



CITY OF LAGUNA HILLS CITY COUNCIL/PLANNING AGENCY

REGULAR MEETING AGENDA Tuesday, November 22, 2016 – 7:00 PM (Closed Session at 6:00 PM when scheduled)

Barbara D. Kogerman, Mayor

Don Sedgwick, Mayor Pro Tempore

Andrew Blount, Council Member

Melody Carruth, Council Member

Dore J. Gilbert, M.D, Council Member

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, CA 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

CLOSED SESSION - CONVENING AT 6:00 PM

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

ROLL CALL OF CITY COUNCIL MEMBERS

ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Public Employee Title: City Manager - Annual Performance Evaluation

PUBLIC COMMENT ON CLOSED SESSION ITEMS

ADJOURN TO CITY COUNCIL CONFERENCE ROOM

CONVENE INTO CLOSED SESSION

RECONVENE TO CITY COUNCIL CHAMBER

RECESS



CITY OF LAGUNA HILLS CITY COUNCIL/PLANNING AGENCY

REGULAR MEETING AGENDA Tuesday, November 22, 2016 – 7:00 PM (Closed Session at 6:00 PM when scheduled)

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Dore J. Gilbert, M.D, Council Member

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, CA 92653

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GENERAL BUSINESS- CONVENING AT 7:00 P.M.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER SEDGWICK

ROLL CALL OF CITY COUNCIL MEMBERS

CLOSED SESSION REPORT

1. PRESENTATIONS AND PROCLAMATIONS**1.1 Laguna Hills High School Student Liaison**

Recommendation: That the City Council receive an oral report from Laguna Hills High School Student Liaison Alternate Delaney Horchover.

1.2 Recognition of Nancy Gaggioli on the Occasion of Her Retirement

Recommendation: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Recognizing Nancy Gaggioli for her service to the City."

1.3 Certificate of Recognition, Steve Geidt, Saddleback Memorial Medical Center Chief Executive Officer

Recommendation: That Mayor Kogerman present a Certificate of Recognition to Steve Geidt, Saddleback Memorial Medical Center Chief Executive Officer.

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

3. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

3.1 Waive reading in full of all Ordinances and Resolutions on the agenda

Recommendation: That the City Council waive reading in full of all ordinances and resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

3.2 Approval of Minutes for October 25, 2016, Regular Meeting

Recommendation: That the City Council approve the Minutes of the October 25, 2016, Regular Meeting.

3.3 Approval of Warrant Register for Period Ended November 22, 2016

Recommendation: That the City Council approve the Warrant Register in the amount of \$1,478,584.40.

3.4 Progress Payment No. 2 for Cabot Park Renovation, CIP No. 241-A

Recommendation: That the City Council approve Progress Payment No. 2, in the net amount of \$50,696.75, to Horizons Construction Company for Cabot Park Renovation, CIP No. 241-A.

3.5 Authorization to Advertise for Bids for the Arterial Pavement Management Project Street Rehabilitation, CIP No. 175

Recommendation: That the City Council approve the plans and specifications and authorize the advertisement for bids for the Arterial Pavement Management Project Street Rehabilitation, CIP No. 175.

3.6 Second Reading and Adoption of an Ordinance Amending and Restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code Relating to the Regulation of Massage Establishments

Recommendation: That the City Council adopt an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, amending and restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code relating to the regulation of massage establishments."

ITEMS REMOVED FROM THE CONSENT CALENDAR**4. PLANNING AGENCY****4.1. ROLL CALL OF PLANNING AGENCY MEMBERS****4.2. PUBLIC COMMENTS**

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency.

Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

4.3. APPROVAL OF MINUTES FOR OCTOBER 25, 2016, REGULAR MEETING

4.3.1 Approval of Minutes for October 25, 2016, Regular Meeting

Recommendation: That the Planning Agency approve the Minutes for the October 25, 2016, Regular Meeting.

4.4. ADMINISTRATIVE REPORTS

4.5. PLANNING AGENCY PUBLIC HEARINGS

4.5.1 Site Development Permit (SDPM) No. 5-16-3527, a Request by Alexander + Hibbs AIA, Inc., on Behalf of Saddleback Memorial Medical Center, to Construct a New Central Utilities Plant on the Saddleback Memorial Medical Center Campus at 24451 Health Center Drive in the Village Commercial Zone Including Demolition of the Existing Central Utilities Plant and Associated Site Improvements

Recommendation: That the Planning Agency: (1) Conduct a Public Hearing for SDPM No. 5-16-3527; and (2) adopt a Resolution entitled: “A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Site Development Permit (SDPM) No. 5-16-3527, a request by Alexander + Hibbs AIA, Inc., on behalf of Saddleback Memorial Medical Center, to construct a new central utilities plant on the Saddleback Memorial Medical Center Campus at 24451 Health Center Drive in the Village Commercial Zone including demolition of the existing central utilities plant and associated site improvements.”

PLANNING AGENCY ADJOURNMENT

5. CITY COUNCIL PUBLIC HEARINGS

5.1 Zoning Text Amendment No. 9-16-3648, an Amendment to Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) Pertaining to Definitions Related to Boarding House Uses in Residential Zones, Including an Exemption from the California Environmental Quality Act (CEQA)

Recommendation: That the City Council: (1) Conduct a Public Hearing; and (2) Introduce for first reading, read by title only, and waive further reading, an

Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, Adopting Zoning Code Text Amendment No. 9-16-3648, Amending Chapter 9-04 (Definitions) By Amending Various Definitions In The Laguna Hills Municipal Code Relating To Boarding House Uses In Residential Zones, including an exemption From the California Environmental Quality Act (CEQA)."

5.2 Second Reading and Adoption of Ordinances Amending Title 10 (Buildings and Construction) of the Laguna Hills Municipal Code and Adopting by Reference the 2016 Edition of the Building Standards Code with Amendments, and Amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and Adopting by Reference the 2016 Edition of the California Fire Code with Amendments.

Recommendation: OPTION 1: That the City Council (1) Conduct a Public Hearing; and (2) Adopt ordinances entitled: "An Ordinance of the City of Laguna Hills, California, amending Title 10 of the Laguna Hills Municipal Code (Buildings and Construction) and adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of the 2016 California Building Code; the 2016 California Mechanical Code; the 2016 California Electrical Code; the 2016 California Plumbing Code; the 2016 California Residential Code; the 2016 California Green Building Standards Code; the 2016 California Energy Code; the 2016 Building Reference Standards Code; and the 2016 California Existing Building Code, together with certain amendments, additions, and deletions thereto" **and** "An Ordinance of the City of Laguna Hills, California, amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and adopting by reference the 2016 Edition of the California Fire Code including Appendices B, BB, C, CC, and H, together with certain amendments, additions, and deletions thereto."

OR, OPTION 2: As a result of certain amendments to the proposed Ordinances recently requested by Mayor Pro Tempore Sedgwick, as revised by City staff and as set forth in Attachments C and D attached hereto, that the City Council: (1) Re-introduce for first reading, read by title only, and waive further reading of Ordinances entitled: "An Ordinance of the City of Laguna Hills, California, amending Title 10 of the Laguna Hills Municipal Code (Buildings and Construction) and adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of

the 2016 California Building Code; the 2016 California Mechanical Code; the 2016 California Electrical Code; the 2016 California Plumbing Code; the 2016 California Residential Code; the 2016 California Green Building Standards Code; the 2016 California Energy Code; the 2016 Building Reference Standards Code; and the 2016 California Existing Building Code, together with certain amendments, additions, and deletions thereto" and "An Ordinance of the City of Laguna Hills, California, amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and adopting by reference the 2016 Edition of the California Fire Code including Appendices B, BB, C, CC, and H, together with certain amendments, additions, and deletions thereto;" (2) Direct that the revised Ordinances as set forth in Attachments C and D attached hereto be placed on the December 13, 2016, meeting agenda for a Public Hearing, second reading, and adoption; and (3) continue the Public Hearing to December 13, 2016.

6. ADMINISTRATIVE REPORTS

6.1. City Manager

6.1.1 Authorization of a 2016 Year-End Performance Compensation Award

Recommendation: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Authorizing a 2016 Year-End Performance Compensation Award for all Full-time and Extended Part-time Employees."

6.2. Assistant City Manager

6.2.1 Employment Classifications, Salary Ranges, and Benefits for Management, Confidential, and Part-Time Classes of Employment with the City

Recommendation: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, regarding employment and establishing salary ranges and benefits for Management, Confidential, and Part-time classes of employment with the City and rescinding Resolution No. 2015-06-23-2."

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS**8. CITY COUNCIL MEMBER COMMENTS****ADJOURNMENT**

The next Regular Meeting of the City Council/Planning Agency will be December 13, 2016, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and the Courtyard at La Paz Center by November 18, 2016 at 5:00 pm.



City Clerk

November 18, 2016

Date

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

City Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Cindy Sands
Executive Assistant to City Manager
ISSUE: Recognition of Nancy Gaggioli on the Occasion of Her Retirement

RECOMMENDATION: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Recognizing Nancy Gaggioli for her service to the City."

SUMMARY:

Nancy Gaggioli was first hired by the City on April 15, 2002, as a part-time Clerical Assistant and has served in her current capacity of full-time Receptionist/Secretary since August 25, 2003.

After fourteen years of service to the City of Laguna Hills, Nancy has decided to retire effective November 29, 2016. A Resolution has been prepared officially recognizing Nancy Gaggioli for her service to the City.

ATTACHMENTS:

- Resolution Gaggioli
- Certificate of Recognition Nancy

RESOLUTION NO. 2016-11-22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA HILLS, CALIFORNIA, RECOGNIZING NANCY
GAGGIOLI FOR HER SERVICE TO THE CITY

WHEREAS, Nancy Gaggioli was first hired on April 15, 2002, as a part-time Clerical Assistant and on August 25, 2003, was promoted to full-time Receptionist/Secretary; and

WHEREAS, Nancy Gaggioli has significantly contributed to the development and positive spirit of the City of Laguna Hills as she has carried out her official and unofficial duties, some of which include serving as the face of the City of Laguna Hills to the public, performing cashier duties, and supporting staff; and

WHEREAS, the performance of her duties and responsibilities were always carried out with an upbeat attitude and her working relationships were characterized by joyful interactions; and

WHEREAS, Nancy Gaggioli has decided to retire effective November 29, 2016, and will be missed by friends and co-workers alike.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, does hereby express sincere appreciation and thanks to Nancy Gaggioli for distinguished and dedicated service to the City of Laguna Hills, highly commends her for the manner in which she has carried out her duties as Receptionist/Secretary, and wishes her nothing but wonderful things as she enjoys retirement.

PASSED, APPROVED, AND ADOPTED this 22nd day of November 2016.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No.
2016-11-22-___ adopted by the City Council of the City of Laguna Hills, California, at a
Regular Meeting thereof held on the 22nd day of November 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

0000-00/10 Res.doc

Attachment: Resolution Gaggioli (1126 : Recognition of Nancy Gaggioli on the Occasion of Her Retirement)



CITY OF LAGUNA HILLS

CERTIFICATE OF RECOGNITION

NANCY GAGGIOLI

WHEREAS, Nancy Gaggioli was first hired on April 15, 2002, as a part-time Clerical Assistant and was promoted to full-time Receptionist/Secretary on August 25, 2003; and

WHEREAS, Nancy Gaggioli has significantly contributed to the development and positive spirit of the City of Laguna Hills as she has carried out her official and unofficial duties some of which include serving as the face of the City to the public, assisting and directing visitors in person and by phone, supporting City staff, performing cashier duties for City Hall, processing registrations for the Memorial Day Marathon, and assisting with special projects; and

WHEREAS, the performance of her duties and responsibilities were always carried out with an upbeat attitude and her working relationships with coworkers and the public alike were characterized by positive interactions; and

WHEREAS, Nancy Gaggioli has decided to retire effective November 29, 2016, and will be missed by friends and coworkers alike.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, does hereby express sincere appreciation and thanks to Nancy Gaggioli for her distinguished and dedicated service to the City of Laguna Hills, commends her for the manner in which she has carried out her duties as Receptionist/Secretary, and wishes her nothing but wonderful things as she enjoys retirement.

Barbara D. Kogerman, Mayor

Don Sedgwick, Mayor Pro Tempore

Andrew Blount, Council Member

Melody Carruth, Council Member

Dore J. Gilbert, M.D., Council Member



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Bruce E. Channing
City Manager
ISSUE: Certificate of Recognition, Steve Geidt, Saddleback Memorial Medical Center Chief Executive Officer

RECOMMENDATION: That Mayor Kogerman present a Certificate of Recognition to Steve Geidt, Saddleback Memorial Medical Center Chief Executive Officer.

SUMMARY:

Steve Geidt, Saddleback Memorial Medical Center Chief Executive Officer, retired from his position on September 28, 2016, after dedicating 35 years of his professional life to providing outstanding service as an employee of the Saddleback Memorial Medical Center and its parent company Memorial Health Services. Therefore, it is in order to present Steve with a Certificate of Recognition recognizing and commending him for his outstanding service to the residents of the City of Laguna Hills and surrounding areas.

ATTACHMENTS:

- Certificate of Recognition Steve Geidt



CITY OF LAGUNA HILLS

CERTIFICATE OF RECOGNITION

STEVE GEIDT

WHEREAS, residents of the City of Laguna Hills and throughout Orange County are extremely fortunate to have access to the outstanding healthcare services provided by Saddleback Memorial Medical Center; and

WHEREAS, Saddleback Memorial Medical Center has been recognized in both 2015 and 2016 as one of America's 50 Best Hospitals by Healthgrades; and as a Top 50 Cardiovascular Hospital by Truven Health Analytics 2016; and

WHEREAS, since first opening in 1974, Saddleback Memorial Medical Center has been continually growing and advancing its leading-edge healthcare services and facilities such as the region's first fully integrated Women's Hospital, the Meiklejohn Critical Care Pavilion, MemorialCare Cancer Institute, and world class centers of excellence in neonatology, cardiology, wound care, breast care, and many others; and

WHEREAS, Saddleback Memorial Medical Center is the largest employer in the City of Laguna Hills, thereby also contributing immeasurably to the City's economic and social prosperity; and

WHEREAS, Steve Geidt has dedicated 35 years of his professional life to providing outstanding service as an employee of Saddleback Memorial Medical Center and its parent company Memorial Health Services, rising through the management ranks and ultimately being appointed Saddleback's Chief Executive Officer in 2002; and

WHEREAS, Steve has been an active and engaged participant in the betterment of the City of Laguna Hills as a place to live, work, and play, serving on the General Plan Advisory Committee, assisting with the development of the Urban Village Specific Plan; and providing significant financial support from Saddleback Memorial Medical Center as a Presenting Sponsor of the City's Annual Memorial Day Half Marathon, 5K & 10K race; and

WHEREAS, on September 28, 2016, our good friend and esteemed colleague Steve Geidt officially retired from his position of CEO, but will continue on in a voluntary capacity as part of Memorial Health Services' governance and strategic leadership boards.

NOW, THEREFORE, I, Barbara D. Kogerman, Mayor, on behalf of the City Council of the City of Laguna Hills, California, and Steve's longtime friend and colleague, City Manager Bruce Channing, do hereby extend our heartfelt appreciation and admiration to Steve Geidt for his many, many years of extraordinary leadership at Saddleback Memorial Medical Center and sincerely wish him and his lovely wife Ginger much happiness in their golden years ahead.

Dated this 22nd day of November 2016.

BARBARA D. KOGERMAN, MAYOR



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Cindy Sands
Executive Assistant to City Manager
ISSUE: Approval of Minutes for October 25, 2016, Regular Meeting

RECOMMENDATION: That the City Council approve the Minutes of the October 25, 2016, Regular Meeting.

ATTACHMENTS:

- 161025 CC Minutes

**CITY OF LAGUNA HILLS
CITY COUNCIL/PLANNING AGENCY**

**REGULAR MEETING
MINUTES
Tuesday, October 25, 2016**

CLOSED SESSION - CONVENING AT 6:00 P.M.

CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Mayor Kogerman.

ROLL CALL OF CITY COUNCIL MEMBERS

Attendee Name	Title	Status	Arrived
Barbara D. Kogerman	Mayor	Present	
Don Sedgwick	Mayor Pro Tempore	Present	
Andrew Blount	Council Member	Absent	
Melody Carruth	Council Member	Present	
Dore J. Gilbert, M.D.	Council Member	Present	

ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Public Employee Title: City Manager - Annual Performance Evaluation

PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no Public Comments.

ADJOURN TO CITY COUNCIL CONFERENCE ROOM

CONVENE INTO CLOSED SESSION

RECONVENE TO CITY COUNCIL CHAMBER

RECESS

Attachment: 161025 CC Minutes (1119 : Approval of Minutes for October 25, 2016, Regular Meeting)

GENERAL BUSINESS - RECONVENING AT 7:00 P.M.**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Mayor Kogerman.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER GILBERT**ROLL CALL OF CITY COUNCIL MEMBERS**

Attendee Name	Title	Status	Arrived
Barbara D. Kogerman	Mayor	Present	
Don Sedgwick	Mayor Pro Tempore	Present	
Andrew Blount	Council Member	Absent	
Melody Carruth	Council Member	Present	
Dore J. Gilbert, M.D.	Council Member	Present	

CLOSED SESSION REPORT**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Mayor Kogerman stated that the City Council met in Closed Session this evening to conduct the annual Public Employee Performance Evaluation for the City Manager. No reportable action was taken as a result of tonight's Closed Session meeting.

1. PRESENTATIONS AND PROCLAMATIONS**1.1 Laguna Hills High School Student Liaison**

Recommendation: That the City Council receive an oral report from Laguna Hills High School Student Liaison Jennifer Bommarito.

2. PUBLIC COMMENTS**District Representative Hannah Hess**

Hannah Hess, District Representative, Congresswoman Mimi Walters' Office, introduced herself to City Council, staff, and residents.

Animal Regulations

Mr. Franco and Faith Franco, residents of Laguna Hills, addressed the City Council with concerns regarding a citation they received to remove a pet rooster from their residence in accordance with Chapter 9-56 (Animal Regulations).

3. CONSENT CALENDAR

Motion to Approve the Consent Calendar, with Council Member Carruth removing Item No. 3.6.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Council Member
SECONDER:	Melody Carruth, Council Member
AYES:	Barbara D. Kogerman, Mayor; Don Sedgwick, Mayor Pro Tempore; Melody Carruth, Council Member; Dore J. Gilbert, M.D., Council Member
ABSENT:	Andrew Blount, Council Member

3.1 Waive Reading in full of all Ordinances and Resolutions on the Agenda

Recommendation: That the City Council waive reading in full of all Ordinances and Resolutions on the Agenda and declare that said titles which appear on the Public Agenda shall be determined to have been read by title and further reading waived.

3.2 Approval of Minutes for October 11, 2016, Regular Meeting

Recommendation: That the City Council approve the Minutes of the October 11, 2016, Regular Meeting.

3.3 Approval of Warrant Register for Period Ended October 25, 2016

Recommendation: That the City Council approve the Warrant Register in the amount of \$950,400.72.

3.4 Modification of On-Street Parking Controls on Ramona Street and on Yolanda Street

Recommendation: That the City Council adopt Resolution No. 2016-10-25-1, A Resolution of the City Council of the City of Laguna Hills, California, establishing no parking anytime zones on the easterly side of Ramona Street from Yolanda Street to Alicia Parkway and on the northerly side of Yolanda Street from 425' westerly of Amalia Street to Ramona Street to improve traffic flow and sight distance.

3.5 Civic Center 1st Quarter Financial Report for Fiscal Year 2016/2017

Recommendation: That the City Council receive and file the report.

3.7 First Quarter Financial and Treasurer's Report for Fiscal Year 2016/17

Recommendation: That the City Council receive and file the First Quarter Financial and Treasurer's Report for Fiscal Year 2016/17.

3.8 Contracts with the County of Orange and Age Well Senior Services for Community Development Block Grant Funds for Fiscal Year 2016-2017

Recommendation: That the City Council: (1) Approve the Contract between the County of Orange and the City of Laguna Hills for Community Development Block Grant Funds for Fiscal Year 2016-2017; (2) Approve the Contract between Age Well Senior Services, Inc. and the City of Laguna Hills for Community Development Block Grant Funds for Fiscal Year 2016-2017; and (3) Authorize the Mayor and City Manager to execute the Contracts.

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.6 Progress Payment No. 1 for Cabot Park Renovation, CIP No. 241-A**

Council Member Carruth removed Item No. 3.6 from the Consent Calendar for additional information. Director of Public Services Rosenfield responded.

Recommendation: That the City Council approve Progress Payment No. 1, in the net amount of \$35,682.00, to Horizons Construction Company for Cabot Park Renovation, CIP No. 241-A.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Council Member
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Barbara D. Kogerman, Mayor; Don Sedgwick, Mayor Pro Tempore; Melody Carruth, Council Member; Dore J. Gilbert, M.D., Council Member
ABSENT:	Andrew Blount, Council Member

4. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:15 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Barbara D. Kogerman	Chair	Present	
Don Sedgwick	Vice Chair	Present	
Andrew Blount	Agency Member	Absent	
Melody Carruth	Agency Member	Present	
Dore J. Gilbert, M.D.	Agency Member	Present	

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR OCTOBER 11, 2016, REGULAR MEETING**4.3.1 Approval of Minutes for October 11, 2016, Regular Meeting**

Recommendation: That the Planning Agency approve the Minutes of the October 11, 2016, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Sedgwick, Vice Chair
SECONDER:	Melody Carruth, Agency Member
AYES:	Barbara D. Kogerman, Chair; Don Sedgwick, Vice Chair; Melody Carruth, Agency Member; Dore J. Gilbert, M.D., Agency Member
ABSENT:	Andrew Blount, Council Member

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

4.5.1 Conditional Use Permit (CUP) No. 7-14-2917, a Request by Core Development Services, on Behalf of Verizon Wireless, to Establish and Operate a New Wireless Communications Facility (WCF) on Property Owned by the City of Laguna Hills and Constructed on an Existing SCE Lattice Tower that is Located Southwest of El Conejo Park, APN 625-121-16 (known as Luna Bonita) in the OS-3 Zone.

Recommendation: That the Planning Agency continue CUP No. 7-14-2917 to a date certain of December 13, 2016.

Chair Kogerman opened the Public Hearing and upon seeing no one rise closed the Public Hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Agency Member
SECONDER:	Don Sedgwick, Vice Chair
AYES:	Barbara D. Kogerman, Chair; Don Sedgwick, Vice Chair; Melody Carruth, Agency Member; Dore J. Gilbert, M.D., Agency Member
ABSENT:	Andrew Blount, Council Member

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:16 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

6. ADMINISTRATIVE REPORTS

6.1. City Manager

The City Manager gave no Administrative Reports.

6.2. Community Development Director

6.2.1 First Reading and Introduction of an Ordinance Amending and Restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code Relating to the Regulation of Massage Establishments

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Recommendation: That the City Council introduce for first reading, read by title only, and waive further reading an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, amending and restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code relating to the regulation of massage establishments.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Mayor
SECONDER:	Melody Carruth, Council Member
AYES:	Barbara D. Kogerman, Mayor; Don Sedgwick, Mayor Pro Tempore; Melody Carruth, Council Member; Dore J. Gilbert, M.D., Council Member
ABSENT:	Andrew Blount, Council Member

6.2.2 2016 Building Standards Code Adoption - First Reading

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report.

Recommendation: That the City Council: (1) Introduce for first reading, read by title only, and waive further reading of the Ordinances entitled: "An Ordinance of the City of Laguna Hills, California, amending Title 10 of the Laguna Hills Municipal Code (Buildings and Construction) and adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of the 2016 California Building Code; the 2016 California Mechanical Code; the 2016 California Electrical Code; the 2016 California Plumbing Code; the 2016 California Residential Code; the 2016 California Green Building Standards Code; the 2016 California Energy Code; the 2016 Building Reference Standards Code; and the 2016 California Existing Building Code, together with certain amendments, additions, and deletions thereto" and "An Ordinance of the City of Laguna Hills, California, amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and adopting by reference the 2016 Edition of the California Fire Code including Appendices B, BB, C, CC, and H, together with certain amendments, additions, and deletions thereto;" (2) Direct that the Ordinances be placed on the November 22, 2016, meeting agenda for a Public Hearing and second reading; and (3) Direct staff to prepare and publish the appropriate hearing notices.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Sedgwick, Mayor Pro Tempore
SECONDER:	Melody Carruth, Council Member
AYES:	Barbara D. Kogerman, Mayor; Don Sedgwick, Mayor Pro Tempore; Melody Carruth, Council Member; Dore J. Gilbert, M.D., Council Member
ABSENT:	Andrew Blount, Council Member

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS

There were no matters agendized and presented by City Council Members and Mayor.

8. CITY COUNCIL MEMBER COMMENTS**Council Member Carruth**

Council Member Carruth reported that the TCA Toll Booths are now for sale. Council Member Carruth also noted that the SOCEC 2016 South Orange County Transportation Forum will be held on Friday, October 28, 2016, at the Orange County Association of Realtors office located at 25552 La Paz Road, Laguna Hills.

Mayor Kogerman

Mayor Kogerman inquired about the closure of traffic lanes at El Toro Road and Paseo de Valencia and asked if residents/businesses were notified. City Manager Channing reported that SCE notifies customers that will be directly affected by any electrical outages and that large roadway signs have been put in place announcing the lane closures. Director of Public Services Rosenfield stated that the information will be posted on the City's website.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 7:43 p.m.

Melissa Au-Yeung, City Clerk

ATTEST:

Barbara D. Kogerman, Mayor

Approved at meeting of November 22, 2016



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Donald J. White
City Manager
ISSUE: Approval of Warrant Register for Period Ended November 22, 2016

RECOMMENDATION: That the City Council approve the Warrant Register in the amount of \$1,478,584.40.

ATTACHMENTS:

- Warrant Register 112216



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: NOVEMBER 22, 2016
TO: MAYOR AND COUNCIL MEMBERS
FROM: DONALD J. WHITE, ASSISTANT CITY MANAGER
ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
NOVEMBER 22, 2016.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$1,478,584.40.

SUMMARY:

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

11-15-16
DATE

FISCAL IMPACT:

The warrant register total is \$1,478,584.40.

