



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 25-293

Meeting Date: 5/20/2025

TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING LOCAL RESPONSIBILITY AREA FIRE HAZARD SEVERITY ZONES IN THE CITY OF COSTA MESA, AS IDENTIFIED BY THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 51178

DEPARTMENT: COSTA MESA FIRE & RESCUE DEPARTMENT / COMMUNITY RISK REDUCTION DIVISION

PRESENTED BY: JON NEAL, FIRE MARSHAL / ASSISTANT FIRE CHIEF AND JASON PYLE, ASSISTANT FIRE CHIEF OPERATIONS

CONTACT INFORMATION: JON NEAL, FIRE MARSHAL (714) 754-5049

RECOMMENDATION:

Staff recommends the City Council introduce for first reading, by title only and further reading waived, Ordinance 2025-xx of the City Council of the City of Costa Mesa, California, designating moderate and high Local Responsibility Area Fire Hazard Severity Zones by map within the jurisdiction of the City of Costa Mesa.

BACKGROUND:

Assembly Bill 337 (Bates 1992), prompted by the devastating Oakland Hills fire of 1991, called for CAL FIRE to evaluate fire hazard severity in local responsibility area and to make a recommendation to the local jurisdiction where Very High Fire Hazard Severity Zones exist. The maps evaluated "Hazard", not "Risk." Hazard is based on physical conditions that create expected fire behavior over a 50-year period without considering short-term modifications. Risk is the potential damage a fire can do to the area under existing conditions, including fuel reduction projects, defensible space, and ignition resistant building construction. The fire hazard severity model for wildland fire has two key elements: probability of an area burning and expected fire behavior under extreme fuel and weather conditions. The zones reflect areas that have similar burn probabilities and fire behavior characteristics.

According to Public Resources Code section 4202: The State Fire Marshal shall classify lands within State Responsibility Areas into Fire Hazard Severity Zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread. California 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. The zones are used for several purposes including to designate areas where California's defensible space standards and wildland urban interface building codes are required. They can be a factor in real estate disclosure, and local governments may consider them in their general plan.

In 2007, CAL FIRE updated the FHSZs for the entire State Responsibility Area (SRA). Between 2008 -2011 the CAL FIRE worked with local governments to make recommendations of the Very High Fire Hazard Severity Zones within Local Responsibility Area (LRA). The factors considered in determining fire hazard within wildland areas are fire history, flame length, terrain, local weather, and potential fuel over a 50-year period. Outside of wildlands, the model considers factors that might lead to buildings being threatened, including terrain, weather, urban vegetation cover, blowing embers, proximity to wildland, fire history, and fire hazard in nearby wildlands. FHSZs are not a structure loss model, as key information regarding structure ignition (such as roof type, etc.) is not included.

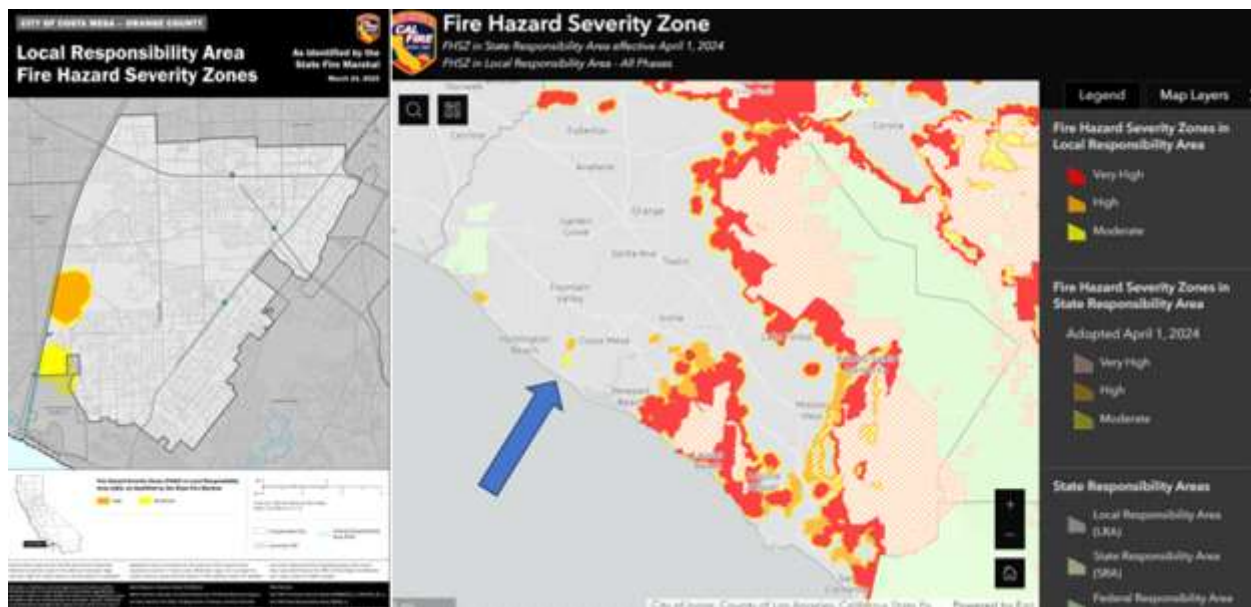
California Senate Bill 63 (SB 63) was signed into law on September 28, 2021, after the tragic 2020 wildfire season brought national attention to California and put a spotlight on the wildland-urban interface. SB 63 included multiple changes to state law to enhance fire prevention efforts by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply. At the time of implementation of SB 63, the requirements applied to all State Responsibility Areas and Local Responsibility Areas with High or Very High Hazard Severity Zones. The City of Costa Mesa was not impacted by the legislation at the time of implementation, as no hazard severity zones were identified by CAL FIRE modeling within the jurisdiction of Costa Mesa.

