

ATTACHMENT B

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 9.04.470 (LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE) TO ADOPT THE 2025 MODERATE, HIGH, AND VERY HIGH FIRE HAZARD SEVERITY ZONES, AS DESIGNATED BY THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 51178

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, pursuant to Health & Safety Code Sections 17922 and 18935, the State of California Building Standards Commission ("BSC") bi-annually approves the adoption of new model codes relating to design and construction, for the protection of life and property;

WHEREAS, on November 15, 2022, the City Council of the City of Newport Beach ("City Council") adopted Ordinance No. 2022-27, the 2022 Edition of the California Fire Code ("CFC") with local amendments including the Local Agency Very High Fire Hazard Severity Zone Map specific to Newport Beach;

WHEREAS, Senate Bill 63 amended California Government Code Section 51178 to require local agencies to designate Moderate and High Fire Hazard Severity Zones in addition to Very High Fire designations within Local Responsibility Areas;

WHEREAS, on March 24, 2025, the California Department of Forestry and Fire Protection ("CAL FIRE"), through the Office of the State Fire Marshal, published a revised Fire Hazard Severity Zone map, a copy of which is attached hereto as Attachment A and incorporated herein by this reference, designating areas as Moderate, High or Very High, pursuant to California Government Code Section 51178;

WHEREAS, the map designates areas within Newport Beach as Moderate, High, or Very High Fire Hazard Severity Zones based on a science-based, field-tested model that assigns hazard scores using factors that influence wildfire likelihood and behavior, including fuel loading, slope, fire weather, natural vegetation, ember transport, terrain features, and historical fire activity;

WHEREAS, Government Code Section 51179(b)(3) prohibits local agencies from decreasing the level of Fire Hazard Severity Zone as identified by the State Fire Marshal, and the City's review has determined that no additional areas, beyond those identified by CAL FIRE, require increased hazard designations;

WHEREAS, the City has made the proposed Fire Hazard Severity Zone map available for public review and comment as required by California Government Code Section 51178.5, and the Newport Beach Fire Department hosted two public outreach events to present the map and explain its implications;

WHEREAS, the City reviewed the CAL FIRE recommendations and public comments to determine that adoption of the 2025 Fire Hazard Severity Zones is necessary and appropriate for public safety and wildfire mitigation; and

WHEREAS, a public hearing was held by the City Council on July 8, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Section 51175 *et seq.* Evidence, both written and oral, was presented to and considered by, the City Council at this hearing.

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

Section 1: The table of contents of Chapter 9.04 (Fire Code) of the Newport Beach Municipal Code is hereby amended to read as follows:

Chapter 9.04 FIRE CODE

Sections:

- 9.04.010 Adoption of the 2022 California Fire Code.
- 9.04.020 Amendment of Section 109.6 Overcrowding.
- 9.04.030 Amendment of Section 112.4 Violation Penalties.
- 9.04.040 Amendment of Section 113.4 Failure to Comply.
- 9.04.050 Amendment to Section 202 Definitions.
- 9.04.060 Amendment to Section 305 Ignition Sources.
- 9.04.070 Amendments to Section 307.4.2 Recreational Fires.
- 9.04.080 Amendments to Section 308.1.1 Fireplace.
- 9.04.090 Amendments to Section 308.1.6.3 Sky Lanterns.
- 9.04.100 Addition of Section 324 Geological Surveys.

