

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTION 17.12.875 OF CHAPTER 17.12 OF
TITLE 17 OF THE SAN JOSE MUNICIPAL CODE TO
ADOPT THE UPDATED FIRE HAZARD SEVERITY ZONE
MAPS AS ESTABLISHED BY THE CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
(CAL FIRE) STATE FIRE MARSHAL, AS MANDATED BY
SENATE BILL 63 (2021)**

WHEREAS, the City of San José ("City") seeks to protect life and property from wildfire hazards; and

WHEREAS, Government Code Sections 51175 through 51189 provide for the classification of lands as fire hazard severity zones by the State Fire Marshal and the adoption of such classifications by local agencies; and

WHEREAS, Government Code Section 51179(a) requires local agencies to designate, by ordinance, moderate, high, and very high fire hazard severity zones within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178; and

WHEREAS, Public Resources Code Sections 4201 through 4204 establish provisions for the classification and mapping of fire hazard severity zones; and

WHEREAS, California Code of Regulations, Title 14, Section 1280 governs the mapping and designation of Fire Hazard Severity Zones in State Responsibility Areas; and

WHEREAS, Government Code Section 51179(b) authorizes local agencies to include areas within their jurisdiction not identified as very high fire hazard severity zones by the

State Fire Marshal as very high fire hazard severity zones following a finding supported by substantial evidence that such designation is necessary for effective fire protection; and

WHEREAS, Government Code Section 51178.5 requires that Fire Hazard Severity Zone information be made available for public review; and

WHEREAS, the City previously adopted Section 17.12.875 of the San José Municipal Code amending Section 4902 of the California Fire Code to define Wildland-Urban Interface Fire Areas within the City; and

WHEREAS, the City desires to update this definition to ensure compliance with current state regulations and fire codes;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 17.12.875 of Chapter 17.12 of Title 17 of the San José Municipal Code is hereby amended to read as follows:

17.12.875 Amendment of Section 4902 of the 2022 California Fire Code.

Subsection 4902 is amended to read as follows:

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the sState Fire Marshal as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the City of San José as the enforcing agency to be at a significant risk from wildfires pursuant to Government Code Section 51179.

The Wildland-Urban Interface Fire Area ~~also~~ includes all moderate, high and very high fire hazard severity zones as designated by the State fire Marshal and adopted by areas within the City of San José, as well as additional areas within the City of San José as set forth and delineated on the map entitled "San José Fire Department Wildland Urban Interface," ~~which This~~ map, ~~and with~~ all notations, references, data, and other information shown thereon, is hereby adopted and made a part of this chapter. The map is available for public review at shall be on file with the San José Fire Department and is posted as required by Government Code Section 51179(g).

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk