

February 28, 2023

STATEMENT OF PROCEEDINGS

The Minutes of the

***SAN DIEGO COUNTY FIRE PROTECTION
DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO SAN DIEGO
COUNTY FIRE PROTECTION DISTRICT
REGULAR MEETING
TUESDAY, FEBRUARY 28, 2023, 9:00 AM
COUNTY ADMINISTRATION CENTER, ROOM 310
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. REGULAR SESSION – Regular Meeting was called to order at 9:03 a.m.

PRESENT: Directors Nora Vargas, Chair; Terra Lawson-Remer, Vice-Chair; Joel Anderson; Nathan Fletcher, Jim Desmond; also, Andrew Potter, Clerk of the Board of Supervisors.

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Director, if applicable.

C. Non-Agenda Public Communication: Opportunity for members of the public to speak to the Board on any subject matter within the Board’s jurisdiction but not an item on today’s agenda.

D. Approval of the Statement of Proceedings/Minutes for the meeting of December 13, 2022.

ACTION:

ON MOTION of Director Fletcher, seconded by Director Anderson, the Board of Directors of the San Diego County Fire Protection District approved the Statement of Proceedings/Minutes for the meeting of December 13, 2022.

Ayes: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda #

Subject

1. NOTICED PUBLIC HEARING:
ORDINANCES ADOPTING AND RATIFYING THE 2023 CONSOLIDATED FIRE CODE, REPEALING THE COUNTY FIRE CODE, AND AMENDING THE COUNTY DEFENSIBLE SPACE ORDINANCE; FIND THE ACTIONS ARE EXEMPT, OR ALTERNATIVELY, NOT PROJECTS UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (2/28/2023 - FIRST READING; 3/14/2023 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING)

(RELATES TO BOARD OF SUPERVISORS AGENDA ITEM 02)

**1. SUBJECT: NOTICED PUBLIC HEARING:
ORDINANCES ADOPTING AND RATIFYING THE 2023
CONSOLIDATED FIRE CODE, REPEALING THE COUNTY FIRE
CODE, AND AMENDING THE COUNTY DEFENSIBLE SPACE
ORDINANCE; FIND THE ACTIONS ARE EXEMPT, OR
ALTERNATIVELY, NOT PROJECTS UNDER CALIFORNIA
ENVIRONMENTAL QUALITY ACT (2/28/2023 - FIRST READING;
3/14/2023 - SECOND READING UNLESS ORDINANCE IS MODIFIED
ON SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

Based on a triennial cycle, the California Building Standards Commission publishes the California Building Standards Code (Title 24 of the California Code of Regulations). Part 9 of Title 24 is known as the California Fire Code. The California Health and Safety Code provides that counties and fire protection districts may adopt the California Fire Code by reference or establish more restrictive standards than the California Fire Code, if such changes are reasonably necessary because of local climatic, geological, or topographical conditions.

On February 25, 2020, the County of San Diego (County) enacted the previous version of the California Fire Code into the County's Code of Regulatory Ordinances (County Fire Code). On December 7, 2020, the San Diego County Fire Protection District (SDCFPD) was established, transferring fire protection services from the County to the SDCFPD. As part of today's proposed actions, the Board of Supervisors would repeal the existing County Fire Code, and the SDCFPD Board of Directors would adopt the updated 2022 California Fire Code with modifications, which shall be enforced as the 2023 Consolidated Fire Code by the SDCFPD. Additionally, the 2023 Consolidated Fire Code will incorporate fire protection requirements from the County's Defensible Space Ordinance (DSO), and the existing DSO will be amended to address that change.

There are 13 fire protection districts within the geographical area of the County, including the SDCFPD. In addition to the modifications by the SDCFPD, the Consolidated Fire Code contains modifications that one or more fire protection districts deem necessary because of local conditions. The Borrego Springs Fire Protection District recently initiated dissolution proceedings, with an intent to join the SDCFPD and will not be adopting the 2023 Consolidated Fire Code. The other 11 local fire protection districts have already approved the 2023 Consolidated Fire Code. In order to take effect within the fire districts, the 2023 Consolidated Fire Code must be either ratified, modified or denied by the Board of Supervisors. One of today's proposed actions is for the Board of Supervisors to ratify the 2023 Consolidated Fire Code.

If approved, the fire code standards put forth in today's proposed ordinances will increase protection of new structures and property against wildfire-related damage and loss through the adoption of progressive requirements that go beyond those required by the State. There are 58 proposed changes, including 26 that reflect changes in the State Fire Code. There are 32 additional changes proposed by the fire marshals of the local fire districts. Some of the key updates provide further clarity on outdoor fireplaces, secondary access, driveway curves, security gates, directory maps, water tanks, and defensible space.