ATTACHMENTS:

1. Warrant Register

Check Register Report

Warrant Register 11/22/16

Date:

3.3.a

Time:

3:27 pm

Page:

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8811771	10/20/2016	Printed		C-0358	CSMFO	Employee Training, Gen Gov, Oct	60.0
8811772	10/20/2016	Printed		D-0552	DUNBAR ARMORED, INC.	Courier Fee, Armored Trans, Oct	131.6
8811773	10/20/2016	Printed		I-0942	IRVINE RANCH WATER DISTRICT	Water Usage, Public Svcs, Sep	162.2
8811774	10/20/2016	Printed		K-1185	KOGERMAN, BARBARA	Travel Reimb., LOCC, Oct '16	738.0
8811775	10/20/2016	Printed		P-1815	PLAY-WELL TEKNOLOGIES	Contract Inst Svcs, Lego's	2,387.0
8811776	10/20/2016	Printed		Q-1715	QUESTYS SOLUTIONS	Software Maintenance, 7/16-6/17	4,066.6
8811777	10/20/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	G. Ataii, V# 2003927.002	500.0
8811778	10/20/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	K. Walsh, V# 2003925.002	250.0
8811779	10/20/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC, Sep '16	289.2
8811780	10/20/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Sep '16	297.0
8811781	10/20/2016	Printed		S-2250	SPARKLETT'S	Operating Supplies, CH, Sep '16	50.7
8811782	10/20/2016	Printed		K-1196	KELLY ASSOCIATES MANAGEMENT	Professional Services, Aug '16	470.0
8811783	10/27/2016	Printed		A-0363	ACCELA, INC.	Agenda Software, Oct '16	1,512.0
8811784	10/27/2016	Printed		A-0334	AGE WELL SENIOR SERVICES	CDBG Funds, Senior Center	43,056.0
8811785	10/27/2016	Printed		A-0138	ALL CITY MANAGEMENT, INC.	Crossing Guard Svc, 9/25-10/8	4,029.6
8811786	10/27/2016	Printed		A-0359	ANDERSON PENNA PARTNERS, INC.	Inspection Services, Sep '16	13,775.0
8811787	10/27/2016	Printed		A-0309	AT&T- CALNET 2	Traf Sig, PS, Alarm, CC, Oct	89.9
8811788	10/27/2016	Printed		B-0304	BEE MAN, THE	Bee Removal, Pub Svcs, Oct	420.0
8811789	10/27/2016	Printed		C-0412	C&D ELECTRIC, INC.	Park & Com Ctr Repair, Sep, Oct	1,783.1
8811790	10/27/2016	Printed		C-0333	CALIF PARK & REC SOCIETY, INC.	Membership, Com Svcs, DM	145.0
8811791	10/27/2016	Printed		C-1133	CALIFORNIA YELLOW CAB	Senior Mobility Program, Sep	2,722.0
8811792	10/27/2016	Printed		C-1177	CANON FINANCIAL SERVICES, INC.	Lease - Copier, Gen Gov, Oct	221.4
8811793	10/27/2016	Printed		C-1022	CDW GOVERNMENT, INC.	Software, Exchange Server	3,775.0
8811794	10/27/2016	Printed		C-1144	CHARLES ABBOTT ASSOCIATES, INC	Road Maintenance, Sep '16	57,743.9
8811795	10/27/2016	Printed		C-1139	COMPLETE OFFICE OF CALIFORNIA	Office & Operating Supplies	232.8
8811796	10/27/2016	Printed		C-1176	COMPUTER SERVICE CO.	Traffic Sig. Maint, Sep '16	15,772.2
8811797	10/27/2016	Printed		C-0023	COX COMMUNICATION	Signal System, Oct	130.0
8811798	10/27/2016	Printed		E-0593	EISENBERG, DALE	Contract Inst Svcs., Aikido	52.5
8811799	10/27/2016	Printed		E-0504	EL TORO WATER DISTRICT	Water Usage, Public Svcs, Sep	13,688.3
8811800	10/27/2016	Printed		E-0600	EWING IRRIGATION PRODUCTS, INC	Irrigation Supplies, Pub Svcs	210.5
8811801	10/27/2016	Printed		G-0791	GORMAN, RON	Contract Inst Svcs, Guitar	399.0
8811802	10/27/2016	Printed		H-0829	HARTZOG & CRABILL, INC.	Traf Signal Mgmt Svs, Sep '16	2,683.0
8811803	10/27/2016	Printed		H-0955	HR GREEN CALIFORNIA, INC.	Plan Chk, Bldg&Safety, Jul-Aug	51,346.7
8811804	10/27/2016	Printed		I-0920	ICMA	Membership 2017, BC	1,400.0
8811805	10/27/2016	Printed		J-1057	JAMEY CLARK, INC.	Graffiti Removal, Oct '16	640.6
8811806	10/27/2016	Printed		J-1071	JCTEES.COM CORPORATION	Program Supplies, CS, Oct	274.3
8811807	10/27/2016	Printed		G-0709	JOE A. GONSALVES & SON	Legislative Services, Nov	2,900.0
8811808	10/27/2016	Printed		K-1197	KNIGHT, EDWARD	Professional Svcs, Com Dev, Sep	3,862.5
8811809	10/27/2016	Printed		K-1185	KOGERMAN, BARBARA	Travel Reimb., CTC Meeting	18.0
8811810	10/27/2016	Printed		C-1007	LAW ENFORCEMENT	FingerprintID Sys, Comm Sys	4,500.9
8811812	10/27/2016	Printed		L-1376	LONG BEACH BMW MOTORCYCLES	Motorcycle Maint, PS, Mar-Oct	10,808.0
8811813	10/27/2016	Printed		M-1486	MAIN GRAPHICS	Printing, Forms, CC	389.4
8811814	10/27/2016	Printed		M-1513	MEEHAN, DANIEL	Petty Cash Replenish, Aug-Oct	255.5
8811815	10/27/2016	Printed		M-1388	MOBILE MINI, INC.	Storage Rental, CC, 10/11-11/7	83.1
8811816	10/27/2016	Printed		M-1302	MOULTON NIGUEL WATER DISTRICT	Water Usage, CC, Pub Svcs	5,979.7
8811817	10/27/2016	Printed		N-1474	NIEVES LANDSCAPE, INC.	Other Assorted Landscape	1,013.0
8811818	10/27/2016	Printed		O-1546	OFFICE SOLUTIONS	Office/Operating Supplies	635.7
8811819	10/27/2016	Printed		O-1575	ORANGE COUNTY REGISTER-FREEDOM	Legal Advertising, Sep '16	570.0
8811820	10/27/2016	Printed		P-1729	PACIFIC TECHNOLOGIC SYSTEMS	Software Support, Oct '16	240.0
8811821	10/27/2016	Printed		R-1830	RALPHS GROCERY COMPANY	Program Expense, CS, Sep '16	79.69

Attachment: Warrant Register 112216 (1120 : Approval of Warrant Register for Period Ended November 22, 2016)

Check Register Report

Warrant Register 11/22/16

Date:

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Time:

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CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8811822	10/27/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	Albus-Keefe, Grading Permit	1,000.00
8811823	10/27/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	M. Valencia, V# 2003931.002	500.00
8811824	10/27/2016	Printed		R-1889	REFUND,FACILITY RENTAL DEPOSIT	Sea Pointe Const.V#2003929.002	65.00
8811825	10/27/2016	Printed		R-1855	RICHARD FISHER ASSOCIATES	Prof. Svcs, CIP# 241 & 410	6,378.00
8811826	10/27/2016	Printed		R-1813	RPW SERVICES, INC.	Rodent Control, Pub Svcs, Sep	1,560.00
8811827	10/27/2016	Printed		R-1967	RUSSELL, RICHARD WYATT	Contract Inst Svcs, Tennis	57.60
8811828	10/27/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC & Comm Ctr, Sep	29,724.00
8811829	10/27/2016	Printed		S-2276	SEDGWICK, DON	Travel Reimb., LOCC, Oct '16	732.00
8811830	10/27/2016	Printed		S-2283	SFC SPORTS FIELD EQUIPMENT	Trail Maintenance, Oct '16	4,315.00
8811831	10/27/2016	Printed		S-2212	SHARPS COMPLIANCE, INC.	Hazardous Waste Supplies, Sep	1,211.30
8811832	10/27/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Oct '16	1,135.60
8811833	10/27/2016	Printed		S-2220	SPORTS FIELD SERVICES	Retention Release CIP # 238-B	4,115.00
8811834	10/27/2016	Printed		S-2201	SUNSET PROPERTY SERVICES	Street Sweeping, Sep '16	10,071.40
8811835	10/27/2016	Printed		T-2042	TRAUMA INTERVENTION PROGRAMS	Community Program, TIP,Oct-Dec	910.30
8811836	10/27/2016	Printed		U-2164	UNITED SITE SERVICES OF CA.	Program Expense, CC, Sep '16	181.40
8811837	10/27/2016	Printed		U-2163	USA DANCE, INC., OC CHAP #4018	Contract Inst Svcs, Dancing	140.00
8811838	10/27/2016	Printed		W-2337	WEST COAST ARBORISTS, INC.	Tree Trimming, Sep '16	20,475.20
8811839	10/27/2016	Printed		W-2302	WEST PUBLISHING CORPORATION	Subscription, City Clk, Sep	207.20
8811840	10/27/2016	Printed		W-2426	WHITE NELSON DIEHL EVANS LLP	Employee Training, Dec '16	325.00
8811841	10/27/2016	Printed		R-1801	WOODRUFF, SPRADLIN & SMART	Professional Svcs, Legal, Sep	33,265.70
8811842	10/27/2016	Printed		Y-2511	YALE CHASE MATERIALS HANDLING	Maint, Cart, CC, Oct '16	362.80
8811843	11/03/2016	Printed		C-0023	COX COMMUNICATION	T-1 Line, Wi-Fi & Cable, CH	533.60
8811844	11/03/2016	Printed		C-1146	CYBERSOURCE CORPORATION	Gateway Expense, Oct '16	29.00
8811845	11/03/2016	Printed		C-1007	LAW ENFORCEMENT	Law Enforcement Svcs, Nov '16	622,444.20
8811846	11/03/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	Sunrun, Permit Refund	244.80
8811847	11/03/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	Pure Real Estate, Pool Bond	500.00
8811848	11/03/2016	Printed		R-1966	REFUND, FAC. SECURITY RENTAL	V. Martinez, V# 2003932.002	98.00
8811849	11/03/2016	Printed		R-1934	RENEGADE RACING	Event Mgmt Svcs, 1/2 Marathon	5,000.00
8811850	11/03/2016	Printed		R-1893	REYNOLDS, DAVID	Mileage Reimb., CS, Aug - Oct	129.90
8811851	11/03/2016	Printed		S-2250	SPARKLETT'S	Operating Supplies, CS, Oct 16	77.90
8811852	11/03/2016	Printed		T-2681	TOTALFUNDS BY HASLER	Postage Replenishment, Oct '16	1,000.00
8811853	11/03/2016	Printed		U-2121	U.S. POSTAL SERVICE	Postage, City Views, Nov	2,500.00
8811854	11/03/2016	Printed		C-1180	CIVIL SOURCE, INC.	NPDES Permit Inspections, Jul	2,156.00
8811855	11/10/2016	Printed		A-0233	ALISO CREEK PRINTING	Printing, Guest Parking Passes	1,166.80
8811856	11/10/2016	Printed		A-0359	ANDERSON PENNA PARTNERS, INC.	Inspection Services, Oct '16	11,400.00
8811857	11/10/2016	Printed		C-1002	ANIMAL SHELTER SERVICES	Animal Care Services, Jul-Sep	35,788.00
8811858	11/10/2016	Printed		A-0331	AT&T MOBILITY	Wireless Service, Oct '16	63.30
8811859	11/10/2016	Printed		B-0276	BANK OF AMERICA	Departmental Expenditure, Oct	15,128.30
8811860	11/10/2016	Printed		B-0432	BARTEL ASSOCIATES, LLC	GASB 68 Report, CAFR	2,000.00
8811861	11/10/2016	Printed		C-0412	C&D ELECTRIC, INC.	Park Repairs, Pub Svcs, Oct	388.30
8811862	11/10/2016	Printed		C-1160	CALIFORNIA SPECIAL DISTRICTS	Membership, 2017	1,231.00
8811863	11/10/2016	Printed		C-1168	CAPITAL ONE COMMERCIAL	Costco, Program Expense, CS	149.40
8811864	11/10/2016	Printed		C-0408	CARL WARREN & COMPANY	Processing Fee, Sml Claims Oct	1,164.80
8811865	11/10/2016	Printed		C-1184	CEP AMERICA AUC PC	Pre-employ Physical, Aug - Sep	185.00
8811866	11/10/2016	Printed		C-1096	CODE PUBLISHING COMPANY, INC.	Municipal Code Web Hosting	350.00
8811867	11/10/2016	Printed		C-1139	COMPLETE OFFICE OF CALIFORNIA	Office & Operating Supplies	466.00
8811868	11/10/2016	Printed		C-1176	COMPUTER SERVICE CO.	Traffic Sig. Maint, Oct '16	4,745.60
8811869	11/10/2016	Printed		C-0023	COX COMMUNICATION	WiFi Svcs, Com Ctr, Nov '16	130.00

Attachment: Warrant Register 112216 (1120 : Approval of Warrant Register for Period Ended November 22, 2016)

Check Register Report

Warrant Register 11/22/16

Date:

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Time:

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CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8811870	11/10/2016	Printed		C-0358	CSMFO	Membership Dues, 2017	110.0
8811871	11/10/2016	Printed		D-0410	DMV	Registration Ren, Admin, DW	232.0
8811872	11/10/2016	Printed		D-0561	DOCU-TRUST	Offsite Data Storage, Oct '16	96.0
8811873	11/10/2016	Printed		E-0595	ECLIPSE MESSENGER SERVICE, INC	Delivery Service, Oct '16	25.7
8811874	11/10/2016	Printed		E-0554	ECONOMICS, INC.	Prof Svcs, Recycling Program	6,756.8
8811875	11/10/2016	Printed		E-0587	EMC DESIGN	Professional Services, Gen Gov	4,315.0
8811876	11/10/2016	Printed		E-0600	EWING IRRIGATION PRODUCTS, INC	Irrigation Supplies, Pub Svcs	202.0
8811877	11/10/2016	Printed		G-0791	GORMAN, RON	Contract Inst Svcs, Guitar	266.0
8811878	11/10/2016	Printed		G-0844	GREEN MART, INC.	Operating Supplies, Pub Svcs	1,134.0
8811879	11/10/2016	Printed		H-0957	HORIZONS CONSTRUCTION CO, INT'	Progress Payment #2, CIP# 241A	50,696.7
8811880	11/10/2016	Printed		J-1057	JAMEY CLARK, INC.	Park Repair & Graffiti Removal	1,451.2
8811881	11/10/2016	Printed		C-1007	LAW ENFORCEMENT	FingerprintID Sys, Comm Sys	848.1
8811882	11/10/2016	Printed		L-1376	LONG BEACH BMW MOTORCYCLES	Motorcycle Maint, PS, Oct '16	527.3
8811883	11/10/2016	Printed		M-1546	MAILFINANCE, INC.	Lease - Mailing Equip, Sep-Nov	364.2
8811884	11/10/2016	Printed		M-1442	MOTOROLA SOLUTIONS, INC.	Radio Equipment, Police Svcs	116,096.0
8811885	11/10/2016	Printed		M-1588	MOULTON RANCH III HOMEOWNERS	Coyote Abatement Program	1,250.0
8811886	11/10/2016	Printed		N-1474	NIEVES LANDSCAPE, INC.	Monthly and Misc Landscape, Nov	76,824.4
8811887	11/10/2016	Printed		C-1008	NPDES	Watershed Monitoring, CIP#410	24,712.8
8811888	11/10/2016	Printed		O-1546	OFFICE SOLUTIONS	Office/Operating Supplies	604.3
8811889	11/10/2016	Printed		O-1575	ORANGE COUNTY REGISTER-FREEDOM	Legal Advertising, Oct '16	465.0
8811890	11/10/2016	Printed		P-1804	PATROL ONE	Security for MartinezCC Reserv	245.0
8811891	11/10/2016	Printed		Q-1707	QUEST DIAGNOSTICS	Pre-employment Drug Testing	37.7
8811892	11/10/2016	Printed		R-1964	REFUND, COMMUNITY DEV FEES	Altair Solar, Permit	150.0
8811893	11/10/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	C. Cormine, V# 2003935.002, 936	535.0
8811894	11/10/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	Olympica Gym, V# 2003940.002	1,000.0
8811895	11/10/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	L. Hughes, V# 2003942.002	170.0
8811896	11/10/2016	Printed		R-1889	REFUND, FACILITY RENTAL DEPOSIT	LHHS, V# 2003941.002	447.5
8811897	11/10/2016	Printed		R-1855	RICHARD FISHER ASSOCIATES	Prof. Svcs, Oakbrook	1,394.6
8811898	11/10/2016	Printed		R-1813	RPW SERVICES, INC.	Rodent & Insect Control, Oct	3,360.0
8811899	11/10/2016	Printed		S-2197	SAFECHECKS	Printing Expense, Finance	795.0
8811900	11/10/2016	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, Oct '16	13,888.7
8811901	11/10/2016	Printed		S-2194	SECURE LIVE SCAN	Pre-employment Fingerprinting	40.0
8811902	11/10/2016	Printed		S-2284	SHAH, AMBER	Travel Reimb., Training, Oct	1,122.4
8811903	11/10/2016	Printed		S-2239	SOCAL OFFICE TECHNOLOGIES	Copier Usage, CC, 7/22-10/21/16	2,336.7
8811904	11/10/2016	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Oct '16	9,685.7
8811905	11/10/2016	Printed		S-1980	STATE DEPARTMENT OF JUSTICE	Pre-employment Fingerprinting	64.0
8811906	11/10/2016	Printed		S-2201	SUNSET PROPERTY SERVICES	Street Sweeping, Oct '16	10,024.0
8811907	11/10/2016	Printed		T-2693	TELEPACIFIC COMMUNICATIONS	Communications Expense, Nov	1,203.9
8811908	11/10/2016	Printed		T-2682	THE LIFE TRENDS GROUP,	AED Supplies, Jul '16	153.7
8811909	11/10/2016	Printed		U-2165	UNDERGROUND SERVICE ALERT	Street Maintenance, Oct '16	85.5
8811910	11/10/2016	Printed		V-2249	US BANK VOYAGER FLEET SYS	Vehicle Fuel, Oct '16	1,195.3
8811911	11/10/2016	Printed		V-2224	VERIZON WIRELESS	Communication Expense, Oct '16	1,329.7
8811912	11/10/2016	Printed		W-2337	WEST COAST ARBORISTS, INC.	Tree Trimming, Oct '16	21,354.1
8811913	11/10/2016	Printed		W-2441	WEST COAST MOVEMENT PROJECT,	Contract Inst Svcs., Dance	14,231.7
8811914	11/10/2016	Printed		W-2426	WHITE NELSON DIEHL EVANS LLP	Partial Audit Fee 15/16	500.0
8811915	11/10/2016	Printed		X-2400	XEROX CORPORATION	Copier Lease & Usage, Oct '16	780.0
8811916	11/10/2016	Printed		Z-2606	ZUMAR INDUSTRIES, INC.	Professional Services, CIP#329	22,829.9

Attachment: Warrant Register 112216 (1120 : Approval of Warrant Register for Period Ended November 22, 2016)

Check Register Report

Warrant Register 11/22/16

Date:

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Time:

3:27 pm

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CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
				Total Checks: 145		Checks Total (excluding void checks):	1,478,584.4
				Total Payments: 145		Bank Total (excluding void checks):	1,478,584.4
				Total Payments: 145		Grand Total (excluding void checks):	1,478,584.4

Attachment: Warrant Register 112216 (1120 : Approval of Warrant Register for Period Ended November 22, 2016)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Kenneth H. Rosenfield P.E.
Assistant City Manager/Director of Public Services
ISSUE: Progress Payment No. 2 for Cabot Park Renovation, CIP No. 241-A

RECOMMENDATION: That the City Council approve Progress Payment No. 2, in the net amount of \$50,696.75, to Horizons Construction Company for Cabot Park Renovation, CIP No. 241-A.

SUMMARY:

Work on the Cabot Park Renovation, CIP No. 241-A, began on September 26, 2016, and is being performed by Horizons Construction Company. Work performed in October and November (to date) included clearing and grubbing, remove and replace concrete paving, construct of new handicap ramps, paint handrails, and repair bleachers. The contractor has submitted the second progress payment request for approval.

BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A five-percent (5%) retention is withheld from each payment to assure final performance of the work. The contractor for this project, Horizons Construction Company, has submitted the second progress payment for the subject project as follows:

Progress Payment No. 2 for Cabot Park Renovation, CIP No. 241-A

November 22, 2016

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ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	\$ AMOUNT
1	Clearing and grubbing	.2	LS	\$38,000.00	\$7,600.00
8	Prep and paint existing ramp handrail	200	LF	\$2.50	\$500.00
9	Prep and paint existing stair handrail	30	LF	\$2.50	\$75.00
15	Remove and replace existing concrete paving	2494	SF	\$10.00	\$24,940.00
19	Purchase and install cast in place blue truncated domes, panels and repair PCC	1	LS	\$3,000.00	\$3,000.00
22	Repair damaged bleachers	.5	LS	\$7,500.00	\$3,750.00
23	Construct new handicap ramp	3	EA	\$4,500.00	\$13,500.00

TOTAL TO DATE	\$90,925.00	
LESS PRIOR BILLING	\$37,560.00	
TOTAL THIS PERIOD	\$53,365.00	\$53,365.00
LESS 5% RETENTION		\$(2,668.25)

Progress Payment No. 2 for Cabot Park Renovation, CIP No. 241-A

November 22, 2016

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	DUE		\$50,696.75
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FISCAL IMPACT:

The Progress Payment is within the Capital Improvement Program Budget for the Cabot Park Renovation, CIP No. 241-A.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Mayor and Council Members

FROM: Kenneth H. Rosenfield P.E.
Assistant City Manager/Director of Public Services

ISSUE: Authorization to Advertise for Bids for the Arterial Pavement Management Project Street Rehabilitation, CIP No. 175

RECOMMENDATION: That the City Council approve the plans and specifications and authorize the advertisement for bids for the Arterial Pavement Management Project Street Rehabilitation, CIP No. 175.

SUMMARY:

The plans and specifications have been completed for the subject project and authorization to advertise the project for bids is requested. The Arterial Pavement Management (APM) Project will rehabilitate and resurface five arterial highway segments located on Alicia Parkway, Cabot Road (two locations), Los Alisos Boulevard, and Paseo de Valencia as a part of the City's commitment to pavement preservation. Subject to an award of contract, it is anticipated the project will be under construction beginning in February 2017. Approval of the plans and specifications and authorization to advertise the project for bids is recommended.

BACKGROUND:

The Arterial Pavement Management Program is a one-time funding program offering federal funds from the Regional Surface Transportation Program, through a partnership with the Orange County Transportation Authority (OCTA) and Caltrans, for arterial highway pavement rehabilitation. Last year, the City successfully sought and was awarded \$500,000 in grant funds by OCTA through this program in accordance with the Cooperative Agreement No. C-5-3591 approved on November 10, 2015. Subsequent to

Authorization to Advertise for Bids - Arterial Pavement Management Cip 175

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the award of these funds the City issued a Request for Proposal for Engineering Design Services and, on December 8, 2015, retained the firm of Wolfe Engineering & Design, Inc., (Wolfe Engineering) for these purposes.

Wolfe Engineering has completed the plans and specifications for this project, the documents are on file with the office of the City Clerk, and the documents are available at the City Council dais for review. Caltrans has also issued the requisite Agreement authorizing this project to proceed to bid.

The APM Project for street rehabilitation includes restoration work on the following five arterial highway segments:

- Alicia Parkway from Aliso Hills Drive to the easterly City limit
- Cabot Road from Oso Parkway to 800' southerly
- Cabot Road from Rapid Falls Road to the southerly City limit
- Los Alisos boulevard from Paseo de Valencia to the easterly City limit (I-5)
- Paseo de Valencia from La Paz Road to Cabot Road

The Engineer's Estimate for the project base bid is \$1,350,000 (including a 10% contingency). An Alternate Bid is also included within the project for the potential reconstruction of three parkway culverts along Paseo de Valencia and miscellaneous concrete repairs along Alicia Parkway. Depending upon the bid results, staff will recommend whether or not to award the Alternate Bid work.

While this project is being advertised for bid staff will also prepare and issue a Request for Proposal for support services consisting of Construction Management, Inspection, Labor Compliance, and Material Testing for use during the construction phase.

CEQA FINDINGS:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (replacement of existing facilities involving negligible expansion of capacity) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, as the project calls for replacing the existing asphalt concrete, concrete, ramps, and other related site work in the same existing locations.

NEPA FINDINGS:

Authorization to Advertise for Bids - Arterial Pavement Management Cip 175

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Due to the use of Federal Funding, this project was evaluated under the National Environmental Protection Act (NEPA). In accordance with NEPA, this project was determined to meet the standards for a Categorical Exclusion without technical studies as there are no identified environmental impacts. This determination was approved by Caltrans on November 5, 2015.

FISCAL IMPACT:

The funding for the construction phase of the Arterial Pavement Management Project Street Rehabilitation, CIP No. 175, is included in the current fiscal year budget in the total amount of \$1,240,000, consisting of \$500,000 of federal funds and \$740,000 of HUTA (gas tax) funds. Depending upon the bid results, additional funding may have to be transferred into this project from CIP No. 101-I, the Annual Street Maintenance Project.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Mayor and Council Members

FROM: Melissa Au-Yeung
Deputy City Manager

ISSUE: Second Reading and Adoption of an Ordinance Amending and Restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code Relating to the Regulation of Massage Establishments

RECOMMENDATION: That the City Council adopt an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, amending and restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code relating to the regulation of massage establishments."

SUMMARY:

The Ordinance would amend and restate Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code and impose permit requirements and restrictions for the effective and meaningful regulation of massage establishments.

A copy of the proposed Ordinance and the Staff Report for the introduction of the Ordinance, including attachments, are included as attachments to this report. The City Council introduced the Ordinance by a vote of 4-0-1 (Council Member Blount absent). It is in order to adopt the Ordinance.

ATTACHMENTS:

- Proposed Ordinance Chp. 4-28 Massage Establishments
- October 25, 2016 Introduction to Ordinance Staff Report & Attachments

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS,
CALIFORNIA, AMENDING AND RESTATING CHAPTER
4-28 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL
CODE RELATING TO THE REGULATION OF MASSAGE
ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of Laguna Hills ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, in 2008, the state legislature adopted Senate Bill 731 ("SB 731"), Section 4600 *et seq.* of the Business and Professions Code, relating to voluntary statewide certification of massage practitioners and therapists, and restricting local control of massage establishments; and

WHEREAS, SB 731 precluded cities from imposing local licensing and regulatory requirements on massage establishments that utilized state-certified massage therapists and practitioners exclusively; and

WHEREAS, the enactment of SB 731 has had an unintended consequence of causing the proliferation of illicit massage establishments that are fronts for prostitution and may also be involved in human trafficking; and

WHEREAS, like most cities in California, since the enactment of SB 731 the City has experienced a proliferation of massage establishments. In 2008, twelve (12) massage establishments were located within the City; there are presently twenty-nine (29) massage establishments in the City, some of which are suspected allowing sexually explicit activity to occur on the premises, including prostitution and that commonly advertise their services online using suggestive language and provocative photographs of scantily-clad women; and

WHEREAS, Assembly Bill 1147, signed by Governor Jerry Brown, and referred to as the "Massage Therapy Act", was enacted in response to criticism against SB 731 and restores local regulatory authority over massage establishments by allowing cities to impose reasonable conditions on the operation of massage establishments; and

WHEREAS, the City seeks to amend the Laguna Hills Municipal Code to conform to the requirements of the Massage Therapy Act and to regulate the business of massage to the extent authorized by the Massage Therapy Act by imposing permit

requirements and restrictions that are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, it has been the experience of the City that illicit massage establishment operators have repeatedly evaded meaningful and effective regulation by simply transferring ownership of a massage business following the City's commencement of operator's permit revocation or non-renewal proceedings for cause, with a continuation of illicit services being provided thereafter at the same location and often with the same management and staff; and

WHEREAS, this Ordinance will facilitate meaningful and effective regulation of massage establishments by prohibiting any new massage establishment from opening for business at a location for a period of twelve (12) months where either: (1) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee; (2) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit, which revocation or refusal to renew decision was upheld by an administrative hearing officer on appeal; or (3) a massage establishment previously operating at the same address was voluntarily closed and/or the provision of massage services at the address discontinued after the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee; and

WHEREAS, the permit requirements and restrictions imposed by this Ordinance are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, there is a significant risk of injury to massage clients by improperly trained and/or educated massage therapists and this Ordinance provides reasonable safeguards against injury and economic loss; and

WHEREAS, the regulations and restrictions contained in this Ordinance reduce the burdens on the City's police personnel and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws be enforced.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.28 (Massage Establishments) of Title 4 (Business Regulations) of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 4-28 MESSAGE ESTABLISHMENTS

Sections:

<u>4-28.010</u>	Findings and purpose.
<u>4-28.020</u>	Definitions.
<u>4-28.030</u>	State certification and operator's permit required.
<u>4-28.040</u>	Application for operator's permit.
<u>4-28.050</u>	Operator's permit issuance and denial.
<u>4-28.060</u>	Operational requirements.
<u>4-28.070</u>	Inspection by city official.
<u>4-28.080</u>	Out-call massage.
<u>4-28.090</u>	Home occupation prohibited.
<u>4-28.100</u>	Exemptions.
<u>4-28.110</u>	Transfer and duration of operator's permits.
<u>4-28.120</u>	Suspension, revocation, denial and appeal.
<u>4-28.130</u>	Application to existing massage establishment.
<u>4-28.140</u>	Violation—Penalty.

4-28.010 Findings and purpose.

The City Council finds and declares as follows:

- A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.
- B. The city is authorized, by virtue of Section 7 of Article XI of the California Constitution, California Business and Professions Code Sections 460(c), 4612(b) and 16000, and California Government Code Section 51030 *et seq.*, as may be amended from time to time, to regulate massage establishments by imposing reasonable conditions on the operation of massage establishments.
- C. There is a significant risk of injury to massage clients by improperly trained and/or educated massage technicians and this chapter provides reasonable safeguards against injury and economic loss.
- D. Massage establishments present an opportunity for acts of prostitution, human trafficking, and the use and sale of illegal drugs. Such illegal activity has been documented by police reports in cities in Orange County, including but not limited to Garden Grove, Huntington Beach, and Lake Forest, which have several massage establishments. Courts have long recognized massage as a pervasively regulated activity and that some massage establishments are brothels in disguise. The enactment of reasonable standards and restrictions on the operation of massage establishments will serve to reduce the risk of illegal activity.

E. The regulations and restrictions contained in this chapter reduce the burdens on the city's police personnel and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws be enforced.

F. The regulations and restrictions contained in this chapter tend to discourage massage establishments from degenerating into houses of prostitution or sites for illegal drug use and sales; the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved.

4-28.020 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Acupressure" means the act of applying manual pressure to parts of the body with the intention of treating illness and/or disease or relieving pain.

"Application Filing Fees" means (1) the appropriate filing fee(s) established by the City Council, which represents the city's reasonable cost to process an application for a new or renewed massage establishment operator's permit and provide regulatory functions necessary to enforce this chapter, including without limitation inspections of massage establishments, and (2) the appropriate filing fee(s) as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's cost to conduct an investigation in connection with an application for a new or renewed massage establishment operator's permit.

"CAMTC" means the California Massage Therapy Council, a non-profit organization formed pursuant to California Business and Professions Code Section 4600 *et seq.*

"Certified massage practitioner" means any individual certified by CAMTC as a certified massage practitioner or as a certified massage therapist pursuant to California Business and Professions Code Section 4600 *et seq.*

"Chief of Police Services" means the Chief of Police Services of the city of Laguna Hills or the member of the Orange County Sheriff's Department who serves as the commanding officer for the area of Orange County which includes the city of Laguna Hills, or his or her designee.

"City Council" means the City Council of the city of Laguna Hills.

"City Manager" means the City Manager of the city of Laguna Hills, or the City Manager's designee.

"Conviction" and "convicted" means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

"Director" means the Community Development Director or the Community Development Director's designee.

"Employee" includes every owner, partner, operator, manager, supervisor, person and worker, whether paid or not, full-time or part-time, who renders personal services of any nature or is otherwise employed or retained in support of the operation of a massage establishment. For purposes of this chapter, the term "employee" includes independent contractors. Additionally, the term "employee" shall also include certified massage practitioners who provide massage, whether as independent contractors or otherwise, in or for a massage establishment.

"Manager" means a person or persons designated or authorized by the owner or operator of the massage establishment to act as the representative and agent of the owner or operator in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management may include, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules, or purchase supplies. A manager may also be an owner or operator. A massage establishment may have more than one manager.

"Massage" or "massage services" means any method of applying pressure on, causing friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, acupressure, or bodywork, stimulating, compression on or movement of the external parts of the human body of another, either directly with the hands or some other body part, with or without the aid of or by means of any mechanical or electrical apparatus, hot stones, or other appliance or device, for money or any form of consideration. Massage may incorporate supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations commonly used in this practice.

"Massage establishment" means any business or establishment with a fixed location within the city of Laguna Hills where any individual, firm, association, partnership, limited liability company, corporation, or combination of individuals, offers, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage services within the city, including the business office of a sole provider who provides massage services at such business office. Any type of business or establishment at which massage services are provided shall be considered a massage establishment for purposes of this chapter, regardless if the business holds itself out as something other than a massage establishment and/or also offers or provides other types of products or services. Any business or establishment that offers any combination of massage services and sauna facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage establishment under this chapter.

"Operator's permit" means the permit required pursuant to the provisions of this chapter to operate a massage establishment.

"Out-call massage" means the provision of massage at a location other than at a massage establishment. Such locations may include, but are not limited to, hotel rooms, offices, business establishments, or patron residences.

"Owner" or "operator" means any and all persons who have an ownership interest in a massage establishment who are responsible, in whole or in part, for its day-to-day operations including, but not limited to, any of the following persons: the sole proprietor of a sole proprietorship, any general or limited partner of a general or limited partnership, any shareholder of a corporation, any member or manager of a limited liability company.

"Person" means any individual or combination of individuals, sole proprietor, firm, association, partnership, corporation, limited liability company, joint venture, or other entity.

"Police Services Department" means the Police Services Department of the city of Laguna Hills, under contract with the Orange County Sheriff's Department.

"Seated massage" means any massage of the neck, arms, hands, shoulders, head, scalp and back area above the waist where the patron is fully clothed, sitting in a special chair designed for upper body massage and performed without the use of supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations commonly used in the practice of massage.

"Sole provider" means any legal form of business organization where the business owner owns 100% of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active state certificate, and has no other employees or independent contractors.

