

**NOTICE OF ADOPTION OF ORDINANCE NO. 620  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE  
ESTABLISHING VERY HIGH FIRE HAZARD SEVERITY ZONES**

At its regular meeting on June 24, 2013 the City Council of the City of Lafayette adopted Ordinance No. 620 by the following vote:

**AYES: M. Anderson, Tatzin, B. Andersson, Mitchell and Reilly**

**NOES: None**

**ABSTAIN: None**

**ABSENT: None**

The following is a summary of Ordinance No. 620: Establishes Very High Fire Hazard Severity Zones. State Law directs the California Department of Forestry and Fire Protection (CAL FIRE) to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors. These zones, referred to as Very High Fire Hazard Severity Zones (VHFHSZ), are used to identify areas where ignition resistant building standards will be required for new construction, to identify properties requiring defensible space maintenance, and by sellers to disclose natural hazards at the time of property sale. CAL FIRE has provided the City of Lafayette with updates to the VHFHSZ map issued to Lafayette in 1996.

State Law requires the City of Lafayette to designate VHFHSZ. State Law also allows local jurisdictions to offer substitutions for state-mapped areas where local mapping offers a more accurate map developed with a more scientifically based approach. The Contra Costa County Fire Protection District (CON FIRE) has prepared their own local Priority Hazard Zone maps. CON FIRE'S maps are based on local and site-specific fire history, fuel, topography, and weather factors rather than a state-wide model.

Ordinance No. 620 would establish High Fire Hazard Zones within the City of Lafayette consisting of both the CAL FIRE and CON FIRE maps.

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance and the map proposed for adoption are posted in the City Clerk's office at 3675 Mount Diablo Blvd., Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: July 1, 2013  
Joanne Robbins, City Clerk

1 **BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**  
2 **IN THE MATTER OF:**

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An Ordinance of the City Council of the City )  
of Lafayette Adopting Very High Fire Hazard ) Ordinance No. 620  
Severity Zones for the City of Lafayette )

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7 **WHEREAS**, in 1992, the California Legislature adopted the Bates Bill, codified as Government Code  
8 sections 51175, et seq., to prevent and control fires in the State, and reduce the intensity of  
9 uncontrolled fires, in order to protect life and property within the State;

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11 **WHEREAS**, section 51178 of the Government Code requires the State Director of Forestry and Fire  
12 Prevention (Director) to designate certain areas in the State as Very High Fire Hazard Severity Zones  
13 (VHFHSZ);

14

15 **WHEREAS**, Section 51181 of the Government Code requires the Director to periodically reevaluate the  
16 VHFHSZ;

17

18 **WHEREAS**, the Director designated certain areas in the City of Lafayette as VHFHSZs;

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20 **WHEREAS**, Section 51179(a) requires a local agencies to designate VHFHSZ by ordinance;

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22 **WHEREAS**, Section 51179(b) allows a local agency to include areas within the jurisdiction of the local  
23 agency, not identified as VHFHSZ by the Director, as VHFHSZ if the jurisdiction finds that use of ignition  
24 resistant building standards for new construction and defensible space maintenance are necessary for  
25 effective fire protection within the area;

26

27 **WHEREAS**, the City of Lafayette has received a map prepared by the Contra Costa County Fire Protection  
28 District (CON FIRE) entitled, Priority Hazard Zones (PHZ), which identifies areas within the jurisdiction of  
29 the City of Lafayette susceptible to wildfire;

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31 **WHEREAS**, CON FIRE's PHZ map was developed by means of a science-based model using  
32 high-resolution data to collect information on terrain, fuel volume, and structural material composition  
33 and physics-based fire behavior modeling and a code and standards-based foundation consisting of  
34 parcel-by-parcel inspections to assess and rate attributes associated with fire behavior, landscape,  
35 water, access, and construction;

36

37 **WHEREAS**, the City of Lafayette has evaluated the CAL FIRE VHFHSZ and CON FIRE PHZ maps, and  
38 received a recommendation from the Lafayette Emergency Preparedness Commission (EPC) to adopt  
39 both of the maps for the purpose of identifying VHFHSZ within the jurisdiction of the City of Lafayette.  
40 In making this recommendation, it was important to the EPC to recognize that prevention of wildland  
41 fires is a matter of state-wide concern and classification of VHFHSZs and implementation of preventive  
42 measures are needed to ensure the preservation of the public health and safety and to acknowledge the

1 more refined methodology used by CON FIRE and their risk-based approach to identifying areas  
2 susceptible to wildfire;

3  
4 **WHEREAS**, the CAL FIRE VHFHSZ and CON FIRE PHZ have been consolidated into one map entitled, "City  
5 of Lafayette Very High Fire Hazard Severity Zones", incorporated herein as Exhibit "A";

6  
7 **WHEREAS**, the City of Lafayette desires to adopt VHFHSZ pursuant to Section 51179(b) of the  
8 Government Code including the map entitled, "City of Lafayette Very High Fire Hazard Severity Zones",  
9 incorporated herein as Exhibit "A" to ensure that the health and safety needs of the City are addressed;

10  
11 **WHEREAS**, the City Council held a public hearing on June 10, 2013 at which time all interested persons  
12 had the opportunity to appear and be heard on the matter of adopting VHFHSZ for the City of Lafayette;

13  
14 **WHEREAS**, the City published notice of the aforementioned public hearing as required by law on June 4,  
15 2013 and provided notice of the City's consideration of fire hazard zone maps to the office of the county  
16 recorder, county assessor, and county planning agency as required by the Government Code; and

17 **WHEREAS**, all other legal and procedural prerequisites relating to the adoption of this Ordinance have  
18 occurred.