Today's requested actions for the Board of Directors of the SDCFPD are to: (1) find modifications to the 2022 California Fire Code are reasonably necessary due to local conditions, and (2) adopt the 2023 Consolidated Fire Code.

Today's requested actions for the County Board of Supervisors are to: (1) ratify the 2023 Consolidated Fire Code adopted by the local fire districts; (2) repeal the existing County Fire Code; and (3) amend the County's DSO.

The ordinances for the Board of Directors and Board of Supervisors are being introduced today, February 28, 2023, and, if approved, will be scheduled for adoption on March 14, 2023. If any of the proposed ordinances are altered on March 14, 2023, then on that date a subsequent meeting date will be selected for adoption.

Acting as the Board of Directors of the San Diego County Fire Protection District:

RECOMMENDATION(S)

EXECUTIVE DIRECTOR

On February 28, 2023:

1. Find that the proposed actions are not projects as defined in the Public Resources Code section 21065 and California Environmental Quality Act (CEQA) Guidelines section 15378, or alternatively, exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) for the reasons stated in the Notice of Exemption. (Attachment A, on file with the Clerk of the Board).
2. Find that the San Diego County Fire Protection District's amendments to the California Building Standards Code are reasonably necessary because of local climatic, geological, or topographical conditions, pursuant to Health and Safety Code section 13869.7. (Attachment C, on file with the Clerk of the Board).
3. Approve the introduction of the Ordinance (first reading), (Attachment F, on file with the Clerk of the Board), titled:
AN ORDINANCE RATIFYING THE 2023 CONSOLIDATED FIRE CODE FOR FIRE PROTECTION DISTRICTS IN SAN DIEGO COUNTY.

If, on February 28, 2023, the Board of Directors takes the actions recommended in Item 3 above then, on March 14, 2023:

4. Consider and adopt the Ordinance Adopting the 2023 Consolidated Fire Code for the San Diego County Fire Protection District (second reading unless ordinance is modified on second reading).
5. If adopted, direct the Clerk of the Board to provide a certified copy of the adopted Ordinance Adopting the 2023 Consolidated Fire Code for the San Diego County Fire Protection District.

EQUITY IMPACT STATEMENT

One aspect of fire prevention is ensuring fire codes are updated and clear to provide specific direction to customers and residents. The proposed actions will provide better direction, ensuring good customer service and equitable safety for the residents of our county. In addition, the SDCFPD recognizes the systematic impacts that inequitable policies may create for residents of the County of San Diego. More than 80% of the SDCFPD’s jurisdictional area qualifies as a disadvantage unincorporated community, based on a San Diego Local Agency Formation Commission (LAFCO) report on funding, administrative, and performance of the former County Service Area No. 135 (now SDCFPD).

SUSTAINABILITY IMPACT STATEMENT

The proposed actions to adopt the County Fire Code and the Consolidated Fire Code will contribute to the County of San Diego’s sustainability goal to protect the health and well-being of everyone in the region and advocating for environmental justice for communities that have been disproportionately impacted. Partnering with the other local unincorporated fire districts to provide one fire code will support the safety and sustainability of communities by ensuring that codes are imposed consistently to build, enhance, and maintain resiliency.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO BOARD OF SUPERVISORS AGENDA ITEM 02)

ACTION:

Noting for the record that an Errata was submitted that made technical changes to the proposed Ordinances; ON MOTION of Director Fletcher, seconded by Director Desmond, the Board of Directors of the San Diego County Fire Protection District closed the Hearing and took action as recommended, on Consent, updating sections of the proposed Ordinances, specifically section 96.1.005 and 96.1.112.4 of Attachments D, E, F and G, where the term “County Fire Code” was changed to “Fire Code”, and section 96.1.004, subdivision (b) was changed to: (b) All other fire code enforcement responsibility shall be by the fire chief or his/her duly authorized representative for each fire protection district; and to further consider and adopt the Ordinance on March 14, 2023.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond


There being no further business, the Board of Directors of the San Diego County Fire Protection District adjourned at 5:12 p.m.

ANDREW POTTER
Clerk of the Board of Directors of the
San Diego County Fire Protection District

Notes By: Vizcarra


NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Fire Protection District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Tuesday, March 14, 2023.



NORA VARGAS
Chair

Attest:



ANDREW POTTER
Clerk of the Board