



CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

To: Honorable Mayor and Council Members

FROM: Jonathan Orduna, Community Development Director

DATE: June 3, 2025

SUBJECT: Second Reading and Adoption of Ordinance No. 2025-235, Amending the Laguna Niguel Municipal Code Designating Fire Hazard Severity Zones as required by Government Code Section 51178 and Determining the Action Not Subject to the California Environmental Quality Act (CEQA).

RECOMMENDATION

Staff recommends that the City Council:

1. Conduct a second reading, by title only, and adopt Ordinance 2025-235:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, AMENDING ARTICLE 7 TO DIVISION 3, TITLE 11 OF THE LAGUNA NIGUEL MUNICIPAL CODE, DESIGNATING FIRE HAZARD SEVERITY ZONES WITHIN THE CITY OF LAGUNA NIGUEL IN ACCORDANCE WITH GOVERNMENT CODE SECTION 51179 AND DETERMINING THE ACTION NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3)

2. Find the adoption of Ordinance No. 2025-235 is not subject to California Environmental Quality Act (CEQA) because the proposed actions will not result in a direct or reasonably foreseeable indirect physical change in the environment, do not authorize construction, and therefore is not a project as defined under CEQA.

BACKGROUND

Government Code Section 51178 requires the California Department of Forestry and Fire Protection (CAL FIRE) to make Fire Hazard Severity Zone (FHSZ) recommendations to local agencies for their adoption by ordinance. Cities must adopt these maps within 120 days of receiving CAL FIRE's FHSZ recommendations.

On March 24, 2025, CAL FIRE released updated Local Responsibility Area (LRA) FHSZ maps for Southern California, including the City of Laguna Niguel (Exhibit 1 of Attachment A). These updated maps designate areas where state fire safety regulations apply.

A FHSZ is a geographic area designated by CAL FIRE as *Moderate*, *High*, or *Very High* based on wildfire hazard potential in wildlands and surrounding developed areas. These classifications are based on fire behavior projections over a 50-year period using the latest data on fire history, vegetation (fuel loads), topography, blowing embers, and weather conditions, combined with fire science modeling.

In order to reduce the threat to public safety and structure loss during wildfires, depending on the FHSZ, designated properties are subject to the following:

Very High FHSZ

- Vegetation management within a 100' of habitable structures
- Enhanced construction standards for new buildings
- Real estate disclosure during escrow
- Additional California Environmental Quality Act (CEQA) and subdivisions review considerations for new development

High FHSZ

- Enhanced construction standards for new buildings (same as *Very High*)
- Real estate disclosure (same as *Very High*)

Moderate FHSZ

- Currently, no state-mandates for properties in this zone

Ordinance Introduction

On May 20, 2025, the City Council conducted the first reading, by title only, of Ordinance 2025-235, which amends the Laguna Niguel Municipal Code to update the City's designated Fire Hazard Severity Zones as required by Government Code Section 51178. At the meeting, the City Council directed staff to place the ordinance on the June 3, 2025, City Council agenda for second reading and adoption.

ANALYSIS

On March 24, 2025, CAL FIRE released updated FHSZ maps for Southern California. According to CAL FIRE, the updated maps more accurately identify areas susceptible to wildfire based on the latest climate data, fire science, and fire behavior modeling.

Under recent legislation (Senate Bill 63), CAL FIRE is now required to identify and map three FHSZ designations: *Very High*, *High*, and *Moderate*. These designations are reflected in their newly updated maps. While local adoption was previously required only for *Very High* zones, cities and counties must now adopt all three mapped designations.

The updated FHSZ map for Laguna Niguel is included as Exhibit 1 of Attachment A.

In accordance with Government Code Section 51179 (as expanded by Senate Bill 63), the City must adopt the updated FHSZ designations for Laguna Niguel by ordinance within 120 days of the map's release. Beginning March 27, 2025, the City made the updated FHSZ maps available on the City's website. Following adoption, staff will submit the ordinance to CAL FIRE as required by Government Code Section 51179(g).

CEQA COMPLIANCE

Staff has determined that the proposed ordinance does not meet the criteria as a "project" subject to environmental review under CEQA. Pursuant to CEQA Guidelines Section 15060(c)(2), the proposed ordinance would not result in a direct or reasonably foreseeable indirect physical change in the environment and is therefore not subject to the CEQA. Additionally, pursuant to Section 15060(c)(3), the ordinance is not considered a "project" as defined in Section 15378 because the ordinance has no potential for resulting in physical changes to the environment, directly or indirectly.

ALTERNATIVES CONSIDERED

The City Council may elect to:

1. Not adopt the ordinance. This alternative is not recommended because adoption of this ordinance is required by State law.
2. Make modifications to the proposed ordinance to increase FHSZ designations beyond those recommended by CAL FIRE, subject to a finding supported by substantial evidence in the record that the increase is necessary for effective fire protection within the area.

FISCAL REVIEW

There is no anticipated fiscal impact to the City from the adoption of this ordinance.

