Staff Overview: Revisions to Proposed Rule Text Defensible Space Zone 0

# Overview

Home and building loss during wildfires occur because of some part of the building igniting from one or more of the three basic wildfire exposures: 1) embers, 2) radiant heat, and 3) direct flame contact. Embers are small pieces of plants, trees, or buildings that are light enough to be blown through the air and can result in the rapid spread of wildfire when blown ahead of the main fire, especially during high winds. Data shows the majority of homes lost to wildfire are ignited by flying embers that can travel miles ahead of an active front of a wildfire.

Zone 0 is an area of defensible space within the first five feet of a home or other building. It is considered the most important area to keep clear of combustible items such as woody mulch and plants to reduce the risk of a structure igniting during an ember-driven wildfire.

The Legislature has passed AB 3074 (2020) and SB 504 (2024), making changes to PRC § 4291. These changes resulted in the Board’s proposal to amend the existing regulations to incorporate an ember-resistant zone, referred to herein as “Zone 0”. Board staff have prepared this draft rule text to meet the requirements of the statute, address the requirements of the Administrative Procedures Act (APA), and incorporate suggestions of the prior working groups to the extent consistent with the statute and APA.

The Board welcomes comments on the proposed rule text at PublicComments@bof.ca.gov or at their April 7, 2025 workshop at the Natural Resources Building in Sacramento. Information on the workshop can be found at <https://bof.fire.ca.gov/projects-and-programs/defensible-space-zones-0-1-2/>

# Summary of Revisions

The following represents a summary of significant organizational and substantive revisions made to the rule text.

Underlined text identifies proposed additions to the rule text. Text with ~~strikethrough~~ is proposed for removal from the rule text.

**Page 1, Lines 12-17, Amendments to § 1299.01. Purpose.** This amendment removes the requirement that the Regulated “Buildings or Structures” occur in grass, brush, or forest covered lands per changes to statute in PCR § 4291.

**Page 2, Lines 1-16, Amendments and Adoption of New Text for § 1299.02. Definitions.** These changes in the rule text cover defined terms used elsewhere in the rule text. This includes:

* **Line 7** Amending the definition for “Building or Structure” to include attached decks per changes to statute in PCR § 4291.
* **Line 11-12** Adopting the definition for “Existing Building or Structure” to reflect requirements in statute for implementation timelines.
* **Line 13-14** Adopting the definition for “New Building or Structure” to reflect requirements in statute for implementation timelines.
* **Line 15-16** Adopting the definition for “Combustible” to define those items which are likely to catch fire and transmit flames to structures.

**Page 2-4, Amendments and Adoption of New Text for § 1299.03. Requirements.**

These changes in the rule text address the implementation of Zone 0 and make conforming changes to Zone 1. This includes the items below:

* **Page 2, Lines 23-24 § 1299.03** These changes remove text that states “whenever flammable vegetative conditions exist” to reflect changes to statute in PCR § 4291.
* **Page 3, Lines 1-4 § 1299.03(a):** This adopts text that references Zone 0 as the area “within five feet around each Building or Structure, or to the property line” and amends text referencing Zone 1 as the area “from five to thirty feet” around each Building or Structure.
* **Page 3, Line 13. § 1299.03(b):** These changes in the rule text address the requirements of Zone 0.This includes the items below:
* **Page 3, Lines 14-23. § 1299.03(b)(1):** This adopts regulations concerning landscaping material limitations within Zone 0.

The following is a non-exhaustive list of items considered to be “likely to be ignited by embers” and thus not permitted within Zone 0.

