



CITY OF

NEWPORT BEACH

City Council Staff Report

February 11, 2020
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2020-6: Amendment to Section 9.04.430 of the Newport Beach Municipal Code to Adopt the Local Amendments to the 2019 Edition of the California Fire Code

ABSTRACT:

The City of Newport Beach (City) enforces the California Fire Code for the purpose of regulating design, construction and maintenance of structures to protect life and property. Within the Wildland Fire Areas, local agencies may adopt amendments to the codes with specific findings to provide additional protection for the properties located within these hazardous areas.

RECOMMENDATIONS:

- a) Find the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, because they will not result in a physical change to the environment, directly or indirectly; and
- b) Introduce Ordinance No. 2020-6, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 9.04.430 (Replacement to Chapter 49 Requirements for Wildland-Urban Interface Fire Areas) of the Newport Beach Municipal Code to Adopt Local Amendments to the 2019 Edition of the California Fire Code as Set Forth in Title 24, Part 9, of the California Code of Regulations*, and pass to a second reading on February 25, 2020.

FUNDING REQUIREMENTS:

There is no direct fiscal impact related to this action.

DISCUSSION:

On November 5, 2019, the City Council adopted the 2019 California Fire Code with local amendments. However, Chapter 49 was pulled from the amendment package to conduct public outreach for the proposed changes in vegetation management. Staff proposes adopting an amendment to the 2019 California Fire Code Chapter 49 Requirements for Wildland-Urban Interface Fire Areas. The model code provides the minimum requirements for protecting communities located within the Very High Fire Hazard Severity Zone. The proposed amendment will provide additional requirements for property owners and homeowner associations to maintain their landscape vegetation by using the Fuel Modification Guidelines or the Hazard Reduction Zone Guidelines. The proposed amendment language gives the Fire Chief and Fire Marshal additional authority to apply these requirements throughout the City in areas where vegetation is considered a fire hazard.



Public Outreach

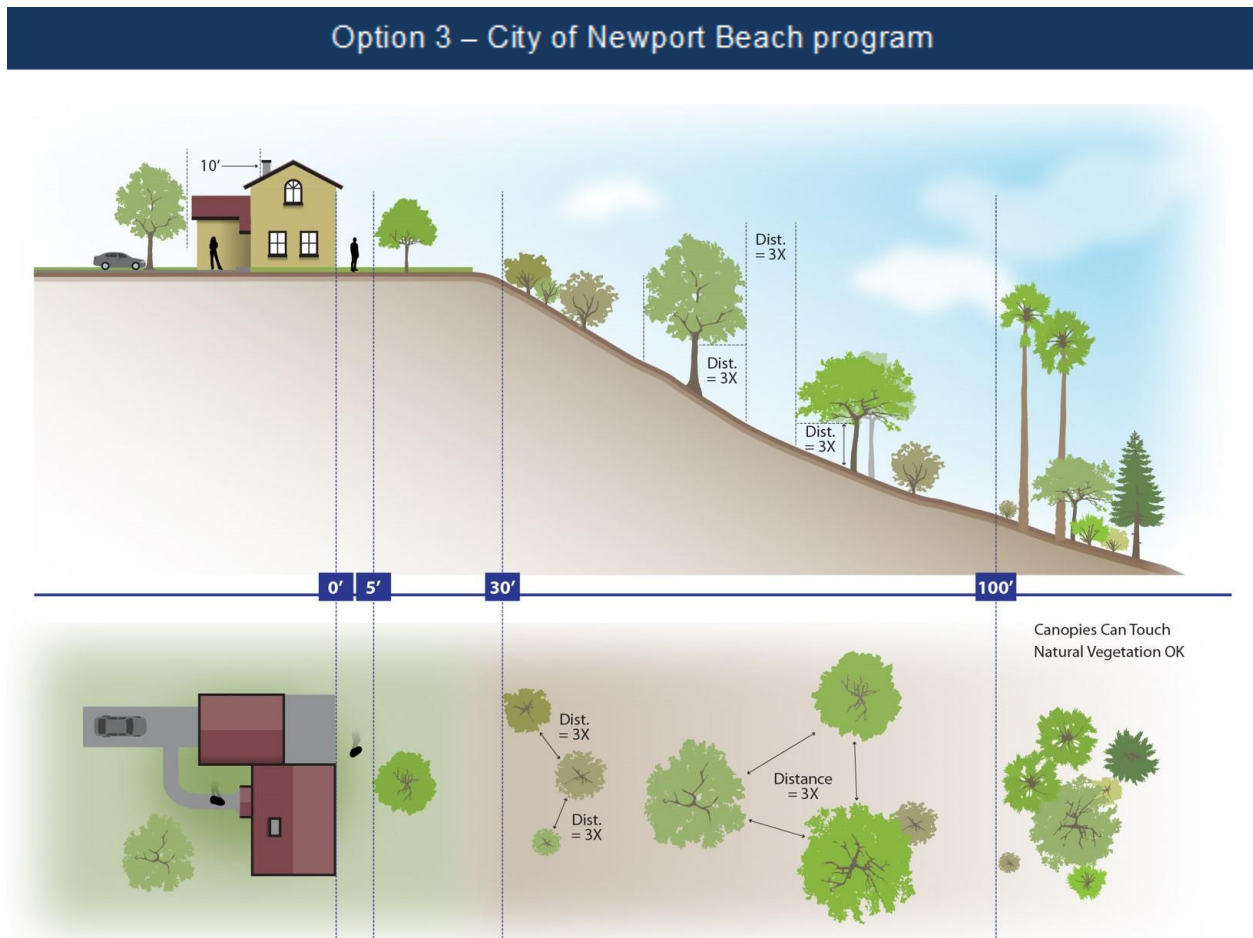
Staff conducted two public workshops at the OASIS Senior Center on November 12 and December 12, 2019. During the meetings, staff presented information on the proposed changes to the wildland program, and the residents provided their input. The residents stated that the current Fire Department program was ineffective in Buck Gully and Morning Canyon, which resulted in overgrown conditions in these areas; changes are necessary to mitigate a potential wildland fire.

During the December 12 meeting, staff presented three options for vegetation management for the residents to consider:

Option 1: Adopt the Fuel Modification program throughout the City; requiring up to 170 feet of defensible spacing similar to the landscape areas in the Newport Coast communities.

Option 2: Apply the State's minimum of up to 100 feet, with removal of both shrubs and trees to create a defensible space.

Option 3: Adopt a City of Newport Beach defensible space program that requires the removal of shrubs and bushes underneath trees, maintain a five-foot, non-combustible zone adjacent to the structures, and allow most of the trees to remain with certain maintenance requirements. (Note: The Orange County Fire Authority approved a vegetation program similar to Option 3).



The residents in attendance discussed the options, raised concerns regarding slope stability and the need to retain trees. After the discussion was completed, the audience voted overwhelmingly to support Option 3.

The adoption of the amendment to Chapter 49 (Wildland-Urban Interface Fire Areas) of the 2019 California Fire Code, in concert with the new vegetation management standard and the re-launch of the **Ready, Set, Go!** public education program, will provide the Newport Beach Fire Department and the City's residents the tools to reduce the threat of wildfire and improve survivability rates of residences within the identified Very High Fire Hazard Severity Zones.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2020-6