"State certification" or "state certificate" means a valid and current certificate issued by CAMTC pursuant to California Business and Professions Code Section 4600 *et seq.*, as may be amended from time to time.

4-28.030 State certification and operator's permit required.

A. Except as otherwise provided in Section 4-28.100, no individual shall engage in, conduct, carry on, administer, provide, practice or perform massage services within the city of Laguna Hills without first obtaining and thereafter maintaining state certification and presenting proof of such state certification, in accordance with the provisions of this chapter.

B. Except as otherwise provided in Section 4-28.100, no person shall engage in, conduct or carry on, or permit to be engaged, conducted, or carried on in or upon any premises within the city of Laguna Hills, the operation of a massage establishment without first obtaining and thereafter maintaining an operator's permit pursuant to this chapter, and without otherwise complying with the provisions of this chapter and Title 9 of this code.

C. No owner, operator or manager shall employ as an employee or otherwise retain any individual to conduct, carry on, administer, provide, practice or perform massage services within the city of Laguna Hills unless such individual has a state certificate. For

purposes of this chapter, an owner, operator or manager employs or retains an individual if: (1) that individual is a directly paid employee of the massage establishment; (2) that individual's association with the massage establishment is that of an independent contractor who receives compensation for massage services provided to patrons of the massage establishment; or (3) that individual receives a patron referral(s) from the massage establishment and arranges in any way for compensation to flow to such owner, operator, manager or massage establishment.

D. No operator's permit shall be issued to a person pursuant to this chapter unless: (1) the massage establishment is located and conducted within a zoning district that permits such uses; and (2) a certificate of use and occupancy permit ("COUO") has been issued for the by the city for the massage establishment, and all applicable COUO fees, established by resolution of City Council, have been paid.

4-28.040 Application for operator's permit.

A. Any person desiring an operator's permit for a massage establishment business shall file a written application on the required form with the Director, who shall process the application. The application shall be accompanied by an appropriate filing fee established by the City Council, which represents the city's reasonable cost to process the application and provide regulatory functions necessary to enforce this chapter, including without limitation inspections of massage establishment, and an appropriate filing fee as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's costs to conduct an investigation, collectively referred to herein as the "Application Filing Fees". The application shall be completed and signed by the operator of the proposed massage establishment, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; one member or one manager, if the operator is a limited liability company; and one participant, if the operator is a joint venture. The application for an operator's permit does not authorize operation of a massage establishment unless and until such permit has been properly granted. The application shall contain or be accompanied by the following:

1. The type of legal entity or entities owning the proposed massage establishment, i.e., whether a sole proprietorship, partnership, limited liability company, corporation, or otherwise. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each shareholder holding more than five (5) percent of the stock of that corporation. If the applicant is a limited liability company, the name of the limited liability company shall be set forth exactly as shown in its articles of organization or other organizational document together with the state and date of organization and the names and residence addresses of each of its current officers and directors, and of each member or other person who has an ownership interest in the limited liability company. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If it is a limited partnership, it shall furnish a copy of its certificate of limited partnership

filed with the Secretary of State. If one or more of the partners is a corporation or limited liability company, the provisions of this subsection pertaining to corporations and limited liability companies shall apply. An applicant that is a corporation, limited liability company or partnership shall designate one of its officers, members, managers, or general partners to act as its responsible managing officer. Such designated individual shall complete and sign all application forms required for an individual applicant under this chapter, but the Application Filing Fees shall only be charged once in connection with the application.

2. The precise name under which the massage establishment is to be conducted.
3. The present or proposed address and telephone numbers of the massage establishment.
4. A complete list of the names and residence addresses of all current or proposed employees of the massage establishment and the name and residence address of each manager proposed to be principally in charge of the operation of the massage establishment.
5. True and correct copies of a valid and current state certificate and CAMTC-issued identification card for each employee proposed to provide massage services at the massage establishment.
6. A description of any other business to be operated on the same premises as the massage establishment.
7. The name, address, and description of any other business within the city or the state, which is owned or operated by the applicant.
8. The following personal information concerning the applicant:
 - a. Full complete name and all aliases used by the applicant.
 - b. A valid and current driver's license and/or identification card issued by a state or federal government agency or other photographic identification bearing a bona fide seal by a foreign government.
 - c. Current residential address and all previous residential addresses for eight years immediately preceding prior to the present address of the applicant.
 - d. Date of birth.
 - e. Height, weight, color of hair, eyes, and sex.

- f. Two front faced portrait photographs at least two inches by two inches in size taken within thirty (30) days of submission of the application.
 - g. The applicant's complete business, occupation, and employment history for eight years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant.
 - h. The complete massage permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether any such permit or license was ever denied, revoked, or refused to be renewed and the reason therefore.
 - i. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor.
 - j. A complete set of fingerprints taken by the Police Services Department.
9. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property, and that the massage establishment shall be subject to this chapter.
10. A statement signed by the applicant authorizing the city, its officers, agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and to ensure compliance with the provisions of this chapter.
11. A statement signed by the applicant confirming that the massage establishment shall only employ as employees certified massage practitioners to provide, perform, and administer massage services at the massage establishment.
12. A statement signed by the applicant acknowledging that the applicant, owner(s), operator(s) and manager(s) shall each be responsible for the conduct of all employees on the premises of the massage establishment, and that failure to comply with this chapter, or any local, state, or federal law, including California Business and Professions Code section 4600 et seq. (Massage Therapy Act), may result in the suspension, revocation, or non-renewal of the operator's permit and civil, administrative, or criminal penalties.
13. Such other identification and information as the Director and/or Chief of Police Services may require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

14. A statement signed by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

B. If, during the term of an operator's permit, the permittee has any change in information submitted on the original or renewal application, the permittee shall notify the Director in writing of such change within ten (10) business days thereafter.

4-28.050 Operator's permit issuance and denial.

Upon receipt of a complete application for an operator's permit the Chief of Police Services shall conduct an investigation to ascertain whether such permit should be issued as requested. The Chief of Police Services shall report his or her findings to the Director and the Director shall make a recommendation to the City Manager for action on the permit. The City Manager shall, within sixty (60) days of receipt of a complete application, approve, conditionally approve, or deny the application. The sixty (60) day period shall not commence unless and until the Director deems the application complete. The sixty (60) day period may be extended by the City Manager at the request of the Chief of Police Services for up to thirty (30) additional days, to complete the investigation. The City Manager shall issue such permit as requested, unless he or she makes any of the following findings:

A. The applicant, if an individual; any of the officers or directors of the corporation, if the applicant is a corporation; any of the managers or officers of the company, if the applicant is a limited liability company; any partner, if the applicant is a partnership; or any manager or employee of the massage establishment, has within eight (8) years preceding the date of the application:

1. Been convicted of a violation of Sections 236.1 (Human trafficking), 266h (Pimping and pimping of a minor), 266i (Pandering and pandering with a minor), 314 (Lewd or obscene conduct; indecent exposure), 315 (Keeping or residing in a house of ill-fame), 316 (Keeping of disorderly houses), 318 (Place of illegal gambling or prostitution), Subsections (a) or (b) of Section 647 (Solicitation of lewd conduct or prostitution) of the California Penal Code, or any other provision of law pursuant to which a person is required to register under the provisions of Section 290 (Sex Offender Registration Act) of the California Penal Code, or being required to register as a sex offender in any other state, or when the prosecution accepted a plea of guilty or nolo contendere to a charge or violation of any lesser included or lesser related offense, in satisfaction of or as a substitute for, any of the previously listed crimes.

2. Been convicted of a felony offense involving the sale of a controlled substance specified in California Health and Safety Code Sections 11054 (Schedule I), 11055 (Schedule II), 11056 (Schedule III), 11057 (Schedule IV), or 11058 (Schedule V), or has been convicted in any other state of any offense that, if committed or attempted in the State of California, would have been punishable as one or more of the aforementioned offenses.

3. Been convicted of any offense in any other state that is the equivalent of any of the offense set forth in this Section 4-28.050.
 4. Engaged in conduct in another jurisdiction which, if it had occurred within the city, would constitute grounds for denial, revocation or non-renewal of an operator's permit under this chapter.
 5. Been subjected to a permanent injunction against the conducting or maintaining of nuisance pursuant to Sections 11225 through 11235 of the California Penal Code (Red Light Abatement Law), or any similar provisions of law in a jurisdiction outside the state.
 6. Engaged in conduct which would constitute an offense as described in subsection (A)(1) of this section.
 7. Committed an act in another jurisdiction which if committed in this state would have been a violation of law and/or, which, if done by a permittee under this chapter, would be grounds for denial, revocation or non-renewal of the operator's permit.
 8. Committed any act involving fraud, deceit, dishonesty, corruption, moral turpitude or violence, which act or acts are substantially related to the qualifications, functions, or duties of a massage establishment operator.
 9. Has had a massage operator's permit or other similar license or permit denied, revoked, or refused to be renewed for cause by a licensing authority or by any other city, county, or state.
 10. Been convicted of any felony, misdemeanor, infraction, or municipal code violation, or held liable in any administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a massage establishment operator.
- B. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the city in the permit application process.
- C. The application does not contain all of the information required by Section 4-28.040 of this chapter.
- D. The massage establishment as proposed does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.
- E. The massage establishment is proposed to be conducted as a home occupation within a residential zone.
- F. Within a twelve (12) month period prior to the submittal of the application, the city has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to

revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee in accordance with the appeal procedures set forth in this chapter.

G. Within a twelve (12) month period prior to the submittal of the application, the city has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit, which revocation or refusal to renew decision was upheld by an administrative hearing officer on appeal in accordance with the appeal procedures set forth in this chapter.

H. Within a twelve (12) month period prior to the submittal of the application, a massage establishment previously operating at the same address was voluntarily closed and/or the provision of massage services at the address discontinued after the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee in accordance with the appeal procedures set forth in this chapter.

I. The application was filed within six (6) months from the date a previous application by the applicant that was denied for failure to comply with subsections (B) or (C) of this section.

4-28.060 Operational requirements.

Each owner, operator and manager shall be responsible for ensuring compliance with the following operational requirements, which shall apply to all massage establishments:

A. Facilities

1. No massage establishment shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, shades or any other material that obstructs, blurs or darkens the view into the massage establishment.
2. The hours of operation shall be displayed in a conspicuous place in the reception area and in any front window clearly visible from outside of the massage establishment. Patrons and visitors shall be permitted in the massage establishment only during the posted hours of operation.
3. Front doors used for patron access shall remain unlocked during business hours unless the massage establishment is a business entity owned by one individual with only one or no employees. All doors leading into rooms where massage is performed shall remain unlocked during business hours. Internal offices or areas where cash or valuables are stored may be locked.

4. The following notice in a minimum 16-point font shall be displayed in an accessible and conspicuous public place in the reception area of the massage establishment and in each room where massage is performed:

NOTICE TO ALL PATRONS: THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY LAW ENFORCEMENT AND AUTHORIZED CITY OF LAGUNA HILLS PERSONNEL WITHOUT PRIOR NOTICE.

5. Minimum lighting shall be provided in accordance with the city's electrical code and, in addition, at least one artificial light of not less than 40 watts shall be provided in each room or enclosure where massage is performed and shall be activated at all times while a patron is in such room or enclosure.

6. Closed cabinets or other covered space shall be provided and utilized for the storage of clean linens, and receptacles acceptable to the city shall be provided for the deposit of soiled linen.

7. The walls in all rooms where water or steam baths are given shall have a washable, mold-resistant surface.

8. A minimum of one toilet and one separate wash basin shall be provided for patrons in each massage establishment, which basin shall provide soap or detergent and hot running water at all times. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom hand wash sink. A trash receptacle shall be provided in each toilet room. Showers may be provided at the operator's option.

9. All massage establishments shall have clean and sanitary towels, sheets and linens in sufficient quantity to meet the requirements of this chapter. Reuse of towels, sheets and linens is prohibited unless the same have first been laundered. Heavy white paper may be substituted for sheets, provided that such paper is used only once and then discarded into a sanitary receptacle.

10. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities including appliances and apparatuses for the massage establishment shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

11. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in the performance of massage and the instruments shall be disinfected and sterilized after each use.

12. A massage table shall be provided in each massage room or enclosure and the massage shall be performed on this massage table. The tables shall have a minimum height of eighteen (18) inches. Two-inch thick foam pads with a maximum width of four feet may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible beds are not permitted on the premises.

13. No part of the massage establishment shall be used for residential or sleeping purposes.

14. A sign, measuring at least 8.5 inches by 11 inches in size, containing the following written notice in minimum 16-point font, shall be posted in a conspicuous place near the public entrance of the massage establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted, displayed in English, Vietnamese, Mandarin, Spanish, Cantonese, and Korean:

SLAVERY AND HUMAN TRAFFICKING NOTICE (Cal. Civil Code § 52.6)

If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity – call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California Law.

The hotlines are:

- **Available 24 hours a day, 7 days a week.**
- **Toll-free.**
- **Operated by nonprofit, nongovernmental organizations.**
- **Anonymous and confidential.**
- **Accessible in more than 160 languages.**
- **Able to provide help, referral to services, training, and general information.**

B. Operations

1. No massage establishment shall be kept open for business or operated between the hours of ten (10:00) p.m. and seven (7:00) a.m.

2. A register of all certified massage practitioners who are currently providing, or who have previously provided, massage services on the premises, showing the names, nicknames, and aliases used by such employees, along with the dates of

their employment and termination, if applicable, and copies of each certified massage practitioner's current state certificate and CAMTC-issued identification card, shall be maintained on file on the premises of each massage establishment, and shall be made available upon request to any individual, including but not limited to, any regulatory official of the city.

3. Within ten (10) business days of a massage establishment hiring or contracting with a new certified massage practitioner to provide massage services, written notice of the name and residential address of the new employee and copies of his or her current state certificate and CAMTC identification card shall be filed with the Director.

4. Written notice shall be provided to the Director within ten (10) business days of the expiration, revocation, suspension, or surrender of an employee's state certification, and no employee whose state certification is expired, revoked, suspended, or surrendered shall be permitted to provide massage at the massage establishment until and unless valid state certification has been reestablished and notice and copies of such employee's current state certificate and CAMTC identification card have been provided to the Director.

5. All documents or information pertaining to a certified massage practitioner that is required to be maintained or provided pursuant to this Section 4-28.060(B) shall be maintained at the massage establishment for a minimum of two years following the date that a certified massage practitioner ceases providing massage at the massage establishment; such documents or information shall be provided to city regulatory officials upon demand.

6. A manager shall be present on the premises during all times that the massage establishment is open. A written statement designating the person or persons authorized to act as a manager shall be filed with the Director prior to commencement of operation of the massage establishment and within ten (10) business days of any managerial change.

7. The name of each on-duty manager and each on-duty certified massage practitioner shall be posted daily in an accessible and conspicuous public place in the reception area of the massage establishment.

8. No massage establishment shall be open for business without having at least one certified massage practitioner on the premises and on-duty.

9. Any and all employees providing massage services shall carry and have on their persons, visible for the patron to see, a current and valid CAMTC-issued identification card that was issued to them; such identification card shall be provided to city regulatory officials upon demand.

10. Any and all changes of address or ownership of a massage establishment shall be reported immediately to the Director. Operator's permits are issued to specific owners and for specific fixed locations only. A new operator's permit shall

be obtained prior to the proposed relocation of a massage establishment, opening of another location, or change in ownership of the massage establishment.

11. No massage establishment shall operate as a massage school, or use the same facilities as that of a massage school.

12. Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in an open and conspicuous public location in each massage establishment. All letters and numbers shall be capitals, and not less than one inch in height. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron. All arrangements for services to be performed shall be made in a room in the massage establishment which is not used for administration of massages, baths or health treatments, unless no other room exists in the massage establishment.

13. Any posted signs which are in a language other than English shall also be posted in English.

14. The operator's permit issued to the massage establishment shall at all times be displayed in an accessible and conspicuous public place in the reception area of the massage establishment.

15. Copies of the current state certificates held by the employees providing massage services at the massage establishment shall at all times be displayed in an accessible and conspicuous public place in the reception area of the massage establishment; such copies shall be provided to city regulatory officials upon demand.

16. No alcoholic beverages or controlled substances shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment.

C. Prohibited Conduct

1. Each owner, operator and manager shall be responsible for the conduct of all employees on the premises of the massage establishment. Any act or omission of any employee constituting a violation of any provision of this chapter shall be deemed the act or omission of each of the owners, operators and managers for purposes of determining: (a) compliance with this chapter; and (b) whether the operator's permit shall be suspended, revoked or renewed.

2. No owner, operator or manager shall hire, employ or allow any person to perform massage services unless such person possesses a valid and current state certificate. Each owner, operator and manager of a massage establishment shall have a continuing obligation to verify that all employees providing massage services hold the state certification required by this chapter.

3. No electrical, mechanical or artificial device shall be used by any massage establishment employee for audio and/or video recording or for monitoring the performance of a massage, of the conversation or of other sounds in the massage rooms or enclosures, without the prior written consent of the patron.
4. No employee shall violate the provisions of Section 647(b) of the California Penal Code (Solicitation of prostitution), or any other state law involving a crime of moral turpitude.
5. No employee shall engage in any form of unprofessional conduct as defined by Section 4609(a)(1) of the California Business and Professions Code, as may be amended from time to time, including without limitation:
 - a. Engaging in any form of sexual activity on the premises of a massage establishment.
 - b. Engaging in sexual activity while providing massage services for compensation.
 - c. Providing massage of the genitals or anal region.
 - d. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider for such massage.
6. No employee shall dress, while engaged in the practice of massage, or while visible to patrons in the massage establishment, in any of the following:
 - a. Attire that is transparent, see-through, or substantially exposes the person's undergarments.
 - b. Swim attire, if not providing a water-based massage modality approved by CAMTC.
 - c. A manner that exposes the employee's breast, buttocks, or genitals.
 - d. A manner that constitutes indecent exposure in violation of Section 314 (Lewd or obscene conduct; indecent exposure) of the California Penal Code.
7. No employee shall expose their genitals, pubic region, buttocks, anus, or in the case of a female, her breasts below a point immediately above the top of the aureole, to the view of a massage establishment patron.
8. A massage establishment patron's genitals, anus, and in the case of a female, her breasts, except as may be permitted by subsection (C)(5)(d) of this section, must be fully covered at all times while a certified massage practitioner or other employee is present in the same room as the patron.

4-28.070 Inspection by city official.

Any duly authorized official of the city, including but not limited to, representatives of the Police Services Department, code enforcement officers, health officials and building and fire inspectors, shall have the right to enter any massage establishment premises from time to time during regular business hours prior to the issuance of an operator's permit and subsequently thereafter for the purposes of making reasonable inspections to ensure compliance with this chapter and any other applicable laws, including building, fire, electrical, plumbing or health and safety regulations.

4-28.080 Out-call massage.

No person shall perform an out-call massage in the city without possessing a valid and current state certificate.

4-28.090 Home occupation prohibited.

No person shall operate a massage establishment as a home occupation within any residential zone in the city.

4-28.100 Exemptions.

This chapter shall not apply to the following:

A. Healing arts professionals duly licensed pursuant to Division 2 (commencing with Section 500) of the California Business and Professions Code, including but not limited to physicians, surgeons, chiropractors, osteopaths, acupuncturists, physical therapists, physician assistants, or nurses while performing activities encompassed by such professional licenses and when other individuals under their direction and as an adjunct to their practice are engaging in any act, providing any treatment, or performing any procedure that falls within the professionally recognized scope of practices authorized by their respective professional licenses; however,

1. Massage technicians are required to be certified by CAMTC,
2. If the licensed healing arts professional's facility is used for the purpose of providing nonmedical massage, and/or an employee of the licensed healing arts professional is engaged in the business of massage on the same premises as the professional, the facility itself shall be licensed as a massage establishment pursuant to this chapter;

B. Cosmetologists, barbers, estheticians, or manicurists that are duly licensed pursuant to the California Barbering and Cosmetology Act, California Business and Professions Code Section 7300 et seq. while performing activities encompassed by such professional licenses, except that this exemption applies solely for the massaging of the neck, face, head and/or scalp of the customer or client of a barber, cosmetologist, or esthetician, or in the case of a licensed manicurist, the massaging of the forearms, hands, calves and/or feet;

C. Hospitals, nursing homes, sanatoriums, or other health facilities duly licensed by the State of California, or activities engaged in by employees of such facilities in the

course of their employment while working on the premises of such State-licensed facilities;

D. Coaches or trainers employed by accredited junior high schools, high schools, junior colleges, colleges, or universities, while acting within the scope of such employment, as well as trainers of amateur, semi-professional or professional athletes or athletic teams while acting in that capacity;

E. Schools of cosmetology or barbering which comply with the requirements of California Business and Professions Code Section 7362 et seq.;

F. Schools of massage approved by CAMTC pursuant to Business and Professions Code Section 4601(a); and

G. Any business where only seated massage is administered, subject to the following conditions:

1. Seated massage shall only be performed by a certified massage practitioner,
2. Seated massage shall only be performed in areas open to the public view,
3. Seated massage shall not be performed as a home occupation within any residential zone in the city.

4-28.110 Transfer and duration of operator's permits.

No operator's permit may be sold, transferred, or assigned by a permittee, or by operation of law, to any other person. Any attempt to sell, transfer, or assign an operator's permit shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the City Manager, shall be placed in the name of the surviving partners. An operator's permit issued to a corporation or limited liability company shall be deemed terminated and void when either any outstanding stock or membership interest of the corporation or limited liability company is sold, transferred, or assigned after the issuance of a permit, or any stock or membership interest authorized but not issued at the time of the granting of a permit is thereafter issued or sold, transferred, or assigned.

A. An operator's permit shall be valid for and expire in twelve (12) months from the date of issuance, unless earlier suspended or revoked.

B. An application for renewal of an operator's permit shall be filed with the Director no later than sixty (60) days prior to the expiration of the twelve-month permit term to prevent lapse of the permit. The renewal application shall be accompanied by an appropriate filing fee established by the City Council, which represents the city's reasonable cost to process the renewal application and provide regulatory functions

necessary to enforce this chapter, including without limitation inspections of massage establishment, and an appropriate filing fee as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's costs to conduct an investigation.

C. Each applicant for renewal of an operator's permit shall provide such information as may be required by the Director and/or Chief of Police Services to update the information contained in the original permit application.

4-28.120 Suspension, revocation, denial and appeal.

Violation and Noncompliance. After an investigation, notice and opportunity to be heard, the City Manager may refuse to renew an operator's permit or may revoke or suspend an existing operator's permit on the grounds that the permittee has failed to comply with the requirements of this chapter. If the term of a suspended permit expires during the suspension period, a new application must be made at the end of the suspension period. In any such case, the permittee shall have the right to appeal a decision of the City Manager in the time and manner set forth in this section.

A. Revocation and Suspension of Operator's Permit.

1. The City Manager may revoke or refuse to renew an operator's permit if he or she makes any of the findings for denial of a permit under Section 4-28.050, upon any violation of subsections (A) or (C) of Section 4-28.030, upon any violation of subsections (B)(8) or (B)(16) of Section 4-28.060, upon any violation of Section 4-28.060(C), or upon any subsequent violation of any provision of this chapter within one (1) year following prior suspension under subsection (B)(2) of this section, or upon demonstrated inability to operate or manage the massage establishment in a law abiding manner, thus necessitating action by law enforcement officers.

2. The City Manager may suspend an operator's permit for a period of ninety (90) days for each violation of Section 4-28.060 of this chapter not listed in subsection A(1) above.

B. Notice.

When the City Manager concludes that grounds for denial, suspension, revocation, or refusal to renew an operator's permit exist, the City Manager shall serve the operator, either personally or by certified mail, with proof of service, addressed to the business or residence address of the operator, with a notice of denial or notice of intent to suspend, revoke or refuse to renew the operator's permit. This notice shall state the reasons for the proposed action, the effective date of the decision, the right of the applicant or permittee to appeal the decision of the City Manager, and that the decision will be final, if no appeal is filed within the time permitted.

C. Appeal.

1. The right to appeal the decision of the City Manager to deny, suspend, revoke, or refuse to renew an operator's permit shall terminate upon the expiration

of fifteen (15) days from the date of mailing of the notice of intent to suspend, revoke or refuse to renew the operator's permit.

2. Requests for appeal must be in writing and filed with the City Manager. If an appeal is timely filed by the applicant or permittee, the matter will be scheduled for a hearing before a city-appointed administrative hearing officer within sixty (60) days. In any such event, the suspension, revocation or refusal to renew shall not be in effect until a final decision has been rendered by the hearing officer. If no appeal is filed, the suspension, revocation or refusal to renew shall become effective upon expiration of the period for filing appeals.

3. The appellant shall be entitled to notice of the basis for the proposed action, a copy of the documents upon which the City Manager's decision was based, and the opportunity to present contrary evidence at the hearing.

4. Notice of the date, time, and place of the hearing shall be mailed at least ten (10) days prior to the date of the hearing, by the U.S. Mail, with proof of service attached, addressed to the address listed on the massage establishment application, or, the address given in the request for appeal, as the case may be.

5. The city-appointed administrative hearing officer shall conduct the hearing on appeal, receive relevant evidence, and shall decide whether to uphold the City Manager's decision to refuse to renew, revoke, or suspend the operator's permit. Within forty-five (45) days after the conclusion of the hearing, the hearing officer shall file with the City Manager, a written decision, supported by written findings based on the evidence submitted, and a statement of his/her decision. A copy of such report shall be mailed to the appellant on the same day it is filed with the City Manager. The decision of the hearing officer shall become effective three (3) days after its mailing to the appellant. The decision of the hearing officer shall be final.

6. The following rules of evidence shall apply:

a. Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths, and to receive and rule on admissibility of evidence.

b. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness.

c. Technical rules relating to evidence and witnesses shall not apply to administrative hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any

evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, undue, and repetitious testimony shall be excluded.

7. No operator's permit granted herein shall confer any vested right to any person or business for more than the permit period. All massage establishment owners, operators, managers, and employees subject to this chapter shall comply with the provisions of this chapter as they may be amended hereafter.

4-28.130 Application to existing massage establishment.

Each owner or operator of a massage establishment doing business in the city on the effective date of this chapter is subject to the licensing and operational standards set forth in this chapter.

A. Each owner or operator of a massage establishment doing business in the city with an operator's permit on the effective date of this chapter may continue under its current operator's permit unless otherwise revoked or suspended pursuant to the provisions of this chapter.

B. Each owner or operator of a massage establishment doing business in the city without an operator's permit on the effective date of this chapter shall file an application for an operator's permit no later than one hundred twenty (120) days following the effective date of this chapter.

4-28.140 Violation—Penalty.

A. Violators of this chapter may be cited and enforcement action taken pursuant to the provisions of Chapter 1-32 of this code.

B. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal, and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting, or maintaining a massage establishment contrary to the provisions of this chapter.

SECTION 2. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be

declared invalid or unconstitutional.

SECTION 3. The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

SECTION 4. 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 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen 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 this 22nd day of November 2016

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2016- was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 25th day of October 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the 22nd day of November 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

MELISSA AU-YEUNG, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. 2016-, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA AMENDING AND RESTATING CHAPTER 4-28 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO THE REGULATION OF MASSAGE ESTABLISHMENTS

on the 4th day of November 2016, was published in summary in the Saddleback Valley News and on the ___ day of November 2016, was published in summary in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the 28th day of October 2016, caused to be posted in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

MELISSA AU-YEUNG, CITY CLERK
Laguna Hills, California



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: October 25, 2016

TO: Mayor and Council Members

FROM: David Chantarangsu
Community Development Director

ISSUE: First Reading and Introduction of an Ordinance Amending and Restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code Relating to the Regulation of Massage Establishments

RECOMMENDATION: That the City Council introduce for first reading, read by title only, and waive further reading an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, amending and restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code relating to the regulation of massage establishments."

SUMMARY:

The proposed Ordinance would amend and restate Chapter 4-28 (Massage Establishments) of Title 4 (Business Regulations) of the Laguna Hills Municipal Code. Revisions to existing Chapter 4-28 are recommended in response to Senate Bill 731 and Assembly Bill 1147 regarding regulations and licensing for massage therapists and massage establishments. The proposed Ordinance would impose permit requirements and restrictions that are reasonably necessary to protect the health, safety, and welfare of the citizens of the City and would facilitate meaningful and effective regulation of massage establishments.

BACKGROUND:

In 2008, the state legislature adopted Senate Bill 731, Section 4600 *et seq.* of the Business and Professions Code (SB 731). SB 731 created the California Massage Therapy Council (CAMTC) to oversee the certification of massage therapists. This legislation effectively limited the ability of local governments to regulate massage services. In substantive part, SB 731:

- Prohibited the City from adopting ordinances, regulations, rules, requirements, restrictions, or land use and zoning regulations applicable to massage establishments that varied from the requirements applicable to other businesses providing professional services; and
- Prohibited the City from regulating massage businesses that utilized CAMTC-certified massage therapists exclusively to provide massage services.

Since the enactment of SB 731, the City has experienced a proliferation of massage establishments. In 2008, there were twelve (12) massage establishments located in the City; presently there are twenty-nine (29). Reports from other California cities show that the enactment of SB 731 has had an unintended consequence of causing the proliferation of illicit massage establishments that are fronts for prostitution and may also be involved in human trafficking. Numerous massage establishments commonly advertise their services on adult-only websites using suggestive language and provocative photographs of scantily-clad women. Additionally, numerous massage establishments generate reviews on websites where patrons can post reviews and information regarding the sexual services provided at these establishments.

Responding to the concerns of local governments, the state legislature adopted Assembly Bill 1147 (AB 1147 also known as "the Massage Therapy Act"). AB 1147 restores local regulatory authority over massage establishments by allowing local governments to impose reasonable conditions on the operation of massage establishments. Under AB 1147 responsibility for massage regulation is divided between CAMTC, which regulates the practice of massage and certifies individual massage therapists, and local governments, which are now once again expressly authorized to regulate massage establishments through land use, business licensing, and permitting requirements.