* + - Grass
		- Ornamental and native plants (including woody and non-woody plants)
		- Shrubs
		- Branches
		- Fallen leaves and tree needles
		- Weeds
		- Combustible mulches (bark, woodchips)

An exception is allowed for potted plants with the following limitations:

* + - The potted plants must not be next to or below windows, a potential weak point for home ignition.
		- The pots must be moveable (not fixed in place, limitations on pot size)
		- The potted plants must limit fuels: pots must be non-combustible (terra cotta, cement, pottery); plant height is limited, dead or dying material on the plants must be removed.
		- The potted plants must be set apart from the building and from each other to limit continuity of fuel.
* **Page 3, Lines 24- Page 4, Line 7. § 1299.03(b)(2):** This subsection adopts regulations concerning trees within Zone 0.No trees are allowed within Zone 0 with an exception for the boles of taller trees. These trees must meet the following requirements:
	+ - Trees must be taller than the adjacent Building or Structure’s roof ridgeline.
		- Potentially dangerous fuels such as dead or dying branches and trees must be removed.
		- To prevent ignition of the roof, all living branches must be kept ten feet above the adjacent roof ridgeline and ten feet away from chimneys and stovepipe outlets.
		- To prevent transmission of flame to the Building or Structure during wind events, all branches must be kept five feet away from the sides of the Building or Structure.
* **Page 4, Lines 8-10. § 1299.03(b)(3):** This subsection adopts regulations prohibiting other items that are likely to be ignited by embers in Zone Zero. Combustible material limitations specifically include:
	+ - Combustible boards
		- Timbers
		- Firewood
		- Attached window boxes
		- Synthetic lawn
		- Trellises
		- Leaves and needles on the roof or rain gutters of a building or structure
* **Page 4, Lines 11-12. § 1299.03(b)(4):** This subsection adopts regulations that prohibit combustible gates in Zone 0, as they can wick fire to a structure.
* **Page 4, Lines 13-15. § 1299.03(b)(5):** This subsection adopts regulations regarding combustible fences in Zone 0, as they can wick fire to a structure. Fences that are directly attached to a Building or Structure shall have a five-foot non-combustible span at the point where the fence attaches to the building, similar to gates in **1299.03(b)(4** . For existing fences, homeowners would have three years to comply and upgrade the attachment panel of the fence. Existing fence sections that are not attached to the structure would be allowed, but the regulations would require that when they need to be replaced due to wear and tear the section of the fence near the house and within the Zone 0 footprint would need to be constructed from noncombustible products. There is no change to requirements for wood fences outside of Zone; under these regulations they would still be permitted.
* **Page 4, Lines 16-20. § 1299.03(b)(6):** This subsection requires that Outbuildings in Zone Zero meet the Building Code requirements for the State Responsibility Area. This is so that Outbuildings within five feet of a Building or Structure meet minimum fire-resistance standards and are less likely to create a future radiant heat exposure to the other structures.
* **Page 4, Lines 21-24. § 1299.03(b)(7):** This subsection covers the timeline that these regulatory changes apply, as described in PCR § 4291.
* **Page 5, Lines 1-4. § 1299.03(b)(8):** This subsection addresses circumstances where the Department may exercise discretion. It includes but is not limited to:
	+ - Staging for work on existing structures
		- Scope of work necessary to achieve compliance

**Page 5, Lines 3-17. § 1299.03(c):** Changes to Zone 1 requirements to adapt to necessary changes to Zone 0. Due to changes to § 1299.03(a) above, this section now applies to the area from five feet to thirty feet around a Building or Structure. Current regulatory text applies to an area from zero feet to thirty feet around a structure. As a result, measures that apply specifically to the new Zone 0 are now addressed in § 1299.03(b) above.

* **Page 5, Lines 6-7. § 1299.03(c)(1):** Relocates requirements that leaves on roofs and in rain gutters be removed to § 1299.03(b)(3).
* **Page 5, Lines 11-13. § 1299.03(c)(2):** Amends requirements for management tree and shrub branches to be addressed in §§ 1299.03(b)(1) and (2).
* **Page 5, Lines 16-17. § 1299.03(c)(3):** Amends requirements for management of combustible items near or under decks, balconies, and stairs to be addressed in § 1299.03(b) due to changes to § 1299.02(b).