

4.18 WILDFIRE

4.18.1 Introduction

This section of the Program EIR assesses the potential wildfire hazards associated with the City of Newport Beach General Plan Housing Implementation Program (Project). The analysis is based on existing conditions present in the City as well as applicable federal, State, and local regulations. Potential wildfire impacts from future development associated with the Project are evaluated at a programmatic level, where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

4.18.2 Regulatory Setting

Federal

National Fire Prevention Association

The National Fire Prevention Association (NFPA) establishes fire safety standards in the United States and is responsible for developing more than 300 codes and standards, many of which have been adopted as law by federal, state, and local governments. The NFPA codes cover fire prevention, wildfire preparedness, and electrical safety to hazardous materials, community risk reduction, and public safety.

Federal Emergency Management Act

In March 2003, the Federal Emergency Management Act (FEMA) became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program (NFIP) and the U.S. Fire Administration.

Disaster Mitigation Act of 2000

The Disaster Mitigation Act (42 United States Code [USC] §5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at controlling and streamlining federal disaster relief and program administration to promote mitigation activities. The Disaster Mitigation Act's major provisions include:

- i) Funding pre-disaster mitigation activities;
- ii) Developing experimental multi-hazard maps to better understand risk;
- iii) Establishing state and local government infrastructure mitigation planning requirements;
- iv) Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v) Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in 42 USC Section 5165 establish performance-based standards for mitigation plans and require states to have a public assistance program (Advance Infrastructure Mitigation) to develop county government plans. The consequence for counties that fail to develop an infrastructure mitigation plan is the chance of a reduced federal share of damage assistance

from 75 percent to 25 percent if the damaged facility has been damaged on more than one occasion in the preceding ten-year period by the same type of event.

State

California Office of Emergency Services (Cal OES)

In 2009, the State of California passed legislation creating the California Emergency Management Agency (Cal EMA) and authorizing it to prepare a Standardized Emergency Management System program (Title 19 CCR §2400 *et seq.*), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with the Standardized Emergency Management System could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. As part of former Governor Brown's Reorganization Plan #2, Cal EMA was eliminated and restored to the Governor's Office in 2013. Cal EMA was renamed Cal OES and merged with the office of Public Safety Communications.

Cal OES serves as the lead State agency for emergency management in California. Cal OES coordinates the State's response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the State through the statewide mutual aid system. In California, the Standardized Emergency Management System provides the mechanism by which local government requests assistance. Cal OES serves as the lead agency for mobilizing the State's resources and obtaining federal resources; it also maintains oversight of the State's mutual aid system.

Emergency Mutual Aid Agreements

The Emergency Mutual Aid Agreements system is a collaborative effort between city and county emergency managers in Cal OES's coastal, southern, and inland regions. The Emergency Mutual Aid Agreements provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of Mutual Aid Agreements is to support disaster operations in affected jurisdictions by providing professional emergency management personnel.

California Department of Forestry and Fire Prevention (CAL FIRE) and California Government Code (§51178)

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of California's privately-owned wildlands. In addition, CAL FIRE provides varied emergency services in 36 of the State's 58 counties through contracts with local governments. CAL FIRE uses a severity classification system to identify areas or zones of severity for fire hazards within the State to assist each fire agency in addressing its responsibility area.

CAL FIRE, in cooperation with local fire authorities, is required to identify areas that are Fire Hazard Severity Zones for State Responsibility Areas (SRAs) and Local Responsibility Areas (LRAs). SRAs denote lands where the State has financial responsibility for wildland fire protection. LRAs are areas of California where local governments have financial responsibility for wildland fire protection. Fire Hazard Severity Zone maps identify moderate, high, and very high hazard severity zones using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Factors considered include fire history, existing and potential fuel (natural vegetation),

flame length, blowing embers, terrain, and typical weather for the area. Only lands mapped as Very High Fire Hazard Severity Zones (VHFHSZ) are identified within LRAs.

