

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA REPEALING EXISTING CHAPTER 15.34 OF THE CHULA VISTA MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 15.34 OF THE CHULA VISTA MUNICIPAL CODE TO INCORPORATE FIRE HAZARD SEVERITY ZONES DESIGNATED BY THE CALIFORNIA STATE FIRE MARSHAL, TO ESTABLISH A LOCAL SPECIAL DESIGNATED VEGETATION MANAGEMENT AREA WITHIN THE CITY OF CHULA VISTA, AND TO IMPLEMENT WILDFIRE RESILIENCE MEASURES ENHANCING BUILDING CONSTRUCTION REQUIREMENTS IN DESIGNATED FIRE HAZARD AREAS.

WHEREAS, in 1992, the California legislature declared the prevention of fires a statewide concern, and in doing so, adopted new regulations for identifying very high fire hazard severity zones within each county, codified in California Government Code sections 51175 through 51188; and

WHEREAS, pursuant to these new regulations, the Director of Forestry and Fire Protection (“Director”) was required to identify areas within California as very high fire hazard severity zones and submit those zones to each local agency in California as a recommendation; and

WHEREAS, the City of Chula Vista is the Local Agency defined under California Government Code section 51177(e) responsible for fire protection within a very high fire hazard severity zone; and

WHEREAS, pursuant to California Government Code section 51179, each local agency receiving a recommendation from the Director was required to designate, by ordinance, very high fire hazard severity zones within its jurisdiction within 120 days of receiving such recommendation from the Director; provided, however, that the local agency retained the authority to: exempt itself from such requirement by adopting ordinances imposing standards that are at least equivalent to the requirements of Government Code sections 51175 through 51188; exclude areas identified as very high fire hazard severity zones by the Director so long as a finding was made that certain measures required by Sections 51175 through 51188 were not necessary for effective fire protection within the local agency’s jurisdiction; or, conversely, designate additional areas within the local agency’s jurisdiction as very high fire hazard severity zones even if not previously identified and recommended as a very high fire hazard severity zone by the Director; and

WHEREAS, any deviations by a local agency to the fire hazard severity zones recommended by the Director were final and not rebuttable, so long as the local agency’s findings were supported by substantial evidence in the record; and

WHEREAS, in 2018, the California legislature amended Government Code section 51179 to remove the language that specifically authorized a local agency to either exempt itself from designating the very high fire hazard safety zones recommended by the Director or to exclude areas identified as very high fire hazard severity zones if not necessary for effective fire protection; and

WHEREAS, in 2021, the California legislature amended Government Code sections 51175 through 51188 to require the State Fire Marshal to begin identifying fire hazard severity zones within California and submitting such recommendations to each local agency, and further requiring

SECOND READING AND ADOPTION

the State Fire Marshal to identify and recommend to local agencies two additional levels of fire hazard severity zones: medium fire hazard severity zones and high fire hazard severity zones; and

WHEREAS, in 2021, the California legislature amended Government Code sections 51175 through 51188 to require the State Fire Marshal to begin identifying fire hazard severity zones within California and submitting such recommendations to each local agency, and further requiring the State Fire Marshal to identify and recommend to local agencies two additional levels of fire hazard severity zones: medium fire hazard severity zones and high fire hazard severity zones; and

WHEREAS, the State does not have procedures to automatically update the fire hazard severity zones, and respective maps, when changes are made to designated local responsibility areas and such areas will not have a proper fire hazard severity zone designation until the next statewide fire hazard severity zone update, which can take five or more years to accomplish; and

WHEREAS, on Monday, March 24, 2025, the City of Chula Vista received the State Fire Marshal's designated fire hazard severity zones for properties within the City of Chula Vista's jurisdictional boundaries; and

WHEREAS, pursuant to Government Code sections 51178.5 and 51179, the City is required to make the State Fire Marshal's recommended fire hazard severity zones available for public review and comment within 30 days of receiving such recommendations, and to then designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving the recommendations; and

WHEREAS, the City of Chula Vista Fire Department made the State Fire Marshal's recommended fire hazard severity zones available for public review and comment starting on March 27, 2025; and

WHEREAS, the City of Chula Vista Fire Department held four wildfire preparedness and hazard awareness workshops throughout the community educating attendees on fire hazard severity zones, respective zone requirements, and other proactive measure the Department undertakes; and