LEGAL REVIEW

The City Attorney's Office has reviewed and approved this report and Ordinance 2025-235 as to legal form and content.

CONCLUSION

Staff recommends that the City Council:

1. Conduct a second reading, by title only, and adopt Ordinance 2025-235:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, AMENDING ARTICLE 7 TO DIVISION 3, TITLE 11 OF THE LAGUNA NIGUEL MUNICIPAL CODE, DESIGNATING FIRE HAZARD SEVERITY ZONES WITHIN THE CITY OF LAGUNA NIGUEL IN ACCORDANCE WITH GOVERNMENT CODE SECTION 51179 AND DETERMINING THE ACTION NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3)

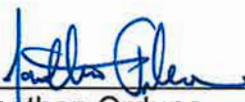
2. Find the adoption of Ordinance No. 2025-235 is not subject to California Environmental Quality Act (CEQA) because the proposed actions will not result in a direct or reasonably foreseeable indirect physical change in the environment, do not authorize construction, and therefore is not a project as defined under CEQA.



Tamara S. Letourneau
City Manager



Scott C. Smith
City Attorney



Jonathan Orduna
Community Development Director



John Morgan
Deputy Community Development Director

Attachment:

- A. Ordinance No. 2025-235 (2025 Fire Hazard Severity Zones)
Exhibit 1: Laguna Niguel Fire Hazard Severity Map (2025 - *Very High, High, Moderate*)

Attachment A

Draft Ordinance No. 2025-235 (2025 Fire Hazard Severity Zones)

ORDINANCE NO. 2025-235

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL,
CALIFORNIA, AMENDING ARTICLE 7 TO DIVISION 3, TITLE 11
OF THE LAGUNA NIGUEL MUNICIPAL CODE, DESIGNATING
FIRE HAZARD SEVERITY ZONES WITHIN THE CITY OF LAGUNA NIGUEL IN
ACCORDANCE WITH GOVERNMENT CODE SECTION 51179 AND DETERMINING
THE ACTION NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA) UNDER STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND
15060(c)(3)**

WHEREAS, the Legislature has declared in Government Code section 51175, subdivision (a), that: fires are extremely costly, not only to property owners and residents, but also to local agencies; fires pose a serious threat to preservation of public peace, health and safety; it is necessary for cities, counties, special districts, state agencies and federal agencies to work together to bring raging fires under control; and preventative measures are needed to ensure preservation of the public peace, health and safety; and

WHEREAS, the Legislature has declared in Government Code section 51175, subdivision (b), that prevention of fires is not a municipal affair, but instead is a matter of statewide concern; and

WHEREAS, Government Code section 51175 et seq. authorizes the California Department of Forestry and Fire Protection (“CAL FIRE”) to recommend Fire Hazard Severity Zones in the City of Laguna Niguel (“City”); and

WHEREAS, pursuant to Government Code section 51179, on March 24, 2025, the State Fire Marshal has published maps depicting areas designated as Moderate, High, and Very High Fire Hazard Severity Zones, has recommended that local agencies adopt these zones through local ordinance and Government Code section 51179, subdivision (a) requires the City to designate by ordinance Moderate, High, and Very High Fire Hazard Severity Zones in its jurisdiction within 120 days after receiving recommendations from CAL FIRE; and

WHEREAS, pursuant to Government Code section 51178.5, beginning March 27, 2025, within 30 days of receiving the State Fire Marshal’s transmittal identifying Fire Hazard Severity Zones, the City of Laguna Niguel made the information, including the CAL FIRE map specific to Laguna Niguel, available for public review and comment on the City’s website; and

WHEREAS, on May 20, 2025, the City Council introduced the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Recitals. The recitals above are true and correct and are incorporated herein by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Based on the whole record before it, pursuant to Section 15060(c)(2) of the California Environmental Quality Act ("CEQA") Guidelines, the City Council finds that this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to the CEQA. Additionally, the Ordinance does not authorize construction, and in fact imposes greater restrictions on certain development in order to protect the public health, safety and general welfare, and therefore pursuant to CEQA Guidelines Section 15060(c)(3) the activity is not a "project" as defined in CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Designation of Fire Hazard Severity Zones. The City hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code section 51178. The City's Local Responsibility Area Fire Hazard Severity Map is hereby adopted and provided in Exhibit 1, attached hereto and incorporated herein by reference. The official map is also located electronically on the following website: www.cityoflagunaniguel.org.

SECTION 4. Amendment. Section 11-3-800 of existing Article 7, entitled "Very High Fire Hazard Severity Zone," Division 3, entitled "Fire Protection and Explosives," of Title 11 of the Laguna Niguel Municipal Code, entitled "Public Morals, Safety and Welfare," is amended in its entirety to read as follows:

ARTICLE 7. FIRE HAZARD SEVERITY ZONE

Sec. 11-3-800. Fire Hazard Severity Zone Map

The City of Laguna Niguel hereby designates the Fire Hazard Severity Zones, as recommended by the California Department of Forestry and Fire Protection, pursuant to Government Code Section 51178, and as identified in Figure 11.1 below.