Per California Government Code (CGC) Section 51179 (b)(1), a local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as a VHFHSZ by the State Fire Marshal, as VHFHSZs following a finding supported by substantial evidence in the record that the requirements of CGC Section 51178 are necessary for effective fire protection within the area. Additionally, local agencies may include areas not identified as VHFHSZ by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively. According to CGC Section 51179 (b)(3), such changes made by a local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal and a local agency may only increase the level of fire hazard severity zone for an area within the jurisdiction of a local agency..

Pursuant to CGC Section 51182, a person who “owns, leases, controls, operates or maintains an occupied dwelling or occupied structure in, upon or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land or land that is covered with flammable material” in a VHFHSZ classified by the local agency pursuant to CGC Section 51179, must at all times maintain a specified amount of “defensible space” to protect structures in high fire hazard areas.

California Fire Code

As applicable to wildfires, the California Code of Regulations (CCR) Title 24, Part 9 (California Fire Code) establishes regulations for safeguarding life and property from the hazards of fire and explosion. The California Building Standards Commission updates the Fire Code every three years with the last update occurring in 2022 (effective January 1, 2023). The Fire Code sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices, high-rise building standards, and fire suppression training. It contains regulations relating to construction, maintenance, and use of buildings. The Fire Code also includes regulations regarding fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

California Building Code

CCR Title 24, Part 2 (California Building Code) contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The California Building Standards Commission updates the Building Code every three years with the last update occurring in 2022 (effective January 1, 2023). The Building Code provides minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures and certain equipment.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code (HSC) Section 13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2022 CBC and related updated codes.

California Coastal Act

California Coastal Act (Coastal Act) Section 30253 requires that new development (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (2) assures stability and structural

integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter landforms along bluffs and cliffs. The California Coastal Commission (Coastal Commission) indicates that an appropriate setback from a coastal bluff is at the point where a Factor of Safety (FOS) of 1.5 can be demonstrated; the Coastal Commission notes that it is more difficult to determine for overhanging or notched coastal bluffs or bluffs undermined by sea caves. The Coastal Act is implemented in the City through its certified Local Coastal Program, which applies to all properties in the City located within the Coastal Zone boundary, with the exception of Banning Ranch which is in a Deferred Certification Area (DCA) and Newport Coast.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan 2006 Update* (General Plan) includes goals and policies to protect human life and property from the risks of wildfires and urban fires. The General Plan Land Use Element and Safety Element describe various policies to minimize the community's fire risk. The following list includes General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

Land Use Element

- Goal LU 5.6** **Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.**
- Policy LU 5.6.4** **Conformance with the Natural Environmental Setting.** Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.

Safety Element

- Goal S 6** **Protection of human life and property from the risks of wildfires and urban fires.**
- Policy S 6.2** **Development in Interface Areas.** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy S 6.3** **New Development Design.** Site and design new development to avoid the need to extend fuel modification zones into sensitive habitats.
- Policy S 6.4** **Use of City-Approved Plant List.** Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy S 6.5:** **Invasive Ornamental Plant Species.** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.

City of Newport Beach Local Coastal Program: Coastal Land Use Plan

The Coastal Act requires each local jurisdiction wholly or partly within the Coastal Zone to prepare a Local Coastal Program (LCP) which are used to carry out the polices and requirements of the Coastal Act. A certified LCP allows for Coastal Development Permit issuance by the local jurisdiction for all areas outside

of the California Coastal Commission's (Coastal Commission or CCC). A LCP typically consists of two parts: (1) a coastal element consisting of a land use plan and policies for development and conservation within the coastal zone, and (2) an implementation program consisting of ordinances, maps, and implementing actions for the land use plan and policies.

The City fulfills the requirements of part 1 with its adopted Coastal Land Use Plan. The City's Implementation Plan fulfills part 2. Pursuant to Newport Beach Municipal Code (Municipal Code) Section 21.10.030, any conflict between the policies set forth in any element of the City's General Plan, Zoning, or any ordinance and those of the Coastal Land Use Plan, policies of the Coastal Land Use Plan shall take precedence. However, in no case shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As noted above, the City lies partly within the Coastal Zone boundary. The City received certification of its LCP with an effective date of January 30, 2017.