In 2023, CAL FIRE notified agencies throughout the state that an updated model was being created to more accurately reflect local conditions and incorporate additional factors that had been identified following recent wildfires. A 2 km grid of climate data covering the years 2003-2018 was used in the update. The previous model used stock weather inputs across the state to calculate wildland fire intensity scores. The updated model adjusted fire intensity scores based on the most extreme fire weather at a given location, considering temperature, humidity, and wind speed. In addition, ember transport was modeled based on local distributions of observed wind speed and direction values instead of using a generic buffer distance for urban areas adjacent to wildlands. The Local Responsibility Area hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area.

ANALYSIS:

On March 24, 2025, the CAL FIRE Land Use Planning Division published an updated map of fire hazard severity zones (FHSZs) as required by Government Code 51178. The afternoon of March 24, the Costa Mesa Fire & Rescue Department received official transmittal of the revised and updated FHSZ map from CAL FIRE-Office of State Fire Marshal. The map included new areas of Costa Mesa identified as Moderate and High Hazard Severity Zones.

Costa Mesa LRA FHSZ Map received on 03/24/2025 (left), and Orange County FHZA map (right):



Per Government Code 51178.5: Within 30 days after receiving a transmittal from the State Fire Marshal that identifies fire hazard severity zones pursuant to Section 51178, a local agency shall make the information available for public review and comment. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps.

Per Government Code 51179. (a) A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.

(b) (1) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by

substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(2) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively.

(3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the State Fire Marshal shall be final and shall not be rebuttable by the State Fire Marshal.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

MODERATE FIRE HAZARD SEVERITY ZONE:

Moderate FHSZ area minimum code requirements are currently no more restrictive than model Building and Fire Code requirements for other areas of the city. The moderate zone is identified for knowledge and awareness of adjacent hazards. Adoption of the map through ordinance is required. CMFR will continue to monitor and participate in future wildland and FHSZ Fire Code development and highlight code changes through the triennial adoption process.

HIGH FIRE HAZARD SEVERITY ZONE:

High FHSZ area minimum code requirements are currently no more restrictive than model Building and Fire code requirements for other areas of the city. If a property is in a High Fire Hazard Severity Zone, new construction is not subject to wildland-urban interface building standards. CMFR will continue to monitor and participate in future wildland and FHSZ Fire Code development and highlight code changes through the triennial adoption process.

In addition, the seller of any real property in a high or very high fire severity zone must provide a disclosure notice to the buyer of information relating to fire hardening improvements on the property and a list of specified features that may make the home vulnerable to wildfire and flying embers. Starting on July 1, 2025, the real estate disclosure will also include a list of low-cost retrofits, available for free from the California State Fire Marshal. A seller must provide a final inspection report to the buyer. The purpose of the inspection is to provide a report to the buyer evaluating a property's surrounding vegetation, also known as defensible space. The inspection will also report on existing home hardening improvements.

While parcels in the High FHSZ are not mandated by law to meet defensible space requirements, it is recommended that home and building owners consider low-cost home hardening retrofits and creating a defensible space voluntarily. The inspection may be performed by the Fire Department, and the seller will be billed in accordance with the Master Fee Schedule.

FUTURE CODE CONSIDERATIONS:

Future application of more restrictive Building and Fire Code requirements are currently being reviewed by the Office of the State Fire Marshal for High FHSZ classification. The Office of the State Fire Marshal has been tasked to develop new building standards for High Fire Severity Zones and recommendations for Moderate zones. New codes will address exterior wildfire exposure, including ignition resistant construction roofing, vents, exterior coverings, windows, doors, decking and accessory structures. Enforcement of defensible space codes in wildland-urban interface areas may also be applicable to FHSZs in the future. The City does not know which triennial code cycle the State's new building codes will come into effect. Application of codes in wildland-urban interface areas may also apply in the future based on FHSZ adoption.

COMMUNITY OUTREACH:

On March 31, 2025, Costa Mesa Fire & Rescue (CMFR) partnered with the City's Emergency Services Manager to host a Community Preparedness Town Hall meeting where a review of newly received map was available for public review and comment. On April 10, 2025, CMFR published a website and posted a GIS map for public review and comment. Two additional Community Preparedness Town Hall meetings were completed on April 29, 2025 at Estancia High School and May 15, 2025, at Balearic Community Center where CMFR staff was available to review the map and receive comments in person with members of the public. Copies of the Map were also posted in the City Clerk's office for public viewing and comment.

ALTERNATIVES:

There are no alternatives considered for this item.

FISCAL REVIEW:

There are no fiscal impacts to the Fiscal Year 2024-25 City Budget.

LEGAL REVIEW:

The City Attorney's Office has reviewed this Report and the attached ordinance and approved them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council goal:

- Strengthen the Public's Safety and Improve the Quality of Life.

CONCLUSION:

CMFR recommends that the City Council introduce for first reading, by title only and further reading waived an ordinance designating moderate and high Local Responsibility Area Fire Hazard Severity Zones by map within the jurisdiction of the City of Costa Mesa.