The proposed Ordinance would amend and restate Chapter 4-28 (Massage Establishments) of Title 4 (Business Regulations) of the Laguna Hills Municipal Code in accordance with the Massage Therapy Act. The proposed changes would: (1) eliminate existing municipal code provisions requiring local massage technician permits, which are preempted by state law; (2) require all persons providing massage services in the City to be CAMTC certified; (3) require all existing and new massage establishments to obtain a City massage establishment operator's permit; and (4) impose operational standards for massage establishments concerning facilities, operations, and prohibited conduct. Significant elements of the proposed Ordinance include:

1. No massage establishment may be conducted as a home occupation within a residential zone. (4-28.050(E) and 4-28.090)
2. No new massage establishment may open for business at a location for a period of twelve (12) months where either: (a) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee; (b) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit, which revocation or refusal to renew decision was upheld by an administrative hearing officer on appeal; or (c) a massage establishment previously operating at the same address was voluntarily closed and/or the provision of massage services at the address discontinued after the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee. (4-28.050(F)-(H))
3. A notice regarding patron privacy must be posted in every massage establishment. (4-28.060(A)(4))
4. No part of a massage establishment may be used for residential or sleeping purposes. (4-28.060(A)(13))

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5. A notice regarding slavery and human trafficking must be posted in every massage establishment. (4-28.060(A)(14))
6. Hours of operation are limited to 7:00 a.m. to 10:00 p.m. (4-28.060(B)(1))
7. No massage establishment may be open for business without having at least one CAMTC-certified massage therapist and a designated manager present. (4-28.060(B)(6) and (8))
8. Each massage therapist must carry and have on their persons, visible for the patron to see, a valid CAMTC-issued identification card. (4-28.060(B)(9))
9. No alcoholic beverages or controlled substances may be sold, served, furnished, kept, consumed, or possessed on the premises of a massage establishment. (4-28.060(B)(16))
10. Each owner, operator, and manager is responsible for the conduct of all employees on the premises of the massage establishment for purposes of determining whether to suspend, revoke, or refuse to renew an operator's permit. (4-28.060(C)(1))
11. No employee may engage in any form of "unprofessional conduct" as defined by the Massage Therapy Act, including prohibition against engaging in any form of sexual activity while providing massage services for compensation. (4-28.030(C)(5))
12. Dress attire restrictions consistent with the Massage Therapy Act. (4-28.030(C)(6))
13. City officials may make reasonable inspections of massage establishments. (4-28.070)

Since 2008, when AB 731 preempted local regulation of massage services, the number of massage establishments in the City has more than doubled. The proposed Ordinance, inclusive of the provisions outlined above, is intended to provide the City with tools that are reasonably necessary to protect the health, safety, and welfare of the citizens of the City. The proposed Ordinance would facilitate meaningful and effective regulation of massage establishments while, at the same time, updating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code in accordance with the Massage Therapy Act.

CEQA FINDINGS:

Environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If approved, the proposed Ordinance would regulate massage establishments in accordance with state law and would not have a significant or indirect effect on the environment.

FISCAL IMPACT:

Enforcement of the Ordinance may have fiscal implications related to the expenditure of staff time and resources toward the enforcement of this Ordinance, particularly in the first year of implementation.

ATTACHMENTS:

- Attachment 1 - Proposed Ordinance

Attachment 1 – Proposed Ordinance



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAGUNA HILLS,
CALIFORNIA, AMENDING AND RESTATING CHAPTER 4-
28 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE
RELATING TO THE REGULATION OF MASSAGE
ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of Laguna Hills ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

WHEREAS, in 2008, the state legislature adopted Senate Bill 731 ("SB 731"), Section 4600 *et seq.* of the Business and Professions Code, relating to voluntary statewide certification of massage practitioners and therapists, and restricting local control of massage establishments; and

WHEREAS, SB 731 precluded cities from imposing local licensing and regulatory requirements on massage establishments that utilized state-certified massage therapists and practitioners exclusively; and

WHEREAS, the enactment of SB 731 has had an unintended consequence of causing the proliferation of illicit massage establishments that are fronts for prostitution and may also be involved in human trafficking; and

WHEREAS, like most cities in California, since the enactment of SB 731 the City has experienced a proliferation of massage establishments. In 2008, twelve (12) massage establishments were located within the City; there are presently twenty-nine (29) massage establishments in the City, some of which are suspected allowing sexually explicit activity to occur on the premises, including prostitution and that commonly advertise their services online using suggestive language and provocative photographs of scantily-clad women; and

WHEREAS, Assembly Bill 1147, signed by Governor Jerry Brown, and referred to as the "Massage Therapy Act", was enacted in response to criticism against SB 731 and restores local regulatory authority over massage establishments by allowing cities to impose reasonable conditions on the operation of massage establishments; and

WHEREAS, the City seeks to amend the Laguna Hills Municipal Code to conform to the requirements of the Massage Therapy Act and to regulate the business of massage to the extent authorized by the Massage Therapy Act by imposing permit

requirements and restrictions that are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, it has been the experience of the City that illicit massage establishment operators have repeatedly evaded meaningful and effective regulation by simply transferring ownership of a massage business following the City's commencement of operator's permit revocation or non-renewal proceedings for cause, with a continuation of illicit services being provided thereafter at the same location and often with the same management and staff; and

WHEREAS, this Ordinance will facilitate meaningful and effective regulation of massage establishments by prohibiting any new massage establishment from opening for business at a location for a period of twelve (12) months where either: (1) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee; (2) the City has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit, which revocation or refusal to renew decision was upheld by an administrative hearing officer on appeal; or (3) a massage establishment previously operating at the same address was voluntarily closed and/or the provision of massage services at the address discontinued after the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee; and

WHEREAS, the permit requirements and restrictions imposed by this Ordinance are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, there is a significant risk of injury to massage clients by improperly trained and/or educated massage therapists and this Ordinance provides reasonable safeguards against injury and economic loss; and

WHEREAS, the regulations and restrictions contained in this Ordinance reduce the burdens on the City's police personnel and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws be enforced.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.28 (Massage Establishments) of Title 4 (Business Regulations) of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 4-28 MESSAGE ESTABLISHMENTS

Sections:

<u>4-28.010</u>	Findings and purpose.
<u>4-28.020</u>	Definitions.
<u>4-28.030</u>	State certification and operator's permit required.
<u>4-28.040</u>	Application for operator's permit.
<u>4-28.050</u>	Operator's permit issuance and denial.
<u>4-28.060</u>	Operational requirements.
<u>4-28.070</u>	Inspection by city official.
<u>4-28.080</u>	Out-call massage.
<u>4-28.090</u>	Home occupation prohibited.
<u>4-28.100</u>	Exemptions.
<u>4-28.110</u>	Transfer and duration of operator's permits.
<u>4-28.120</u>	Suspension, revocation, denial and appeal.
<u>4-28.130</u>	Application to existing massage establishment.
<u>4-28.140</u>	Violation—Penalty.

4-28.010 Findings and purpose.

The City Council finds and declares as follows:

- A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.
- B. The city is authorized, by virtue of Section 7 of Article XI of the California Constitution, California Business and Professions Code Sections 460(c), 4612(b) and 16000, and California Government Code Section 51030 *et seq.*, as may be amended from time to time, to regulate massage establishments by imposing reasonable conditions on the operation of massage establishments.
- C. There is a significant risk of injury to massage clients by improperly trained and/or educated massage technicians and this chapter provides reasonable safeguards against injury and economic loss.
- D. Massage establishments present an opportunity for acts of prostitution, human trafficking, and the use and sale of illegal drugs. Such illegal activity has been documented by police reports in cities in Orange County, including but not limited to Garden Grove, Huntington Beach, and Lake Forest, which have several massage establishments. Courts have long recognized massage as a pervasively regulated activity and that some massage establishments are brothels in disguise. The enactment of reasonable standards and restrictions on the operation of massage establishments will serve to reduce the risk of illegal activity.

E. The regulations and restrictions contained in this chapter reduce the burdens on the city's police personnel and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws be enforced.

F. The regulations and restrictions contained in this chapter tend to discourage massage establishments from degenerating into houses of prostitution or sites for illegal drug use and sales; the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved.

4-28.020 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Acupressure" means the act of applying manual pressure to parts of the body with the intention of treating illness and/or disease or relieving pain.

"Application Filing Fees" means (1) the appropriate filing fee(s) established by the City Council, which represents the city's reasonable cost to process an application for a new or renewed massage establishment operator's permit and provide regulatory functions necessary to enforce this chapter, including without limitation inspections of massage establishments, and (2) the appropriate filing fee(s) as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's cost to conduct an investigation in connection with an application for a new or renewed massage establishment operator's permit.

"CAMTC" means the California Massage Therapy Council, a non-profit organization formed pursuant to California Business and Professions Code Section 4600 *et seq.*

"Certified massage practitioner" means any individual certified by CAMTC as a certified massage practitioner or as a certified massage therapist pursuant to California Business and Professions Code Section 4600 *et seq.*

"Chief of Police Services" means the Chief of Police Services of the city of Laguna Hills or the member of the Orange County Sheriff's Department who serves as the commanding officer for the area of Orange County which includes the city of Laguna Hills, or his or her designee.

"City Council" means the City Council of the city of Laguna Hills.

"City Manager" means the City Manager of the city of Laguna Hills, or the City Manager's designee.

"Conviction" and "convicted" means a plea or verdict of guilty or a conviction following a plea of *nolo contendere*.

"Director" means the Community Development Director or the Community Development Director's designee.

"Employee" includes every owner, partner, operator, manager, supervisor, person and worker, whether paid or not, full-time or part-time, who renders personal services of any nature or is otherwise employed or retained in support of the operation of a massage establishment. For purposes of this chapter, the term "employee" includes independent contractors. Additionally, the term "employee" shall also include certified massage practitioners who provide massage, whether as independent contractors or otherwise, in or for a massage establishment.

"Manager" means a person or persons designated or authorized by the owner or operator of the massage establishment to act as the representative and agent of the owner or operator in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management may include, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules, or purchase supplies. A manager may also be an owner or operator. A massage establishment may have more than one manager.

"Massage" or "massage services" means any method of applying pressure on, causing friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, acupressure, or bodywork, stimulating, compression on or movement of the external parts of the human body of another, either directly with the hands or some other body part, with or without the aid of or by means of any mechanical or electrical apparatus, hot stones, or other appliance or device, for money or any form of consideration. Massage may incorporate supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations commonly used in this practice.

"Massage establishment" means any business or establishment with a fixed location within the city of Laguna Hills where any individual, firm, association, partnership, limited liability company, corporation, or combination of individuals, offers, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage services within the city, including the business office of a sole provider who provides massage services at such business office. Any type of business or establishment at which massage services are provided shall be considered a massage establishment for purposes of this chapter, regardless if the business holds itself out as something other than a massage establishment and/or also offers or provides other types of products or services. Any business or establishment that offers any combination of massage services and sauna facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage establishment under this chapter.

"Operator's permit" means the permit required pursuant to the provisions of this chapter to operate a massage establishment.

"Out-call massage" means the provision of massage at a location other than at a massage establishment. Such locations may include, but are not limited to, hotel rooms, offices, business establishments, or patron residences.

"Owner" or "operator" means any and all persons who have an ownership interest in a massage establishment who are responsible, in whole or in part, for its day-to-day operations including, but not limited to, any of the following persons: the sole proprietor of a sole proprietorship, any general or limited partner of a general or limited partnership, any shareholder of a corporation, any member or manager of a limited liability company.

"Person" means any individual or combination of individuals, sole proprietor, firm, association, partnership, corporation, limited liability company, joint venture, or other entity.

"Police Services Department" means the Police Services Department of the city of Laguna Hills, under contract with the Orange County Sheriff's Department.

"Seated massage" means any massage of the neck, arms, hands, shoulders, head, scalp and back area above the waist where the patron is fully clothed, sitting in a special chair designed for upper body massage and performed without the use of supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations commonly used in the practice of massage.

"Sole provider" means any legal form of business organization where the business owner owns 100% of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active state certificate, and has no other employees or independent contractors.

"State certification" or "state certificate" means a valid and current certificate issued by CAMTC pursuant to California Business and Professions Code Section 4600 *et seq.*, as may be amended from time to time.

4-28.030 State certification and operator's permit required.

A. Except as otherwise provided in Section 4-28.100, no individual shall engage in, conduct, carry on, administer, provide, practice or perform massage services within the city of Laguna Hills without first obtaining and thereafter maintaining state certification and presenting proof of such state certification, in accordance with the provisions of this chapter.

B. Except as otherwise provided in Section 4-28.100, no person shall engage in, conduct or carry on, or permit to be engaged, conducted, or carried on in or upon any premises within the city of Laguna Hills, the operation of a massage establishment without first obtaining and thereafter maintaining an operator's permit pursuant to this chapter, and without otherwise complying with the provisions of this chapter and Title 9 of this code.

C. No owner, operator or manager shall employ as an employee or otherwise retain any individual to conduct, carry on, administer, provide, practice or perform massage services within the city of Laguna Hills unless such individual has a state certificate. For

purposes of this chapter, an owner, operator or manager employs or retains an individual if: (1) that individual is a directly paid employee of the massage establishment; (2) that individual's association with the massage establishment is that of an independent contractor who receives compensation for massage services provided to patrons of the massage establishment; or (3) that individual receives a patron referral(s) from the massage establishment and arranges in any way for compensation to flow to such owner, operator, manager or massage establishment.

D. No operator's permit shall be issued to a person pursuant to this chapter unless: (1) the massage establishment is located and conducted within a zoning district that permits such uses; and (2) a certificate of use and occupancy permit ("COUO") has been issued for the by the city for the massage establishment, and all applicable COUO fees, established by resolution of City Council, have been paid.

4-28.040 Application for operator's permit.

A. Any person desiring an operator's permit for a massage establishment business shall file a written application on the required form with the Director, who shall process the application. The application shall be accompanied by an appropriate filing fee established by the City Council, which represents the city's reasonable cost to process the application and provide regulatory functions necessary to enforce this chapter, including without limitation inspections of massage establishment, and an appropriate filing fee as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's costs to conduct an investigation, collectively referred to herein as the "Application Filing Fees". The application shall be completed and signed by the operator of the proposed massage establishment, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; one member or one manager, if the operator is a limited liability company; and one participant, if the operator is a joint venture. The application for an operator's permit does not authorize operation of a massage establishment unless and until such permit has been properly granted. The application shall contain or be accompanied by the following:

1. The type of legal entity or entities owning the proposed massage establishment, i.e., whether a sole proprietorship, partnership, limited liability company, corporation, or otherwise. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each shareholder holding more than five (5) percent of the stock of that corporation. If the applicant is a limited liability company, the name of the limited liability company shall be set forth exactly as shown in its articles of organization or other organizational document together with the state and date of organization and the names and residence addresses of each of its current officers and directors, and of each member or other person who has an ownership interest in the limited liability company. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If it is a limited partnership, it shall furnish a copy of its certificate of limited partnership

filed with the Secretary of State. If one or more of the partners is a corporation or limited liability company, the provisions of this subsection pertaining to corporations and limited liability companies shall apply. An applicant that is a corporation, limited liability company or partnership shall designate one of its officers, members, managers, or general partners to act as its responsible managing officer. Such designated individual shall complete and sign all application forms required for an individual applicant under this chapter, but the Application Filing Fees shall only be charged once in connection with the application.

2. The precise name under which the massage establishment is to be conducted.
3. The present or proposed address and telephone numbers of the massage establishment.
4. A complete list of the names and residence addresses of all current or proposed employees of the massage establishment and the name and residence address of each manager proposed to be principally in charge of the operation of the massage establishment.
5. True and correct copies of a valid and current state certificate and CAMTC-issued identification card for each employee proposed to provide massage services at the massage establishment.
6. A description of any other business to be operated on the same premises as the massage establishment.
7. The name, address, and description of any other business within the city or the state, which is owned or operated by the applicant.
8. The following personal information concerning the applicant:
 - a. Full complete name and all aliases used by the applicant.
 - b. A valid and current driver's license and/or identification card issued by a state or federal government agency or other photographic identification bearing a bona fide seal by a foreign government.
 - c. Current residential address and all previous residential addresses for eight years immediately preceding prior to the present address of the applicant.
 - d. Date of birth.
 - e. Height, weight, color of hair, eyes, and sex.

- f. Two front faced portrait photographs at least two inches by two inches in size taken within thirty (30) days of submission of the application.
 - g. The applicant's complete business, occupation, and employment history for eight years preceding the date of application, including, but not limited to, the massage or similar business history and experience of the applicant.
 - h. The complete massage permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether any such permit or license was ever denied, revoked, or refused to be renewed and the reason therefore.
 - i. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, and the date and place of each such conviction and reason therefor.
 - j. A complete set of fingerprints taken by the Police Services Department.
9. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property, and that the massage establishment shall be subject to this chapter.
10. A statement signed by the applicant authorizing the city, its officers, agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and to ensure compliance with the provisions of this chapter.
11. A statement signed by the applicant confirming that the massage establishment shall only employ as employees certified massage practitioners to provide, perform, and administer massage services at the massage establishment.
12. A statement signed by the applicant acknowledging that the applicant, owner(s), operator(s) and manager(s) shall each be responsible for the conduct of all employees on the premises of the massage establishment, and that failure to comply with this chapter, or any local, state, or federal law, including California Business and Professions Code section 4600 et seq. (Massage Therapy Act), may result in the suspension, revocation, or non-renewal of the operator's permit and civil, administrative, or criminal penalties.
13. Such other identification and information as the Director and/or Chief of Police Services may require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

14. A statement signed by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

B. If, during the term of an operator's permit, the permittee has any change in information submitted on the original or renewal application, the permittee shall notify the Director in writing of such change within ten (10) business days thereafter.

4-28.050 Operator's permit issuance and denial.

Upon receipt of a complete application for an operator's permit the Chief of Police Services shall conduct an investigation to ascertain whether such permit should be issued as requested. The Chief of Police Services shall report his or her findings to the Director and the Director shall make a recommendation to the City Manager for action on the permit. The City Manager shall, within sixty (60) days of receipt of a complete application, approve, conditionally approve, or deny the application. The sixty (60) day period shall not commence unless and until the Director deems the application complete. The sixty (60) day period may be extended by the City Manager at the request of the Chief of Police Services for up to thirty (30) additional days, to complete the investigation. The City Manager shall issue such permit as requested, unless he or she makes any of the following findings:

A. The applicant, if an individual; any of the officers or directors of the corporation, if the applicant is a corporation; any of the managers or officers of the company, if the applicant is a limited liability company; any partner, if the applicant is a partnership; or any manager or employee of the massage establishment, has within eight (8) years preceding the date of the application:

1. Been convicted of a violation of Sections 236.1 (Human trafficking), 266h (Pimping and pimping of a minor), 266i (Pandering and pandering with a minor), 314 (Lewd or obscene conduct; indecent exposure), 315 (Keeping or residing in a house of ill-fame), 316 (Keeping of disorderly houses), 318 (Place of illegal gambling or prostitution), Subsections (a) or (b) of Section 647 (Solicitation of lewd conduct or prostitution) of the California Penal Code, or any other provision of law pursuant to which a person is required to register under the provisions of Section 290 (Sex Offender Registration Act) of the California Penal Code, or being required to register as a sex offender in any other state, or when the prosecution accepted a plea of guilty or nolo contendere to a charge or violation of any lesser included or lesser related offense, in satisfaction of or as a substitute for, any of the previously listed crimes.

2. Been convicted of a felony offense involving the sale of a controlled substance specified in California Health and Safety Code Sections 11054 (Schedule I), 11055 (Schedule II), 11056 (Schedule III), 11057 (Schedule IV), or 11058 (Schedule V), or has been convicted in any other state of any offense that, if committed or attempted in the State of California, would have been punishable as one or more of the aforementioned offenses.

3. Been convicted of any offense in any other state that is the equivalent of any of the offense set forth in this Section 4-28.050.
 4. Engaged in conduct in another jurisdiction which, if it had occurred within the city, would constitute grounds for denial, revocation or non-renewal of an operator's permit under this chapter.
 5. Been subjected to a permanent injunction against the conducting or maintaining of nuisance pursuant to Sections 11225 through 11235 of the California Penal Code (Red Light Abatement Law), or any similar provisions of law in a jurisdiction outside the state.
 6. Engaged in conduct which would constitute an offense as described in subsection (A)(1) of this section.
 7. Committed an act in another jurisdiction which if committed in this state would have been a violation of law and/or, which, if done by a permittee under this chapter, would be grounds for denial, revocation or non-renewal of the operator's permit.
 8. Committed any act involving fraud, deceit, dishonesty, corruption, moral turpitude or violence, which act or acts are substantially related to the qualifications, functions, or duties of a massage establishment operator.
 9. Has had a massage operator's permit or other similar license or permit denied, revoked, or refused to be renewed for cause by a licensing authority or by any other city, county, or state.
 10. Been convicted of any felony, misdemeanor, infraction, or municipal code violation, or held liable in any administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a massage establishment operator.
- B. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the city in the permit application process.
- C. The application does not contain all of the information required by Section 4-28.040 of this chapter.
- D. The massage establishment as proposed does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.
- E. The massage establishment is proposed to be conducted as a home occupation within a residential zone.
- F. Within a twelve (12) month period prior to the submittal of the application, the city has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to

revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee in accordance with the appeal procedures set forth in this chapter.

G. Within a twelve (12) month period prior to the submittal of the application, the city has revoked or refused to renew an operator's permit for a massage establishment previously operating at the same address following the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit, which revocation or refusal to renew decision was upheld by an administrative hearing officer on appeal in accordance with the appeal procedures set forth in this chapter.

H. Within a twelve (12) month period prior to the submittal of the application, a massage establishment previously operating at the same address was voluntarily closed and/or the provision of massage services at the address discontinued after the issuance of a notice of intent to revoke the operator's permit or a notice of intent to refuse to renew the operator's permit and a timely appeal was not filed by the permittee in accordance with the appeal procedures set forth in this chapter.

I. The application was filed within six (6) months from the date a previous application by the applicant that was denied for failure to comply with subsections (B) or (C) of this section.

4-28.060 Operational requirements.

Each owner, operator and manager shall be responsible for ensuring compliance with the following operational requirements, which shall apply to all massage establishments:

A. Facilities

1. No massage establishment shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, shades or any other material that obstructs, blurs or darkens the view into the massage establishment.
2. The hours of operation shall be displayed in a conspicuous place in the reception area and in any front window clearly visible from outside of the massage establishment. Patrons and visitors shall be permitted in the massage establishment only during the posted hours of operation.
3. Front doors used for patron access shall remain unlocked during business hours unless the massage establishment is a business entity owned by one individual with only one or no employees. All doors leading into rooms where massage is performed shall remain unlocked during business hours. Internal offices or areas where cash or valuables are stored may be locked.

4. The following notice in a minimum 16-point font shall be displayed in an accessible and conspicuous public place in the reception area of the massage establishment and in each room where massage is performed:

NOTICE TO ALL PATRONS: THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY LAW ENFORCEMENT AND AUTHORIZED CITY OF LAGUNA HILLS PERSONNEL WITHOUT PRIOR NOTICE.

5. Minimum lighting shall be provided in accordance with the city's electrical code and, in addition, at least one artificial light of not less than 40 watts shall be provided in each room or enclosure where massage is performed and shall be activated at all times while a patron is in such room or enclosure.

6. Closed cabinets or other covered space shall be provided and utilized for the storage of clean linens, and receptacles acceptable to the city shall be provided for the deposit of soiled linen.

7. The walls in all rooms where water or steam baths are given shall have a washable, mold-resistant surface.

8. A minimum of one toilet and one separate wash basin shall be provided for patrons in each massage establishment, which basin shall provide soap or detergent and hot running water at all times. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom hand wash sink. A trash receptacle shall be provided in each toilet room. Showers may be provided at the operator's option.

9. All massage establishments shall have clean and sanitary towels, sheets and linens in sufficient quantity to meet the requirements of this chapter. Reuse of towels, sheets and linens is prohibited unless the same have first been laundered. Heavy white paper may be substituted for sheets, provided that such paper is used only once and then discarded into a sanitary receptacle.

10. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities including appliances and apparatuses for the massage establishment shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

11. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in the performance of massage and the instruments shall be disinfected and sterilized after each use.

12. A massage table shall be provided in each massage room or enclosure and the massage shall be performed on this massage table. The tables shall have a minimum height of eighteen (18) inches. Two-inch thick foam pads with a maximum width of four feet may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible beds are not permitted on the premises.

13. No part of the massage establishment shall be used for residential or sleeping purposes.

14. A sign, measuring at least 8.5 inches by 11 inches in size, containing the following written notice in minimum 16-point font, shall be posted in a conspicuous place near the public entrance of the massage establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted, displayed in English, Vietnamese, Mandarin, Spanish, Cantonese, and Korean:

SLAVERY AND HUMAN TRAFFICKING NOTICE (Cal. Civil Code § 52.6)

If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity – call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California Law.

The hotlines are:

- **Available 24 hours a day, 7 days a week.**
- **Toll-free.**
- **Operated by nonprofit, nongovernmental organizations.**
- **Anonymous and confidential.**
- **Accessible in more than 160 languages.**
- **Able to provide help, referral to services, training, and general information.**

B. Operations

1. No massage establishment shall be kept open for business or operated between the hours of ten (10:00) p.m. and seven (7:00) a.m.

2. A register of all certified massage practitioners who are currently providing, or who have previously provided, massage services on the premises, showing the names, nicknames, and aliases used by such employees, along with the dates of

their employment and termination, if applicable, and copies of each certified massage practitioner's current state certificate and CAMTC-issued identification card, shall be maintained on file on the premises of each massage establishment, and shall be made available upon request to any individual, including but not limited to, any regulatory official of the city.

3. Within ten (10) business days of a massage establishment hiring or contracting with a new certified massage practitioner to provide massage services, written notice of the name and residential address of the new employee and copies of his or her current state certificate and CAMTC identification card shall be filed with the Director.

4. Written notice shall be provided to the Director within ten (10) business days of the expiration, revocation, suspension, or surrender of an employee's state certification, and no employee whose state certification is expired, revoked, suspended, or surrendered shall be permitted to provide massage at the massage establishment until and unless valid state certification has been reestablished and notice and copies of such employee's current state certificate and CAMTC identification card have been provided to the Director.

5. All documents or information pertaining to a certified massage practitioner that is required to be maintained or provided pursuant to this Section 4-28.060(B) shall be maintained at the massage establishment for a minimum of two years following the date that a certified massage practitioner ceases providing massage at the massage establishment; such documents or information shall be provided to city regulatory officials upon demand.

6. A manager shall be present on the premises during all times that the massage establishment is open. A written statement designating the person or persons authorized to act as a manager shall be filed with the Director prior to commencement of operation of the massage establishment and within ten (10) business days of any managerial change.

7. The name of each on-duty manager and each on-duty certified massage practitioner shall be posted daily in an accessible and conspicuous public place in the reception area of the massage establishment.

8. No massage establishment shall be open for business without having at least one certified massage practitioner on the premises and on-duty.

9. Any and all employees providing massage services shall carry and have on their persons, visible for the patron to see, a current and valid CAMTC-issued identification card that was issued to them; such identification card shall be provided to city regulatory officials upon demand.

10. Any and all changes of address or ownership of a massage establishment shall be reported immediately to the Director. Operator's permits are issued to specific owners and for specific fixed locations only. A new operator's permit shall

be obtained prior to the proposed relocation of a massage establishment, opening of another location, or change in ownership of the massage establishment.

11. No massage establishment shall operate as a massage school, or use the same facilities as that of a massage school.

12. Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in an open and conspicuous public location in each massage establishment. All letters and numbers shall be capitals, and not less than one inch in height. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron. All arrangements for services to be performed shall be made in a room in the massage establishment which is not used for administration of massages, baths or health treatments, unless no other room exists in the massage establishment.

13. Any posted signs which are in a language other than English shall also be posted in English.

14. The operator's permit issued to the massage establishment shall at all times be displayed in an accessible and conspicuous public place in the reception area of the massage establishment.

15. Copies of the current state certificates held by the employees providing massage services at the massage establishment shall at all times be displayed in an accessible and conspicuous public place in the reception area of the massage establishment; such copies shall be provided to city regulatory officials upon demand.

16. No alcoholic beverages or controlled substances shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment.

C. Prohibited Conduct

1. Each owner, operator and manager shall be responsible for the conduct of all employees on the premises of the massage establishment. Any act or omission of any employee constituting a violation of any provision of this chapter shall be deemed the act or omission of each of the owners, operators and managers for purposes of determining: (a) compliance with this chapter; and (b) whether the operator's permit shall be suspended, revoked or renewed.

2. No owner, operator or manager shall hire, employ or allow any person to perform massage services unless such person possesses a valid and current state certificate. Each owner, operator and manager of a massage establishment shall have a continuing obligation to verify that all employees providing massage services hold the state certification required by this chapter.

3. No electrical, mechanical or artificial device shall be used by any massage establishment employee for audio and/or video recording or for monitoring the performance of a massage, of the conversation or of other sounds in the massage rooms or enclosures, without the prior written consent of the patron.
4. No employee shall violate the provisions of Section 647(b) of the California Penal Code (Solicitation of prostitution), or any other state law involving a crime of moral turpitude.
5. No employee shall engage in any form of unprofessional conduct as defined by Section 4609(a)(1) of the California Business and Professions Code, as may be amended from time to time, including without limitation:
 - a. Engaging in any form of sexual activity on the premises of a massage establishment.
 - b. Engaging in sexual activity while providing massage services for compensation.
 - c. Providing massage of the genitals or anal region.
 - d. Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider for such massage.
6. No employee shall dress, while engaged in the practice of massage, or while visible to patrons in the massage establishment, in any of the following:
 - a. Attire that is transparent, see-through, or substantially exposes the person's undergarments.
 - b. Swim attire, if not providing a water-based massage modality approved by CAMTC.
 - c. A manner that exposes the employee's breast, buttocks, or genitals.
 - d. A manner that constitutes indecent exposure in violation of Section 314 (Lewd or obscene conduct; indecent exposure) of the California Penal Code.
7. No employee shall expose their genitals, pubic region, buttocks, anus, or in the case of a female, her breasts below a point immediately above the top of the aureole, to the view of a massage establishment patron.
8. A massage establishment patron's genitals, anus, and in the case of a female, her breasts, except as may be permitted by subsection (C)(5)(d) of this section, must be fully covered at all times while a certified massage practitioner or other employee is present in the same room as the patron.

4-28.070 Inspection by city official.

Any duly authorized official of the city, including but not limited to, representatives of the Police Services Department, code enforcement officers, health officials and building and fire inspectors, shall have the right to enter any massage establishment premises from time to time during regular business hours prior to the issuance of an operator's permit and subsequently thereafter for the purposes of making reasonable inspections to ensure compliance with this chapter and any other applicable laws, including building, fire, electrical, plumbing or health and safety regulations.

4-28.080 Out-call massage.

No person shall perform an out-call massage in the city without possessing a valid and current state certificate.

4-28.090 Home occupation prohibited.

No person shall operate a massage establishment as a home occupation within any residential zone in the city.

4-28.100 Exemptions.