The City's Coastal Land Use Plan (CLUP) includes the following goals, objectives, and policies applicable to wildfire:

Hazards and Protective Devices¹

- Policy 2.8.1-1:** Review all applications for new development to determine potential threats from coastal and other hazards.
- Policy 2.8.1-2:** Design and site new development to avoid hazardous areas and minimize risk to life and property from coastal and other hazards.
- Policy 2.8.1-3:** Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risk to life and property from coastal and other hazards.
- Policy 2.8.8-1:** Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
- Policy 2.8.8-2:** Site and design new development to avoid fire hazards and the need to extend fuel modification zones into sensitive habitats.
- Policy 2.8.8-3:** Use fire-resistant, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.
- Policy 2.8.8-4:** Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats
- Policy 2.8.8-5:** Continue to maintain a database of parcels in urban wildland interface areas.
- Policy 2.8.8-6:** Continue annual inspections of parcels in urban wildland interface areas and, if necessary, direct the property owner to bring the property into compliance with fire inspection standards.

City of Newport Beach Emergency Operations Plan

The Emergency Operations Plan (EOP) provides guidance for the City's response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting the City. It seeks to mitigate the effects of hazards, prepare for measures to

¹ City of Newport Beach (2016). *City of Newport Beach Coastal Land Use Plan – Hazards and Protective Devices*. Pages 2-72 to 2-74. Retrieved from: [AB - Assembly Bill \(newportbeachca.gov\)](https://www.newportbeachca.gov/AB-AssemblyBill) Accessed March 2023.

be taken that will preserve life and minimize damage, enhance response during emergencies, provide necessary assistance, and establish a recovery system in order to return the City to its normal state of affairs. It provides an overview of the National Incident Management Systems, Standardized Emergency Management System, and the Operational Area concepts. It also identifies components of the City Emergency Management Organization and describes the overall responsibilities of federal, State, region, operational area, and City entities.

Newport Beach Municipal Code

The City has adopted the 2022 California Fire Code. Chapter 9.04 of the City's Municipal Code (Municipal Code), also known as the Fire Code, establishes a variety of regulations related to hazards such as: recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, hazardous materials management plan, storage tank regulations, etc. In addition, the Newport Beach Fire Department enforces locally developed regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at "Hazard Reduction." Additional provisions include construction standards for new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains.

4.18.3 Existing Conditions

Wildland Fire

Wildfires occur when developments are located adjacent to open space or wildland fuels such as grass, leaf litter, trees, or shrubs that can ignite when exposed to a natural occurrence (e.g., lighting) or an unplanned, unauthorized, or accidental human-caused activity. Wildfire hazards are also based on factors such as topography and climatic conditions, including winds, humidity, droughts, and extreme temperatures.

The City defines a wildland fire hazard area as a geographic area that contains the type and condition of vegetation, topography, weather, and structure density that potentially increases the possibility of wildland fires. The eastern portion of the City contains grass- and brush-covered hillsides with significant topographic relief that facilitate the rapid spread of fire, especially if fanned by coastal breezes or Santa Ana winds.

Wildfires may originate in undeveloped areas and spread to developed or urban areas where landscape and structures are not designed and maintained to be fire-resistant. In general, a Wildland-Urban Interface (WUI) area is a geographical area where improved property intersects with wildland or vegetative fuels, including shrubs, trees, and grasses.² Homes and structures in and around the WUI areas have the greatest risk of wildland fire. These areas include lower Buck Gully, Morning Canyon, the mouth of Big Canyon, and Spyglass Canyon.

The City's LRA map includes Very High Fire Hazard Severity Zones (VHFHSZ).³ **Exhibit 4.15-1, Very High Fire Hazard Severity Zone Map**, depicts the Local Responsibility Areas (LRAs) VHFHSZ for Newport Beach.

² City of Newport Beach. Wildland-Urban Interface. Retrieved from: <https://www.newportbeachca.gov/government/departments/fire/fire-prevention-division/wildland-urban-interface>. Accessed March 2023.

