

Attachment C

Memorandum Clarifying Section 68.404 of the Defensible Space for Fire Protection Ordinance

The Defensible Space for Fire Protection Ordinance (Defensible Space Ordinance), set forth in Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances (County Code), requires property owners to maintain a minimum of 10 feet of defensible space along each side of a roadway and driveway. The Defensible Space Ordinance allows the County's fire official to require a distance greater than 10 feet in accordance with the requirements in the County Consolidated Fire Code, which is also part of the County Code. Section 4907.2.1 of the County Consolidated Fire Code authorizes the fire agency to require 20 feet of defensible space along roadways and driveways.

In response to the Board's July 13, 2021 (1) direction to align the Defensible Space Ordinance and County Consolidated Fire Code, the proposed amendment to Section 68.404 will allow the fire official to require 20 feet of defensible space along roadways and driveways. This is consistent with the existing authorization in Section 4907.2.1 of the County Code. The proposed amendment to Section 68.404 also adds a new requirement to the County Code that the fire official must notify the responsible party in writing and provide the basis if more than 10 feet of defensible space is required.

The authorization in the County Code to require more than 10 feet, and up to 20 feet, of defensible space is used infrequently and only when necessary to protect public health and safety. While the County undertakes all reasonable efforts to obtain the owner's consent, if it is unable to do so, the County may pursue a nuisance abatement action, and in very rare instances, clear the defensible space itself through summary abatement. This authority and practice would continue under the proposed ordinance. San Diego County Fire does not anticipate using this authority as part of the countywide roadside vegetation management program currently being developed (October 5, 2021, Agenda Item 5).