This chapter shall not apply to the following:

A. Healing arts professionals duly licensed pursuant to Division 2 (commencing with Section 500) of the California Business and Professions Code, including but not limited to physicians, surgeons, chiropractors, osteopaths, acupuncturists, physical therapists, physician assistants, or nurses while performing activities encompassed by such professional licenses and when other individuals under their direction and as an adjunct to their practice are engaging in any act, providing any treatment, or performing any procedure that falls within the professionally recognized scope of practices authorized by their respective professional licenses; however,

1. Massage technicians are required to be certified by CAMTC,
2. If the licensed healing arts professional's facility is used for the purpose of providing nonmedical massage, and/or an employee of the licensed healing arts professional is engaged in the business of massage on the same premises as the professional, the facility itself shall be licensed as a massage establishment pursuant to this chapter;

B. Cosmetologists, barbers, estheticians, or manicurists that are duly licensed pursuant to the California Barbering and Cosmetology Act, California Business and Professions Code Section 7300 et seq. while performing activities encompassed by such professional licenses, except that this exemption applies solely for the massaging of the neck, face, head and/or scalp of the customer or client of a barber, cosmetologist, or esthetician, or in the case of a licensed manicurist, the massaging of the forearms, hands, calves and/or feet;

C. Hospitals, nursing homes, sanatoriums, or other health facilities duly licensed by the State of California, or activities engaged in by employees of such facilities in the

course of their employment while working on the premises of such State-licensed facilities;

D. Coaches or trainers employed by accredited junior high schools, high schools, junior colleges, colleges, or universities, while acting within the scope of such employment, as well as trainers of amateur, semi-professional or professional athletes or athletic teams while acting in that capacity;

E. Schools of cosmetology or barbering which comply with the requirements of California Business and Professions Code Section 7362 et seq.;

F. Schools of massage approved by CAMTC pursuant to Business and Professions Code Section 4601(a); and

G. Any business where only seated massage is administered, subject to the following conditions:

1. Seated massage shall only be performed by a certified massage practitioner,
2. Seated massage shall only be performed in areas open to the public view,
3. Seated massage shall not be performed as a home occupation within any residential zone in the city.

4-28.110 Transfer and duration of operator's permits.

No operator's permit may be sold, transferred, or assigned by a permittee, or by operation of law, to any other person. Any attempt to sell, transfer, or assign an operator's permit shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the City Manager, shall be placed in the name of the surviving partners. An operator's permit issued to a corporation or limited liability company shall be deemed terminated and void when either any outstanding stock or membership interest of the corporation or limited liability company is sold, transferred, or assigned after the issuance of a permit, or any stock or membership interest authorized but not issued at the time of the granting of a permit is thereafter issued or sold, transferred, or assigned.

A. An operator's permit shall be valid for and expire in twelve (12) months from the date of issuance, unless earlier suspended or revoked.

B. An application for renewal of an operator's permit shall be filed with the Director no later than sixty (60) days prior to the expiration of the twelve-month permit term to prevent lapse of the permit. The renewal application shall be accompanied by an appropriate filing fee established by the City Council, which represents the city's reasonable cost to process the renewal application and provide regulatory functions

necessary to enforce this chapter, including without limitation inspections of massage establishment, and an appropriate filing fee as established by resolution of the Orange County Board of Supervisors, which represents the Orange County Sheriff's Department's costs to conduct an investigation.

C. Each applicant for renewal of an operator's permit shall provide such information as may be required by the Director and/or Chief of Police Services to update the information contained in the original permit application.

4-28.120 Suspension, revocation, denial and appeal.

Violation and Noncompliance. After an investigation, notice and opportunity to be heard, the City Manager may refuse to renew an operator's permit or may revoke or suspend an existing operator's permit on the grounds that the permittee has failed to comply with the requirements of this chapter. If the term of a suspended permit expires during the suspension period, a new application must be made at the end of the suspension period. In any such case, the permittee shall have the right to appeal a decision of the City Manager in the time and manner set forth in this section.

A. Revocation and Suspension of Operator's Permit.

1. The City Manager may revoke or refuse to renew an operator's permit if he or she makes any of the findings for denial of a permit under Section 4-28.050, upon any violation of subsections (A) or (C) of Section 4-28.030, upon any violation of subsections (B)(8) or (B)(16) of Section 4-28.060, upon any violation of Section 4-28.060(C), or upon any subsequent violation of any provision of this chapter within one (1) year following prior suspension under subsection (B)(2) of this section, or upon demonstrated inability to operate or manage the massage establishment in a law abiding manner, thus necessitating action by law enforcement officers.

2. The City Manager may suspend an operator's permit for a period of ninety (90) days for each violation of Section 4-28.060 of this chapter not listed in subsection B(1) above.

B. Notice.

When the City Manager concludes that grounds for denial, suspension, revocation, or refusal to renew an operator's permit exist, the City Manager shall serve the operator, either personally or by certified mail, with proof of service, addressed to the business or residence address of the operator, with a notice of denial or notice of intent to suspend, revoke or refuse to renew the operator's permit. This notice shall state the reasons for the proposed action, the effective date of the decision, the right of the applicant or permittee to appeal the decision of the City Manager, and that the decision will be final, if no appeal is filed within the time permitted.

C. Appeal.

1. The right to appeal the decision of the City Manager to deny, suspend, revoke, or refuse to renew an operator's permit shall terminate upon the expiration

of fifteen (15) days from the date of mailing of the notice of intent to suspend, revoke or refuse to renew the operator's permit.

2. Requests for appeal must be in writing and filed with the City Manager. If an appeal is timely filed by the applicant or permittee, the matter will be scheduled for a hearing before a city-appointed administrative hearing officer within sixty (60) days. In any such event, the suspension, revocation or refusal to renew shall not be in effect until a final decision has been rendered by the hearing officer. If no appeal is filed, the suspension, revocation or refusal to renew shall become effective upon expiration of the period for filing appeals.

3. The appellant shall be entitled to notice of the basis for the proposed action, a copy of the documents upon which the City Manager's decision was based, and the opportunity to present contrary evidence at the hearing.

4. Notice of the date, time, and place of the hearing shall be mailed at least ten (10) days prior to the date of the hearing, by the U.S. Mail, with proof of service attached, addressed to the address listed on the massage establishment application, or, the address given in the request for appeal, as the case may be.

5. The city-appointed administrative hearing officer shall conduct the hearing on appeal, receive relevant evidence, and shall decide whether to uphold the City Manager's decision to refuse to renew, revoke, or suspend the operator's permit. Within forty-five (45) days after the conclusion of the hearing, the hearing officer shall file with the City Manager, a written decision, supported by written findings based on the evidence submitted, and a statement of his/her decision. A copy of such report shall be mailed to the appellant on the same day it is filed with the City Manager. The decision of the hearing officer shall become effective three (3) days after its mailing to the appellant. The decision of the hearing officer shall be final.

6. The following rules of evidence shall apply:

a. Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths, and to receive and rule on admissibility of evidence.

b. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness.

c. Technical rules relating to evidence and witnesses shall not apply to administrative hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any

evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, undue, and repetitious testimony shall be excluded.

7. No operator's permit granted herein shall confer any vested right to any person or business for more than the permit period. All massage establishment owners, operators, managers, and employees subject to this chapter shall comply with the provisions of this chapter as they may be amended hereafter.

4-28.130 Application to existing massage establishment.

Each owner or operator of a massage establishment doing business in the city on the effective date of this chapter is subject to the licensing and operational standards set forth in this chapter.

A. Each owner or operator of a massage establishment doing business in the city with an operator's permit on the effective date of this chapter may continue under its current operator's permit unless otherwise revoked or suspended pursuant to the provisions of this chapter.

B. Each owner or operator of a massage establishment doing business in the city without an operator's permit on the effective date of this chapter shall file an application for an operator's permit no later than one hundred twenty (120) days following the effective date of this chapter.

4-28.140 Violation—Penalty.

A. Violators of this chapter may be cited and enforcement action taken pursuant to the provisions of Chapter 1-32 of this code.

B. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal, and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting, or maintaining a massage establishment contrary to the provisions of this chapter.

SECTION 2. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be

declared invalid or unconstitutional.

SECTION 3. The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

SECTION 4. 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 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen 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 this _____ day of
_____ 2016

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. _____ was duly introduced
and placed upon its first reading at a Regular Meeting of the City Council on the
_____ day of _____ 2016, and that thereafter, said Ordinance
was duly adopted and passed at a Regular Meeting of the City Council held on the
_____ day of _____ 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

MELISSA AU-YEUNG, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. _____, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA AMENDING AND RESTATING CHAPTER 4-28 OF TITLE 4 OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO THE REGULATION OF MASSAGE ESTABLISHMENTS

on the _____ day of _____ 2015, was published in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the _____ day of _____ 2015, caused to be posted in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

MELISSA AU-YEUNG, CITY CLERK
Laguna Hills, California



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Chair and Agency Members
FROM: Cindy Sands
Executive Assistant to City Manager
ISSUE: Approval of Minutes for October 25, 2016, Regular Meeting

RECOMMENDATION: That the Planning Agency approve the Minutes for the October 25, 2016, Regular Meeting.

ATTACHMENTS:

- PA Minutes 102516

3.7 First Quarter Financial and Treasurer's Report for Fiscal Year 2016/17

Recommendation: That the City Council receive and file the First Quarter Financial and Treasurer's Report for Fiscal Year 2016/17.

3.8 Contracts with the County of Orange and Age Well Senior Services for Community Development Block Grant Funds for Fiscal Year 2016-2017

Recommendation: That the City Council: (1) Approve the Contract between the County of Orange and the City of Laguna Hills for Community Development Block Grant Funds for Fiscal Year 2016-2017; (2) Approve the Contract between Age Well Senior Services, Inc. and the City of Laguna Hills for Community Development Block Grant Funds for Fiscal Year 2016-2017; and (3) Authorize the Mayor and City Manager to execute the Contracts.

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.6 Progress Payment No. 1 for Cabot Park Renovation, CIP No. 241-A**

Council Member Carruth removed Item No. 3.6 from the Consent Calendar for additional information. Director of Public Services Rosenfield responded.

Recommendation: That the City Council approve Progress Payment No. 1, in the net amount of \$35,682.00, to Horizons Construction Company for Cabot Park Renovation, CIP No. 241-A.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Council Member
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Barbara D. Kogerman, Mayor; Don Sedgwick, Mayor Pro Tempore; Melody Carruth, Council Member; Dore J. Gilbert, M.D., Council Member
ABSENT:	Andrew Blount, Council Member

4. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:15 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Barbara D. Kogerman	Chair	Present	
Don Sedgwick	Vice Chair	Present	
Andrew Blount	Agency Member	Absent	
Melody Carruth	Agency Member	Present	
Dore J. Gilbert, M.D.	Agency Member	Present	

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR OCTOBER 11, 2016, REGULAR MEETING**4.3.1 Approval of Minutes for October 11, 2016, Regular Meeting**

Recommendation: That the Planning Agency approve the Minutes of the October 11, 2016, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Sedgwick, Vice Chair
SECONDER:	Melody Carruth, Agency Member
AYES:	Barbara D. Kogerman, Chair; Don Sedgwick, Vice Chair; Melody Carruth, Agency Member; Dore J. Gilbert, M.D., Agency Member
ABSENT:	Andrew Blount, Council Member

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS

4.5.1 Conditional Use Permit (CUP) No. 7-14-2917, a Request by Core Development Services, on Behalf of Verizon Wireless, to Establish and Operate a New Wireless Communications Facility (WCF) on Property Owned by the City of Laguna Hills and Constructed on an Existing SCE Lattice Tower that is Located Southwest of El Conejo Park, APN 625-121-16 (known as Luna Bonita) in the OS-3 Zone.

Recommendation: That the Planning Agency continue CUP No. 7-14-2917 to a date certain of December 13, 2016.

Chair Kogerman opened the Public Hearing and upon seeing no one rise closed the Public Hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Agency Member
SECONDER:	Don Sedgwick, Vice Chair
AYES:	Barbara D. Kogerman, Chair; Don Sedgwick, Vice Chair; Melody Carruth, Agency Member; Dore J. Gilbert, M.D., Agency Member
ABSENT:	Andrew Blount, Council Member

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council meeting at 7:16 p.m. All Council Members were present with the exception of Council Member Blount.

5. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

6. ADMINISTRATIVE REPORTS

6.1. City Manager

The City Manager gave no Administrative Reports.

6.2. Community Development Director

6.2.1 First Reading and Introduction of an Ordinance Amending and Restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code Relating to the Regulation of Massage Establishments

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Recommendation: That the City Council introduce for first reading, read by title only, and waive further reading an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, amending and restating Chapter 4-28 of Title 4 of the Laguna Hills Municipal Code relating to the regulation of massage establishments.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Chair and Agency Members

FROM: David Chantarangsu
Community Development Director

ISSUE: Site Development Permit (SDPM) No. 5-16-3527, a Request by Alexander + Hibbs AIA, Inc., on Behalf of Saddleback Memorial Medical Center, to Construct a New Central Utilities Plant on the Saddleback Memorial Medical Center Campus at 24451 Health Center Drive in the Village Commercial Zone Including Demolition of the Existing Central Utilities Plant and Associated Site Improvements

RECOMMENDATION: That the Planning Agency: (1) Conduct a Public Hearing for SDPM No. 5-16-3527; and (2) adopt a Resolution entitled: “A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Site Development Permit (SDPM) No. 5-16-3527, a request by Alexander + Hibbs AIA, Inc., on behalf of Saddleback Memorial Medical Center, to construct a new central utilities plant on the Saddleback Memorial Medical Center Campus at 24451 Health Center Drive in the Village Commercial Zone including demolition of the existing central utilities plant and associated site improvements.”

SUMMARY:

Alexander + Hibbs AIA, Inc., on behalf of Saddleback Memorial Medical Center (the “Applicant”) has submitted plans to demolish its existing central utilities plant, and construct a new central utilities plant (hereinafter “Plant”) in a new location on the Saddleback Memorial Medical Center campus. The property is located in the Urban Village Specific Plan (UVSP) area, and is bordered by Paseo de Valencia, Calle de la Magdalena, Calle de la Louisa, and Health Center Drive. The Applicant is requesting approval of a Site Development Permit (SDP) in order to:

Site Development Permit No. 5-16-3527

November 22, 2016

Page 2

- Demolish the existing central utilities plant (approximately 11,000 square feet) located northwest of the main hospital building and southwest of the medical office tower; and
- Convert the former central utilities plant site to on-site visitor parking; and
- Construct a new 21,600 square foot, 2 level (plus partial basement) plant building located northeast of the existing parking structure in an existing parking area; and
- Add enhanced pedestrian and landscape features in the area affected by the project; and
- Add below grade fuel storage tanks, water storage tanks, and sewage tanks under existing parking lot areas.

Building projects related to hospital uses are permitted by the Office of Statewide Health Planning and Development (OSHPD); however, the City maintains land use authority and reviews items such as site planning, parking, and aesthetics. The Applicant is proposing to replace the existing central utility plant facility, which is operating at full capacity with non-energy efficient equipment functioning beyond its anticipated service life and housed in a structure that will not meet current seismic requirements. The new Plant will meet mandated structural and seismic requirements of the Alquist Hospital Facilities Seismic Safety Act and the California Building Code. The new equipment will be more energy efficient and the project will increase the medical center's ability to provide uninterrupted service in the event of an emergency. The project will not be detrimental to public health, safety, or welfare, and is categorically exempt from further environmental review.

AUTHORITY:

Pursuant to Section 9-92.080(G) of the Development Code (Title 9 of the Laguna Hills Municipal Code), the site layout and improvements require a SDP. Section 9-92.080(G) grants the Planning Agency authority to review and approve SDPs for projects exceeding 20,000 square feet. The findings required for the SDP are listed and discussed in the attached Resolution.

BACKGROUND:

The medical center campus is an approximately 15-acre site bounded by Paseo de Valencia, Calle de la Magdalena, Calle de la Louisa, and Health Center Drive. The hospital was originally approved at the subject site under the jurisdiction of the County

Site Development Permit No. 5-16-3527

November 22, 2016

Page 3

of Orange in the 1960s, and has undergone several expansion and other improvement projects including addition of the Women's Hospital wing, the Critical Care Pavilion, and the employee parking structure. Processing for this project is divided into two components that are covered by two different public agencies. The City of Laguna Hills maintains land use jurisdiction, including site planning, development standards, parking, and aesthetics. Once the City has completed its process, the Office of Statewide Hospital Planning and Development (OSHDP) takes over as the permitting authority for hospitals in California and they will issue the building permits, undertake inspections, and issue the Certificate of Occupancy for the subject improvements.

PROJECT DESCRIPTION AND ANALYSIS:

The existing central utilities plant located between the critical care pavilion and the medical office tower will be demolished. The current facility is approximately 11,000 square feet and largely unscreened. This area will be converted to on-site visitor parking (25 spaces, including 10 accessible spaces). This parking area will be directly adjacent to the medical office tower representing a significant improvement to accessibility.

The new Plant will be constructed in an existing parking area directly adjacent to the existing parking structure. The structure will be a 21,600 square foot, 2-story building, 58 feet 10 inches in height at its tallest point. The Plant will be largely screened from view of the public right-of-way (Paseo de Valencia) by the existing parking structure, which has an overall height of 48 feet 10 inches. The building was designed to be compatible with the look of the parking structure to the extent feasible. However, the architectural design characteristics of this building are greatly limited by the essential function that the building serves. Therefore, the largest visible building elevation (the "north" elevation) will be enhanced with new palm trees to "soften" the appearance of the new Plant.

The Plant will contain emergency generators, chillers, oxygen tanks, electrical equipment and transformers, air compressors, pumps, water softeners, other various equipment, and cooling towers on the roof. The new energy-efficient and seismically compliant equipment will also be quieter than the existing equipment and will not exceed the standards in the City's noise ordinance (65 decibels with exception for emergency equipment). The cooling towers are the only equipment not fully screened by the building enclosure. The cooling towers are necessary for the function of the medical center and will be painted to match the structure. They will end up looking similar in appearance to a parapet wall and will be integrated into the overall look of the building (see color elevations, Attachment 3).

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Page 4

The traffic circle area adjacent to the new Plant site will be improved with pedestrian enhancements to facilitate crossing to the medical office tower, both for those pedestrians crossing from the parking structure or Calle de la Magdalena, as well as those coming from the main parking area (see Attachment 3, sheet A-4). Previously there was little direction for pedestrians and most visitors to the medical office building crossed the traffic circle randomly. The project represents a significant improvement to pedestrian and vehicular safety at this location.

The project area includes an existing ramp up toward the entrance of the medical office tower, which is also a designated “pedestrian paseo” in the UVSP. Paseos are designated to connect land uses within the Urban Village to facilitate pedestrian circulation. The subject paseo is intended to connect the medical center with the mall property. General characteristics of paseos include that the paseo meets accessibility standards, that it be landscaped with trees to provide shade, use of enhanced paving, and use of colorful flowering vegetation. The subject paseo segment is not directly affected by the proposed project but is directly adjacent. The ramp serves as a required access point for emergency vehicles, and must maintain a 20-foot obstacle-free width. Therefore, the ramp will remain largely unchanged, with the existing pavement and palms and groundcover remaining on the west side of the ramp. However, the Applicant has agreed to install additional palm trees and groundcover on the east side of the ramp to provide consistent landscaping on both sides of the designated paseo while maintaining emergency access functionality. Current path lighting is attached to the existing Plant, and will be gone when this facility is demolished. The Applicant will replace this lighting with new path lighting that will match existing conditions along the path.

Parking

The medical center campus is currently required to provide 1,282 parking spaces on the subject site. There are currently 1,320 parking spaces (a 38-space surplus). The project does not demand any additional parking. Therefore the required parking at project completion will remain 1,282 parking spaces. The project will result in a net loss of 25 parking spaces. The project will result in a surplus of 13 parking spaces at completion.

During construction of the project several areas of the parking lot will be closed at various times. The Applicant has included a phasing plan (see Attachment 3, sheet A-2, “Site Key Plan”). The overall construction time is estimated to be 27 months. During construction the project will be operating at a deficit. At various times during construction different numbers of spaces will be affected. In general, staff anticipates the parking deficit to be around 100 spaces. Staff conducted a survey of vacant parking

Site Development Permit No. 5-16-3527

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spaces during a peak parking demand time for hospitals (according to the Institute of Traffic Engineers). The survey was conducted at noon on a weekday, and staff observed a total of approximately 76 vacant spaces in the surface parking lots on the campus. Staff did not observe the parking structure for vacancies, which is utilized by medical center/medical office staff. According to this survey, parking may be sufficient at some phases of construction, but will likely be insufficient during at least a portion of the construction. Therefore, the medical center will be implementing a free valet system for the duration of construction. A valet parking plan is included in the plans for the project (Attachment 3, sheet A-3 and Attachment 4). Valet will be available Monday - Friday from 7:00 a.m. - 7:00 p.m. Vehicles can be picked up after 7:00 p.m. from the Emergency Department. Signage will be posted notifying visitors of this temporary service. This valet system is the same as was utilized after construction of the Critical Care Pavilion and through construction of the parking structure. Employee parking in the structure will remain unaffected.

Public Art

All new development projects within the UVSP area with a total construction cost of \$250,000 or more must install public art on the subject site or contribute to the City's Public Art In-Lieu Fund. The value of the public art or the contribution to the In-Lieu Fund is equal to 0.5 percent of the total construction cost for the project. Public art is to be prominently placed on the development site and oriented toward the pedestrian experience of the site or located on an adjoining plaza or public green space.

Saddleback Hospital is a large complex comprised of a number of buildings on the site. For the proposed project, the existing central utilities plant will be completely demolished and a new Plant will be built on a different area of the site. While the Plant is a component of the larger complex it is considered a new project since it is: (1) new construction; (2) not a remodel of an existing facility; and (3) is located on a different area of the site from the existing central utilities plant. As well, the underground storage structures are a new component for the complex. As such, the proposed improvements are considered new development and a condition (Condition 11) is included in the draft Resolution which calls for the UVSP Public Art Fee to be applied. The exact amount of the fee will not be known until the building permit is applied for but given rough estimates from the Applicant, the fee could be in the range of \$125,000 to \$130,000.

Given the limited potential locations that meet the locational requirements for Public Art detailed in the UVSP for the subject site, staff recommends that the In-Lieu Fee be

Site Development Permit No. 5-16-3527

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paid (Condition 11). This allows the City to pool resources to install appropriately sited public art throughout the Urban Village, which will provide greater benefit to the community as a whole.

PUBLIC COMMENT:

The public hearing was duly noticed, a total of 139 public hearing notices were mailed, including notices to all property owners within a 300-foot radius of the subject property, and all tenants on the subject property. No comments have been received as of this writing.

CEQA FINDINGS:

Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and determined that this project is categorically exempt from CEQA pursuant to Section 15302 and 15303 of Title 14, Chapter 3 of the California Code of Regulations (Class 2 and 3, Replacement or Reconstruction and New Construction of Small Structures exemptions). The Class 2 exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including replacement or reconstruction of hospitals to provide earthquake resistant structures which do not increase the capacity more than 50 percent. The existing hospital will not be modified and the hospital capacity will remain unchanged as a result of the project. However, the Plant, accessory to and essential to the function of the existing hospital, is being replaced, in part, to meet seismic requirements of the Alquist Hospital Facilities Seismic Safety Act as well as the California Building Code, and to meet energy efficiency requirements.

The Class 3 exemption is applicable to the construction of limited numbers of new, small structures, including accessory structures and underground utilities such as sewage, water, and electrical features. The project includes several tanks for the underground storage of water, sewage, and fuel. These are essential to the function of the hospital and help to ensure uninterrupted service and functionality in the event of an emergency, as well as enhance energy efficiency.

There are no exceptional circumstances on the site or involving the project that would disqualify the project from a Categorical Exemption. The project is not located in a sensitive environment, there are no scenic or historical resources, nor is the project on a

Site Development Permit No. 5-16-3527

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hazardous waste site (as defined by the Government Code). There is no reasonable possibility of any significant environmental effect taken alone or cumulatively with other projects in the area.

CONCLUSION:

Staff is recommending approval of this project. The project represents an essential update to the Saddleback Memorial Medical Center Campus, providing more efficient functionality, and required upgrades with regard to seismic improvements and emergency back-up capabilities. Further, the new location of the Plant represents an improvement to the existing site plan by removing the Plant from close proximity to the hospital and office buildings, while better screening the equipment that comprises the Plant. The Plant building itself will include architecture compatible with the existing parking structure and additional landscape screening. The new location also allows placement of accessible parking much closer to the entrance of the medical office tower. The project will also include enhanced pedestrian circulation elements consistent with the UVSP. With the proposed Conditions of Approval, the project meets development standards and design guidelines and meets the goals, policies, and procedures of the General Plan.

ATTACHMENTS:

- Attachment 1 - Resolution
- Att 2 Justification Letter
- Att 3 Plans
- Att 4 Valet Parking

Attachment 1 – Resolution



RESOLUTION NO. PA2016-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT (SDPM) NO. 5-16-3527, A REQUEST BY ALEXANDER + HIBBS AIA, INC., ON BEHALF OF SADDLEBACK MEMORIAL MEDICAL CENTER, TO CONSTRUCT A NEW CENTRAL UTILITIES PLANT ON THE SADDLEBACK MEMORIAL MEDICAL CENTER CAMPUS AT 24451 HEALTH CENTER DRIVE IN THE VILLAGE COMMERCIAL ZONE INCLUDING DEMOLITION OF THE EXISTING CENTRAL UTILITIES PLANT AND ASSOCIATED SITE IMPROVEMENTS.

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, Alexander + Hibbs AIA, Inc., on behalf of Saddleback Memorial Medical Center ("the Applicant"), has filed an application for Site Development Permit (SDPM) No. 5-16-3527 to construct a new central utilities plant (hereinafter "Plant") on the Saddleback Memorial Medical Center campus at 24451 Health Center Drive in the Village Commercial zone including demolition of the existing central utilities plant and associated site improvements; and

WHEREAS, SDPM No. 5-16-3527, is hereby found to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 and 15303 of Title 14, Chapter 3 of the California Code of Regulations (Class 2 and 3, Replacement or Reconstruction and New Construction of Small Structures); and

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the Applicant, and other interested parties with respect to the subject application at a duly noticed public hearing held on November 22, 2016.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That the required findings by the City for approval of SDPM No. 5-16-3527 have been met and made as follows:

1. The site design complies with standards of the Development Code.

The site design complies with the Development Code and the UVSP with regard to setbacks, height limits, and required parking. The project also includes enhanced pedestrian features and landscaping, required by the Urban Village Specific Plan. The replacement of the existing central utilities

plant on the site represents an improvement in overall site design as well as aesthetics. Moving the existing plant away from the hospital and medical office buildings and toward the parking structure allows parking to be placed closer to the entrance of the medical office building. Additionally, the equipment associated with the Plant will be fully screened to the extent feasible within the reconstructed site, as opposed to the current central utilities plant which has a much more industrial look, with minimal to no screening of much of the equipment.

2. The site is suitable for the proposed development.

The hospital was originally approved under the jurisdiction of the County of Orange in the 1960s. The proposed project involves the demolition of the existing central utilities plant on the Saddleback Memorial Medical Center campus and new construction of a new Plant in a different location. The existing central utilities plant houses all of the essential equipment to operate the existing hospital buildings, including generators, chillers, oxygen storage, pumps, water softeners, and other equipment essential to the operations of the existing hospital buildings. The site is suitable for the construction of the Plant, which will house essential equipment necessary to the function of the existing hospital campus. The location of the new Plant is further from the medical office buildings and has been sited closer to the parking structure, which is a more suitable location for the mechanical equipment and storage uses. Further, it places accessible parking much closer to the medical office tower.

3. The project is consistent with the General Plan and applicable design guidelines.

The General Plan land use designation for the subject property is Village Commercial (VC). The land use designation is implemented by the Village Commercial zone, the standards for which are found in the Urban Village Specific Plan. The VC land use designation seeks to establish a community core where commercial, civic, and high density residential uses are appropriate. The land use designation further seeks to implement standards and policies that enhance pedestrian circulation within the developed area. The proposed project will result in the construction of a new Plant to serve the existing hospital, which is an essential component of the Urban Village. Further, the project improves aesthetics of the subject site since it provides for the construction of the new Plant in an area of the site that is more suitable, away from hospital and office buildings (toward the parking area/structure, and street), yet is largely screened from view from the right of way by the existing parking structure. The project also furthers goals of enhancing the pedestrian experience by increasing landscape along a designated Urban Village paseo area on the site and improving pedestrian circulation for visitors of the subject site, while maintaining adequate parking for the campus. The project represents an improvement in compliance with design standards within the Urban Village with regard to mechanical

equipment screening as well. To the extent feasible, the mechanical equipment, oxygen storage tanks, and other equipment are screened within the new Plant. Much of the equipment is unscreened in the existing central utilities plant. The new Plant building will blend with the architecture of the parking garage to which it is directly adjacent and will be further enhanced with palm trees where feasible to soften the look of the structure.

4. The site design and structural components are appropriate for the site and function of the proposed uses.

The site design is appropriate for the site and function of the proposed uses in that the new Plant will result in the location of mechanical equipment and storage away from the hospital and office buildings, towards the parking structure and street. The new Plant is largely screened by the existing parking structure from the public right of way (Paseo de Valencia). The architecture of the new Plant building is consistent with the architecture of the parking structure to the extent feasible, while recognizing that the utilitarian function of the building could not be compromised. Additional landscape is proposed around the perimeter along the north elevation to further enhance the aesthetics.

The structural components are appropriate for the site and function of the proposed uses in that the purpose of the proposed project is to allow the construction of a new Plant that complies with the latest state regulations, and requirements for hospitals. The Plant will meet mandated seismic requirements of the Alquist Hospital Facilities Seismic Safety Act along with California Building Code. The Office of Statewide Health Planning and Development (OSHPD) reviews and permits hospital facilities. Further, equipment will be upgraded to be more energy efficient and the plant will provide all back up functions which allow the hospital to continue their functions without interruption in the case of an emergency.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve SDPM No. 5-16-3527 subject to the following conditions:

General

1. The following Conditions of Approval shall be binding and enforceable against, and, whenever used herein, the term "Applicant" shall mean and refer to, each of the following: the project Applicant, Alexander + Hibbs AIA, Inc., Saddleback Memorial Medical Center, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns.
2. Unless the context dictates otherwise, whenever the term "this Permit" is used in the following Conditions of Approval, it shall collectively refer to the Site Development Permit, SDPM No. 5-16-3527, approved pursuant to this Resolution, as well as the plans, studies, and exhibits submitted to the City by

the Applicant to describe and depict the improvements to be constructed as a part of the Project, and as otherwise modified by these Conditions of Approval.