³ City of Newport Beach. State LRA VHFHSZ Maps. Retrieved from: [State LRA VHFHSZ Maps | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/State-LRA-VHFHSZ-Maps). Accessed March 2023)

The VHFHSZ is exclusively located in the eastern portion of the City extending from the State Route (SR) 73 to the north to the Pacific Ocean to the south. The eastern portion of the City contains grass- and brush-covered hillsides with topographic relief that can facilitate the rapid spread of fire.

In those areas identified as susceptible to wildland fire, the Fire Department enforces locally developed regulations which reduce the amount and continuity of fuel (vegetation) available, firewood storage, debris clearing, proximity of vegetation to structures and other measures aimed at “Hazard Reduction.” New construction and development are further protected by local amendments to the Uniform Building Code. These amendments, which are designed to increase the fire resistance of a building, include: protection of exposed eaves, noncombustible construction of exterior walls, protection of openings, and the requirement for Class “A” fireproof roofing throughout the City. Additionally, a “Fuel Modification” plan aimed at reducing fire encroachment into structures from adjacent vegetation must be developed and maintained.

Fire Protection

Fire protection services in the City are provided by the Newport Beach Fire Department (NBFD), which is divided into the Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The NBFD provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the NBFD inspects businesses and properties, assists with code enforcement, and conducts public education programs. To support these efforts, the NBFD operates from eight fire stations and three lifeguard headquarters located within the City and includes 144 full-time and 220 seasonal/part-time employees.⁴ The Fire Department’s daily staffing, per shift, includes: one Battalion Chief, ten Fire Apparatus Engineers, ten Fire Captains, fourteen Paramedics/Firefighters, and three Firefighters. The front line apparatus serving the City daily includes eight Fire Engines (one at each fire station), two Aerial Ladder Trucks (one on each side of the City), and three Paramedic Rescue Ambulances.⁵

As described in **Section 4.13: Public Services**, fire stations are strategically located throughout the City to provide prompt assistance to area businesses and residents. Each fire station operates within a specific district that comprises the immediate geographical area around the station. Upper Newport Bay (and the circulation challenges it creates) results in Newport Beach having more fire stations per population than typical in order to maintain response times. A list of the fire stations in Newport Beach is provided in **Table 4.13.1-1: Newport Beach Fire Stations** in **Section 4.13: Public Services** of this EIR. The NBFD’s service area covers 47.9 square miles, including 24 square miles of land, 0.9 square mile of bay, and 23 square miles of ocean.⁶ In the case of additional fire response need, the Fire Department can request additional mutual aid assistance from other fire departments throughout Orange County. The average response time is less than five minutes.

⁴ Newport Beach Fire Department. (2021). *Annual Report 2020 and 2021*. Retrieved from: [637858722261100000 \(newportbeachca.gov\)](https://www.newportbeachca.gov/). Accessed March 2023.

⁵ City of Newport Beach. *Fire Operations Division*. Retrieved from: <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division>. Accessed March 2023.

⁶ City of Newport Beach. *Fire Department Fact Sheet*. Retrieved from: www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000. Accessed March 2023.

Within the Nbfd, the Fire Prevention Division has a goal to provide a full range of services encompassing community education and preparedness, emergency planning, fire prevention, code enforcement, fire inspections, vegetation management, and plan check services of new and tenant improvement construction projects. Staff works with developers, architects, and engineers to ensure that fire protection requirements are met for building improvements, new development, and structural modifications. Additionally, the Fire Prevention Division has a Fire Investigator section that determines the origin and cause of fires and conducts criminal investigations in cooperation with the Newport Beach Police Department.⁷

4.18.4 Thresholds of Significance

The City uses the thresholds of significance specified in *State CEQA Guidelines, Appendix G*.

If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.18.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the proposed Project would result in wildfire impacts. The determination of whether the Project would result in “substantial” temporary or permanent wildfire impacts considers the relevant policies and regulations established by local and regional agencies and the future housing development’s compliance with such policies and regulations.

⁷ City of Newport Beach. *Fire Prevention*. Retrieved from: [Fire Prevention | City of Newport Beach \(newportbeachca.gov\)](https://www.newportbeachca.gov/fire-prevention). Accessed March 2023.