- 9.04.110 Amendments to Section 503.2.1 Dimensions.
- 9.04.120 Amendments to Section 503.2.4 Turning Radius.
- 9.04.130 Amendments to Section 503.2.5 Dead Ends.
- 9.04.140 Amendments to Section 503.2.7 Grade.
- 9.04.150 Amendments to Section 503.4.1 Traffic Calming Devices.
- 9.04.160 Amendments to Section 503.6 Security Gates.
- 9.04.170 Amendments to Section 505.1.1 Premises Identification.
- 9.04.180 Amendments to Section 506 Key Box Contents.
- 9.04.190 Amendments to Section 510.1 Emergency Responder Radio Coverage in New Buildings.
- 9.04.200 Deletion of Section 510.2 Emergency Responder Radio Coverage in Existing Buildings.
- 9.04.210 Amendments to Section 510.4.2.2 Technical Criteria.
- 9.04.220 Amendments to Section 510.5.2 Approval Prior to Installation.
- 9.04.230 Amendments to Section 510.5.3 Minimum Qualifications of Personnel.
- 9.04.240 Amendments to Section 510.5.4 Acceptance Test Procedure.
- 9.04.250 Amendments to Section 510.6.1 Testing and Proof of Compliance.
- 9.04.260 Addition of Section 511.1 Building Information.
- 9.04.270 Amendments to Section 903.2 Where Required.
- 9.04.280 Amendments to Section 903.2.8 Group R.
- 9.04.290 Amendments to Section 903.3 Installation Requirements.
- 9.04.300 Amendments to Section 907.1 General.
- 9.04.310 Amendments and Additions to Section 912.1 Fire Department Connections.
- 9.04.320 Amendments to Section 912.2 Location.
- 9.04.330 Amendments to Section 1203.1.1 Stationary Generators.
- 9.04.340 Amendments to Section 3602 Definitions.
- 9.04.350 Amendments to Section 3603.6 Berthing and Storage.
- 9.04.360 Amendments to Section 3604.1 General.
- 9.04.370 Amendments to Section 3604.2 Standpipes.
- 9.04.380 Amendment to Section 4905.2 Construction Methods and Requirements Within Established Limits.
- 9.04.385 Amendment to Section 4906.4.2 Trees.
- 9.04.386 Amendment to Section 4907.3 Defensible Space Requirements.
- 9.04.390 Amendments to Section 5003.12 Outdoor Control Areas.
- 9.04.400 Amendments to Section 5004.1 Scope.
- 9.04.410 Amendments to Section 5601.1.2 Explosive Materials Terminals.
- 9.04.420 Amendments to Section 5601.1.3 Fireworks.
- 9.04.430 Amendments to Section 5601.2.2 Sale and Retail Display.

- 9.04.440 Amendments to Section 5704.2.11.1 Underground Tanks.
- 9.04.450 Amendments to Section 5706.4 Bulk Plants or Terminals.
- 9.04.460 Amendments to Appendix B Fire-Flow Requirements for Buildings.
- 9.04.470 Fire Hazard Severity Zones.

Section 2: Section 9.04.470 is amended and shall read as follows:

9.04.470 Fire Hazard Severity Zones.

The City Council designates those areas identified on the map attached to the ordinance codified in this section, which is on file with the City Clerk and available electronically on the City website, as Fire Hazard Severity Zones which include Moderate, High and Very High Fire Hazard Severity Zones.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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 5: The City Council finds the introduction and adoption of this ordinance 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 6: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 8th day of July, 2025, and adopted on the 26th day of August, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____


ABSENT: _____

Joe Stapleton,
Mayor

ATTEST:

Molly Perry,
Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp,
City Attorney

