

Attachment D

Draft Resolution – Adopting Findings to the
Amendments to the California Fire Code

RESOLUTION NO. 2025-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SETTING FORTH FINDINGS BASED ON LOCAL CONDITIONS WITHIN THE CITY OF NEWPORT BEACH WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE 2025 EDITION OF THE CALIFORNIA FIRE CODE AND THE 2025 EDITION OF THE CALIFORNIA WILDLAND URBAN INTERFACE CODE AS REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOGRAPHIC, OR TOPOGRAPHIC CONDITIONS

WHEREAS, Health and Safety Code Section 17958 mandates that the City of Newport Beach ("City") adopt ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State of California ("State") pursuant to Health and Safety Code Section 17922;

WHEREAS, the State is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the 2025 Edition of the California Fire Code based on the 2024 International Fire Code of the International Code Council;

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the 2025 Edition of the California Fire Code and the 2025 Edition of the Wildland-Urban Interface Code which are reasonably necessary because of local climatic, geographic, or topographic conditions;

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes pursuant to Health and Safety Code Section 17958.5, make express findings that such changes or modifications are needed due to local climatic, geographic, or topographic conditions;

WHEREAS, the Fire Code Official has recommended that changes and modifications be made to the 2025 Edition of the California Fire Code and the California Wildland-Urban Interface Code and has advised that these changes and modifications to the 2025 Edition of the California Fire Code and the 2025 Edition of the Wildland-Urban Interface Code are reasonably necessary due to local conditions in the City and has further advised that the remainder of said changes and modifications are administrative or procedural in nature; and

WHEREAS, a copy of this resolution together with the ordinance adopting the 2025 Edition of the California Fire Code and the 2025 Edition of the Wildland-Urban Interface Code shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development by the City Clerk of the City as required by Health and Safety Code Section 17958.7.

NOW THEREFORE, the City Council of the City of Newport Beach resolves as follows:

SECTION 1: The City Council does hereby approve the following changes and modifications to the 2025 Edition of the California Fire Code and the 2025 Edition of the Wildland-Urban Interface Code as recommended by the Fire Code Official as necessary due to local climatic, geographic, or topographic conditions:

CALIFORNIA FIRE CODE SECTIONS	JUSTIFICATION/EXPRESS FINDINGS
202 (Definitions)	a, b, c, d, e, f, g, h, i
305 (Ignition Sources)	a, b, c, i
307.4.2.1 (Recreational Beach Fires)	a, b, c, i
308.1.1.1 (Fireplace)	a, e, i
308.1.7 (Sky Lanterns)	a, b, c, i
324 (Geological Surveys)	d, e, f, g, h
503.2.1 (Dimensions)	a, b, c, d, e, f, g, h
503.2.4 (Turning Radius)	a, b, c, d, e, f, g, h
503.2.5 (Dead Ends)	a, b, c, d, e, f, g, h
503.2.7 (Grade)	a, b, c, d, e, f, g, h
503.4.1 (Traffic Calming Devices)	a, b, c, d, e, f, g, h
503.6 (Vehicle Access Gates)	a, b, c, d, e, f, g, h
505.1.1 (Premises Identification)	a, b, c, d, e, f, g, h
506.3 (Key Box Contents)	a, b, c, d, e, f, g, h, i
510.1 (Emergency Responder Communications Enhancement Systems in New Buildings.)	a, b, c, d, e, f, g, h
510.4.2.2 (Technical Criteria)	a, b, c, d, e, f, g, h, i
510.5.2 (Approval Prior to Installation)	a, b, c, d, e, f, g, h
510.5.3 (Minimum Qualification of Personnel)	a, b, c, d, e, f, g, h

510.5.4 (Acceptance Test Procedure)	a, b, c, d, e, f, g, h
510.6.1 (Testing and Proof of Compliance)	a, b, c, d, e, f, g, h
511.1 (Building Information)	a, b, c, d, f, h
903.2 (Where Required)	a, b, c, d, e, f, g, h, i
903.2.8 (Group R)	a, b, c, d, e, f, g, h, i
903.3 (Installation Requirements)	a, b, c, d, e, f, g, h, i
907.1.6 (System Design)	a, b, c, d, e, f, g, h, i
912.1.1 (Installation)	a, b, c, d, e, f, g, h, i
912.2 (Location)	a, b, c, d, e, f, g, h, i
1203.1.1.1 (Emergency Power Outlets)	d, e, f
3603.6 (Berthing and Storage)	e, f, g, h
3603.6.1 (Multiple Berthing and Vessel Rafting)	e, f, g, h
3603.6.2 (Permitted Multiple Berthing)	e, f, g, h
3604.1 (General)	e, f, g, h
3604.2 (Standpipes)	e, f, g, h
5003.12 (Outdoor Control Areas)	a, b, c, d, e, f, g, h
5004.1.1 (Maximum Quantity On Site)	a, b, c, d, e, f, g, h
5601.1.2 (Explosive Materials Terminals)	a, b, c, i
5601.1.3 (Fireworks)	a, b, c, i
5601.2.2 (Sale and Retail Display)	a, b, c, i
5704.2.11.1 (Underground Tanks.)	a, b, c, i
5706.4 (Bulk Plants or Terminals)	a, b, c, i
B105.2 (Fire-Flow Requirements)	a, b, c, d, e, f, g, h, i
CALIFORNIA WILDLAND URBAN INTERFACE CODE	JUSTIFICATION/EXPRESS FINDINGS
101.3.1 (Application)	a, b, c
101.3.1.1 (Application Date and Where Required)	a, b, c
202 (Definitions)	a, b, c