4.18.6 Project Impacts and Mitigation

Threshold 4.18-1: If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Future housing development facilitated by the Project and the resulting population growth would allow for housing in or proximate to Very High Fire Hazard Safety Zone (VHFHSZ) areas.

Of the 247 housing sites, there are 2 housing sites within a VHFHSZ. The remainder of the sites are not in or proximate to a VHFHSZ. As shown in **Figure 4.18-1: Fire Hazard Severity Zones**, a small portion of housing site 131 is located within the VHFHSZ (northwestern edge) and all of housing site 336 is located within the VHFHSZ. Both housing sites are within the Coyote Canyon Focus Area. Although these two sites have the capacity to accommodate 2,630 housing units (at an assumed unit yield of 60 du/ac), assumed buildout is 1,530 units (see **Section 3.0: Project Description**). Based on 2.2 persons per household,⁸ the forecast population from these two housing sites is approximately 3,366 persons which could be located in areas of the City adjacent to or in a VHFHSZ.

The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including Municipal Code Section 2.20.050 (Emergency Operations Plan), Municipal Code Chapter 9.04 (Fire Code), and Municipal Code Chapter 15.04 (Building Code). Municipal Code Sections 9.04.110 through 9.04.160 require compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent California Building Code standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate, strong winds, and water shortages. Future development on the housing sites would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access.

The City's Emergency Operations Plans provides guidance for the City of Newport Beach's response to emergency situations associated with natural disasters, technological incidents, and national security emergencies.⁹ The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of federal, State, regional, and city entities. The Newport Beach City Manager and the Emergency Services Coordinator are responsible for revisions to the Emergency Operations Plan and ensuring that revisions are coordinated, published, and distributed to Department Directors.

⁸ State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2023. Sacramento, California, May 2023.

⁹ City of Newport Beach. *Emergency Operations Plan*. <https://www.newportbeachca.gov/home/showpublisheddocument/17901/635682493202100000>. Accessed December 5, 2023.

