

Ember Resistant Zone Zero Overview of Draft Rule Plead

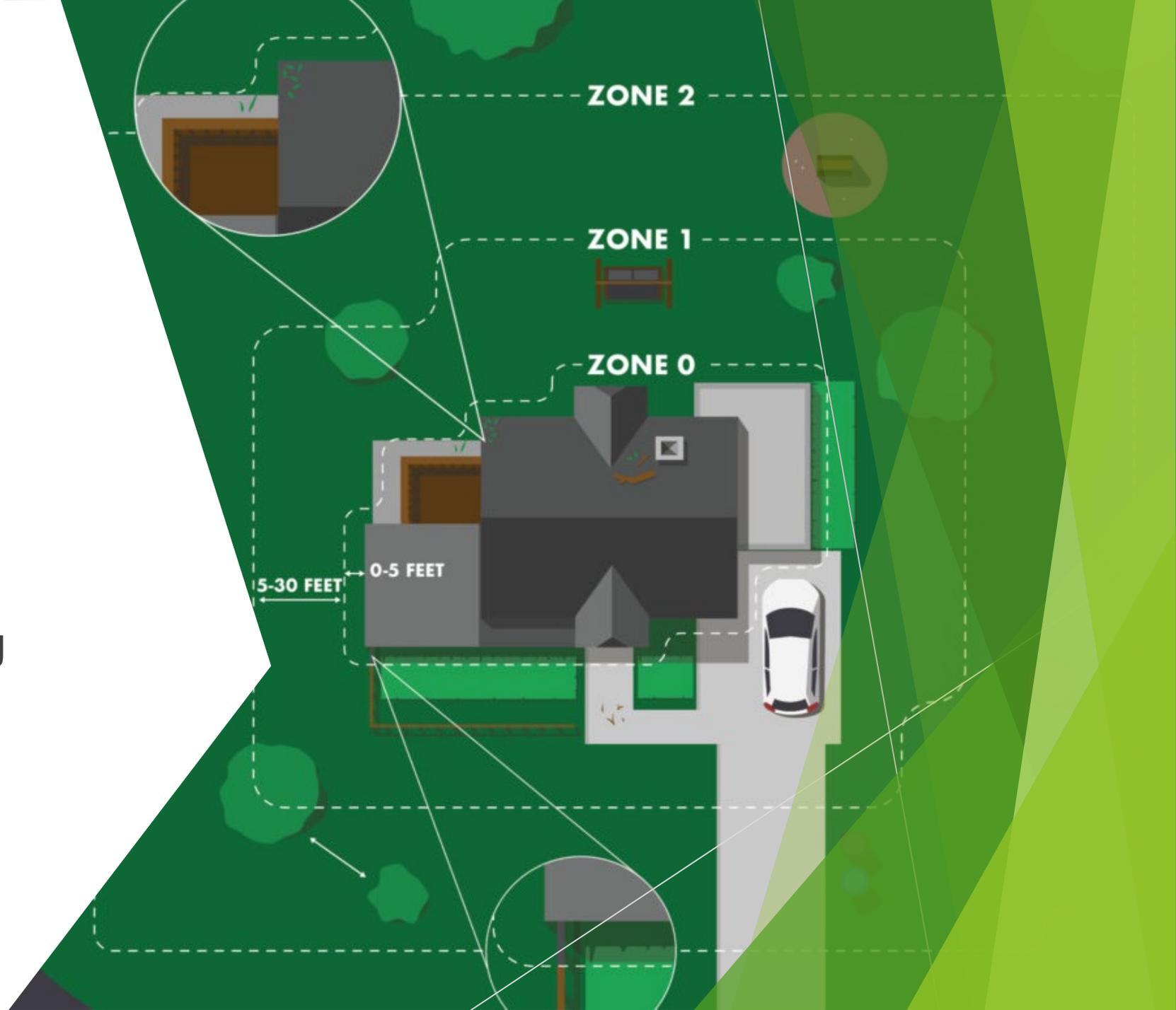
April 7, 2025

Overview

- ▶ Background/Requirements for changes to Regulatory Text
- ▶ Overview of Proposed Changes to Regulatory Text (the “Rule Plead”)
- ▶ Public Input on Highlighted Portions of the Rule Plead
- ▶ Public Input on other aspects of the Rule Plead

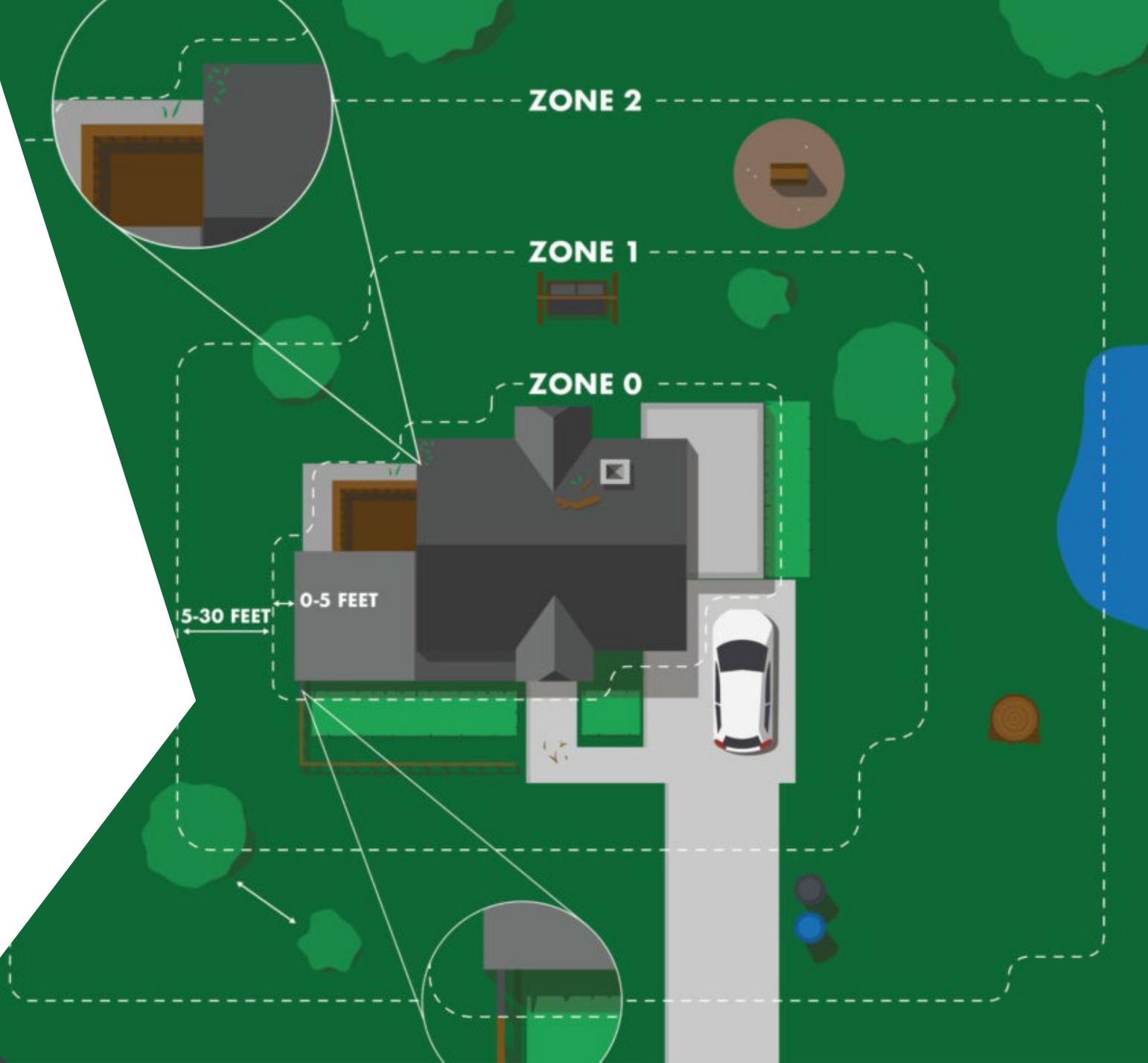
Ember Resistant Zone Zero Rule Plead

- ▶ Concerns area within five (5') feet around each Building or Structure
- ▶ Also makes conforming changes to Zone One (5'-30') a Building or Structure