303.3 (Fuel Modification Zone)	a, b, c
501.1 (Scope)	a, b, c
503.1 (General)	a, b, c
504.11.5 (Miscellaneous Structures Located 3 Feet or More but Less Than 50 Feet.	a, b, c
602.4 Fuel Modification Plans	a, b, c
604.6 Maintenance of Fuel Modification Zones	a, b, c
604.7 (Combustible Construction Prohibited)	a, b, c
Appendix A - Adoption of Appendix A in its Entirety Except Sections A-102.3 – A102.3.2.2	a, b, c

- a. The City of Newport Beach (“City”) is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires. Control of such fires requires a rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, the amount of wind force at 60 ft. above the ground puts rescue personnel at increased risk of injury when they are using aerial-type firefighting apparatus above this height.
- b. The City is located in a seismically active area. The public water system may be damaged after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above.
- c. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography, and due to the seismic activity and the expected infrastructure damage inherent in a seismic hazard zone, it is prudent to rely on automatic fire sprinkler systems to mitigate extended Fire Department response time and keep fires manageable with reduced fire flow (water) requirements for a given structure.
- d. Many areas of Newport Beach have developments abutting wildland and canyons with significant growths of vegetation of a highly combustible nature, classified as Very High Fire Hazard Severity Zones.

- e. The City, especially the foothill areas, is geographically located in an area periodically subject to high temperature dry Santa Ana wind conditions of high velocity. Moreover, the topographical conditions of the foothill areas and canyons contained therein tend to accelerate the periodic high velocity winds by means of a venturi effect. The use of non-rated or special purpose roofing materials as roof coverings within the City may create an inordinate fire hazard during periods of high velocity winds when fire may spread across buildings with roof coverings of non-rated combustible materials.
- f. Embers from chimneys without spark arresters within the City, including the foothill areas, coupled with the climatic, topographic and geographic conditions described herein above, may permit the throwing of sparks, embers and cinders upon non-rated and special purpose roofing material roofs during periods of high velocity winds, thereby creating a fire hazard which in turn may spread throughout areas where the roofs of structures are covered with wood shakes and shingles.
- g. The City is subject to seismic activity which may result in damage to existing structures that do not comply with current code. Repair of earthquake damage according to California Existing Building Code requires upgrading the existing building to a standard higher than that to which it was built, which creates a financial hardship for the building owner to repair an earthquake-damaged structure or strengthen it prior to a seismic event. The California Existing Building Code provides a reasonable performance standard for strengthening and repair of structures. The Federal Emergency Management Agency ("FEMA") requires adoption of performance standards for the repair of damaged structures as a condition of financial assistance after disasters.
- h. The City is located in a seismically active area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The City contains coastal bluffs and hilly areas subject to landslides, earth induced landslides and it has coastal areas subject to

flooding and liquefaction.

- i. The City has coastal and bay front areas with sandy soils and a shallow water table at the same elevation as bay water elevation which fluctuates with the tide. Sandy soils and high ground water level may cause the soils to liquefy during a seismic event.
- j. The City contains low lying coastal areas subject to flooding from sustained rain with tides which hinder drainage to the bay. Certain other areas such as Balboa Island are subject to water surges from drainage through back bay. Other oceanfront areas are subject to flooding from storm-driven high waves which run up and overtop coastal beach berms. West a is subject to flooding from the Santa Ana River and storm events with tides. The City participates in the National Flood Insurance Program and has adopted a FEMA-required flood management ordinance with flood mitigation measures including construction requirements contained in Newport Beach Municipal Code Chapter 15.50.
- k. Newport Beach is located in Southern California and can be subject to air pollution, water and power shortages, climate change, and potential pollution of bay water.
- l. Due to the geographic conditions of widespread development separated by waterways and the street congestion caused by local geography.
- m. The City is a Charter City, therefore, topographical, geographical and climatic conditions are not required to amend the administrative provisions within the code.
- n. City does not have jurisdiction over Public Pools. The enforcing agencies for Public Pools are the California Department of Public Health and the local health agency, County of Orange Health Care Agency, per Health and Safety Code Sections 116050 and 131200 and Chapter 1, Division 1, Section 1.7 of the California Building Code.

Section 2: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 9th day of September 2025.

Joe Stapleton
Mayor

ATTEST:

Molly Perry
Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney