## § 1270.03. Scope. ~~Provisions for Application of The Regulations~~

(a) These regulations shall apply to:

(1) the ~~p~~Perimeters and ~~a~~Access to all residential, commercial, and industrial ~~b~~Building ~~c~~Construction within the SRA approved after January 1, 1991 and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in ~~subsections~~ § [1271.03.01 (Exemptions);](#_§_1270.03.01_Exemptions) ~~(b.)through (d), inclusive, and (f);~~

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in ~~subsection (d) § 1271.02~~ [§ 1270.03.01 (Exemptions)](#_§_1270.03.01_Exemptions) below;

(3) all tentative and parcel maps or other ~~d~~Developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) All Building Construction shall comply with the minimum standards in this Subchapter within the Perimeter of the Building Construction subject to this Subchapter.

(c) Where Building Construction meets the following criteria, the provisions of this Subchapter shall further apply to any Road or Road Structure that provides Access to the Building Construction: ~~Unless otherwise exempt pursuant to this subchapter, affected activities include, but are not limited to:~~

(1) permitting or approval of new parcels, including deed recordings and certificates of compliance, and excluding lot line adjustments as specified in Government Code (GC) section 66412(d);

(2) application for a change in zoning;

(3) application for a change in use permit; and

(4) road construction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

### § 1270.03.01 Exemptions

(a) These regulations do not apply where an application for a building permit in the SRA is filed after January 1, 1991 for ~~b~~Building ~~c~~Construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the ~~p~~Perimeters and ~~a~~Access to the ~~b~~Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(1) For this exemption to apply, the parcel map or tentative map that was approved prior to January 1, 1991, shall have imposed conditions relating to the Perimeters and Access to the Building Construction that is the subject of the building permit application filed after January 1, 1991.

(2) These regulations shall apply to the Building Construction to the extent that conditions relating to the Perimeters and Access to the buildings were not imposed as part of the approval of the parcel map or tentative map.

(b) Except as otherwise provided in [§§ 1270.03.02 (Substandard Roads)](#_§_1270.03.02_Substandard), at the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of legally constructed residential, commercial, or industrial buildings due to a wildfire~~,~~. Nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a legally constructed residential, commercial, or industrial building for reasons unrelated to a wildfire. This exemption is applicable to reconstruction or repair after a wildfire only to the extent that the reconstruction or repair does not:

(1) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed by more than 20%; or

(2) change the use of the building or buildings that had existed previously; or

(3) construct a new building or buildings that did not previously exist on the site~~.~~; and

(4) any reconstruction or repair encroaches on the minimum setback requirements in [§ 1276.03 Building and Parcel Siting and Setbacks](#_§_1276.02._Building).

(c) Except as otherwise provided in [§§ 1270.03.02 (Substandard Roads)](#_§_1270.03.02_Substandard), ~~T~~these regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(d) ~~EXEMPTION: Roads~~ These regulations shall not apply to Roads used solely for ~~a~~Agriculture~~al~~, mining, or the management and harvesting of wood products.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

### § 1270.03.02 Substandard Roads.

(a) Notwithstanding any other provision in this Subchapter, Building Construction shall not be approved where Access is provided by Roads that do not meet the minimum requirements in § [1273.05.02 (Built Roads)](#_§_1273.05.02_Built), to the extent the Road remains below the minimum requirements in that section.

~~(b) Notwithstanding any other provisions in this Subchapter, Building Construction shall not be approved when the Building Construction would cause a Road used to provide Access to the Building Construction does not meet the minimum requirements in §~~ [~~1273.05.02 (Built Roads)~~](#_§_1273.05.02_Built) ~~to exceed the aggregate risk threshold calculated in conformance with~~ [~~§ 1270.03.03 (Aggregate Risk).~~](#_§1270.03.03_Aggregate_Risk)

(c) Notwithstanding any other provision in this Subchapter, exemptions from these standards enumerated in [§ 1270.03.01(c) (Exemptions – ADUs)](#_§_1270.03.01_Exemptions) shall not apply when Access to the Building Construction is provided by Roads that do not meet the minimum requirements in [§ 1273.05.02 (Built Roads)](#_§_1273.05.02_Built).

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.