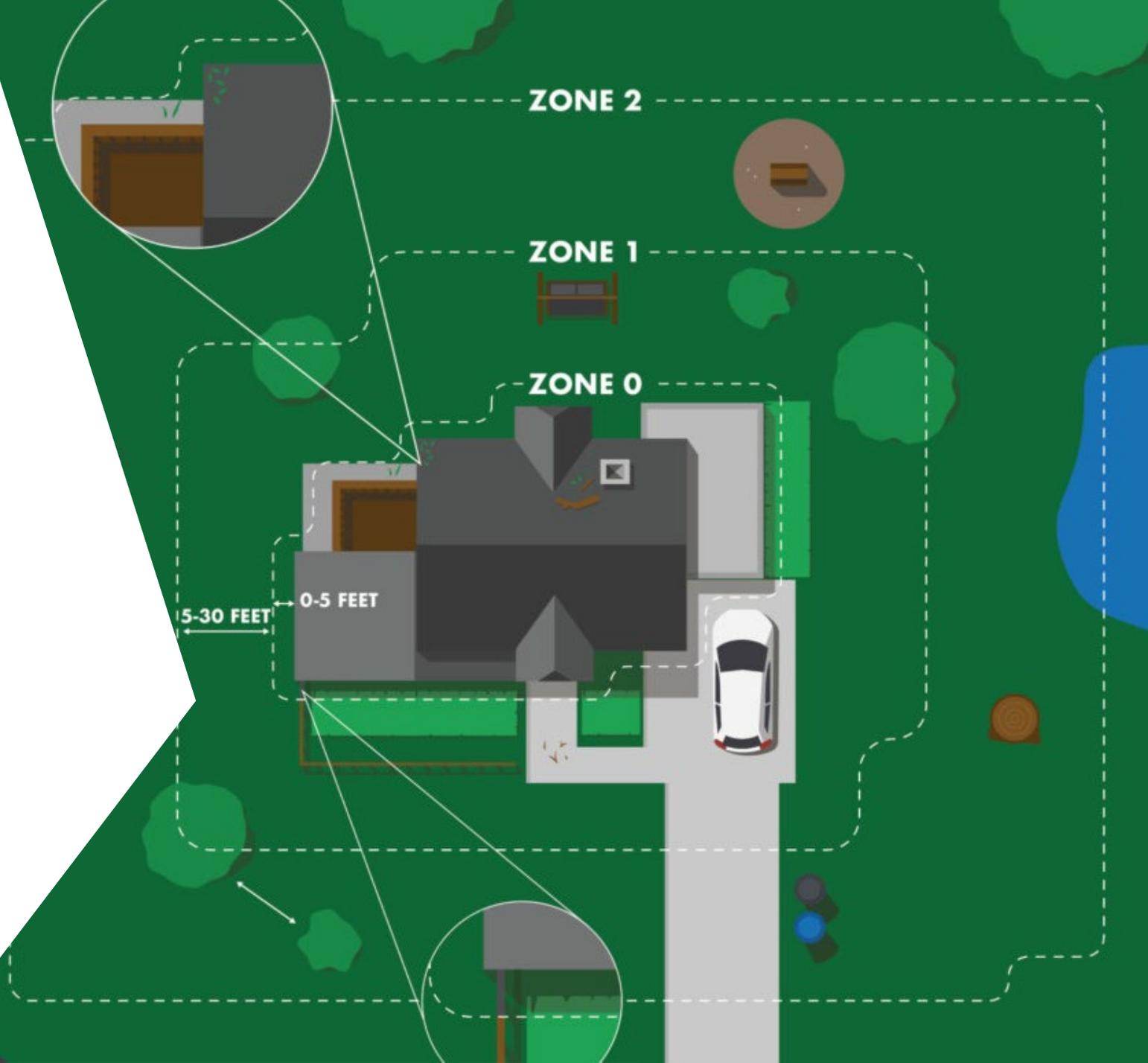
Ember Resistant Zone Zero

- ▶ The Board's authority to adopt these regulations is authorized by PRC § 4291
- ▶ Some specific changes within the rule plead are required by changes to the authorizing statute
- ▶ There are changes where the Board has more discretion as to the content of the rule plead



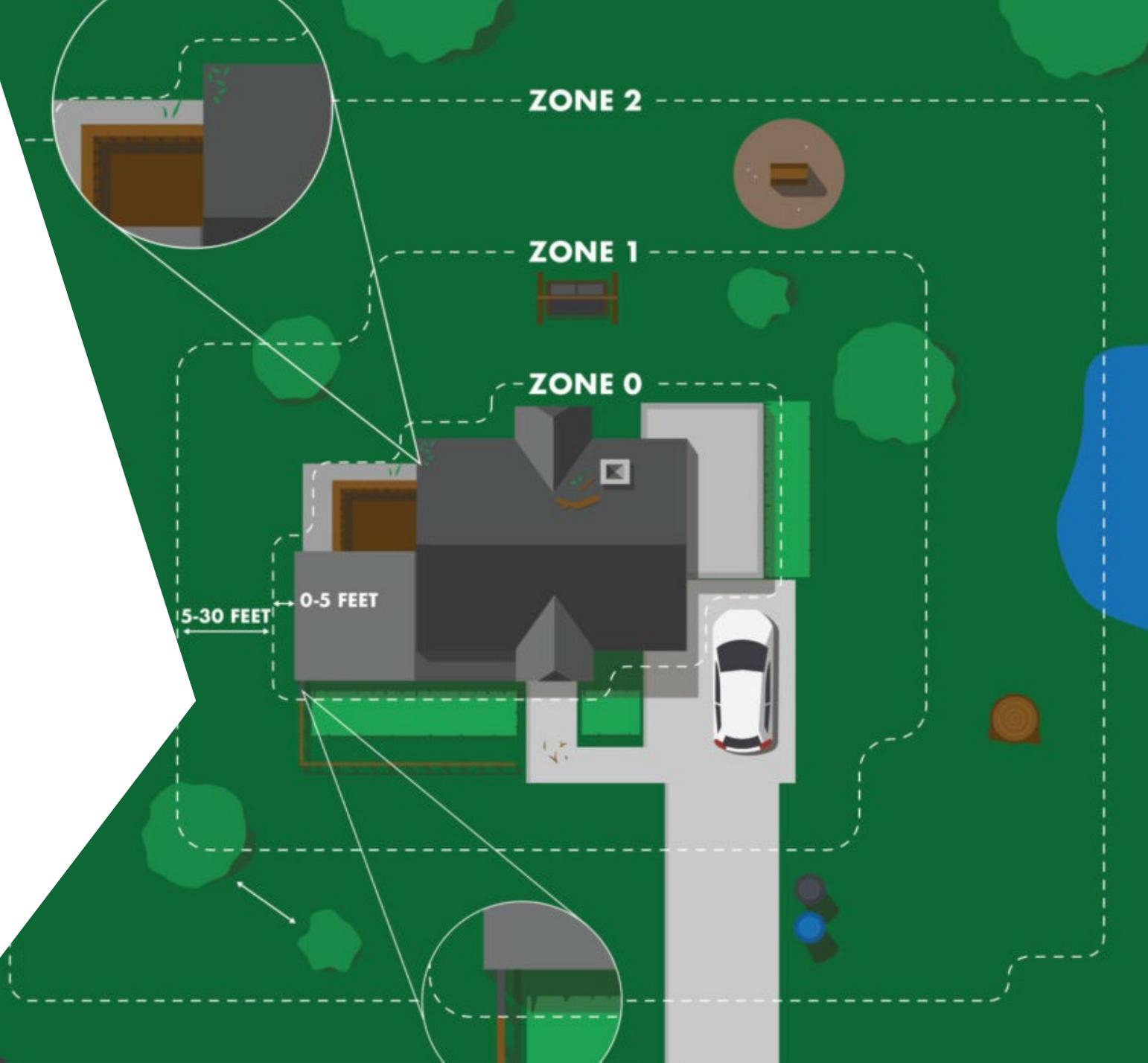
Ember Resistant Zone Zero

- ▶ The language in the rule plead must meet the requirements of the Administrative Procedures Act for clarity, consistency, and necessity.