19  
20 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES HEREBY ORDAIN AS FOLLOWS:**

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22  
23 **Section 1. Findings.** The City Council finds the following:

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25 (a) The City Council finds it necessary, as allowed by Section 51179(b) of the Government Code, to  
26 include areas within the City's the jurisdiction, not identified as VHFHSZ by the Director, as VHFHSZ  
27 where the use of ignition resistant building standards for new construction and defensible space  
28 maintenance are necessary for effective fire protection due to the following local conditions.

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30 (1) The city is located in the rolling hills of central Contra Costa County. The city experiences the  
31 hot, dry summer weather that is characteristic of central Contra Costa County but receives the  
32 increased rainfall of the East Bay hills. This climate has promoted the rapid growth of native grass  
33 lands, chaparral, trees and other flammable plant species in the area. The climate has encouraged  
34 the development of the city, with the addition of primarily residential uses within the community  
35 and the addition of non-indigenous plant species. Due to its location near the East Bay hills and in  
36 a valley, the city often experiences air movements which are not common to other communities.

37  
38 (2) Incrementally and over time Lafayette has been transformed from a small centralized  
39 agrarian community to one characterized by scattered residential development interspersed with  
40 large areas of steeper hills. These areas within the urban/wildland interface contain large  
41 quantities of potential fuel, including grass, brush and trees. The majority of the roads penetrating  
42 the hill areas are narrow and curving and frequently end in cul-de-sacs which limits fire equipment  
43 access and increases response time.

44  
45 (3) The topographic and geologic conditions in the city have not permitted the establishment of

1 an infrastructure which permits adequate fire protection to be provided when new development  
2 occurs. It is difficult to widen existing streets or to create interconnections with other streets to  
3 meet present response time standards. Fire hydrants, especially in the hillside areas, often have  
4 less than optimum water pressure levels. The terrain often causes response times for the fire  
5 department to exceed minimum standards and makes the physical fighting of a fire more difficult.  
6

7 (4) The October, 1991 fire storm which occurred in the Oakland/Berkeley hills was an indication  
8 of the potential for a similar fire which could occur in the city. Many of the same conditions which  
9 contributed to the loss of the property and life in that fire exist in the city. In addition, unlike the  
10 situation in Oakland/Berkeley, there is a significant amount of ungrazed open space on the  
11 surrounding undeveloped hillsides. Either wildfires or house fires could initiate such a firestorm in  
12 the city.  
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14 **Section 2. Applicability.** Materials and construction methods for exterior wildfire exposure applying to  
15 the design and construction new buildings as found in the California Building Code and the mitigation  
16 strategies to reduce risk associated with wildland fires, exemptions, disclosure requirements and  
17 violation and penalty provisions pursuant to sections 51182 through 51189 shall apply to those areas  
18 identified on the map entitled, "City of Lafayette City of Lafayette Very High Fire Hazard Severity Zones",  
19 incorporated herein as Exhibit "A". Said map shall be kept on file in the office of the city clerk and will  
20 also be made accessible through the Contra Costa County Building Inspection Division.  
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22 **Section 3. CEQA.** The City Council finds that adoption of this Ordinance is not a "project," as defined in  
23 the California Environmental Quality Act because it does not have a potential for resulting in either a  
24 direct physical change in the environment or a reasonably foreseeable indirect physical change in the  
25 environment and concerns general policy and procedure making.  
26

27 **Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of  
28 this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by  
29 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the  
30 remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it  
31 would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this  
32 Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs,  
33 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the  
34 provisions of this Ordinance are declared to be severable.  
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36 **Section 5. Effective Date.** This ordinance becomes effective thirty (30) days after its adoption.  
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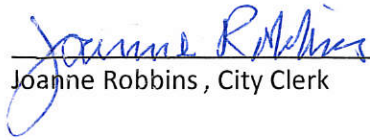
38 **Section 6. Publication.** The City Clerk shall either (a) have this ordinance published in a newspaper of  
39 general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this  
40 ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption  
41 and again within fifteen (15) days after adoption.  
42

43 The foregoing ordinance was introduced at a meeting of the City Council of the City of Lafayette held on  
44 June 10, 2013, and was adopted and ordered published at a meeting of the City Council held on June 24,  
45 2013 by the following vote:  
46

1 AYES: **M. Anderson, Tatzin, B. Andersson, Mitchell and Reilly**  
2 NOES: **None**  
3 ABSTAIN: **None**  
4 ABSENT: **None**

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ATTEST:

  
\_\_\_\_\_  
Joanne Robbins, City Clerk

APPROVED:

  
\_\_\_\_\_  
Mike Anderson, Mayor

**EXHIBIT "A"**  
**CITY OF LAFAYETTE VERY HIGH FIRE HAZARD SEVERITY ZONES**

*- Attached Behind This Page -*



# City of Lafayette Very High Fire Hazard Severity Zones

The data in this map is a compilation of data collected by the City of Lafayette from (1) Contra Costa County Fire Protection District, and (2) Cal Fire.