WHEREAS, the City further recognizes the need to establish a locally defined special designated vegetation management area to reduce wildfire risks based upon specific local conditions; and,

WHEREAS, the city has certain climatic, geologic, and topographic features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and

WHEREAS, the Cedar Fire of 2003, which originated in the Cleveland National Forrest, became one of the largest and most destructive wildfires in California's history, burning over 270,000 acres, destroying more than 2,800 buildings, and resulting in 15 fatalities, thereby highlighting the region's vulnerability to catastrophic wildfires; and

WHEREAS, the proximity of Chula Vista to wildfire-prone areas has led to significant threats to the community, as evidence by the Harris Fire in October 2007, which burnt into the northeastern portions of the city, necessitating evacuations; and

WHEREAS, the Border 2 Fire, which ignited on January 23, 2025, in the Otay Mountain wilderness, rapidly burned approximately 6,625 acres, prompting evacuations and school closures in nearby communities, highlighting the ongoing wildfire threat to the region; and

WHEREAS, from 2005 to 2023, the Chula Vista Fire Department responded to 713 vegetation fires within the city, impacting more 13,000 acres and highlighting the need for enhanced requirements; and,

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Repeal Chapter 15.34

That existing Chapter 15.34 of the Chula Vista Municipal Code is repealed in its entirety.

Section II. New Chapter 15.34

That new Chapter 15.34 of the Chula Vista Municipal Code is adopted to read as follows:

**Chapter 15.34
FIRE HAZARD SEVERITY ZONES, VEGETATION MANAGEMENT AREA, AND
WILDFIRE RESILIENCE MEASURES**

Sections:

- 15.34.005 Adoption: Fire Hazard Severity Zones
- 15.34.010 Special Designated Vegetation Management Area
- 15.34.015 Wildfire Resilience Measures
- 15.34.020 Determinations

15.34.005 Adoption: Fire Hazard Severity Zones.

The City Council of the City of Chula Vista hereby designates medium, high, and very high fire hazard severity zones as identified by the California Office of the State Fire Marshal and as designated on the map titled “City of Chula Vista (San Diego County), Local Responsibility Area Fire Hazard Severity Zones,” dated March 24, 2025.

15.34.010 Special Designated Vegetation Management Area.

The City Council of the City of Chula Vista hereby designates a local special designated vegetation management area, as identified on the map titled “City of Chula Vista Special Designated Vegetation Management Area,” dated March 26, 2025.

15.34.015 Wildfire Resilience Measures.

In addition to the construction requirements applicable to the Very High and High Fire Hazard Severity Zones, as designated by the California Office of the State Fire Marshal, the City of Chula Vista hereby requires that the same building materials and construction methods intended to reduce the risk of ignition and fire spread shall also apply to all new construction located within the Moderate Fire Hazard Severity Zone, as designated by the California Office of the State Fire Marshal, and within the City of Chula Vista Special Designated Vegetation Management Area. These specific construction requirements are set forth in the currently adopted California Building Standards Code (Title 24), including, but not limited to, the California Building Code (Part 2), Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure), and any future applicable provisions contained in the California Wildland-Urban Interface Code (Part 7), as adopted and amended by the State of California.

15.34.020 Determinations.

Highest Zone Prevails: In instances where a single parcel of land includes multiple fire hazard severity zone designations, including moderate, high, very high, or a local special designated vegetation management area, the entire parcel shall be considered as falling within the highest designated zone or area present on any portion of the parcel.

Mapping Determination: The fire hazard severity zone maps and special designated vegetation management area, as adopted or referenced by the City of Chula Vista, shall be used to determine zone boundaries and classifications. Parcel-level determinations shall be made by overlaying the adopted fire hazard severity zone map and special designated vegetation management area onto parcel boundaries.

Application of Standards: All development standards, building code requirements, defensible space regulations, or other obligations tied to the fire hazard severity zone or special designated vegetation management area classification shall be applied to the entire parcel based upon the highest severity zone present.