Changes to Regulatory Text

- ▶ Plain text indicates existing regulatory text
- ▶ Underlined text indicates proposed additions to the regulatory text
- ▶ ~~Strikethrough text~~ indicates ~~proposed deletions from the regulatory text~~

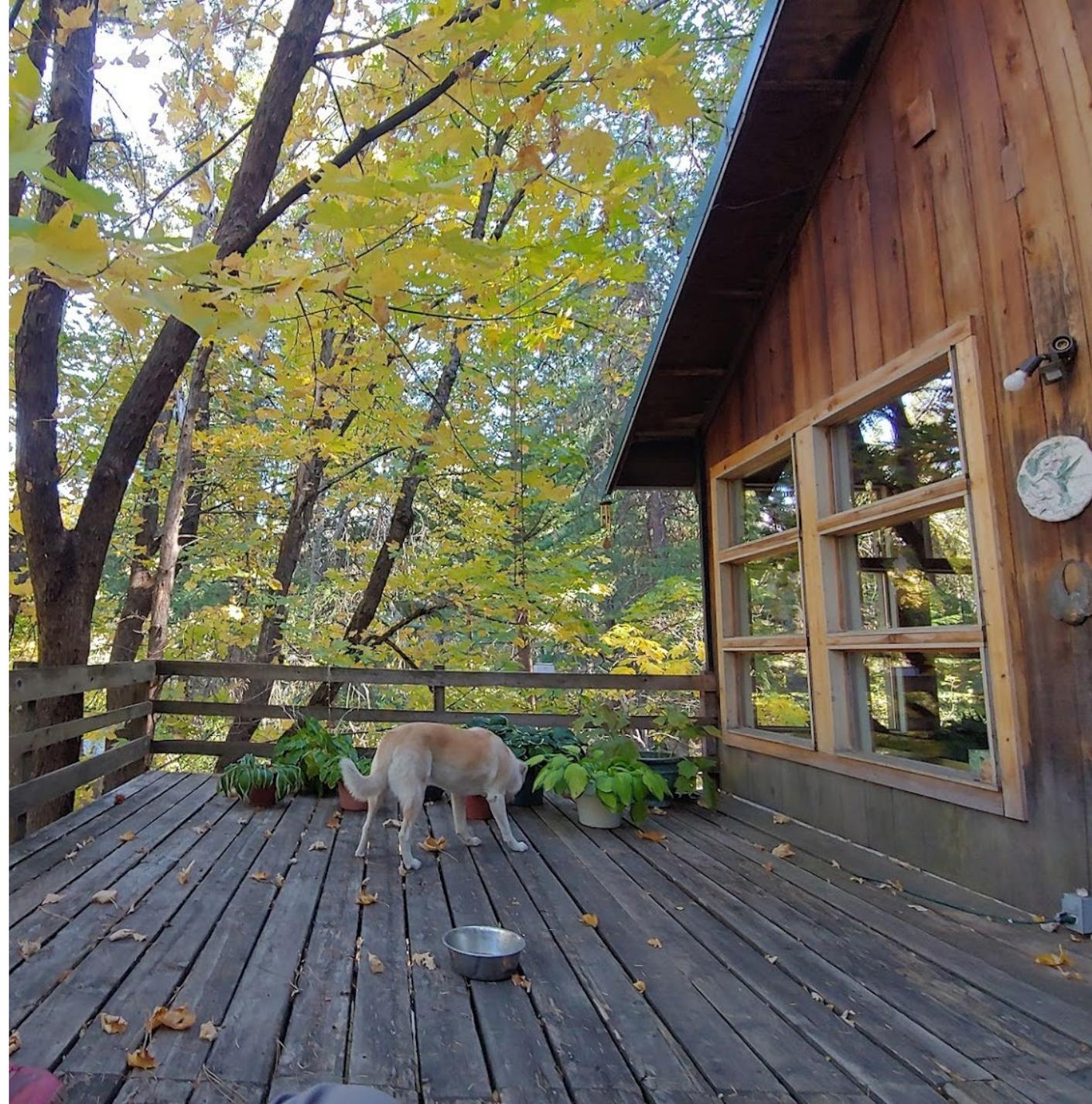


§ 1299.01. Purpose.

- ▶ The intent of this regulation is to provide guidance for implementation of Public Resources Code Section 4291 to improve safety for fire fighters defending a home as well as increase the survivability of a “Building or Structure” as defined, ~~that exists in grass, brush, and forest covered lands~~ within the designated State Responsibility Area (SRA) of California.

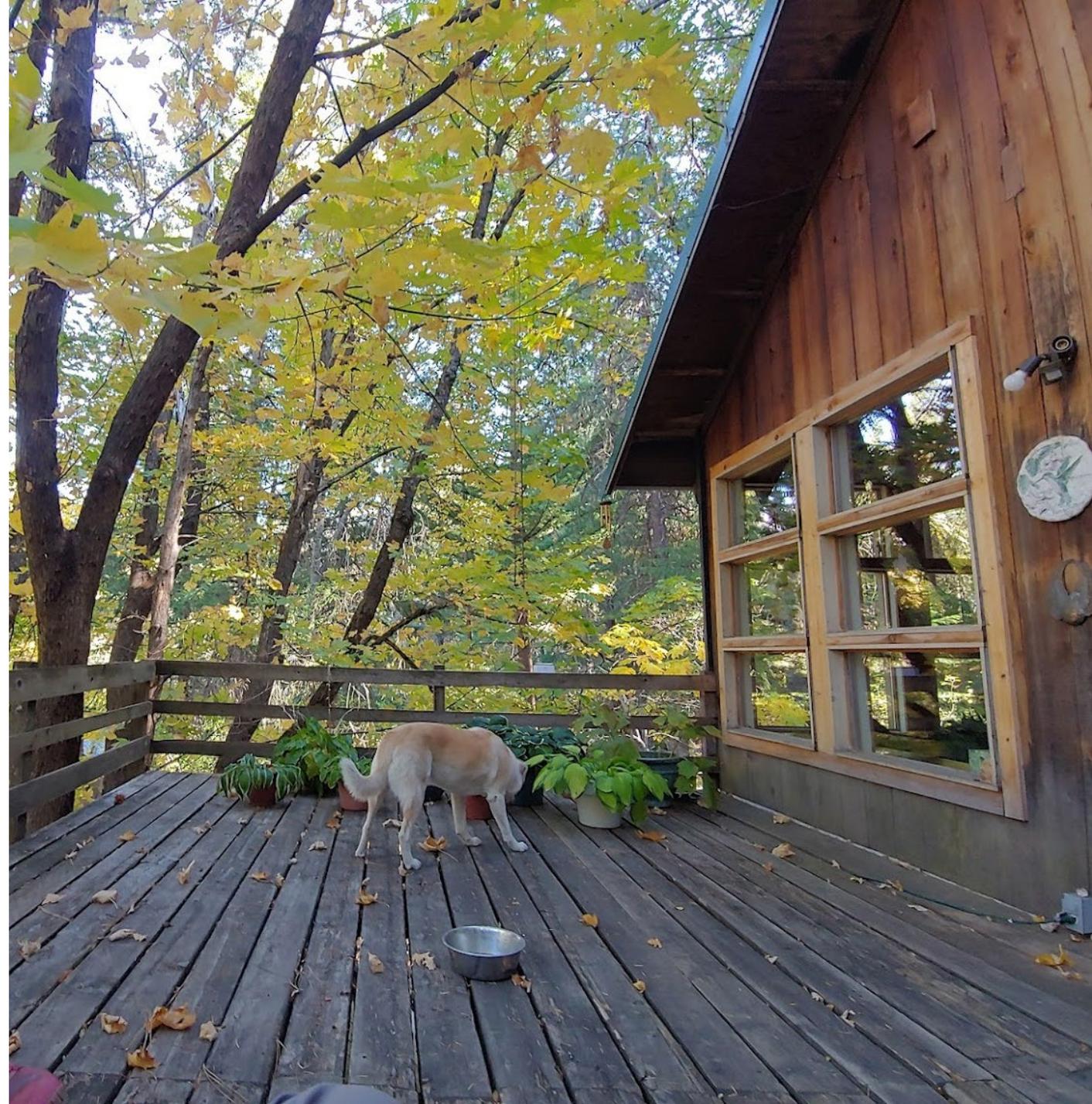
§ 1299.02. Definitions

► (b) Building or Structure. Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground. A structure for the purpose of an ember-resistant zone includes an attached deck.