3. To the fullest extent permitted by law, the Applicant shall, at its sole cost and expense, protect, defend, indemnify, and hold harmless the City, its elected and appointed officers and officials, employees, agents, departments, agencies, authorized volunteers, consultants, boards, commissions, and committees, and instrumentalities thereof ("Indemnitees"), from and against any and all claims, liabilities, losses, fines, demands, penalties, lawsuits, writs of mandamus, and any other claims or actions or proceedings of any kind whatsoever (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to, arbitrations, mediations, and other such procedures), judgments, orders and decisions (collectively "Claims" and "Actions"), brought against the Indemnitees, which seek to attack, challenge, modify, set aside, void, or annul any action of or any permit or approval issued by the Indemnitees (including actions approved by the voters of the City) for, in connection with, or concerning the approval of this Permit. It is expressly understood and agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the defense of the Indemnitees for the Claims and Actions, and that the Applicant shall promptly reimburse the City for all costs and expenses directly and necessarily incurred by the City in the course of the defense, including reasonable attorneys' fees. The City shall promptly notify the Applicant of any Claims and Actions brought against the Indemnitees and shall cooperate in the defense of any such Claims and Actions. If the Applicant fails to so defend the Claims and Actions, the City shall have the right but not the obligation to do so and, if it does, the Applicant shall promptly pay the City's full cost thereof.
4. This approval constitutes approval of the proposed project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
5. Failure to abide by and faithfully comply with any and all conditions of approval shall constitute grounds for revocation of this Permit by the Laguna Hills Planning Agency.
6. The Applicant shall agree in writing to these conditions of approval within 30 days of the Planning Agency's approval.
7. Pursuant to Government Code Section 66020, the Applicant is informed that the 90-day period in which the Applicant may protest the fees, dedications, reservation, or exaction imposed on this project through the conditions of approval has begun.
8. The Applicant shall reimburse the City for any outstanding staff time spent on the processing of this Permit within 60 days of the Planning Agency's approval.

9. This Permit shall expire and be of no further force or effect if the Permit is not implemented within two years from November 22, 2016.
10. Within 48 hours from project approval, the Applicant shall submit to the City a check in the amount of \$50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Determination.
11. Prior to issuance of any building permit by OSHPD, the Applicant shall pay the Urban Village Specific Plan Public Art In-Lieu Fee. The fee is 0.5% of the total construction costs for the project.

Planning

12. Prior to the issuance of any building permit by OSHPD, the Applicant shall submit a landscape and irrigation plan to the Community Development Director for review and approval. The landscape and irrigation plans shall be incorporated into the permit plan set. The plan shall demonstrate compliance with Laguna Hills Municipal Code Chapter 9-46 and 9-47, including installation of "Smart" landscape irrigation controllers, low precipitation-rate sprinkler heads, and water efficient landscaping, as applicable.
13. Prior to the issuance of any building permit by OSHPD, the Applicant shall submit a lighting and photometric plan to the Community Development Director for review and approval. The lighting and photometric plans shall be incorporated into the permit plan set. The plan shall include a photometric analysis of proposed lighting and shall comply with lighting requirements of the Laguna Hills Municipal Code, including that light and glare shall not be projected beyond the boundaries of the property. Light fixtures and standards shall be consistent with the architecture of the buildings and the site.
14. The project shall comply with LPMC 5-24 (Noise Control).

Building

15. The Applicant shall be responsible for ensuring all applicable building permits issued by the City of Laguna Hills are obtained, as required by section 103 of the CA Building Code (applicable code year dependent on date of plan check submittal) prior to commencement of any work for which a permit is required.
16. Any required documents submitted for the purpose of building permit issuance by the City of Laguna Hills shall be accurately labeled and reflect all work (non-OSHPD, with regard to utilities), as required by section 107 of the CA Building Code (applicable code year dependent on date of plan check submittal).
17. A copy of this Permit (the signed resolution of approval) shall be included in the plan sets submitted for the purpose of permit issuance.
18. Applicant shall comply with all construction water quality regulations, as required by City Ordinance No. 2003-12.

19. Applicant shall comply with California Disabled Accessibility requirements, as required by Chapter 11 of the California Building Code at the time of document submittal for the purpose of permit issuance.
20. All construction shall comply with the 2013 CA Building, Plumbing, Mechanical, Electrical, and Green Building Codes with regard to U occupancies, or the applicable code at the time of plan check submittal.
21. The applicant shall submit at the appropriate time, all required plan check documents, required permits, and inspections, including final inspections, for any underground tanks regardless of the purpose of the underground tank, to the applicable agency that has jurisdiction over these underground tanks, which may consist of, but is not limited to, the local Certified Uniform Program Agency (CUPA), the Office of Statewide Health Planning and Development (OSHPD), the Orange County Health Care Agency, and/or the Orange County Fire Authority.

Orange County Fire Authority

22. Prior to building permit issuance, the Applicant shall submit to OCFA for review and approval any required plans, including an architectural plan (PR 200-285), a fire master plan (PR 145), hazardous materials compliance and chemical classification (PR 315-328), hazardous equipment, processes, or operations (PR 345-360), underground piping for hydrants and sprinkler systems (PR 470-475), and fire sprinkler systems (PR 400-465).

PASSED, APPROVED, AND ADOPTED this 22nd day of November, 2016.

BARBARA D. KOGERMAN, CHAIR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. PA2016- adopted by the Planning Agency of the City of Laguna Hills, California, at a Regular Meeting thereof held on the 22nd day of November, 2016, by the following vote:

Resolution No. PA2016-

AYES:

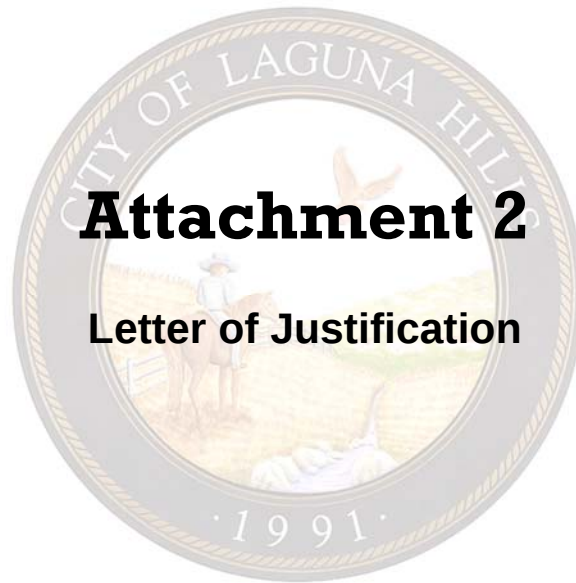
NOES:

ABSENT:

ABSTAIN:

MELISSA AU-YEUNG, CITY CLERK

Attachment: Attachment 1 - Resolution (1128 : Site Development Permit No. 5-16-3527)



Attachment 2

Letter of Justification


inc.
ALEXANDER + HIBBS AIA, INC.
Architecture and Planning

April 7, 2016
August 10, 2016 (*Revised*)

1419

RECEIVED
AUG 10 2016
CITY OF LAGUNA HILLS

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

Attention: David Chantarangsu
Community Development Director

Subject: Letter of Justification SDPM-5-16-3527
Re: Saddleback Memorial Medical Center
24451 Health Center Drive, Laguna Hills, CA 92653
Central Utilities Plant

Saddleback Memorial Medical Center (SMMC) is replacing their existing Central Utilities Plant which is operating at full capacity with non-energy efficient equipment beyond its anticipated service life and housed in a structure that will not meet mandated seismic requirements.

The proposed new Central Plant will be a 21,600 square foot, 2-level (with partial basement) structure located adjacent to the north side of the existing parking structure, incorporating architectural design elements of the award winning parking structure that compliments the Village Commercial zone. The existing surface parking that will be displaced will be relocated to the area of the existing Central Plant (to be demolished) with an improved visitor drop-off zone.

This project will meet the mandated structural requirements of the Alquist Hospital Facilities Seismic Safety Act and amendments along with the California Building Code and will be reviewed for seismic safety compliance and permitted by the Office of Statewide Health Planning and Development (OSHPD).

Included in this project are a Thermal Energy Storage Tank (TES), underground fuel tanks, underground emergency sewage holding tanks, and an underground emergency potable water tank.

The TES is a 1-million gallon underground water tank that is part of the energy efficient mechanical system for the hospital campus, which produces chilled water at off-peak hours to store in the TES for cooling use at peak daytime SCE producing hours, saving cost and demand loads on the grid.

The underground fuel tanks are required to hold fuel for the operation of code required emergency power systems for 96-hours (per CBC, NFPA, SB1953). The underground sewage holding tanks and potable water tank are also required per the seismic safety requirements for the duration of an emergency event.

David Chantarangsu /City of Laguna Hills
April 7, 2016
August 10, 2016 (*Revised*)

1419
Page 2

Subject: Letter of Justification SDPM-5-16-3527
Re: Saddleback Memorial Medical Center
24451 Health Center Drive, Laguna Hills, CA 92653
Central Utilities Plant

This project will provide a centralized, energy efficient, seismically compliant Central Utilities Plant with enhanced reliability that will provide 100% redundancy for the utilities, which is critical for the hospital's 24/7 operation for normal and emergency functions.

Findings: As required and provided by the Planning Department

Sincerely,

ALEXANDER + HIBBS AIA, INC.

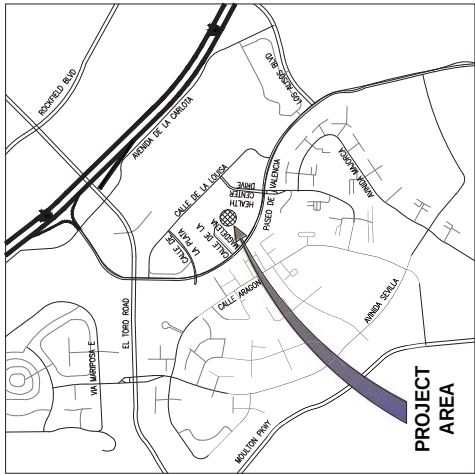
Rolland E. Alexander III, Principal
Applicant

Attachment: Att 2 Justification Letter (1128 : Site Development Permit No. 5-16-3527)



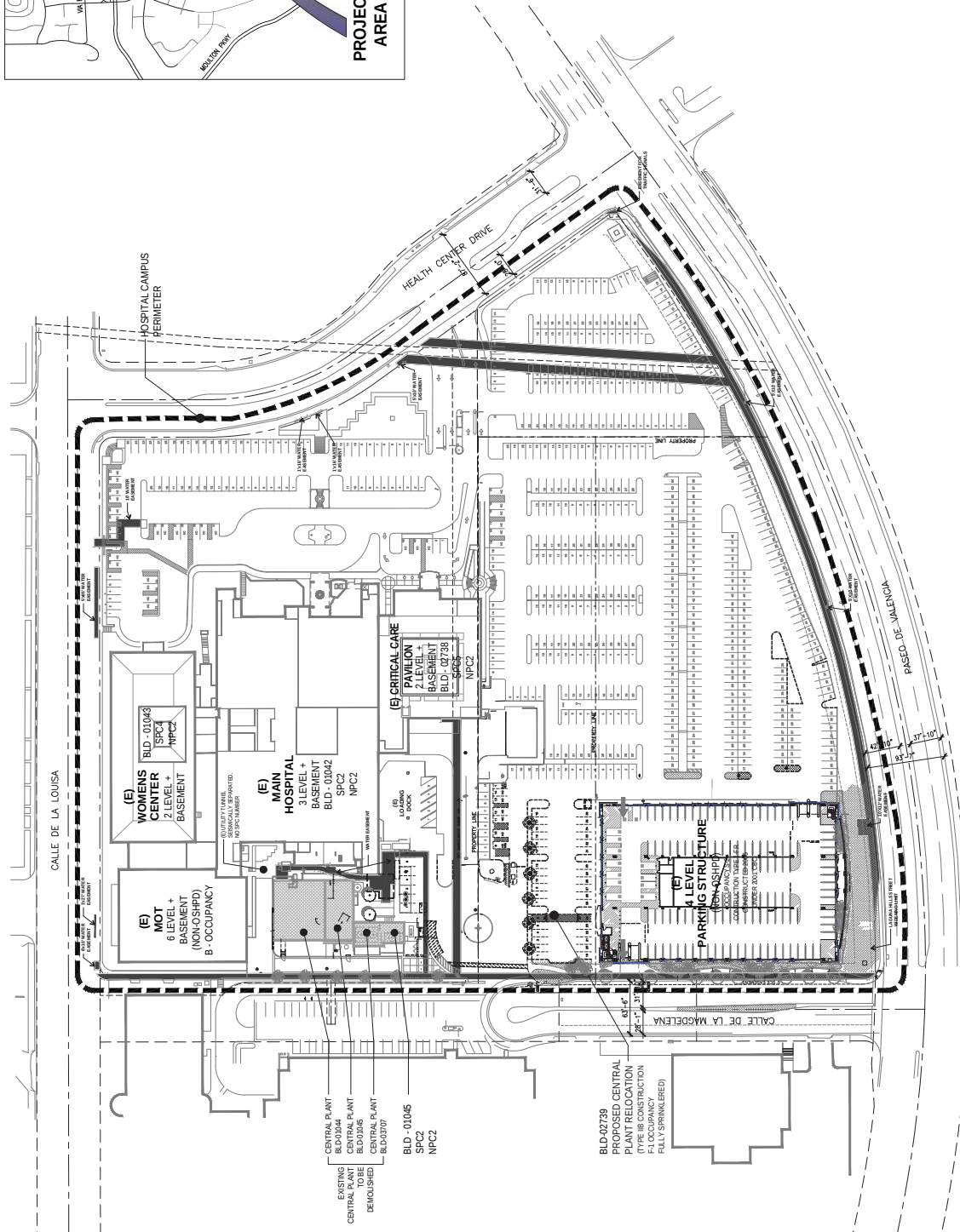
Attachment 3

Plans



SHEET INDEX

- EXISTING SITE PLAN
- PROPOSED SITE PLAN
- PROPOSED CENTRAL UTILITY PLAN AND ON GRADE
- PARKING PLAN
- BASEMENT LEVEL PLAN
- LEVEL 1 PLAN
- LEVEL 2 PLAN
- ROOF ELEVATION AND SOUTH ELEVATION
- WEST ELEVATION AND EAST ELEVATION
- SECTIONS
- A-11
- A-12



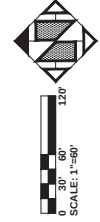
EXISTING SITE PLAN



A-1



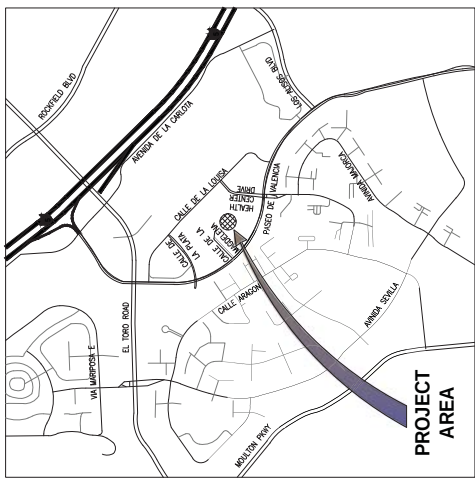
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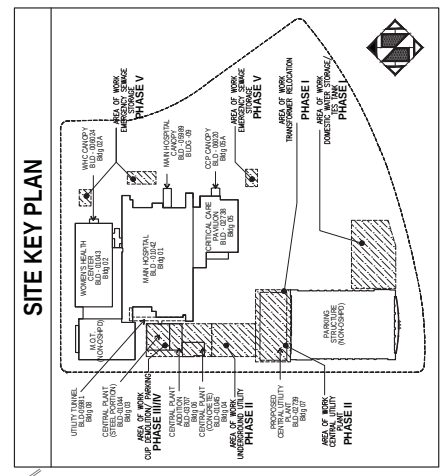
PROPOSED SITE PLAN

AOE Inc.
Architecture and Planning
1000 N. Arroyo St. Suite 4
P.O. Box 1080
San Jose, CA 95128

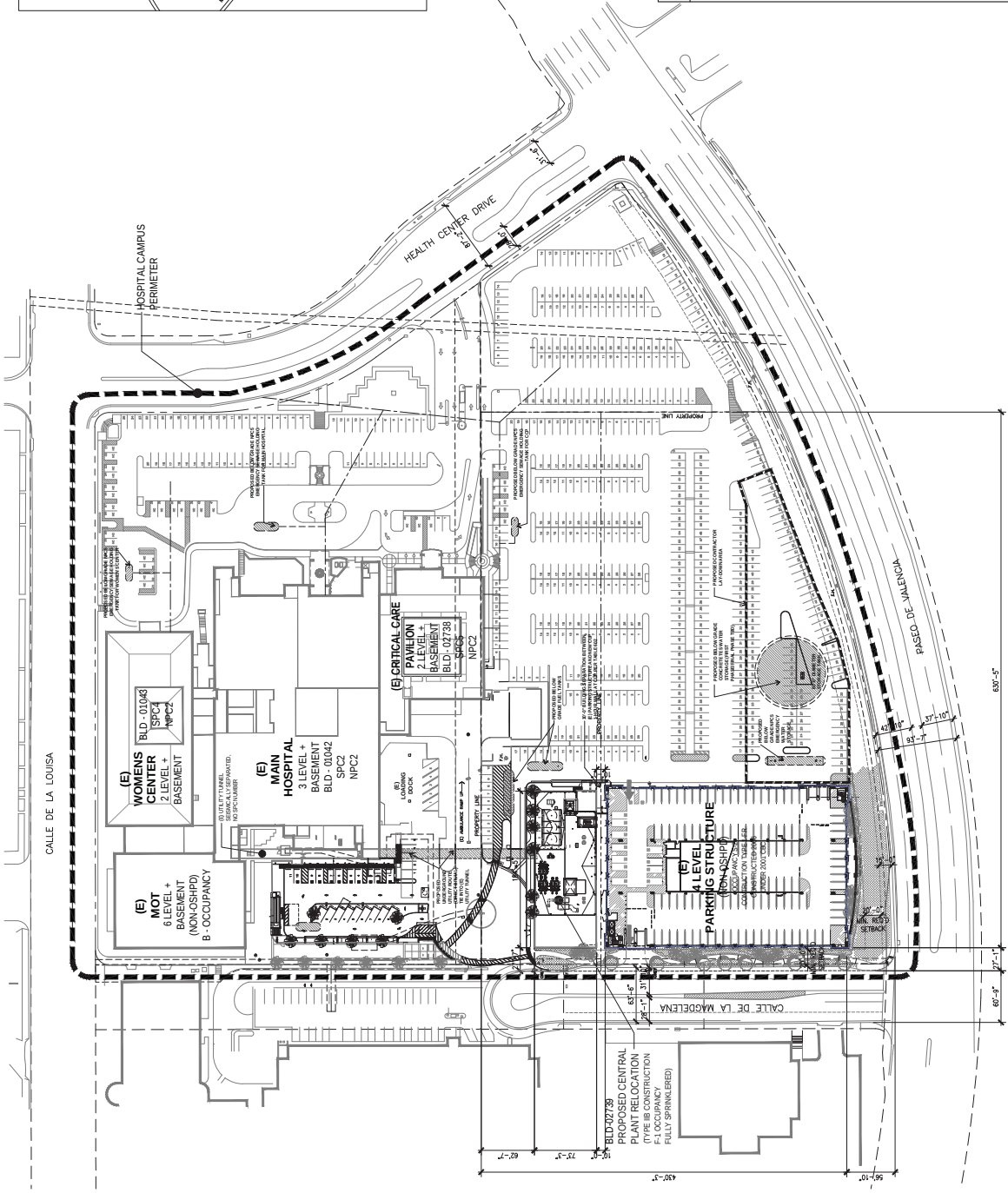
CENTRAL UTILITY PLANT
SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

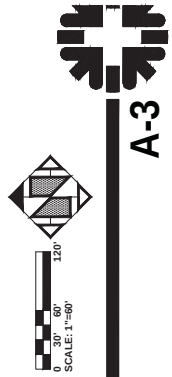


VICINITY MAP



SITE KEY PLAN



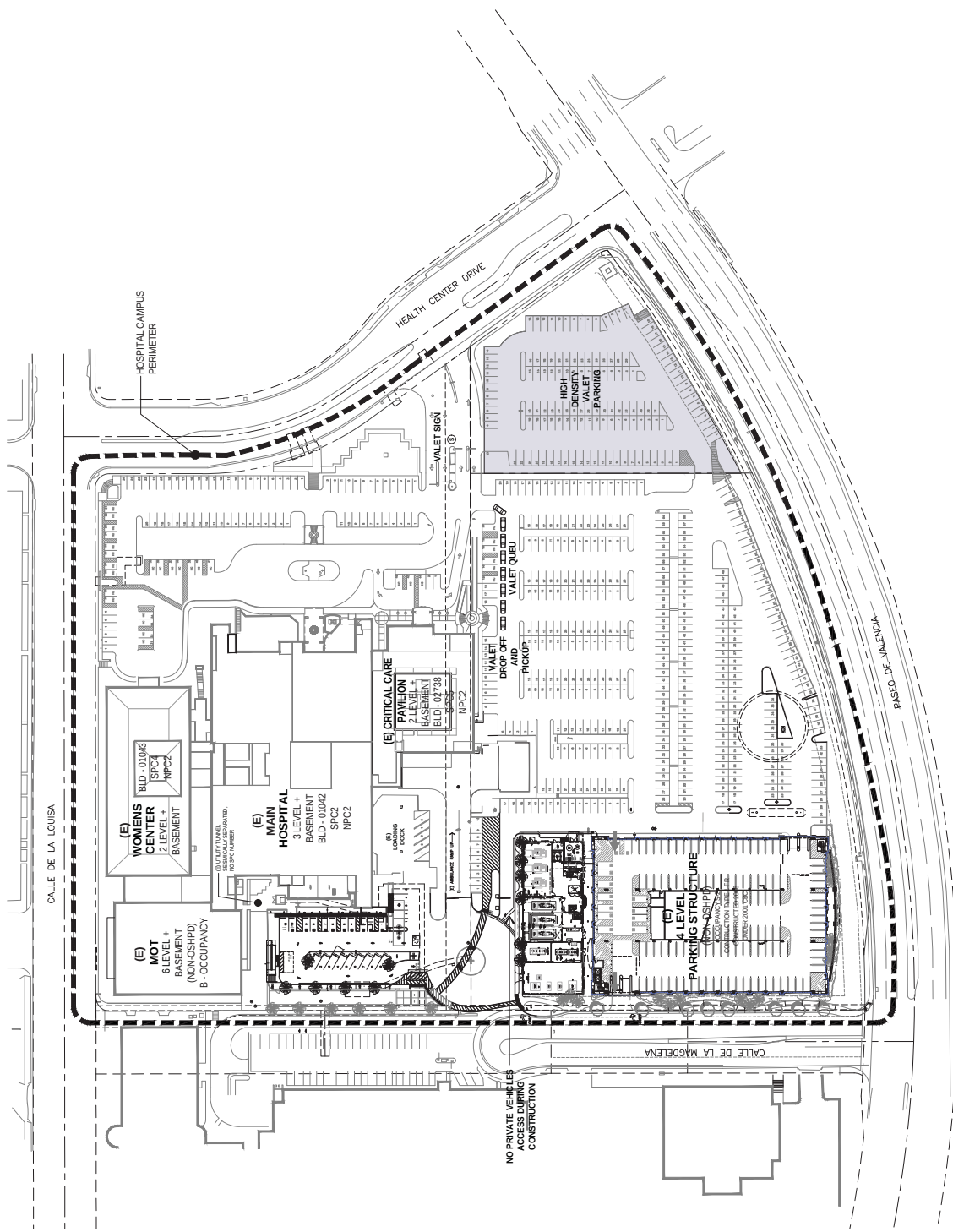


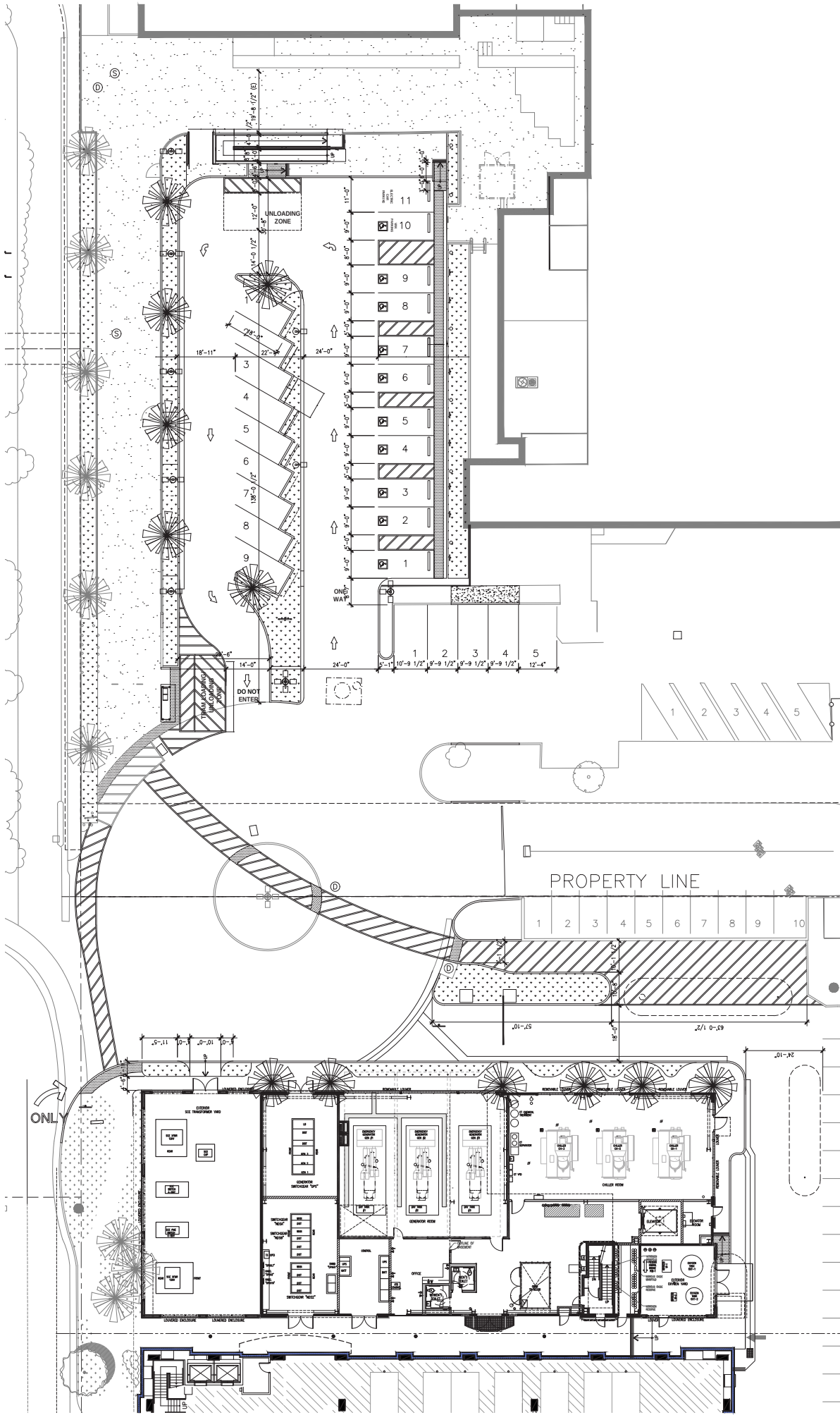
A-3

VALET PARKING

CENTRAL UTILITY PLANT
JADUELAGA MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

inc.
Architecture and Planning
100 N. GARDEN ST. SUITE 4
POMONA, CALIFORNIA 91767
(951) 796-0000





SCALE: N.T.S.

