

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING THE STATE FIRE MARSHAL'S 2025 LOCAL RESPONSIBILITY AREA FIRE HAZARD SEVERITY ZONE MAP

WHEREAS, the California State Fire Marshal, pursuant to Government Code Section 51179, has developed updated Fire Hazard Severity Zone (FHSZ) maps for Local Responsibility Areas (LRA), including areas within the City of Atascadero; and

WHEREAS, Government Code Section 51179 requires local agencies to designate Moderate, High, and Very High Fire Hazard Severity Zones (VHFHSZ) within LRAs based on maps provided by the California State Fire Marshal; and

WHEREAS, the City of Atascadero must adopt the 2025 LRA FHSZ maps as the official designation of Moderate, High, and Very High Fire Hazard Severity Zones within City limits for purposes of applying state-mandated fire protection building standards; and

WHEREAS, designation of such zones provides critical support for public safety efforts and ensures compliance with California Building Code Chapter 7A and California Fire Code Chapter 49 for new structures built in VHFHSZs; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Atascadero to consider the adoption of the 2025 LRA FHSZ maps on May 27, 2025; and

WHEREAS, it can be seen with certainty that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), as there is no possibility that adoption of these maps will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO ORDAINS AS FOLLOWS:

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Findings. The City Council makes the following findings, determinations and approvals with respect to the Municipal Code Amendments:

FINDING: The code amendments are justified by climatic, topographic or geological conditions of the City.

FINDING: The code amendments are at least as restrictive as the State mandated Codes.

FINDING: The following statements support the local necessity for the changes or modifications:

- A. Pursuant to Government Code Section 51179, the areas identified as “Moderate, High and Very High Fire Hazard Severity Zones” on the 2025 LRA FHSZ map

are hereby designated as such for purposes of applying the building standards set forth in Chapter 7A of the California Building Code and related fire protection requirements, and as designated by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178.

- B. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot, dry weather in combination with Santa Ana winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2022 California Building and Fire Codes;
- C. The City of Atascadero has recognized the threat of wildland fire as a high risk and identified the need for mitigation in the Local Hazard Mitigation Plan. Pre-fire and post-fire management strategies and tactics to reduce the loss from wildland fire within the City has been identified and prioritized. Additionally, areas within the City limits that pose a higher risk to wildland fire than others have been identified. The above-described risks and needs support the City's identification of a geographical area titled, "Wildland Urban Interface Fire Area", which is at significant risk from wildfires and creation of the Wildland Urban Interface Fire Area Map in which the area of fire threat is equivalent or supersedes the very high fire severity zones imposed by the state. Further, these risks and needs support the requirement that all buildings in locations designated in the Wildland Urban Interface Fire Area Map be built to standards in accordance with the 2022 California Building and Fire Codes and the current edition of the International Wildland-Urban Interface Code.

SECTION 3. CEQA. The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 4. Approval. The City Council of the City of Atascadero hereby in regular session assembled on May 27, 2025 adopts the 2025 Local Responsibility Area Fire Hazard Severity Zone (FHSZ) Map, as produced and provided by the California State Fire Marshal, identifying Moderate, High, and Very High Fire Hazard Severity Zones within the City's jurisdiction. Said map is on file with the Atascadero Fire and Emergency Services Department and is incorporated herein by reference.

SECTION 5. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. Effective Date. This Ordinance shall take effect and be in full force and effect 30 days after its passage and adoption.

INTRODUCED at a regular meeting of the City Council held on May 27, 2025, and **PASSED, APPROVED, and ADOPTED** by the City Council of the City of Atascadero, State of California, on June _____, 2025.

CITY OF ATASCADERO

Charles Bourbeau, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

David Fleishman, City Attorney