§ 1299.02. Definitions

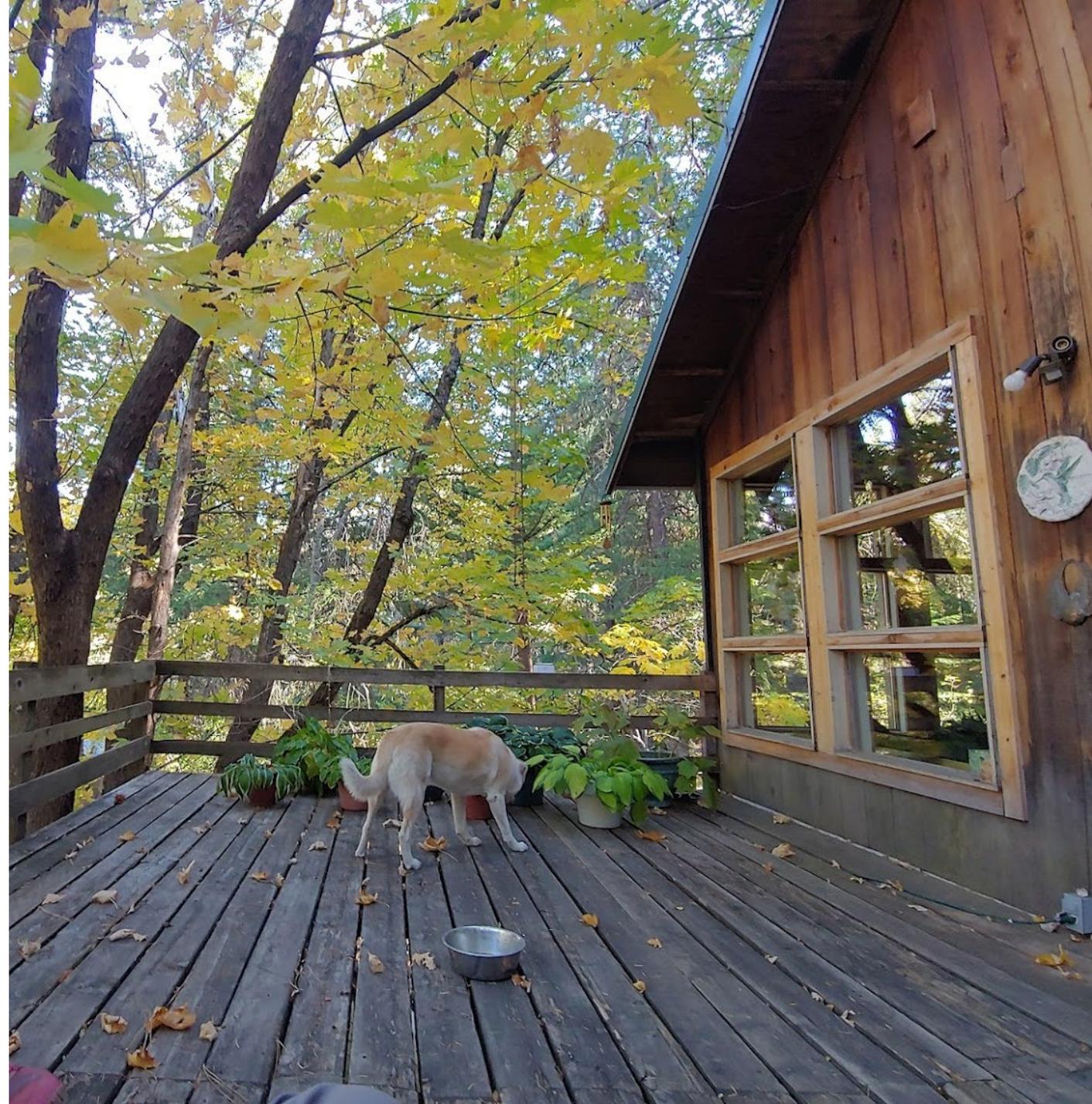
► (c) Outbuilding. Buildings or structures that are less than one hundred-twenty (120) square feet in size and not used for human habitation. For purposes of this Section, an “Outbuilding” is not a “Building or Structure” as defined in subsection (b) above.



§ 1299.02. Definitions

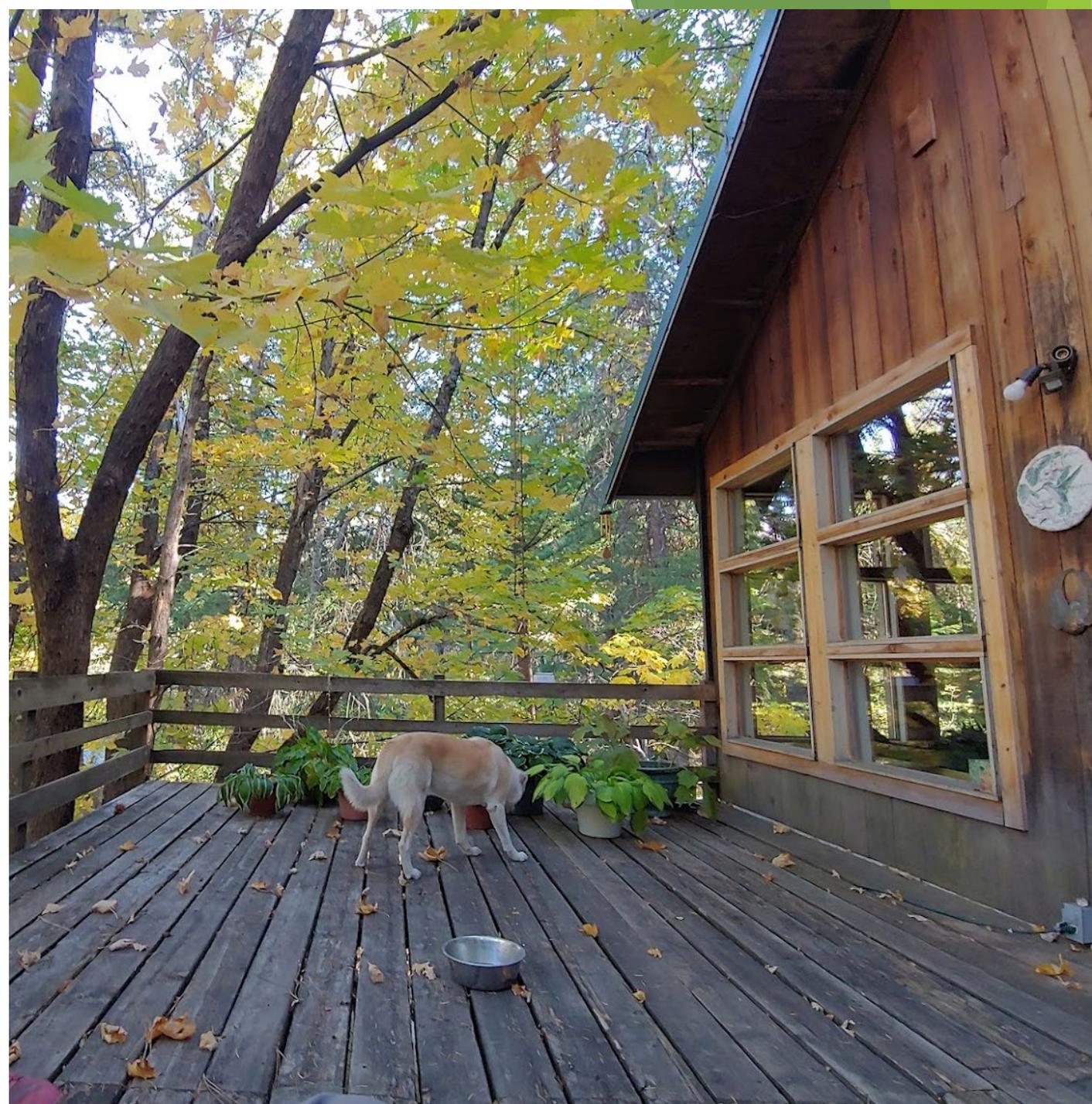
▶ (d) Existing Building or Structure. An Existing Building or Structure is a Building or Structure other than a New Building or Structure.

▶ (e) New Building or Structure. A New Building or Structure is a Building or Structure that did not exist prior to the effective date of the regulation that added this subsection.



§ 1299.02. Definitions

► (f) Combustible: Vegetative, wood, or petroleum-based materials that are likely to ignite and transmit flames.