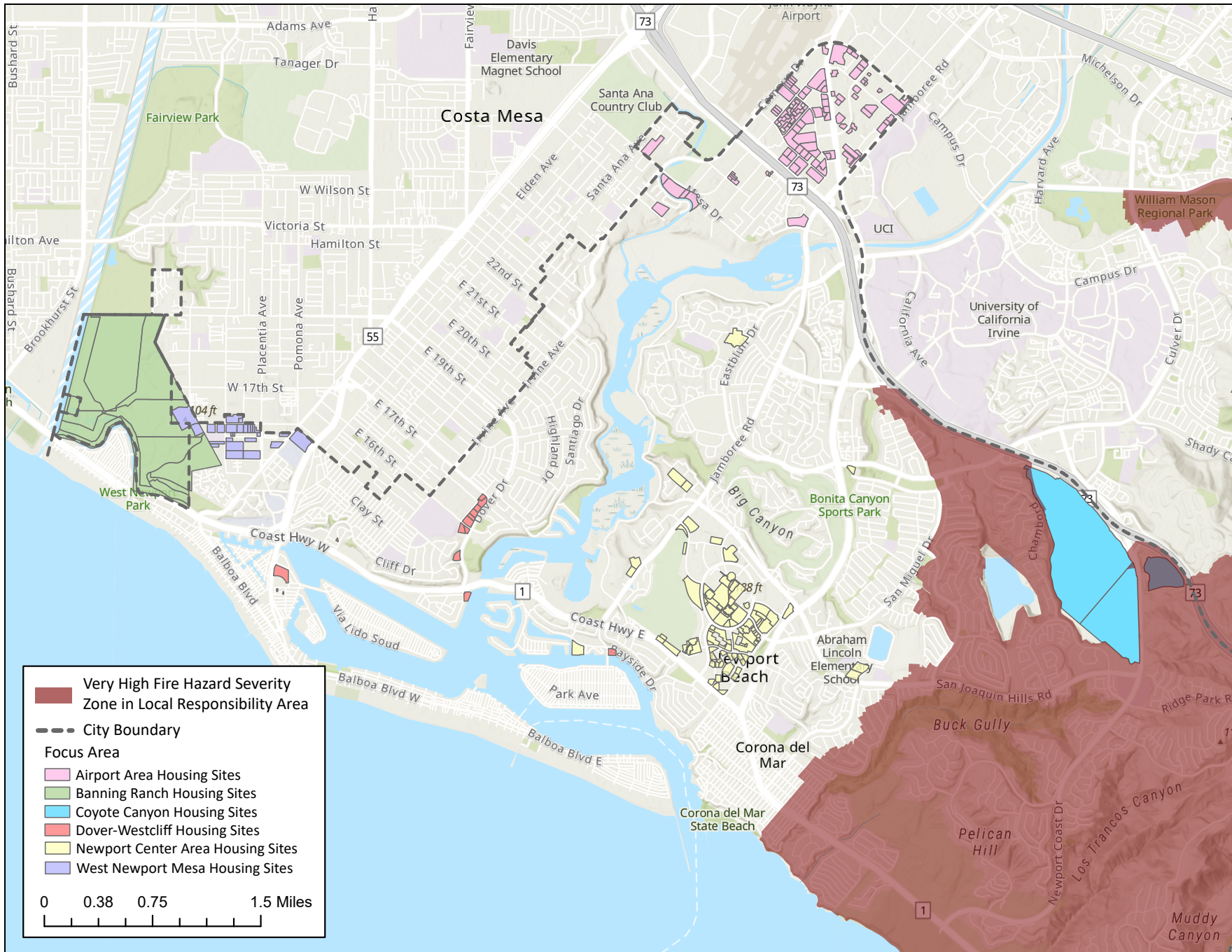


Figure 4.18-1: Fire Hazard Severity Zones
 City of Newport Beach General Plan Housing Implementation
 Program Environmental Impact Report

The General Plan Safety Element also contains Policies S 9.1, S 9.2, and S 9.3 to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Further, Policy S 9.5 calls for the distribution of information about emergency planning to community groups, schools, religious institutions, business associations, and residents.

Some construction activities associated with development on housing sites would likely occur within City rights-of-way. Future development would be required to provide the necessary on-site and off-site access and circulation for emergency vehicles and services during the construction and operation phases. The Nbfd would review site circulation features including width, turn arounds, turning capabilities, hydrant locations, gates, and other design features to ensure access for emergency vehicles. During these construction activities, traffic controls would be required to maintain safe conditions for roadway users and construction personnel along the affected roadways. Any traffic control plans would require review and approval by the City's Engineer and/or Traffic Engineer and Public Works Department.

In the case of a wildfire evacuation, an increase in housing development would incrementally increase vehicular traffic on evacuation routes. However, development on housing sites 131 and 336, which are located within a VHFHSZ could potentially impair implementation of or physically interfere with the emergency response or evacuation plans. Therefore, project-related impacts would be potentially significant. However, all future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires compliance with the SRA Fire Safe Development Regulations as specified in Title 14. Additionally, the City would require as a mitigation measure (or standard condition for by-right projects), **MM W-1** which requires the preparation of a fire protection plan for those sites within or adjacent to a VHFHSZ.

Future development on the housing sites would be required to go through the City's development review and permitting process and would be required to comply with the regulations and measures described above to maintain adequate availability of emergency services during an emergency response or an emergency evacuation. As a result, the Project would not substantially impair an adopted local or county-wide emergency response or evacuation plan. Therefore, impacts would be mitigated to a less than significant level.

Impact Summary: **Less Than Significant Impact With Mitigation.** Although some housing sites are located in or near SRAs or LRA lands classified as VHFHSZ, with mitigation, the Project's potential impacts to an adopted emergency response or emergency evacuation route would be reduced to less than significant.