A-4

PROPOSED CENTRAL UTILITY PLANT AND ON GRADE PARKING - SITE PLAN

CENTRAL UTILITY PLANT
SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

Architecture and Planning
100 N. Arroyo St. Suite 4
Laguna Hills, CA 92653
(714) 765-5444





A-5

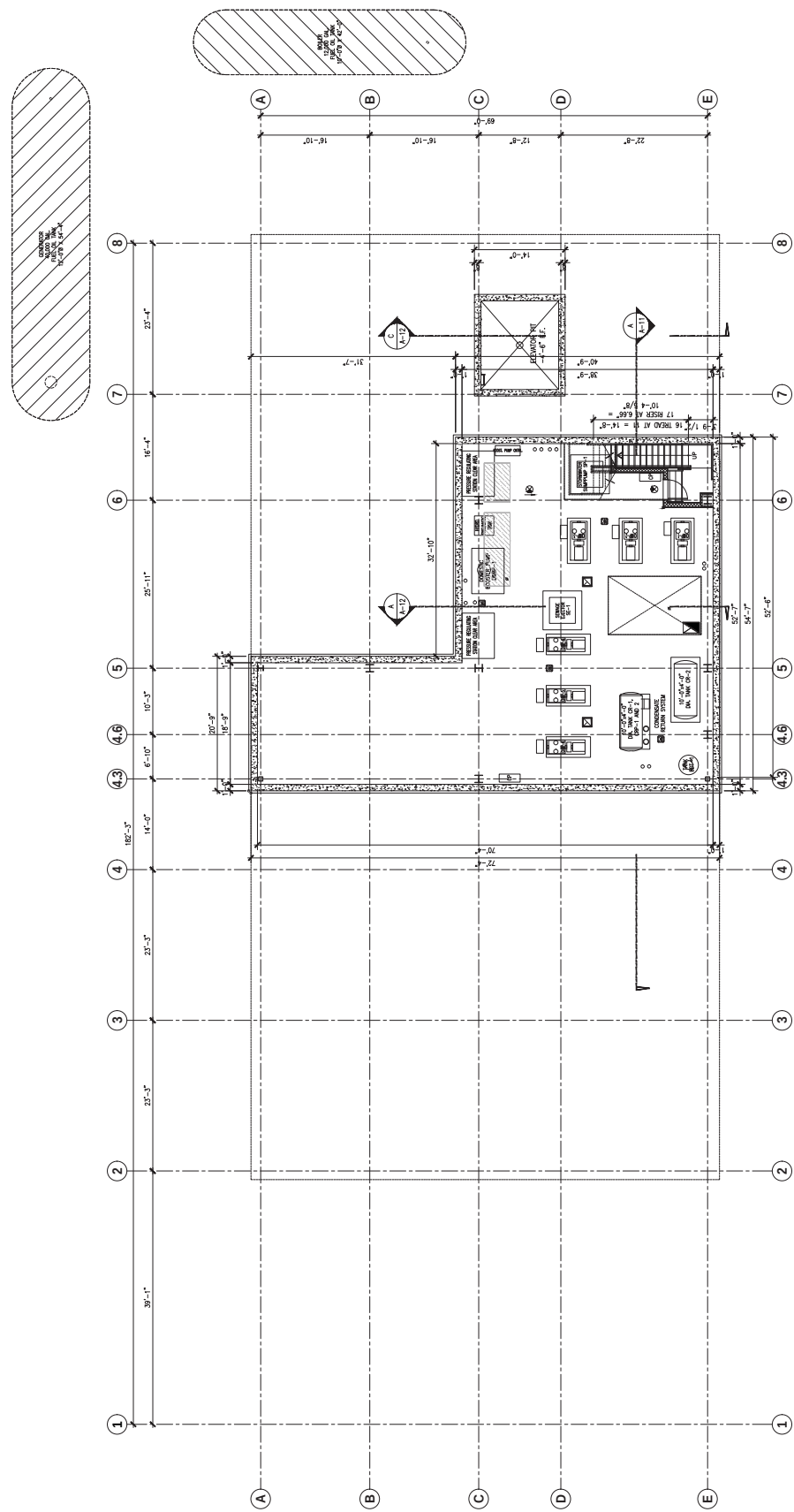


BASEMENT LEVEL PLAN

CENTRAL UTILITY PLANT

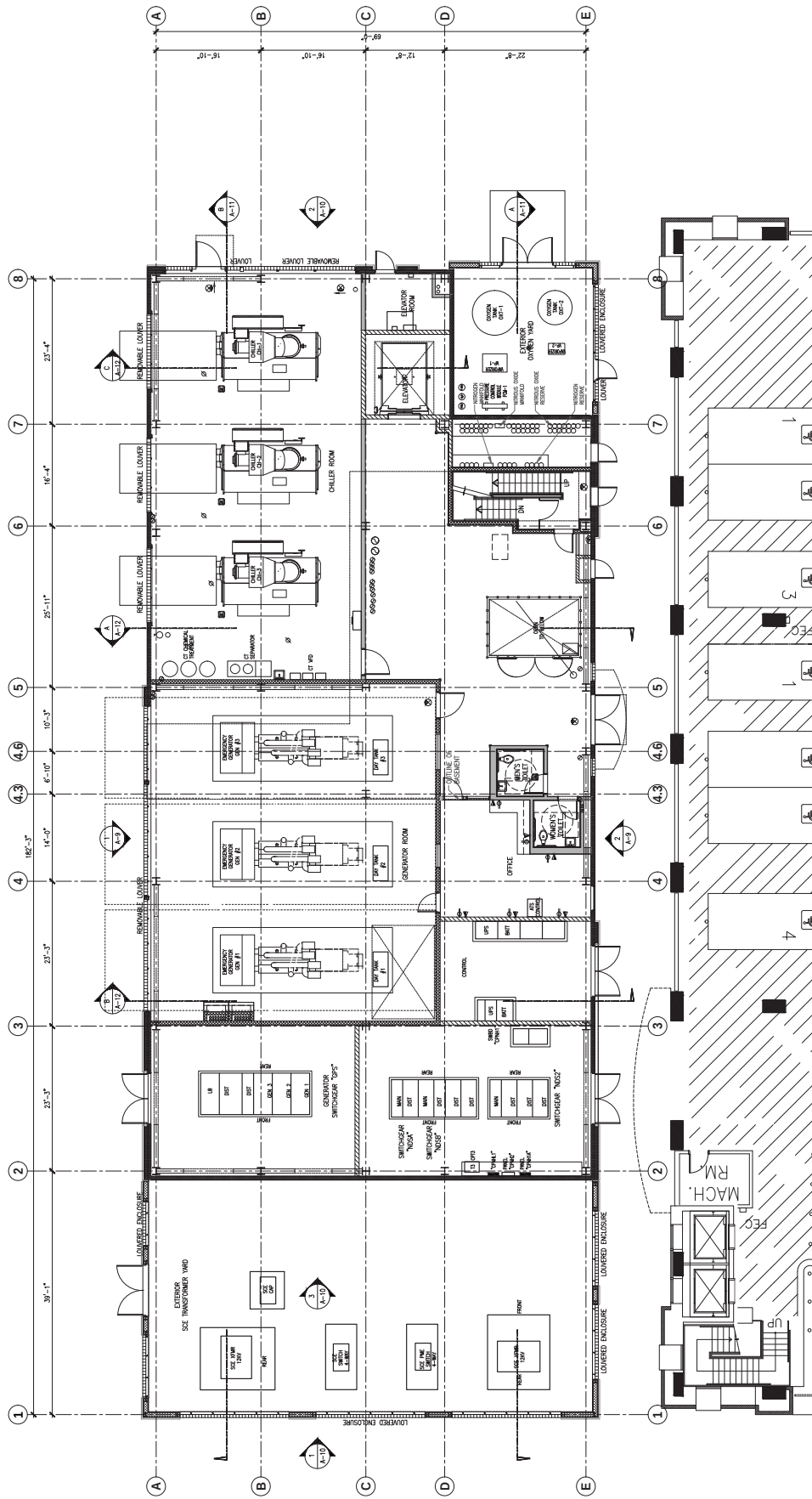
SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

AO inc.
Architecture and Planning
1000 N. ARDEN ST. SUITE 4
LAGUNA HILLS, CALIF. 92653
(714) 435-3000





A-6



LEVEL 1 PLAN

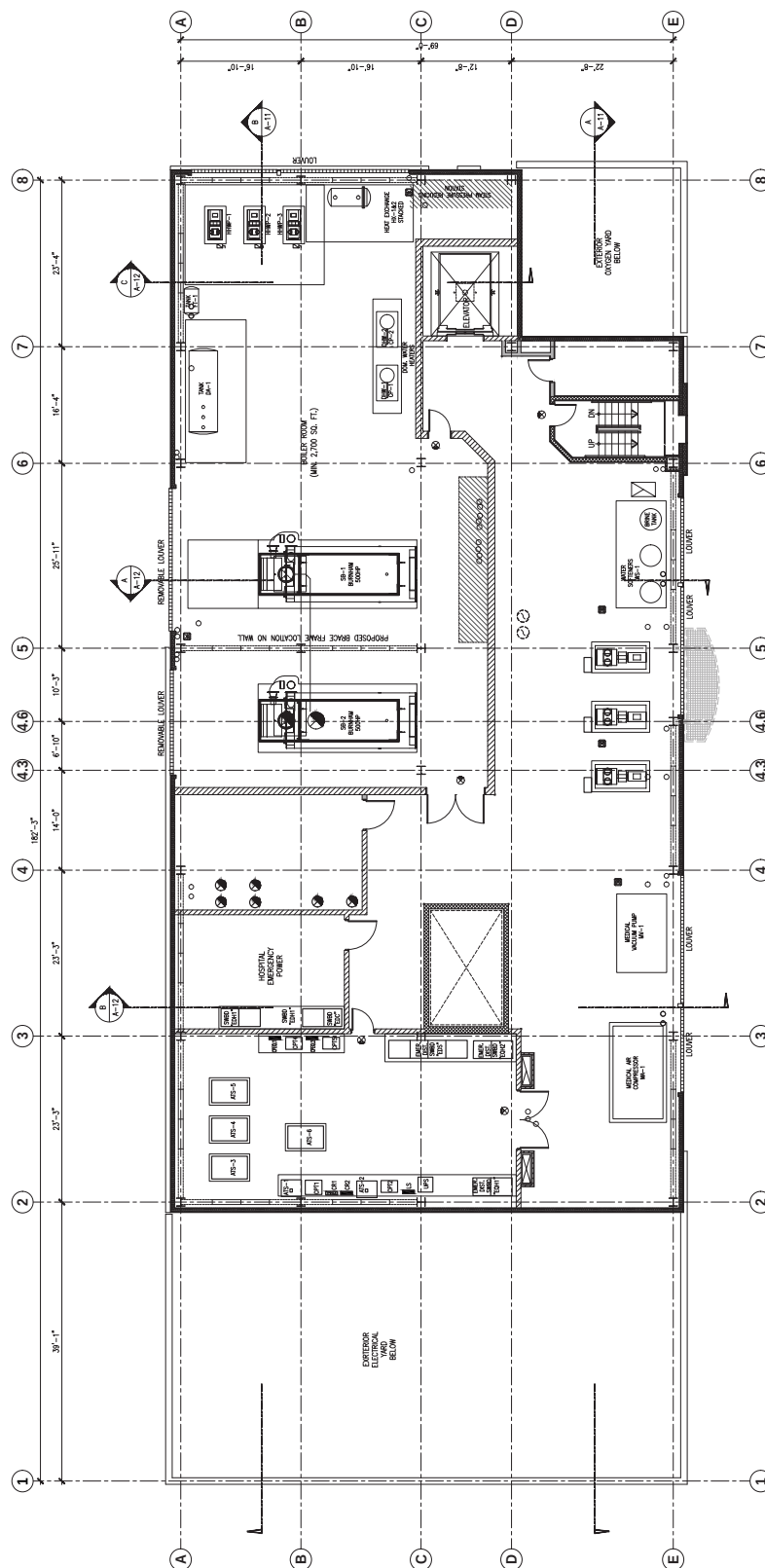
CENTRAL UTILITY PLANT

SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

LEVEL 2 PLAN

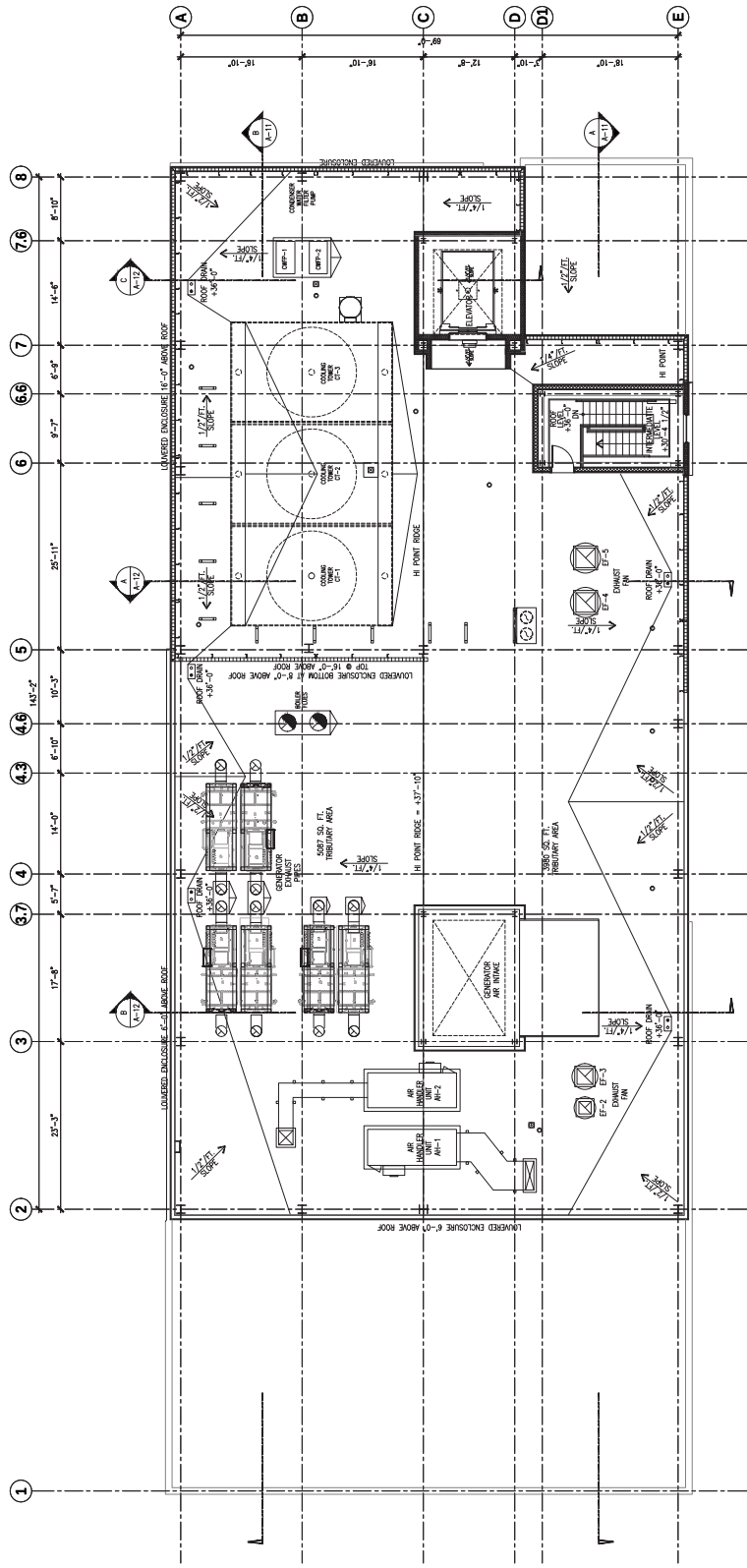
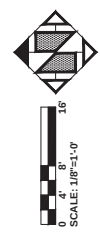
CENTRAL UTILITY PLANT

SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA





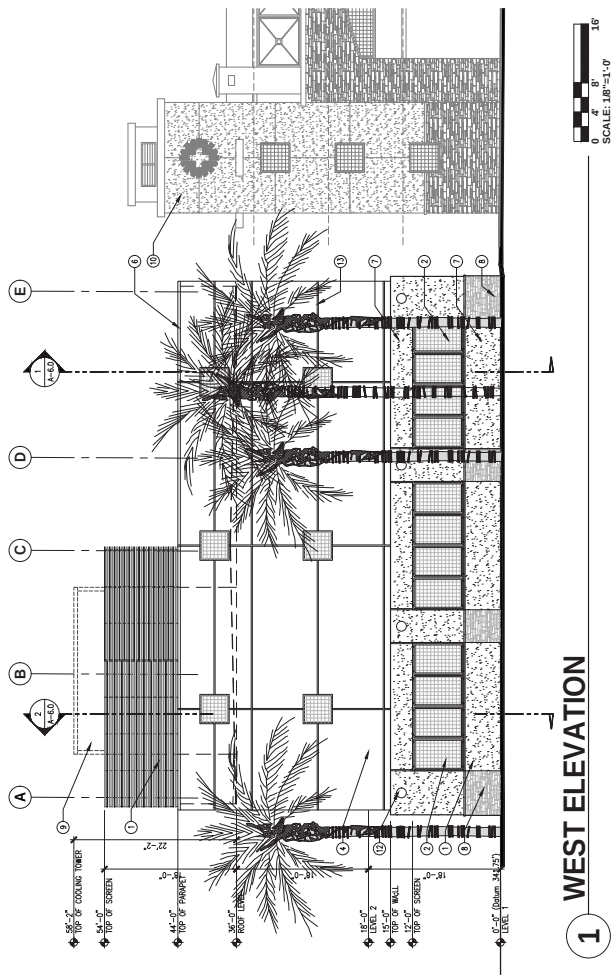
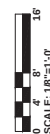
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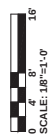
ROOF LEVEL PLAN

CENTRAL UTILITY PLANT
SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

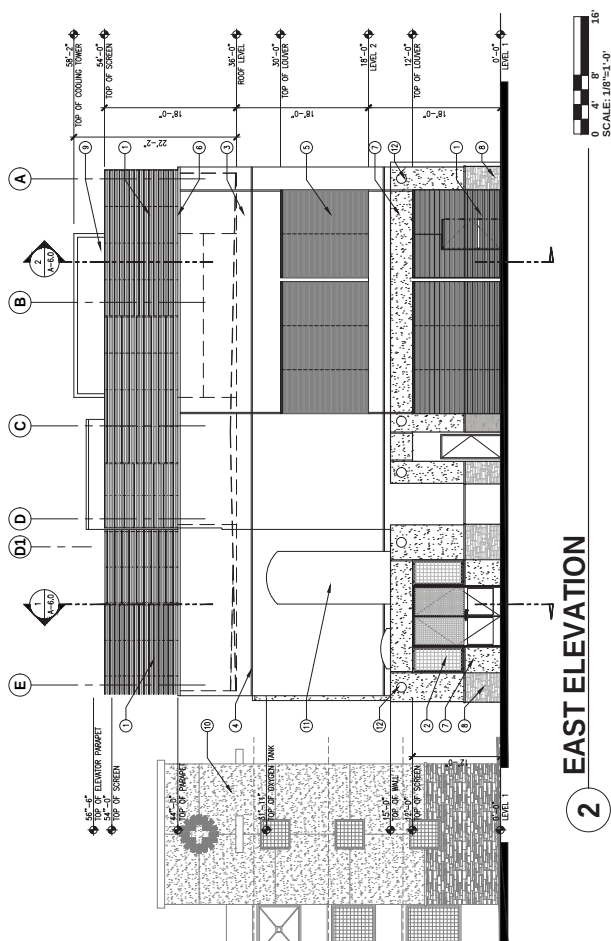
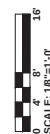
3 WEST ELEVATION AT BLDG.



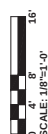
WEST ELEVATION



0 4' 8' 16'
SCALE: 1/8"=1'-0"



EAST ELEVATION



KEYNOTES

- | | | | | | |
|---|--|----|--|----|------------------------------------|
| 1 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 10 | EXISTING PARKING STRUCTURE. | 19 | PALM TREES, NEW/EXISTING/RELOCATED |
| 2 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 11 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 20 | EXISTING TANKS STORAGE |
| 3 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 12 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 21 | WALL LIGHT FIXTURE |
| 4 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 13 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 22 | EXISTING PARKING STRUCTURE. |
| 5 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 14 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 23 | EXISTING PARKING STRUCTURE. |
| 6 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 15 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 24 | EXISTING PARKING STRUCTURE. |
| 7 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 16 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 25 | EXISTING PARKING STRUCTURE. |
| 8 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 17 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 26 | EXISTING PARKING STRUCTURE. |
| 9 | CONCRETE/REINFORCED GROUP (GREEN, GRAY, BROWN, BLUE, TAN) POWDER COATED TO MATCH ADJACENT PARKING STRUCTURE. | 18 | WINE MESH METAL, MATCH ADJACENT PARKING STRUCTURE. | 27 | EXISTING PARKING STRUCTURE. |



4.5.1.c

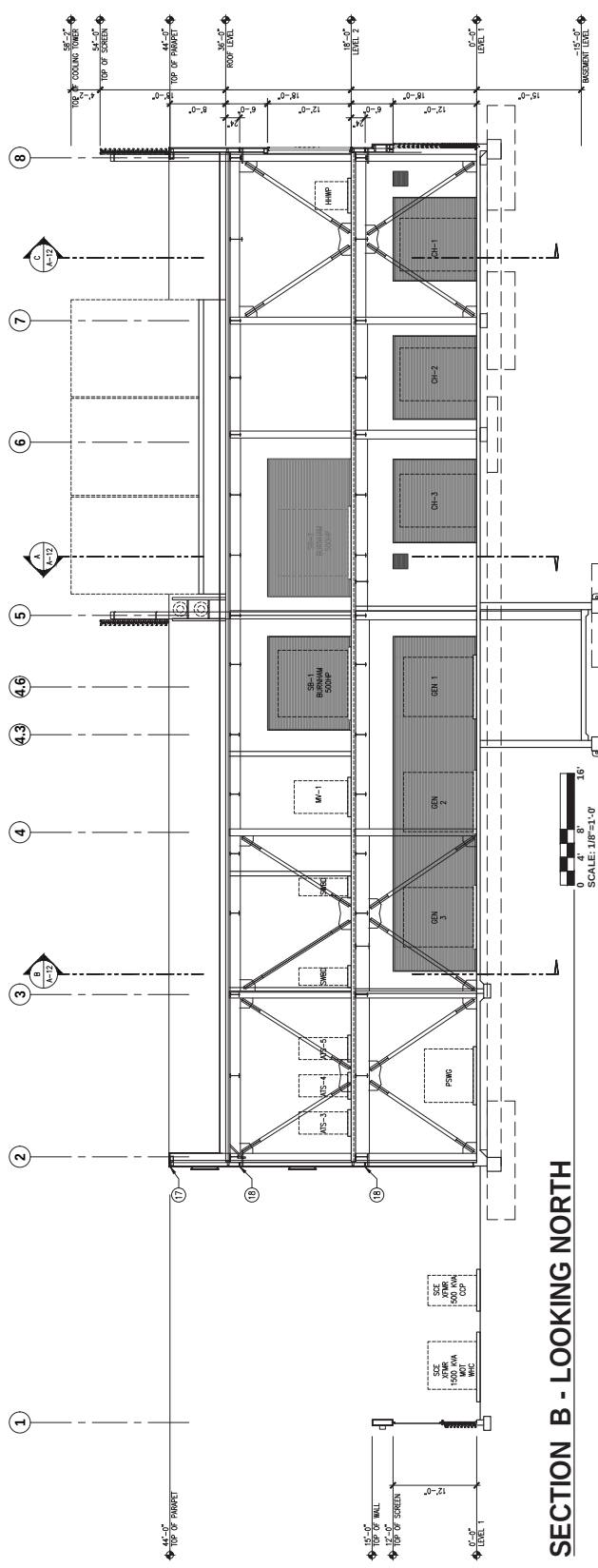
A-1

CENTRAL UTILITY PLANT

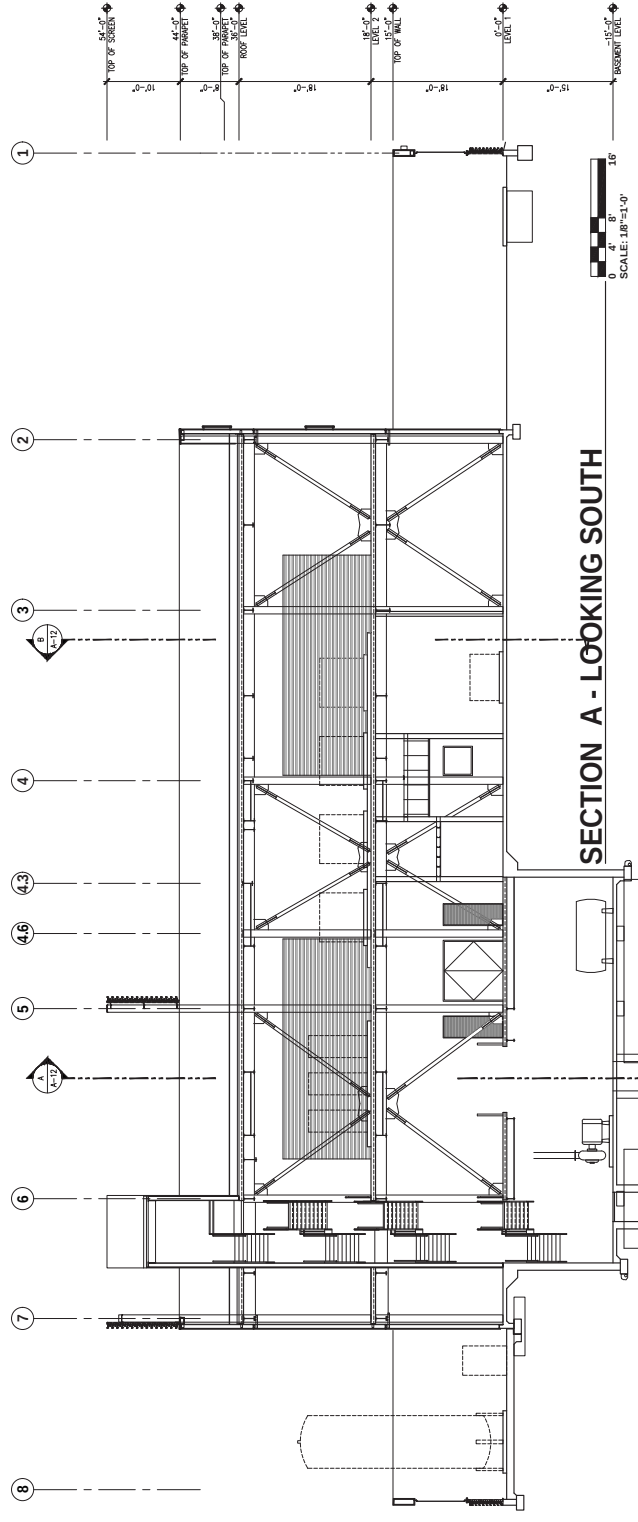
SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA

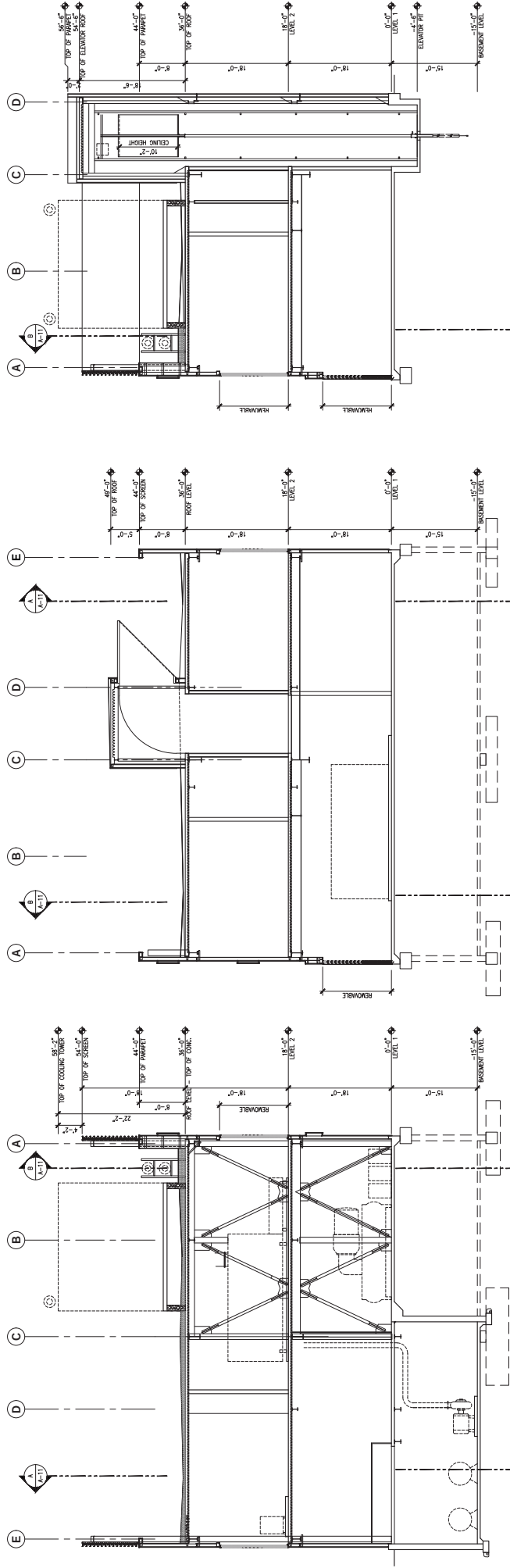
Attachment: Att 3 Plans (1128 : Site Development Permit No. 5-16-3527)

SECTION B - LOOKING NORTH



SECTION A - LOOKING SOUTH





SECTION A - LOOKING WEST

SECTION B - LOOKING EAST

SECTION C - LOOKING EAST



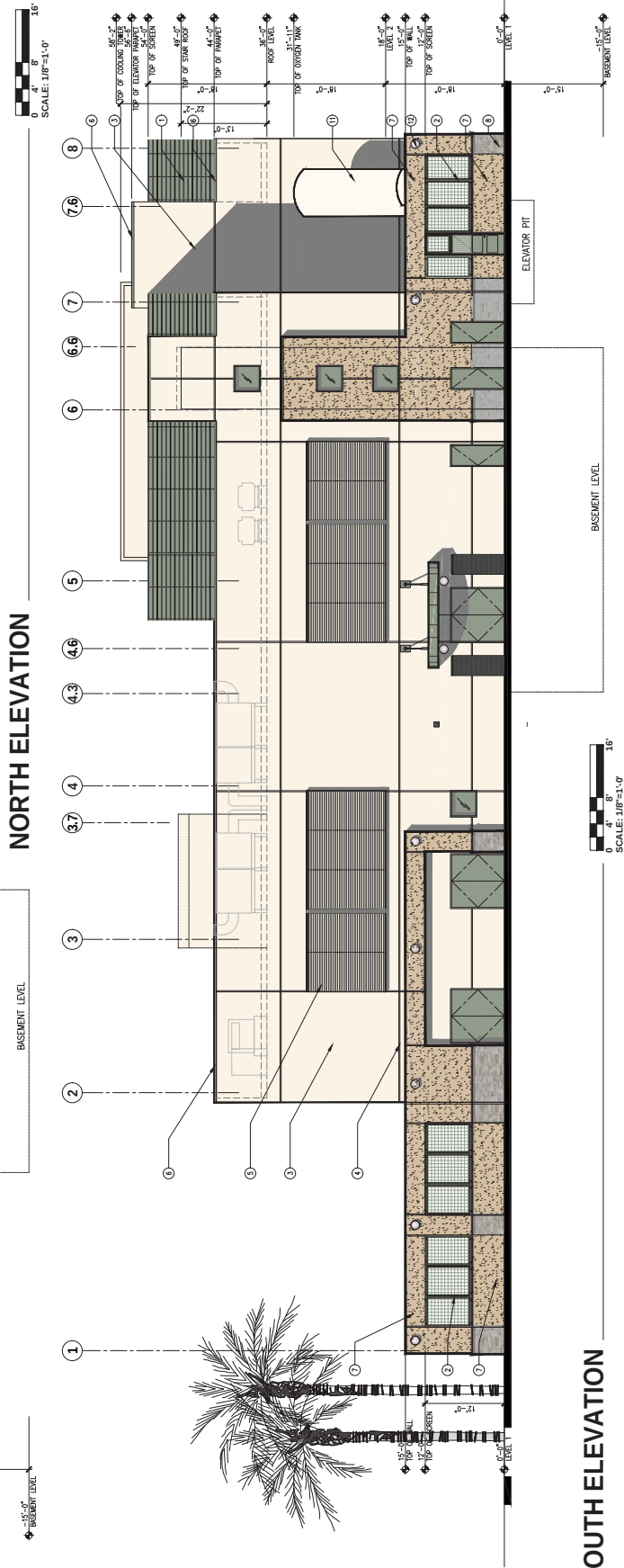
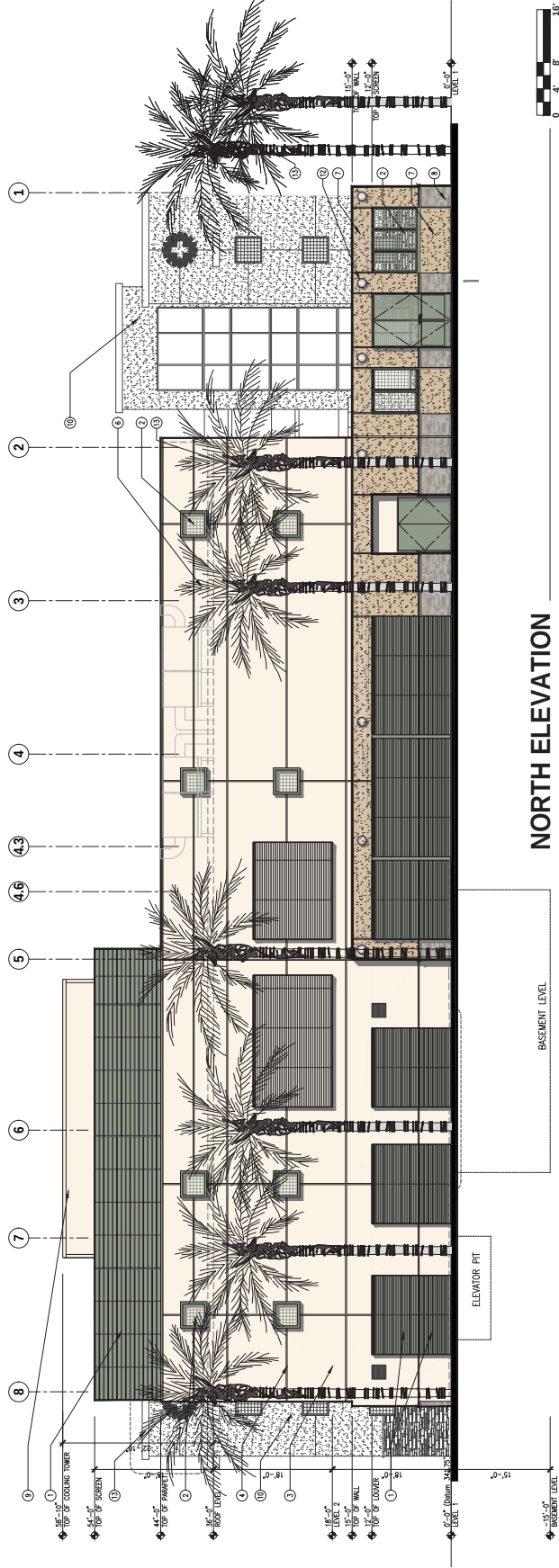
Architecture and Planning
1025 N. ARROYO ST. SUITE 4
PUEBLO, CO 81001
(719) 545-3000