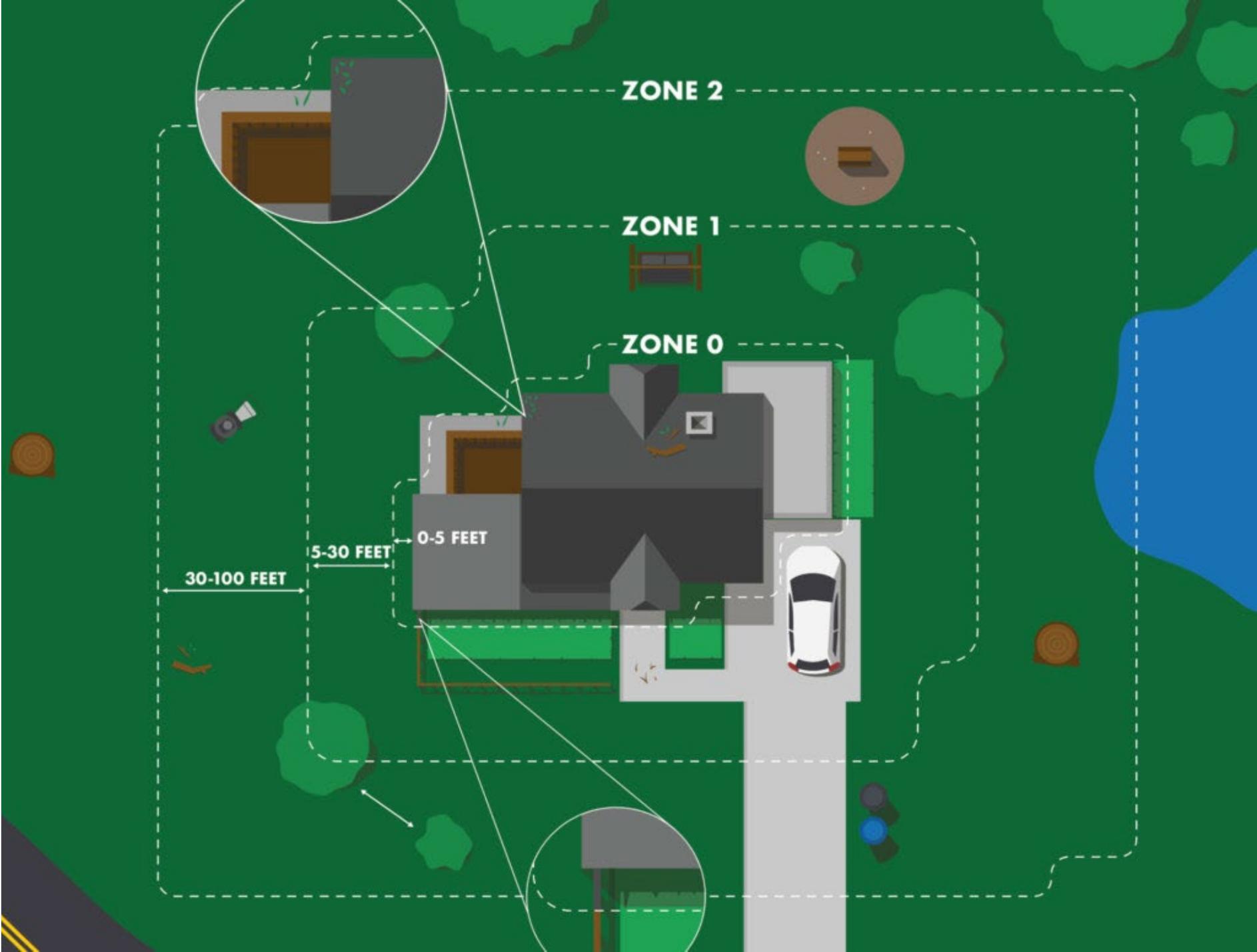
§ 1299.03. Requirements.

- ▶ Defensible space is required to be maintained at all times, ~~whenever flammable vegetative conditions exist.~~

§ 1299.03(a) Zone Definitions

- ▶ (a) One hundred feet (100 ft.) of defensible space clearance shall be maintained in ~~two~~ three distinct “Z-zones” as follows:
- ▶ Zone 0 is the area within five feet (5 ft.) around each Building or Structure or to the property line, whichever comes first.
- ▶ “Zone 1” extends from five (5ft.) to thirty feet (30 ft.) out from each “Building or Structure,” or to the property line, whichever comes first;
- ▶ “Zone 2” extends from thirty feet (30 ft.) to one hundred feet (100 ft.) from each “Building or Structure,” but not beyond the property line.
- ▶ The vegetation treatment requirements for Zone 0 are more restrictive than for Zone 1; the requirements for Zone 1 are more restrictive than for Zone 2; as provided in this section ~~(a) and (b)~~ below.

§ 1299.03(a)
Zone
Definitions



§ 1299.03(b) Zone Zero Requirements

- ▶ (1) Landscaping Materials
 - ▶ Exception: Some Potted Plants
- ▶ (2) Trees
 - ▶ Exception: Some trees with specific pruning.
- ▶ (3) Other items that are likely to be ignited by embers
- ▶ (4) Combustible Gates
- ▶ (5) Combustible Fences
- ▶ (6) Outbuildings
- ▶ (7) Timelines
- ▶ (8) Staging and scope of work



Landscaping Materials

- ▶ (1) No landscaping materials that are likely to be ignited by embers are permitted within Zone 0. This includes, but is not limited to grass, ornamental or native plants, shrubs, branches, fallen leaves and tree needles, weeds, and combustible mulches including bark and woodchips.



Potted Plants

- ▶ (A) Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window; are kept in an unaffixed, not combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on the plants shall be removed.

Trees

- ▶ (2) No trees are permitted in Zone 0.
- ▶ (A) Exception: If the bole of a tree is present within Zone 0, that tree is permitted if it is taller than the adjacent Building or Structure's roof ridgeline, does not have any dead and dying branches; and all live tree branches shall be kept ten feet (10') above the adjacent Building or Structure's roof ridgeline, ten feet (10') away from chimneys and stovepipe outlets, and five feet (5') away from the sides of any Building or Structure.

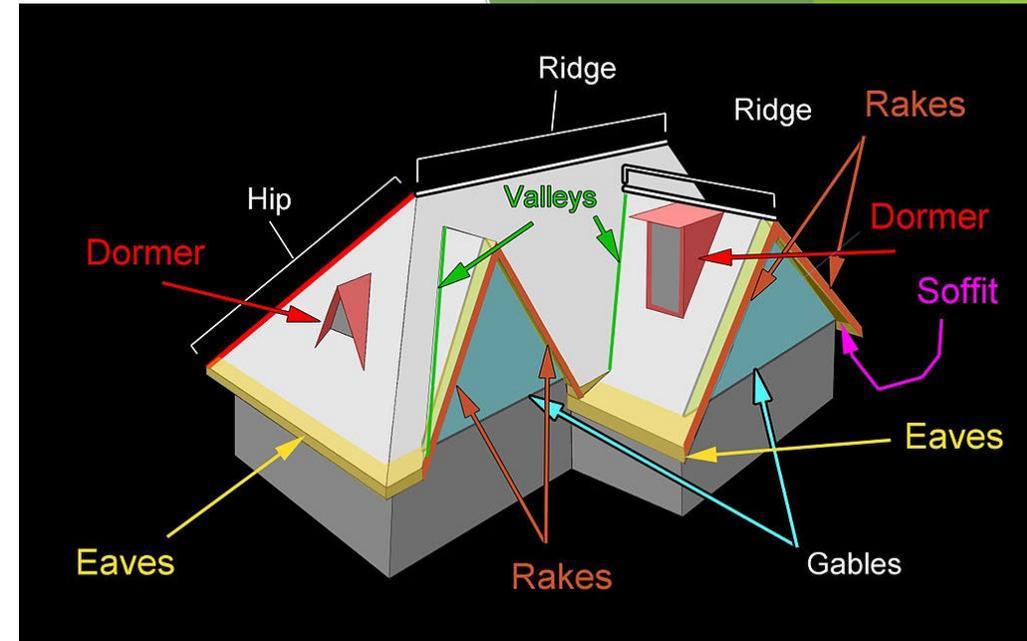


Photo Credit: Yana Valachovic

Items likely to be ignited by embers

- ▶ No items that are likely to be ignited by embers are permitted within Zone 0, including but not limited to combustible boards, timbers, firewood, synthetic lawn, attached window boxes, and trellises. The roof and rain gutters of a Building or Structure shall be kept clear of leaves and needles.





Gates

- ▶ (4) Combustible gates that are directly attached to a Building or Structure are not permitted in Zone 0.



Fences

- ▶ (5) Fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment. After the effective date of this regulation, no new sections of combustible fence are permitted within 5 feet of a Building or Structure including an attached deck.

Outbuildings

- ▶ (6) Outbuildings are not permitted in Zone 0, unless constructed according to the standards in Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations. Outbuildings that meet these standards shall be considered part of the Building or Structure for purposes of determining Zones 0, 1, and 2.





Timelines

- ▶ (7) The requirements for Zone 0 shall take effect for New Buildings or Structures upon the date that the guidance document, as described in PRC § 4291(e), is updated and for existing Buildings or Structures three years thereafter. Upon updating the guidance document, the Board shall post it on its website.