SECTION 5. Submittal to State and Posting. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development and the State Board of Forestry and Fire Protection within 30 days after adoption and take any necessary actions to post all notices required under Government Code section 51179.

SECTION 6. Savings Clause. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 9. City Clerk's Certification. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Laguna Niguel, California, at a regular meeting of the City Council on the 3rd day of June, 2025.

Ray Gennawey, Mayor

ATTEST:

Marrisa J. Asistin, City Clerk

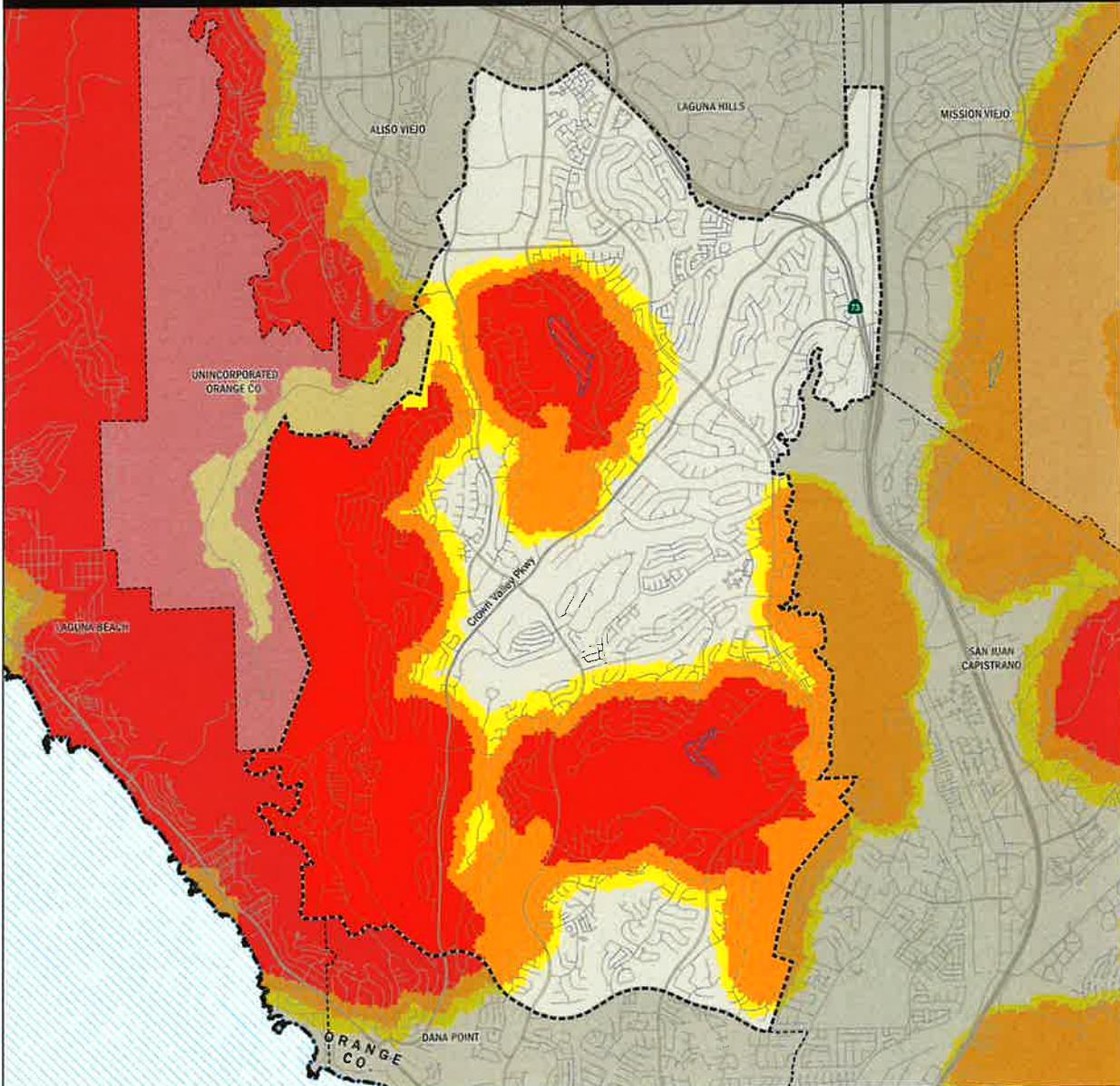
EXHIBIT “1”

Figure 11.1: Updated Laguna Niguel FHSZ Map
(2025 - *Very High, High, Moderate*)

Local Responsibility Area Fire Hazard Severity Zones

As Identified by the
State Fire Marshal

March 24, 2025



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

Legend:

- Very High (Red)
- High (Orange)
- Moderate (Yellow)

Incorporated City

Waterbody

Unzoned LRA

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 Berlant, 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)