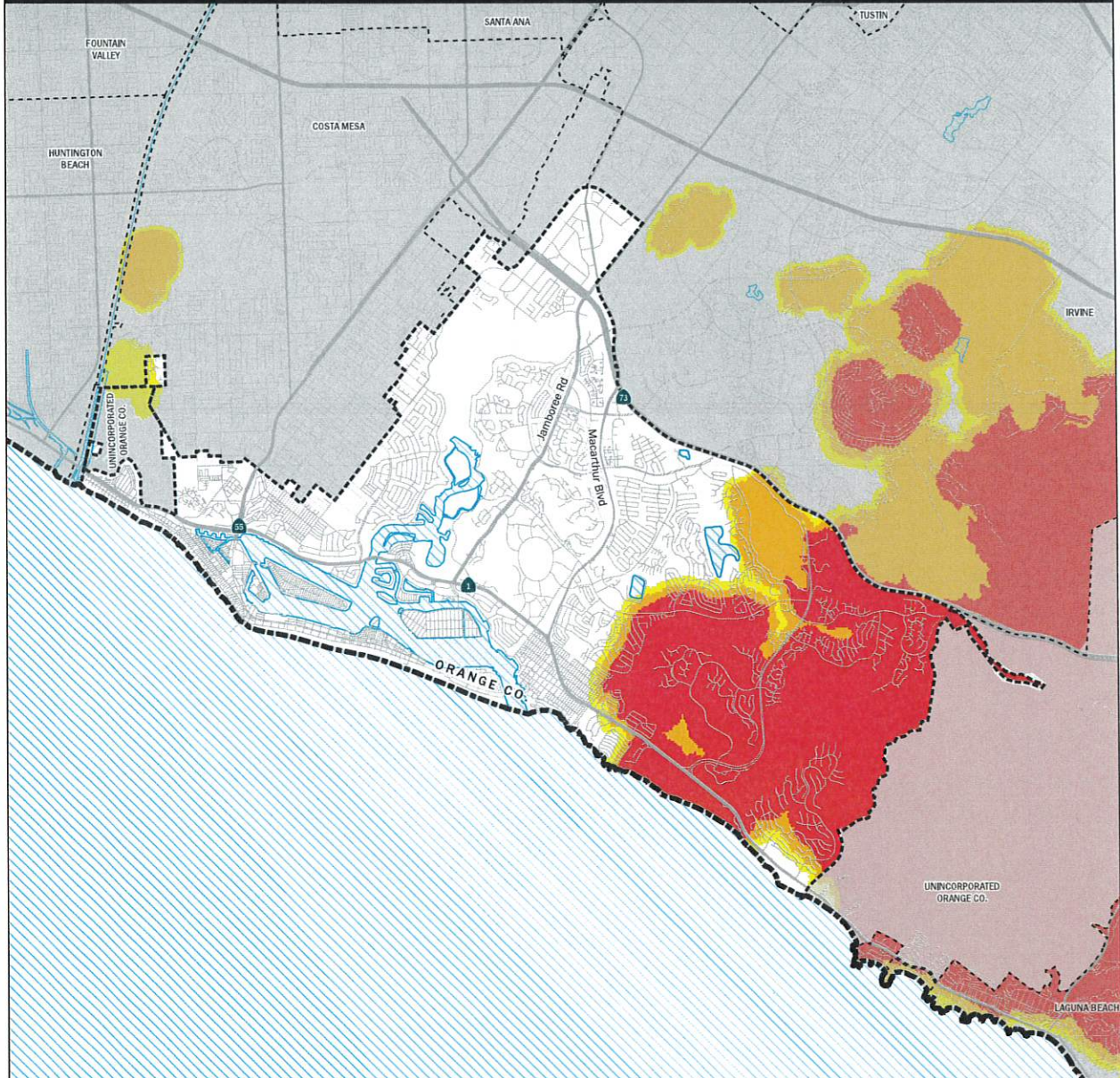
Attachment(s): NBMC Section 9.04.470 Fire Hazard Severity Zones Map



Local Responsibility Area Fire Hazard Severity Zones

As Identified by the
State Fire Marshal

March 24, 2025



Fire Hazard Severity Zones (FHSZ) in Local Responsibility Area (LRA), as Identified by the State Fire Marshal

Very High High Moderate

Fire Hazard Severity Zones in State Responsibility Area (SRA), Effective April 1, 2024

Very High High Moderate



Projection: NAD 83 California Teale Albers
Scale: 1:71,000 at 11" x 17"

Incorporated City Waterbody
 Unzoned LRA Federal Responsibility Area (FRA)

Government Code section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent

statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather,

and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Gavin Newsom, Governor, State of California
Wade Crowfoot, Secretary for Natural Resources, CA Natural Resources Agency
Joe Tyler, Director, Fire Chief, CA Department of Forestry and Fire Protection
Daniel Beilant, State Fire Marshal, CA Department of Forestry and Fire Protection

Data Sources:
CAL FIRE Fire Hazard Severity Zones (FHSZSRA23_3, FHSZLRA_25_1)
CAL FIRE State Responsibility Areas (SRA25_1)
City and County boundaries as of 10/22/24 (CA Board of Equalization)