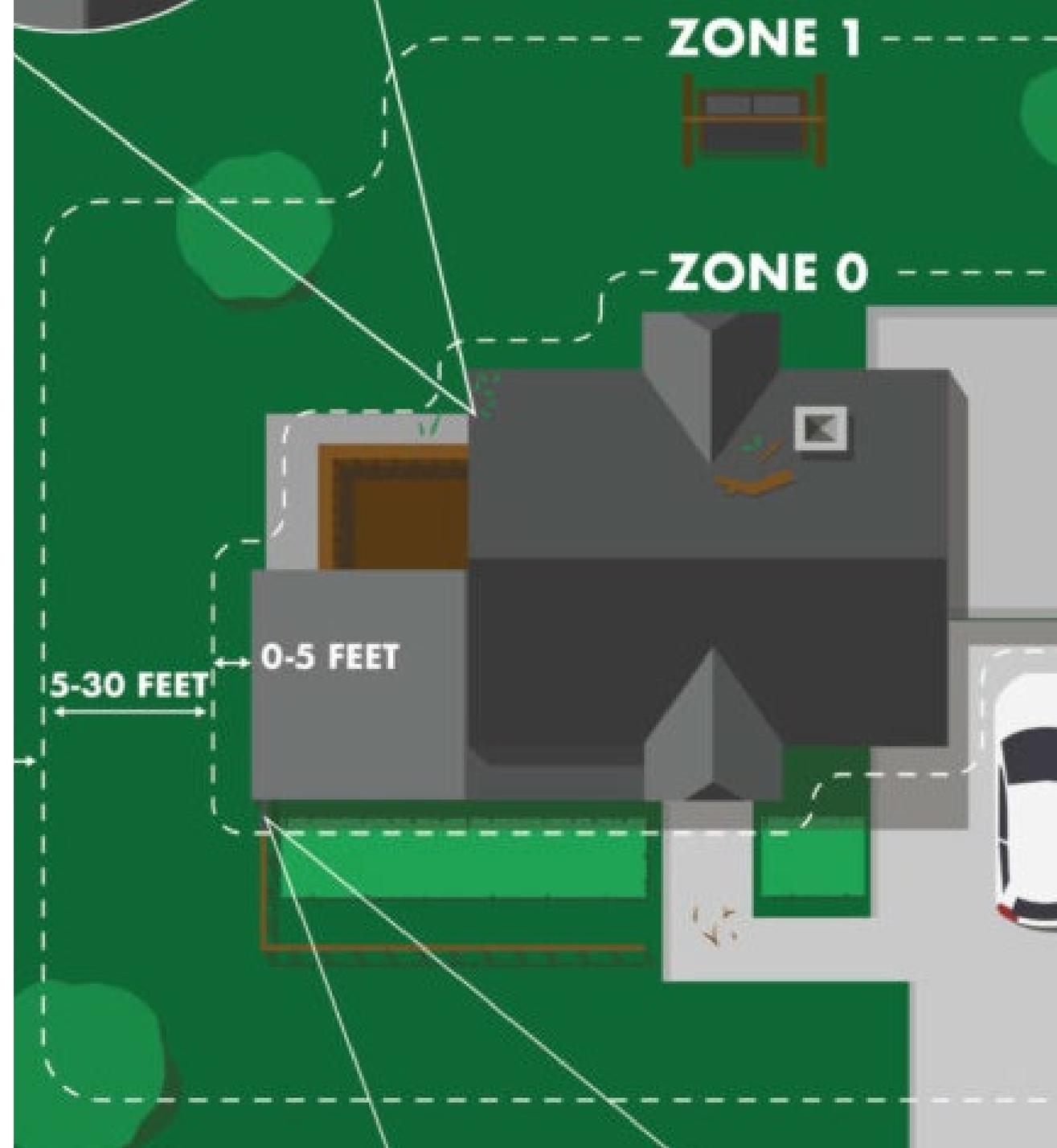
Staging, scope of work

- ▶ (8) The Department may allow for the staging of work for existing structures and take into account the scope of work necessary to achieve compliance.

1299.03(c) Zone 1: Clarity Changes

(a~~c~~) Zone 1 Requirements:

(1) Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the Zone whether such vegetation occurs in yard areas around the “Building or Structure,” ~~on the roof or rain gutters of the “Building or Structure,”~~ or any other location within the Zone.

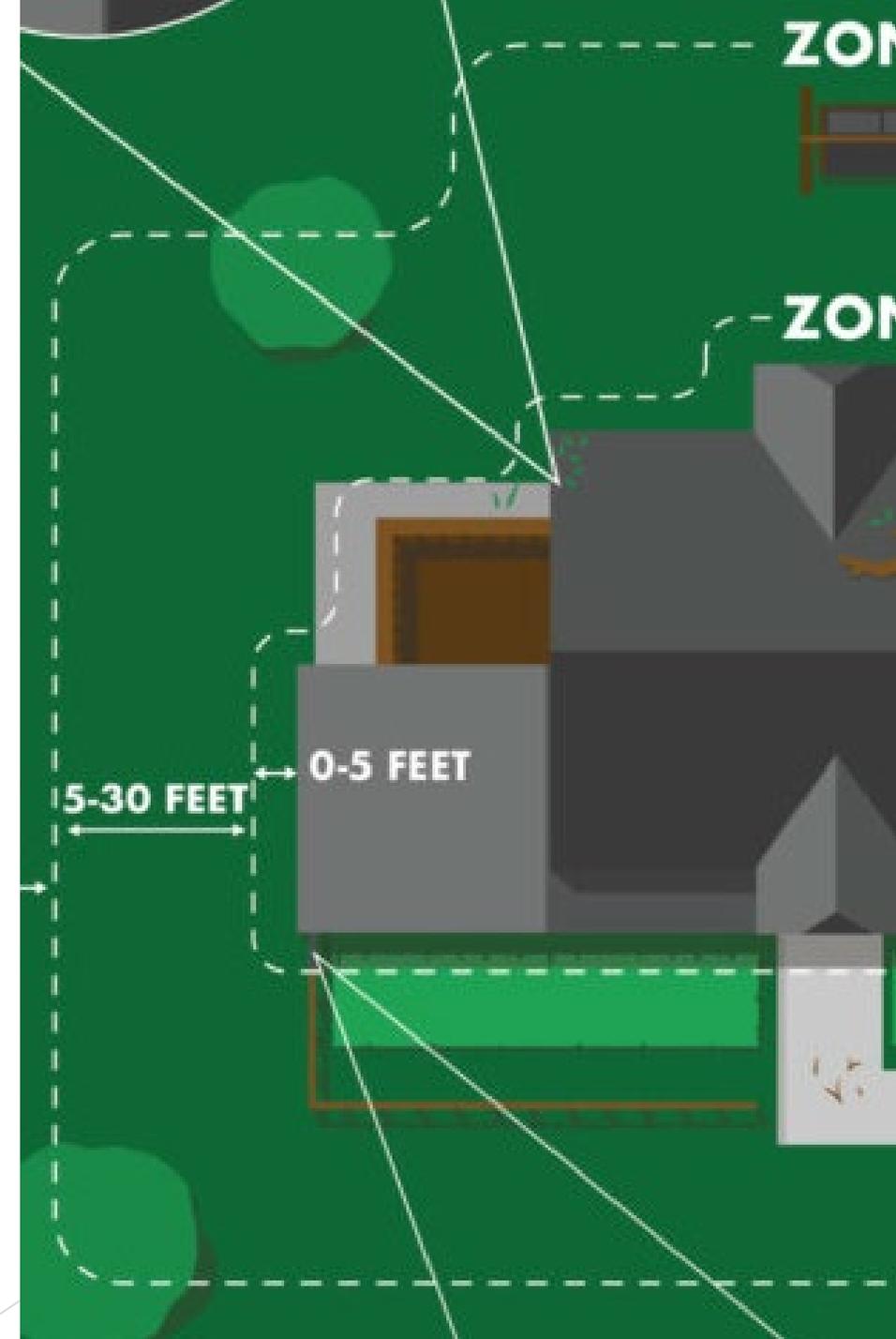


1299.03(c) Zone 1: Clarity Changes

~~(2) Remove dead tree or shrub branches that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces, and keep all branches a minimum of ten feet (10 ft.) away from chimney and stovepipe outlets.~~

~~(3) Relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire resistant material.~~

