amended to read in its entirety as follows:

This chapter establishes a Wildland-Urban Interface (WUI) in the city, as described in the city of San Rafael Wildland-Urban Interface (WUI) map, dated July 2, 2007, on file with the city clerk, as it may be amended hereafter from time to time by city council resolution, which is a designation of a very high severity zone as provided in Government Code Section 51179, and establishes citywide specific vegetation management standards which will be required for all properties in the WUI on or before August 1, 2021 and for properties outside the WUI by April 1, 2022 in order to create defensible space around structures that will minimize the spread of fires from wildlands to structures, from structures to wildlands, and from structures to structures.

2) Section 4.12.030 of the San Rafael Municipal Code, entitled “Vegetation Management Standards” is hereby amended to read in its entirety as follows:

A. Any person owning, leasing, controlling, operating or maintaining a property containing a structure in the City of San Rafael, and any person owning, leasing controlling, operating or maintaining a property that is adjacent to another property containing such a structure, shall at all times maintain defensible space within one hundred (100’) feet of the structure as follows:

- 1.) Raise the crown of all trees by removing growth less than three inches (3") in diameter, from the ground up to a maximum height of 5 feet (5'), as identified by the National Fire Protection Association, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height;
- 2.) Cut and remove all dry grasses (by means other than discing, tilling or other soil manipulation) so that their height does not exceed three inches (3").
- 3.) Remove or chip the wood of all dead trees and other dead vegetation from the ground that is less than three inches (3") in diameter, provided that the stump of a dead tree does not need to be removed. Chipping materials left upon the surface of the ground shall not exceed a depth of three inches (3").
- 4.) Remove all combustible vegetation, provided that single specimens of combustible vegetation are permitted if separated by a distance equal to two (2) times the height of the next adjacent combustible or noncombustible bush on slopes 0 to twenty percent (20%), four (4) times the height of the next adjacent combustible or noncombustible bush on slopes twenty-one (21) to forty percent (40%), and six (6) times the height of the next adjacent combustible or noncombustible bush on slopes exceeding forty percent (40%) as measured from the most outer edge of both bushes.
- 5.) Remove any portion of trees or brush on the property that overhang any roadway and reach within thirteen feet six inches (13'6") vertically above the roadway surface, regardless of proximity to structure.
- 6.) Remove combustible vegetation on the ground of the property within ten feet (10') of any highways, city streets, or private streets used for vehicle traffic or egress from the property, regardless of proximity to structure.

B. In addition, any person owning, leasing, controlling, operating, or maintaining property in the City of San Rafael shall, at all times, within the Intermediate zone (5-30ft from any structure):

- 1.) Maintain an effective firebreak (a strip of land in which vegetation has been modified rather than completely removed) by thinning and clearing away flammable vegetation and combustible growth from areas within thirty feet (30') of any structures.
- 2.) Remove all vegetation within ten feet (10') of a chimney or stovepipe outlet.
- 3.) Maintain woodpiles a minimum of ten feet (10') and two (2) times the height of the woodpile away from any component of the structure on the property.
- 4.) Mulch and other combustible ground coverings are only permitted when no contact is made with combustible exterior walls or plants. Rocks, pavers, and similar are encouraged.
- 5.) Remove all Junipers (genus *Juniperus*), Bamboo (genus *Bambusa*), Acacia (genus *Acacia*), and Italian Cypress (genus *Cupressus sempervirens*).

C. In addition, the following shall apply to the Immediate zone (0-5ft from any structure) on all properties owned, leased, controlled, operated, or maintained within the City of San Rafael:

1.) Maintain the roof, gutters, decks, porches, and stairways of any structure on the property free of accumulated leaves, needles, or dead vegetative growth.

2.) All vegetation within five feet (5') of structure shall be well-irrigated and maintained to eliminate any dead or dying material build-up and trimmed to prevent contact with the structure.

3.) Vines and ivy shall be well-irrigated and maintained to eliminate any dead or dying material build-up.

4.) Single specimen trees shall be permitted when well-irrigated, limbed over five feet (5') or one third of the tree height and have 5' between other tree canopies. Dead and dying branches shall not overhang any structure.