Section III. Findings and Declarations

The City Council of the City of Chula Vista specifically and expressly finds and declares as follows:

- A. Pursuant to Government Code section 51179, the City is required to designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving the recommendations from the State Fire Marshal; and
- B. Pursuant to Article XI, section 7 of the California Constitution, the City has the authority to enact local ordinances and regulations to protect the public health, safety, and welfare of their residents through its police power; and
- C. Pursuant to Government Code section 50022.2, the City has the authority to enact any ordinance, which adopts any code by reference, in whole or in part; and
- D. Pursuant to Health and Safety Code section 17958.5, the City has the authority to make local amendments that are reasonably necessary because of local conditions; and
- E. Pursuant to Article II, Powers and Structure of the Charter of the City of Chula Vista, the City of Chula Vista has the full power and authority to make and enforce all laws and regulations with respect to municipal affairs; has the power to exercise, or act pursuant to, any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State or federal law; and
- F. Current California Building Code (Part 2), Chapter 7A and future applicable provisions contained in the California Wildland-Urban Interface Code (Part 7), as adopted and amended by the State of California establishes minimum standards for building construction in wildfire-prone areas to improve fire resistance and structure survivability; and
- G. Wildfires present a significant risk to life, property, critical infrastructure, environmental resources, and the public health and safety of the community; and

H. In addition to the areas identified and designated by the California Office of the State Fire Marshal, the City has determined that specific additional areas exhibit unique and heightened wildfire risks due to steep slopes, dense vegetation, and proximity to developed areas; and

I. Local climatic conditions. Climate is one of the most significant factors influencing fire behavior and the severity of other emergency events due to its uncontrollable nature. During the summer and fall, Chula Vista experiences seasonal climatic conditions that pose heightened fire risks, including prolonged hot, dry weather and Santa Ana winds that frequently contribute to fast-moving vegetation fires. Extended periods of local and statewide drought continue to reduce vegetation fuel moisture, creating an environment where fires ignite easily and spread rapidly under wind-driven conditions. To address these local hazards, the establishment of a special designated vegetation management area and the application of enhanced construction materials and methods are necessary to reduce fire risk and protect life and property.

J. Local geological conditions. Chula Vista lies within a seismically active region, intersected by the La Nacion and Chula Vista fault zones and is in close proximity to the Rose Canyon fault. Earthquakes in this region can cause significant disruptions, including damaged infrastructure, ruptured gas lines, electrical fires, and overloaded emergency services. These hazards intensify the potential for multiple, simultaneous fire incidents and compromise the effectiveness of private and public fire protection systems. To enhance the city's resilience and limit structural damage and fire ignition during seismic events, enhanced building construction is being implemented within areas of elevated risk, including the moderate fire hazard severity zone and special designated vegetation management area.

K. Local topographical conditions. Chula Vista has several topographical features, including bordering by a bay, a lake, Otay River Valley and Sweetwater river, and parkways, narrow streets, open space, varying elevations, bridges, overpasses, freeways, and railroad tracks including light rail. These conditions can impede the rapid deployment and effectiveness of emergency resources; further, these conditions and increasing populations can slow evacuation. Additionally, the varying elevations across the city increase wind effect and can have significant negative impacts during vegetation and other fires. The modifications and additions are reasonably necessary to mitigate to the extent possible the respective deleterious effects and for community health and safety.

California Health and Safety Code section 17958.7 requires that the modifications or changes be expressly marked and identified as to which each finding refers. The following table provides the City of Chula Vista Municipal Code Sections and the associated conditions for modification due to local climatic, geological, and /or topographical reasons.

Findings Related to Local Amendments

Section Number	Local Climatic / Geological / Topographical Conditions
15.34.005	Section III: A (<i>administrative</i>)
15.34.010	Section III: B, C, D, E, F, G, H, I, J, K
15.34.015	Section III: B, C, D, E, F, G, H, I, J, K
15.34.020	Section III: B, C, D, E, F, G, H, I, J, K

Section IV. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section V. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section VI. Effective Date

This Ordinance shall take effect and be in force on the thirtieth (30th) day after its final passage.

Section VII. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law, and specifically in accordance with California Government Code section 51179(g).

Section VIII. Transmittal

A copy of the local responsibility area fire hazard severity zone map and this Ordinance shall be transmitted to the California Board of Forestry and Fire Protection within 30 days of adoption.

Presented by

Approved as to form by

Harry Muns
Fire Chief

Marco Verdugo
City Attorney