Threshold 4.18-2:	If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
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Wildfire likelihood and intensity are considered together qualitatively as wildfire potential, which depends on three main factors: fuel (wildland vegetation), topography, and weather. Development within or adjacent to areas designated as VHFHSZ has the potential to exacerbate wildfire risk, particularly if it occurs in areas with steep topography and/or prevailing winds as these conditions contribute to the

spread of wildfires. Housing sites 131 and 336 are located partially or totally within a VHFHSZ in the Coyote Canyon Focus Area. Development of future residential units on these sites are subject to higher wildfire hazards due to slope and prevailing winds based on their location which would consequently result in higher fire-related risks to people and structures. Sites within existing developed area would not exacerbate wildfire risk.

To minimize risk from wildfire, future development on the housing sites in high hazard severity zones are required to adhere to the CCR, Title 19, Division 1, Section 3.07(b),¹⁰ which states the following:

“Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.
- Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.
- Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
- Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 0.5 inch in size.
- Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with applicable regulations.”

¹⁰ State of California (2021). *California Code of Regulations*. Retrieved from: <https://regulations.justia.com/states/california/title-19/division-1/chapter-1/subchapter-1/article-3/section-3-07/>. Accessed March 2023.

Adherence to mandatory fire prevention requirements and regulations, including the California Fire Code Chapter 49, Requirements for WUI Fire Areas, would require applicants to prepare a fire protection plan for any sites located in the VHFHSZ or WUI areas. Chapter 49 requirements are provided as MM W-1. Adherence to State and local fire codes and Municipal Code Section 20.52 Permit Review Procedures, are intended to reduce risks in conjunction with future development related to wildland fire. Project implementation also would not conflict with any State or local plan aimed at reducing impacts to wildlife from wildfires.

As a result, proposed Project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose residents to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant with the application of mitigation.

Impact Summary: **Less Than Significant Impact With Mitigation.** Although some housing sites are located in or near SRAs or lands classified as VHFHSZ, MM W-1 would address wildfire risks and would mitigate potential impacts to a less than significant level.

Threshold 4.18-3: **If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

The Project does not propose any development. Future housing development facilitated by the proposed Project would be subject to the City's development review process and would occur as market conditions allow and at the discretion of the individual property owners. The need for installation and maintenance of new infrastructure (such as roads, fuel breaks, emergency water resources, power lines, or other utilities) would be evaluated as part of the development permit review process. Potential impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated during the development review process to reduce physical impacts to the extent feasible. As addressed in the General Plan Land Use Element, Policy LU 2.8 notes that future development must be supported by adequate utility and transportation infrastructure. It is anticipated that future housing development facilitated by the Project would be served by the extension of existing utility infrastructure located primarily in existing rights-of-way because of the predominately developed nature of the City. The extension of existing utility infrastructure is not expected to exacerbate fire risk and applicants would be required to address wildfire exposure by complying with the wildfire protection building construction requirements contained in the then-current California Building Codes, including the California Building Code, Chapter 7A, California Residential Code, Section R327, and California Referenced Standards Code, Chapter 12-7A. Additionally, all future residential development in VHFHSZs would be subject to Section 4908 of the 2022 CFC, which requires compliance with the SRA Fire Safe Development Regulations as specified in Title 14. Therefore, impacts would be less than significant .

Impact Summary: **Less Than Significant Impact.** Potential impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated during the development review process to reduce physical impacts to the extent feasible.

Threshold 4.18-4: If located in or near State Responsibility Areas (SRAs) or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ), would the Project expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As previously addressed, the VHFHSZ is exclusively located in the eastern portion of the City extending from SR-73 to the north to the Pacific Ocean to the south. The natural environment of the WUI sites indicates people and structures are highly prone to wildfires and downslope or downstream flooding as a result of runoff, post-fire instability or drainage.

Areas that are susceptible to flood hazards within the City are depicted in **Figure 4.9-2: Housing Sites within FEMA Special Flood Hazard Areas in Section 4.9: Hydrology and Water Quality**. Flooding impacts could occur if there are increases in the amount of runoff delivered to the surrounding waterways as a result of wildfire in VHFHSZs. Increased runoff could result in an increased total flow in the creeks or rivers causing flooding in flood hazard areas around the City. In addition to flooding impacts, downslope landslide hazards as a result of post-fire instability are also a possibility. As shown in **Figure 4.6-2: Housing Sites within Landslide Zones in Section 4.6: Geology and Soils**, many areas around the City are susceptible to landslides; however, areas susceptible to post-fire landslides would be concentrated around the VHFHSZs.