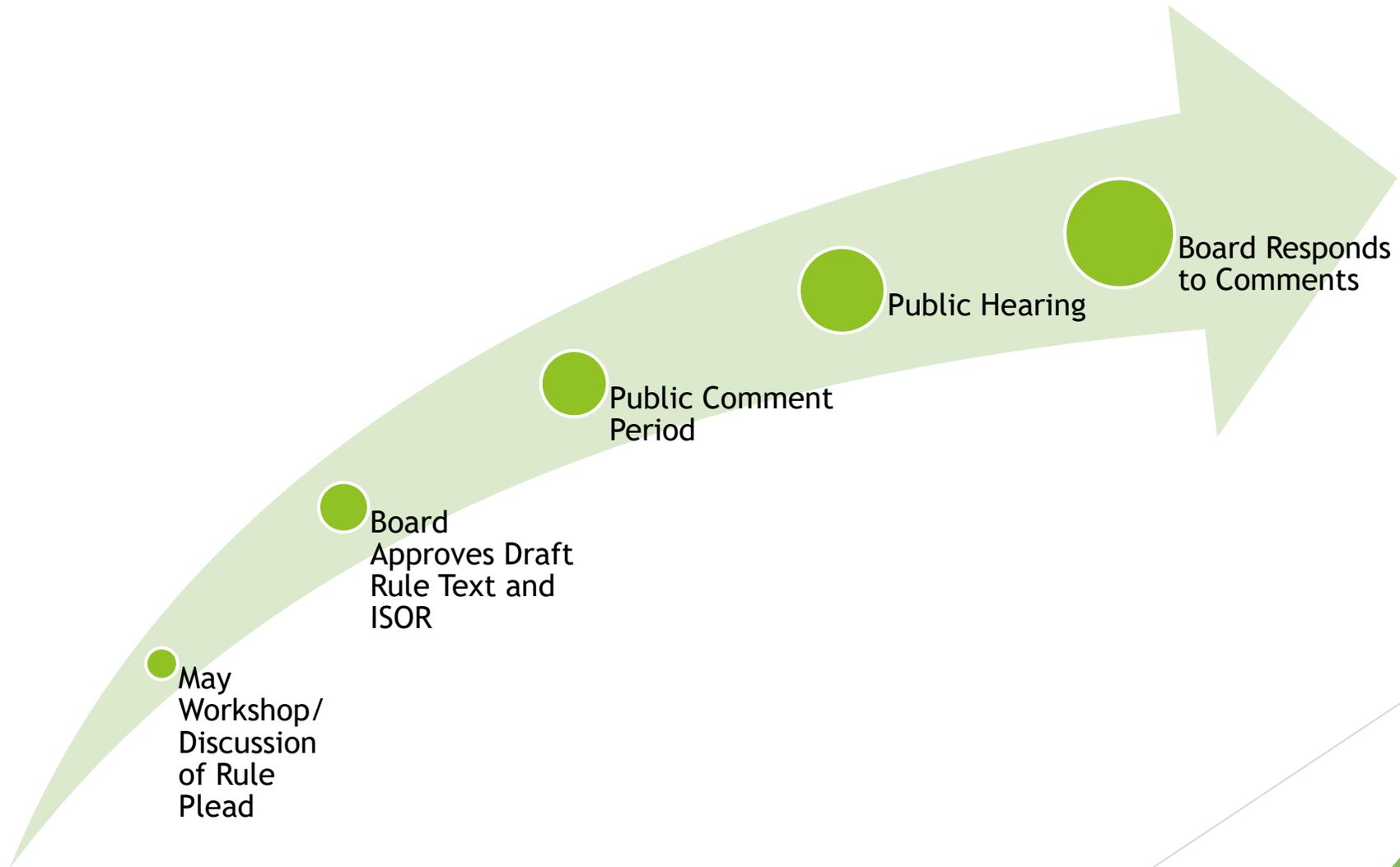
~~(4) Remove flammable vegetation and items that could catch fire which are adjacent to or under combustible decks, balconies and stairs.~~



1299.03(c) Zone 1: Transition Zone

- ▶ **Potential requirements for the area five to ten feet from a Building or Structure to limit ignition.**
 - ▶ **Maximum shrub/ornamental plant type**
 - ▶ **Tree pruning requirements**
 - ▶ **Groundcover requirements**

Next Steps



Highlighted Text Overview

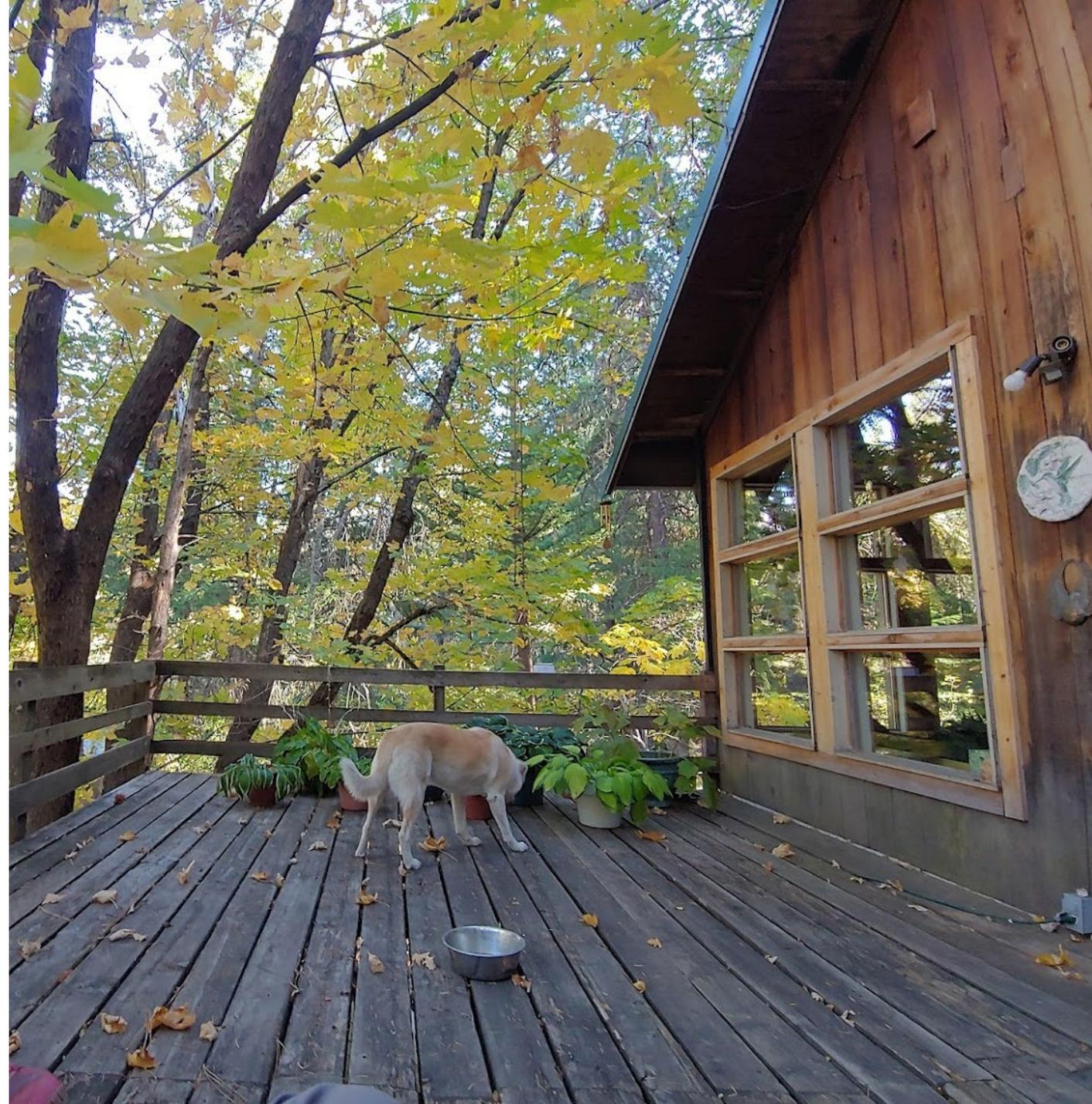
- ▶ Attached decks
- ▶ Potted Plants
- ▶ Gates
- ▶ Fences
- ▶ Staging
- ▶ Additional measures/Transition Zone
- ▶ Outbuildings in Zones 1 and 2

Highlighted Text Overview

- ▶ Attached decks
- ▶ Potted Plants
- ▶ Gates
- ▶ Fences
- ▶ Staging
- ▶ Additional measures/Transition Zone
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§ Attached Decks