5.) Remove any combustible vegetation under the eaves, decks, or other components of the structure on the property.

6.) Ensure that vegetation is not continuous or able to serve as a fire bridge or ladder between other vegetation and the structure.

7.) Vegetation directly under windows or encroaching within two feet of windows, may not include fire hazardous species as identified by FIRESafe Marin, National Fire Protection Association or local fire officials.

8.) No vegetation shall make direct contact with combustible elements of a structure. Well maintained vegetation may contact Class A and non-combustible materials such as, but not limited to concrete, brick, and stucco.

D. Single specimen exemptions to these regulations, including for erosion control, may be granted at the discretion of the Fire Chief or their designee.

E. To the extent there is any conflict, the vegetation management standards in this section shall supersede the property development standards for protecting the natural state of property as contained in Sections 14.12.030(C) and 14.12.040 of this code.

## **DIVISION 2: SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**DIVISION 3: PUBLICATION; EFFECTIVE DATE.**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

\_\_\_\_\_  
Kate Colin, Mayor

ATTEST:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_ was introduced at a regular meeting of the City Council of the City of San Rafael, held on \_\_\_\_\_ and ordered passed to print by the following vote, to wit:

AYES:                      Councilmembers:

NOES:                      Councilmembers:

ABSENT:                      Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on \_\_\_\_\_.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

# CITY OF SAN RAFAEL

## NOTICE OF PUBLIC HEARING

The City Council of the City of San Rafael will hold a public hearing:

- PURPOSE:** Public Hearing: To consider adoption of an ordinance making amendments to San Rafael Municipal Code Title 4 (Fire), sections 4.12.010 and 4.12.030. to expand vegetation standards now applied in the City's Wildland-Urban Interface and to apply those updates standards to to apply to properties throughout the City so as to protect lives and property from wildfire.
- DATE/TIME/PLACE:** Monday, February 1, 2021, at 7:00 p.m.  
Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County Shelter in Place Order, the San Rafael City Council hearing of February 1, 2021 will not be physically open to the public and the meeting will be streamed live to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Instructions on how to participate online will be available on the YouTube channel. You will also be able to listen/speak by telephone. The number will be provided on agenda.
- WHAT WILL HAPPEN:** You may comment on the proposed vegetation ordinance changes. The City Council will consider all public testimony and will then decide whether to pass the amendments to print.
- IF YOU CANNOT ATTEND:** You may send a letter to City Clerk, City of San Rafael, 1400 Fifth Avenue, Room 209, San Rafael, CA 94915 or by email [Lindsay.Lara@cityofsanrafael.org](mailto:Lindsay.Lara@cityofsanrafael.org).
- FOR MORE INFORMATION:** You may contact Quinn Gardner, Emergency Manager, at (415) 485-5336 or [quinn.gardner@cityofsanrafael.org](mailto:quinn.gardner@cityofsanrafael.org). Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL

/s/ LINDSAY LARA  
LINDSAY LARA, City Clerk

Examples of Vegetation Management Efforts and Impacts



**Example 1  
Before**

A large juniper was removed from the driveway of this property. The remaining vegetation appears healthy, although some additional spacing would improve this properties defensible space. The tree in the foreground is appropriately limbed to provide vertical spacing



**Example 1  
After**



Examples of Vegetation Management Efforts and Impacts



**Example 2  
Before**

The dead and dying vegetation was removed from the vine on a property’s trellis. The after image shows will maintained and irrigated Ivy, with non-combusitble material (pavement) at it’s base. The branches of large tree in the right of the after image should be trimmed to prevent contact with the structure.



**Example 2  
After**

Examples of Vegetation Management Efforts and Impacts



**Example 3  
Before**

These images show the removal of a large Juniper from the front of the property, within 10 feet of the roadway and driveway. The lawn is well irrigated and plants in the Immediate Zone appear healthy.



**Example 3  
After**

## Examples of Vegetation Management Efforts and Impacts



**Example 4  
Before**

In the photo above the Italian Cypress near the home (left) and juniper near the street (bottom right) were scheduled for removal as seen in the after images below. The ground cover as well as the health and spacing of the plants to the left of the driveway provide good defensible space.



**Example 4  
After**