Future housing development would be subject to development review by the City and each development would be engineered and constructed to maximize stability and preclude safety hazards to on-site and adjacent areas. Applicants for future housing development within the WUI/VHFHSZ would be required to submit a fire protection plan (see **MM W-1**). Additionally, site-specific geotechnical studies would be required to determine the soil properties and specific potential for landslides in an area for new development per General Plan Policy S 4.7. Further, compliance with the CBC would require an assessment of hazards related to landslides and the incorporation of design measures into structures to mitigate this hazard if development were considered feasible. Municipal Code Chapter 15.10, Excavation and Grading Code, also contains regulations and design requirements for hillside developments which would reduce impacts to any developments located downslope or downstream. Adherence to State and City codes and emergency and evacuation plans set by the City¹¹ and County¹² would prevent impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant, and no mitigation is required.

Impact Summary: **Less Than Significant Impact.** Although some housing sites are located in or near SRAs or lands classified as VHFHSZ, the project would not expose people or structures, to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

¹¹ City of Newport Beach. *Emergency Operations Plan*. Retrieved from: <https://www.newportbeachca.gov/home/showpublisheddocument/17901/635682493202100000>. Accessed March 2023.

¹² County of Orange. (2019). *Unified County of Orange and Orange County Operational Area Emergency Operations Plan*. Retrieved from: [OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf](https://www.voiceofoc.org/OC-Emergency-Operations-Plan-as-of-March-2020-approved-in-August-2019.pdf) (voiceofoc.org) Accessed March 2023.

4.18.7 Cumulative Impacts

Anticipated impacts of future development facilitated by the Project, in conjunction with cumulative development in the City, may include development in areas that are prone to wildfires. Each cumulative project would be subject to the City's development review process, which may include review under CEQA, to address potential adverse site-specific conditions and ensure compliance with federal, State, and local requirements.

As previously discussed, with the implementation of mitigation and compliance with regulatory requirements, Project implementation would not result in wildfire impacts, either directly or indirectly that would result in a significant impact on the environment. As a result, cumulative impacts related to consistency with policies, and regulations aimed at preventing and minimizing wildfire impacts would be less than significant because future development in wildfire risk areas would be required to also comply with applicable plans and policies. Therefore, the Project would not cumulatively contribute to significant wildfire impacts.

4.18.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning wildfire. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

General Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy LU 5.6.4
- Policy S 6.2
- Policy S 6.3
- Policy S 6.4
- Policy S 6.5

Coastal Land Use Plan Policies

See **Section 4.18.2: Regulatory Setting** for complete policy text.

- Policy 2.8.1-1
- Policy 2.8.1-2
- Policy 2.8.1-3
- Policy 2.8.8-1
- Policy 2.8.8-2
- Policy 2.8.8-3
- Policy 2.8.8-4
- Policy 2.8.8-5
- Policy 2.8.8-6

Mitigation Measures

MM W-1 Prior to issuance of a grading permit for sites within or adjacent to a Very High Fire Hazard Safety Zone (VHFHSZ), the project applicant shall prepare a Fire Protection Plan (FPP). Prior to preparation of an FPP, the project applicant shall coordinate with City of Newport Beach Fire Department to ensure that modeling of the FPP and design of the Project is appropriate to meet the requirements and standards of the City. The FPP shall be subject to the review and approval from the Fire Department. The FPP shall assess the Project's

compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The FPP shall also specifically identify the need for fire protection systems, water availability for structural firefighting, construction requirements, fire department access, locations and spacing of fire hydrants, fire-smart landscaping, and appropriate defensible space around structures (Fuel Modification Zones).

4.18.9 Level of Significance After Mitigation

With implementation of the mitigation program set forth in this section, potential impacts from wildfire would be reduced to a level considered less than significant.

4.18.10 References

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