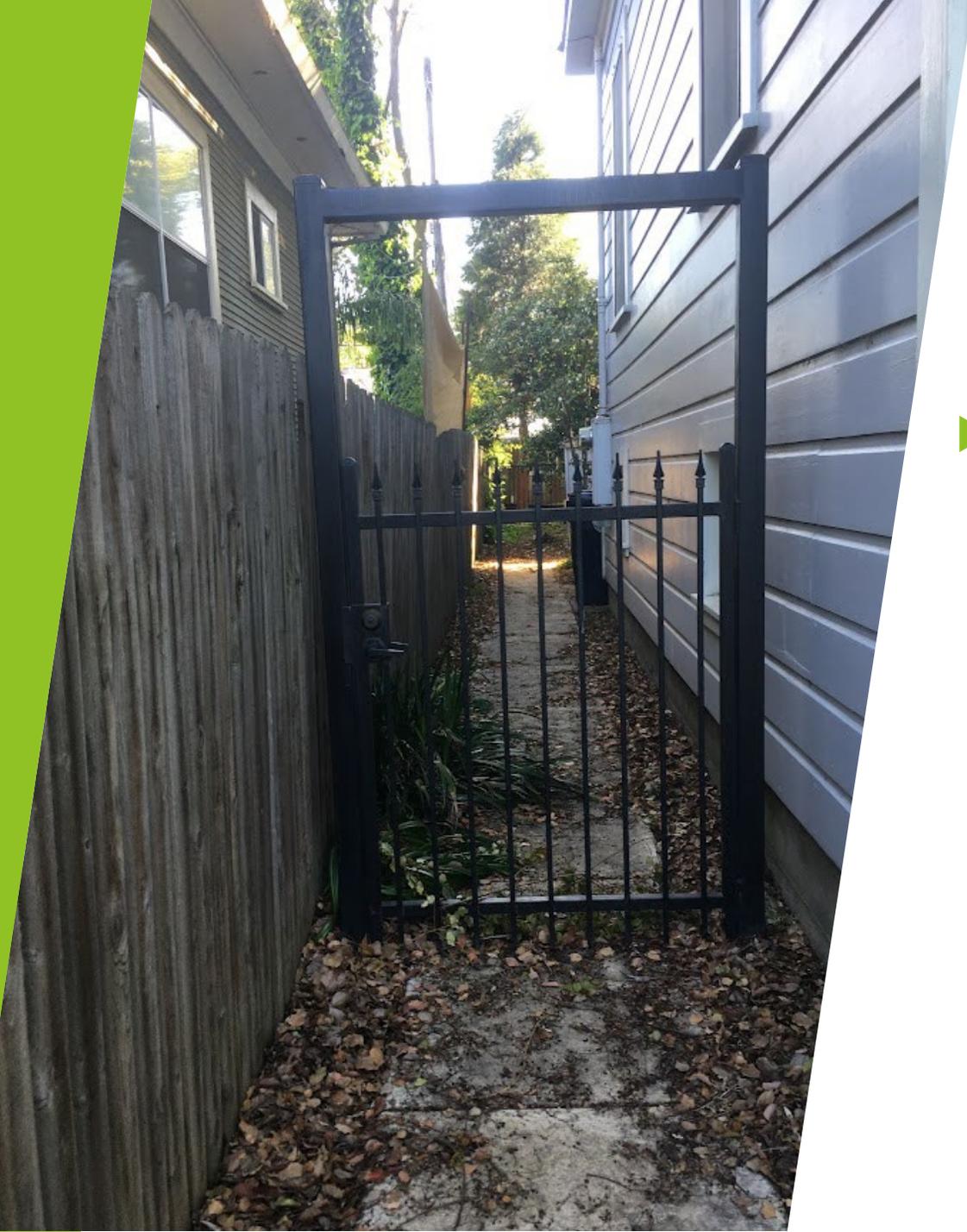
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1299.03(b)(1)(A) Potted Plants

- ▶ (A) Exception: Plants in pots are allowable if they are in areas that are not directly beneath, above, or adjacent to a window; are kept in an unaffixed, not combustible pot or container that is no larger than 5-gallon capacity; and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. These plants shall be no greater than 18 inches in height. Dead or dying material on the plants shall be removed.





1299.03(b)(4) Gates

- ▶ (4) Combustible gates that are directly attached to a Building or Structure are not permitted in Zone 0.

1299.03(b)(5) Fences

- ▶ (5) Fences that are directly attached to a Building or Structure shall have a five foot (5 ft) non-combustible span at the point of attachment. After the effective date of this regulation, no new sections of combustible fence are permitted within 5 feet of a Building or Structure including an attached deck.





Staging, scope of work

- ▶ (8) The Department may allow for the staging of work for existing structures and take into account the scope of work necessary to achieve compliance.

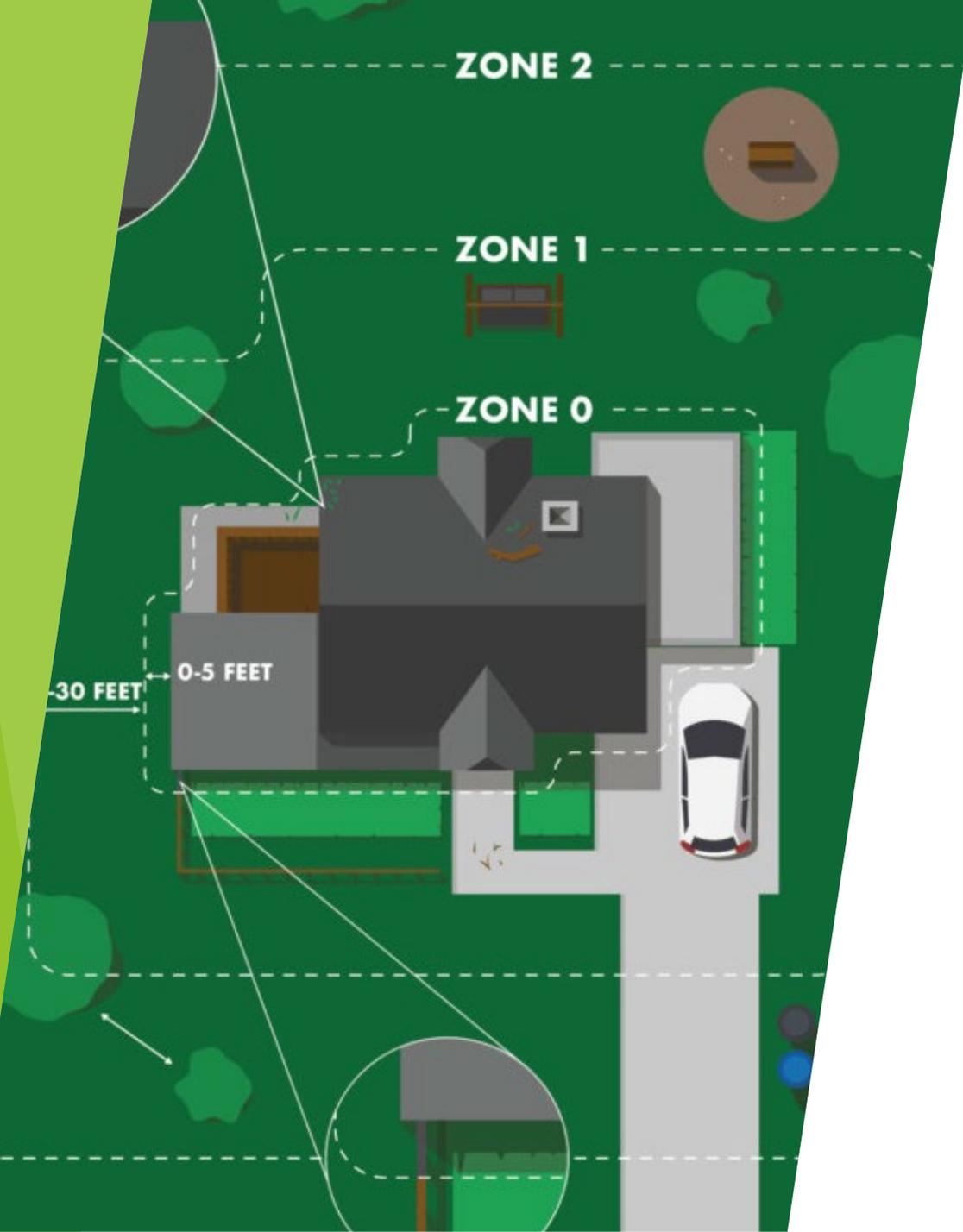
Zone 1: Transition Zone

- ▶ **Potential requirements for the area five to ten feet from a Building or Structure to limit ignition.**
 - ▶ **Maximum shrub/ornamental plant type**
 - ▶ **Tree pruning requirements**
 - ▶ **Groundcover requirements**

1299.03(e) Outbuildings in Zone 1 and 2



- ▶ (1) “Outbuildings” and Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance: ten feet (10 ft.) of clearance to bare mineral soil and no flammable vegetation for an additional ten feet (10 ft.) around their exterior.



General Comments

Thank you for your Input



EMAIL:
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NEXT WORKSHOP:
MAY 12TH.
SACRAMENTO,
CALIFORNIA



Workshop
will resume
at: 1:00 PM

Next Steps