CENTRAL UTILITY PLANT

SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA



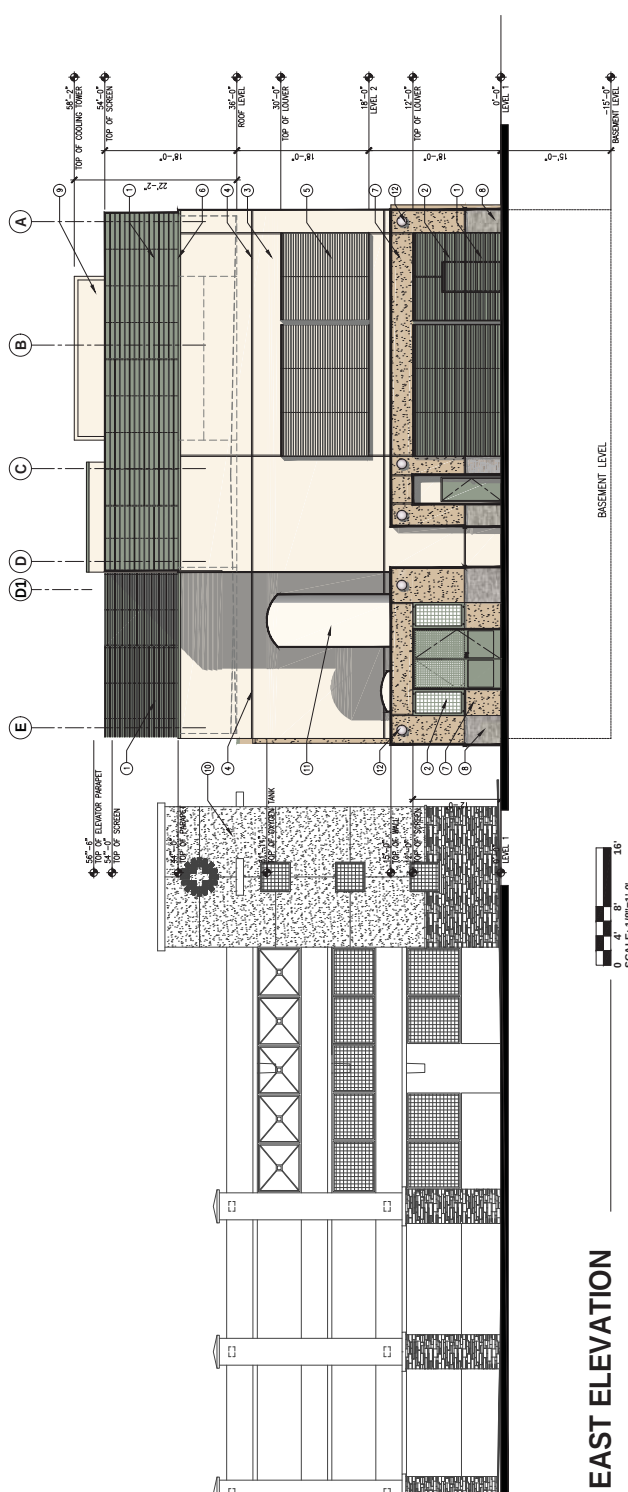
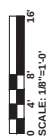
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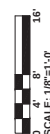


KEYNOTES

- 1 CONSTRUCTION SPECIALIST GROUP SCREEN LONGER BOLD (LINE) POWERS
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 2 WIRE MESH WALL DETAIL
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 3 REVEAL
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 4 CONSTRUCTION SPECIALIST FLOORS (RSH-3700) PAINTED/POWDER
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 5 CORNICE (COPPER) MATCH ADJACENT PARKING STRUCTURE.
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 6 STONE VENEER
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 7 CULTURED STONE VENEER PRO-FIT LESTERSTONE PLATINUM
MANUFACTURED BY DETAIL COLOR
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 8 COATING TOWERS
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 9 EXISTING PARKING STRUCTURE
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 10 COVEN TANKS STORAGE
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 11 WALL LIGHT FIXTURE
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.
- 12 PALM TREES, NEW/EXISTING/RELOCATED
DANN EDWARDS DEC 781 "SOMERSET STAMP", MATCH ADJACENT
PARKING STRUCTURE.



EAST ELEVATION



CENTRAL UTILITY PLANT

SADDLEBACK MEMORIAL MEDICAL CENTER
24451 Health Center Drive, Laguna Hills, CA



Attachment 4

Valet Parking Program

Valet Parking Program Operational Elements

- Valet parking program is being implemented to provide adequate parking during construction of the Central Utilities Plant (CUP).
- Valet service operates Monday – Friday 7:00 am to 7:00 pm.
- Vehicles may be picked up after 7:00 pm from Security by contacting them through the Emergency Department.
- Tipping is NOT required / valet service is free.
- The valet operator is fully insured as required by law. Valuables are owner's responsibility.
- All parking in the visitor lot is subject to valet parking.
- Valet operation has a single drop-off and pick-up location in the visitor parking lot, located at the main entrance.
- Shuttle service to and from the medical office building is available daily from 8:30 am.
- The employee parking structure remains self-parking.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Mayor and Council Members

FROM: David Chantarangsu
Community Development Director

ISSUE: Zoning Text Amendment No. 9-16-3648, an Amendment to Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) Pertaining to Definitions Related to Boarding House Uses in Residential Zones, Including an Exemption from the California Environmental Quality Act (CEQA)

RECOMMENDATION: That the City Council: (1) Conduct a Public Hearing; and (2) Introduce for first reading, read by title only, and waive further reading, an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, Adopting Zoning Code Text Amendment No. 9-16-3648, Amending Chapter 9-04 (Definitions) By Amending Various Definitions In The Laguna Hills Municipal Code Relating To Boarding House Uses In Residential Zones, including an exemption From the California Environmental Quality Act (CEQA)."

SUMMARY:

Zoning Text Amendment No. 9-16-3648 (ZTA9-16-3648) updates definitions within the City's Zoning Code relating to group living type uses to conform them with state law and court decisions and enhance the City's ability to regulate such uses consistent with the City's General Plan and Zoning Code.

BACKGROUND:

The Community Development Director and the City Attorney's Office reviewed the Zoning Code to determine if the definitions contained therein were sufficiently current to enable the City to enforce existing provisions relating to boarding house type uses in

Zoning Text Amendment No. 9-16-3648 - Boarding House Definitions

November 22, 2016

Page 2

residential zones. Boarding house uses can have negative secondary impacts, especially in single-family residential neighborhoods. One secondary impact is that the typical nature of a boarding house is that it houses larger numbers of adults than the typical residential dwelling unit, which can mean more cars which in turn creates more parking demand and traffic than the typical residential use. Because boarding houses generally house more individuals than the typical residential use they often generate more noise. Boarding house residents are often transient in nature renting out rooms or even beds on a weekly basis. Due to this, neighbors often do not know who does or doesn't live in the boarding house unit and thus have no idea whether the person should be at the house, which could result in more crime. A boarding house is especially inconsistent with the character of single-family residential neighborhoods, which often house families with children and generally have long-term residents who own the home and get to know each other.

Due to court challenges and changes in the law, the City's ability to regulate who may or may not live in a single family residential unit and to define what constitutes a single family for purposes of occupancy has been limited. The Zoning Code itself does not specifically define a single family. While courts have acknowledged a city's ability to preserve the residential character of neighborhoods and to distinguish between residential and commercial uses such as hotels and group living, some reasonable accommodations for group living type uses, especially for the disabled, are required by state and federal law. ZTA-9-16-3468 would update various definitions with the City's Zoning Code to more align them with these laws and court decisions.

The Zoning Code permits boarding houses in many residential districts. They are permitted in medium low, medium, and high density residential districts with a conditional use permit and in the mixed use, office professional, freeway commercial, and community commercial districts with a site development permit. Boarding houses are not permitted within the estate residential, low density residential and planned community residential districts. ZTA-9-16-3648 proposes no changes to where boarding houses are permitted. It should be noted; however, that the City is required by state law to permit certain state-licensed group home uses that care for six or fewer individuals who are considered "disabled" (as defined by state and federal law) in all residential zones. ZTA-9-16-3648 updates definitions of boarding house uses such as state-licensed community care facilities and supportive housing by specifically noting that to qualify as such they must be state licensed and by referring to definitions within state law itself.

Zoning Text Amendment No. 9-16-3648 - Boarding House Definitions

November 22, 2016

Page 3

ZTA-9-16-3648 amends the Zoning Code's current definition of Boarding House, which is in part a "dwelling unit or part thereof in which, for compensation, lodging and meals are provided..." From an enforcement standpoint this definition is of little assistance. Read one way, it could describe just about any rental unit in that lodging for compensation is by definition renting. Read another way, to constitute a boarding house both lodging and meals would have to be provided. The vast majority of boarding house uses do not provide meals. The definition further provides no threshold for how many separate boarders there are before a typical rental unit morphs into a boarding house use. The new definition provides for a threshold of three rental agreements, whether written or oral, which would turn a typical rental unit into a boarding house. Thus, an owner of a home in the typical single family residential area could rent a home to two different persons or families, but not three, without constituting a boarding house and when permitted requiring a conditional use permit.

ZTA-9-16-3648 would add a definition for single family housekeeping unit. The Zoning Code currently has a definition for "family" which states in part that it is a group of individuals living together as a "single housekeeping unit," but does not in turn have a definition for single housekeeping unit. The proposed definition is consistent with the current definition of "family," but also further defines it in a manner that the courts have supported. The essential distinction of a single family housekeeping unit from a boarding house use is that the former typically consists of a group of individuals that chose to live together, are often related; they share meals, expenses, and responsibilities; and membership and residency is relatively stable. People who reside in boarding houses generally do not share meals and expenses, choose with whom they reside, establish long-term relationships, and are transient in nature.

ZTA-9-16-3648 does not specifically address sober living facilities, which has been a topic of concern in some City neighborhoods and which even under the current definitions would be considered a boarding house use. With the new definition of boarding house and single family housekeeping unit, code enforcement will have a better foundation for regulating such uses. However, most sober living facilities are considered to be providing housing for disabled individuals. As such, state and federal laws would likely require the City to provide some form of reasonable accommodation or relief from its Zoning Code for sober living facilities, including permitting them to some degree in residential districts where boarding house uses are otherwise prohibited.

CEQA FINDINGS:

Zoning Text Amendment No. 9-16-3648 - Boarding House Definitions

November 22, 2016

Page 4

The City Council of the City of Laguna Hills hereby finds and determines that environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, 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) because it has no potential for resulting in physical change to the environment, directly or indirectly. Title 14, Chapter 3, Section 15305 (minor alterations in land use limitations) also applies since the Ordinance will not result in any changes in land use or density. The Ordinance makes minor changes to the definition of several terms within the City's Zoning Code to conform them to state law and court decisions and enhance the City's ability to regulate such uses consistent with the City's General Plan and Zoning Code as they currently exist. Zoning Code Text Amendment No. 9-16-2648 does not result in any changes to the environment but merely modifies definitions pertaining to boarding houses in the zoning code.

FISCAL IMPACT:

The Ordinance will result in changes to definitions associated with boarding homes which will not result in any fiscal impacts.

ATTACHMENTS:

- Attachment 1 - Ordinance

Attachment 1 – Ordinance



ORDINANCE NO. 2016 -

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 9-16-3648, AMENDING CHAPTER 9-04 (DEFINITIONS) BY AMENDING VARIOUS DEFINITIONS IN THE LAGUNA HILLS MUNICIPAL CODE RELATING TO BOARDING HOUSE USES IN RESIDENTIAL ZONES, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the purpose of this Ordinance is to update existing defined terms in the City of Laguna Hills Zoning Code to comport with case law and further the original intent of the Zoning Code to minimize the impact of boarding house uses on the residential character of neighborhoods in the City in order to protect and promote the public health, safety, and general welfare; and

WHEREAS, in furtherance of this objective, the City Council of the City of Laguna Hills hereby finds and determines that:

(a) The City of Laguna Hills has for a long time regulated boarding house type uses in residential neighborhoods due to negative secondary impacts arising out of these non-typical residential uses, prohibiting them in some residential neighborhoods, while permitting them with a conditional use permit in other residential neighborhoods. In some non-residential zones boarding houses are permitted with a site development permit. Over the years the City's definitions relating to the regulation of boarding house uses have become outdated and potentially difficult to enforce due to subsequently adopted state and federal laws, as well as case law decisions, relating to a local agency's regulation of boarding house uses.

(b) The purposes and intent of this Ordinance are to update the Zoning Code's definitions relating to boarding house uses to comport with these legal trends and to ensure that the original intent of the Zoning Code relating to boarding house uses can be enforced. The Ordinance will not alter permissible land uses or their density or change the manner in which boarding houses are regulated.

(c) This Ordinance furthers the City of Laguna Hills General Plan including, Policy LU-2.4: Protect existing neighborhoods from the encroachment of incompatible activities and land uses.

(d) This Ordinance is enacted pursuant to the City's valid exercise of its police power pursuant to Article 11, Section 7 of the California Constitution; and

WHEREAS, This Ordinance is a City-initiated zoning text amendment subject to Chapter 9-90 of the Laguna Hills Municipal Code; and

WHEREAS, The City Council of the City of Laguna Hills has held a duly noticed public hearing and considered public comments and written and oral information and testimony presented by City staff, community residents, and other interested parties at a public hearing held on November 22, 2016.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council of the City of Laguna Hills hereby finds and determines that environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, 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) because it has no potential for resulting in physical change to the environment, directly or indirectly. Title 14, Chapter 3, Section 15305 also applies (minor alterations in land use limitations) since the Ordinance will not result in any changes to land use or density. Zoning Code Text Amendment No. 9-16-2648 will not result in any changes to the environment but merely modifies definitions pertaining to boarding houses in the zoning code.

SECTION 3. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) is hereby amended by revising Chapter 9-04 (Definitions) by revising the following definitions to read as follows:

““Boarding house” means a residence other than hotel or single family housekeeping unit, wherein three or more rooms are rented under three or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Meals and lodging may be provided as part of the compensation paid by the tenants, as well as personal and financial services.”

““Community care facility” means any state licensed facility, place or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children and/or adults including but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. A Community care facility may also include Family Day Care Homes and Day care centers. Chapter 9-64 of this title contains a list of such facilities.”

““Dwelling unit” means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family housekeeping unit.”

““Supportive housing” shall have the same definition as provided in Health and Safety Code Section 50675.14 and as it may be amended, wherein it means housing with no limit on length of stay that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.”

““Transitional housing” and/or “transitional housing development” shall have the same definitions as provided in Health and Safety Code Section 50675.2 and as it may be amended, wherein it means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

SECTION 4. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) is hereby amended by adding the following definition to Chapter 9-04 (Definitions) to read as follows:

““Single Family Housekeeping Unit” means two or more occupants of a dwelling unit wherein the occupants have established ties and familiarity with each other, jointly use common areas, interact with each other, travel together, share meals, household activities, expenses and responsibilities, occupancy of the dwelling unit is stable as opposed to transient, adult occupants of the dwelling unit have control over who becomes an occupant in the dwelling unit, the adult occupants of the dwelling unit set their own rules for dwelling therein and have chosen to jointly occupy the entire premise of the dwelling unit.”

SECTION 5. Title 9 of the Laguna Hills Municipal Code (Zoning and Subdivisions) is hereby amended by revising Chapter 9-04 (Definitions) by deleting the definition of “Household” in its entirety.

SECTION 6. This Ordinance shall take effect on _____, 2016, the 31st day following the adoption of this Ordinance by the City Council.

SECTION 7. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Laguna Hills Municipal Code.

SECTION 8. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 9. 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 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen 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 this _____ day of _____ 2016.

BARBARA KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. _____ was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the _____ day of _____ 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the _____ day of _____ 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

Ordinance No. 2016-x

MELISSA AU-YEUNG, CITY CLERK

Laguna Hills, California

Attachment: Attachment 1 - Ordinance (1115 : Zoning Text Amendment No. 9-16-3648 - Boarding House Definitions)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Mayor and Council Members

FROM: David Chantarangsu
Community Development Director

ISSUE: Second Reading and Adoption of Ordinances Amending Title 10 (Buildings and Construction) of the Laguna Hills Municipal Code and Adopting by Reference the 2016 Edition of the Building Standards Code with Amendments, and Amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and Adopting by Reference the 2016 Edition of the California Fire Code with Amendments.

RECOMMENDATION: OPTION 1: That the City Council (1) Conduct a Public Hearing; and (2) Adopt ordinances entitled: “An Ordinance of the City of Laguna Hills, California, amending Title 10 of the Laguna Hills Municipal Code (Buildings and Construction) and adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of the 2016 California Building Code; the 2016 California Mechanical Code; the 2016 California Electrical Code; the 2016 California Plumbing Code; the 2016 California Residential Code; the 2016 California Green Building Standards Code; the 2016 California Energy Code; the 2016 Building Reference Standards Code; and the 2016 California Existing Building Code, together with certain amendments, additions, and deletions thereto” and “An Ordinance of the City of Laguna Hills, California, amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and adopting by reference the 2016 Edition of the California Fire Code including Appendices B, BB, C, CC, and H, together with certain amendments, additions, and deletions thereto.”

OR, OPTION 2: As a result of certain amendments to the proposed Ordinances recently requested by Mayor Pro Tempore Sedgwick, as revised by City staff and as set forth in Attachments C and D attached hereto, that the City Council: (1) Re-introduce for first reading, read by title only, and waive further reading of Ordinances entitled: “An

2016 Building Standards Code Adoption - Public Hearing and Second Reading

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Ordinance of the City of Laguna Hills, California, amending Title 10 of the Laguna Hills Municipal Code (Buildings and Construction) and adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24), consisting of the 2016 California Building Code; the 2016 California Mechanical Code; the 2016 California Electrical Code; the 2016 California Plumbing Code; the 2016 California Residential Code; the 2016 California Green Building Standards Code; the 2016 California Energy Code; the 2016 Building Reference Standards Code; and the 2016 California Existing Building Code, together with certain amendments, additions, and deletions thereto" **and** "An Ordinance of the City of Laguna Hills, California, amending Chapter 5-16 (Fire Code) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal Code and adopting by reference the 2016 Edition of the California Fire Code including Appendices B, BB, C, CC, and H, together with certain amendments, additions, and deletions thereto;" (2) Direct that the revised Ordinances as set forth in Attachments C and D attached hereto be placed on the December 13, 2016, meeting agenda for a Public Hearing, second reading, and adoption; and (3) continue the Public Hearing to December 13, 2016.

SUMMARY:

On October 25, 2016, the City Council introduced for first reading two Ordinances that adopted by reference the new state building codes which become effective on January 1, 2017. Amendments provided by the Orange County Fire Authority (OCFA) were included in the recommended Ordinances. At the request of Mayor Pro Tempore Sedgwick, staff recently revisited certain sections of the California Building Code, the California Residential Code, and the California Fire Code with OCFA, which recommended that more stringent measures be adopted than what was required by the state. OCFA requested that amendments to Chapter 10 of the California Residential Code and Chapter 3 of the California Fire Code be included to place additional location and construction requirements on fire rings located on single-family residential properties. At Mayor Pro Tempore Sedgwick's request, staff also requested that OCFA further explain and clarify language of OCFA's amendment at Section 701A.3 of the California Building Code which describes how additions and remodels are subject to special construction provisions if located in specified areas.

Staff reviewed these code sections with OCFA and OCFA staff did not object to the deletion of amendments that placed additional restrictions and regulations on fire rings. OCFA staff also supported the addition of clarifying language to Section 701A.3 of the California Building Code.

Proceeding with Option 1 would result in the adoption of the new codes as introduced for first reading and presented to the City Council at the October 25, 2016 meeting. To proceed with Option 1, the City Council should move forward with conducting the Public Hearing and adopt the Ordinances contained in Attachments A and B. The recommendation in Option 1 results in the adoption of the new codes with all of the amendments proposed by OCFA. The new codes would be effective on January 1, 2017. Proceeding with Option 2 would incorporate Mayor Pro Tempore Sedgwick's proposed modifications, but would require the re-introduction of the Ordinances. Under this approach, the City Council must re-introduce for first reading the modified Ordinances contained in Attachments C and D. Under Option 2, the City's formal adoption of the building codes would not become effective until January 13, 2017. However, the state codes become effective on January 1, 2017, and during the interim period of time until the local amendments take effect, the un-amended state building code standards would be applicable.

BACKGROUND:

Every three years the State of California updates its building codes for the purpose of promoting safe building construction, energy efficiency, and sustainability. For 2016, the code update encompasses the following codes:

- California Fire Code
- California Building Code
- California Mechanical Code
- California Electrical Code
- California Plumbing Code
- California Residential Code
- California Green Building Code
- California Energy Code
- California Referenced Standards Code

In addition, the state has adopted a new code known as the "Existing Buildings Code" which replaces the "Existing Standards Code." While the existing regulations focus on mitigation and repair of unreinforced masonry buildings and seismic resistance, the new regulations address a broad variety of topics dealing with the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every existing building or structure, or any appurtenances connected or attached to such buildings or structures in the City.

Collectively these codes are generally known as the “Building Standards Code” and are contained in the California Code of Regulations, Title 24. The proposed codes represent the minimum requirements for new construction and the City has the ability to adopt more restrictive measures based on unique physical circumstances that a community may be subject to including climate, topography, and geology. Based on these conditions, the OCFA has recommended several modifications to the California Building Code, California Residential Code, and California Fire Code for the City Council’s consideration. At the October 25, 2016 meeting, staff recommended that the amendments proposed by OCFA be incorporated into the new codes.

DISCUSSION RE: PROPOSED OCFA AMENDMENTS:

Subsequent to the City Council’s first reading and introduction of the proposed ordinances, Mayor Pro Tempore Sedgwick recently identified sections in Chapter 10 of the California Residential Code and Chapter 3 of the California Fire Code to exclude from OCFA’s amendments. These sections place extra requirements on outdoor fire places, fire pits, fire rings, or similar devices which might be built on a single-family property. OCFA’s amendments would prohibit wood burning fire rings on over 100 properties in the City, and require permanent or portable fireplaces to be used at all other properties. Attachment A at Pages 18 and 19 and Attachment B at Page 9, respectively, identify these amendments. This language has been removed from and does not appear in Attachments C or D.

Mayor Pro Tempore Sedgwick also sought language from OCFA to clarify Section 701A.3 of the California Building Code. This section gives OCFA the authority to require additions and building remodels to be constructed of upgraded materials that are fire resistive for properties located in specified areas. Mayor Pro Tempore Sedgwick’s requested clarification more clearly specifies that the section would only be applicable to additions and remodels if upgraded materials and/or construction methods were required “at the time of construction.” This change has been noted on Page 7 of Attachment C.

CONCLUSION:

There are hundreds of other technical changes that have been made to the various building codes. They address a broad range of topics including life safety, fire safety, energy efficiency, and construction techniques. The referenced codes are available in the Community Development Department for review as well as on line at the California

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Building Standards Commission website (www.bsc.ca.gov). The State Codes become effective January 1, 2017. The local amendments would become effective on January 1, 2017, as well if the City Council moves forward with Option 1. Otherwise, moving forward with Option 2 would result in the revised ordinances and the local amendments thereto becoming effective on January 13, 2017.

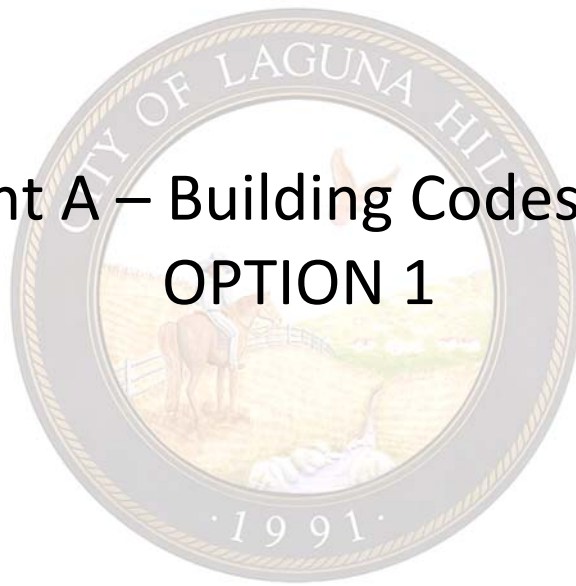
CEQA FINDINGS:

Adoption of the proposed Ordinances is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, 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 15371), because it has no potential for resulting in physical change to the environment, directly or indirectly.

ATTACHMENTS:

- Attachment A - Building Codes Ordinance - OPTION 1
- Attachment B - Fire Code Ordinance - OPTION 1
- Attachment C - Building Codes Ordinance - OPTION 2 (REVISED)
- Attachment D - Fire Code Ordinance - OPTION 2 (REVISED)

Attachment A – Building Codes Ordinance OPTION 1



ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING TITLE 10 OF THE LAGUNA HILLS MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION) AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2016 CALIFORNIA BUILDING CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 BUILDING REFERENCE STANDARDS CODE; AND THE 2016 CALIFORNIA EXISTING BUILDING CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS THERETO.

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.*, the City of Laguna Hills ("City") may adopt by reference the California Building Standards Code, 2016 Edition, as provided in Title 24 of the California Code of Regulations; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted new amendments to the California Building Standards Code; and

WHEREAS, California Health & Safety Code Section 17958.5 *et seq.*, and 18941.5 authorize cities to modify the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, based upon the recommendations of the Building Official, the City Council finds the proposed amendments to the 2016 California Building Standards Code ("amendments") set forth in this ordinance, which are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury, and death due to fires and earthquakes, and are reasonable and necessary to mitigate local climatic, geological or topographical conditions; and

WHEREAS, on October 25, 2016, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading of the Ordinance for November 22, 2016; and

WHEREAS, the City Council held a public hearing on November 22, 2016, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2016 California Building Standards Code as amended herein; and

WHEREAS, pursuant to California Government Code Section 6066, the City published notice of the aforementioned public hearing; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the amendments to the 2016 California Building Code and 2016 California Residential Code are reasonably necessary because of local climatic, geological or topographic conditions, and adopts the findings provided below to support the modifications to the 2016 California Building Code and 2016 California Residential Code.

1. Climatic Conditions

A. Orange County and the City of Laguna Hills are located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County Fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

2. Topographical Conditions

A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Orange County. The elevation change caused by the hills creates the geological foundation on which communities within Orange County are built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and with greater constraints in terrain.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

3. Geological Conditions

The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault,

located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”

B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

C. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zones described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) resources available for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

Additional amendments have been made to the 2016 California Building Standards Code. Such amendments are hereby found to be either administrative or procedural in nature or concern themselves with subjects not covered in such codes. The changes made include provisions making each of said codes compatible with other codes enforced by the City.

The findings above are applicable to amendments to the 2016 California Building Code as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
202	General definitions	Administrative
701A.3	Construction methods requirements for the addition and remodeling requirements of building in wildfire areas located within 100 feet of a fuel modification zone.	I & II
701A.3.2	Construction methods requirements for the detached accessory structures in wildfire areas.	I & II
701A.4	Construction material requirements for the accessory structures in wildfire areas.	I & II
903.2	Where required (Sprinklers)	I, II & III
903.2.8	Group R (Sprinklers)	I, II & III
903.3.5.3	Hydraulically calculated systems	I & II
Chapter 35	Reference Standards	N/A
	2016 NFPA 13 (Sprinkler Systems)	Administrative, II & III
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II
	2013 NFPA 14 (Standpipe Systems)	Administrative
	2016 NFPA 24 (Underground Water Supply Systems)	Administrative & III

The findings above are applicable to amendments to the 2016 California Residential Code as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
202	General definitions	Administrative
R301.9	Construction methods requirements for the addition and remodeling requirements of building in wildfire areas located within 100 feet of a fuel modification zone.	I & II
R309.6	Group R-3 fire sprinkler requirements in attached garages, carports with habitable spaces in accordance with CFC Section 903.2.8	I, II & III
R313.1	Group R-3 Townhome fire sprinkler requirements for additions	I, II & III

	and alterations in accordance with CFC Section 903.2.8	
R313.2	Group R One- and two-family fire sprinkler requirements for additions and alterations in accordance with CFC Section 903.2.8	I, II & III
R313.3.6.2.2	Hydraulically calculated systems	I & II
R1001.13	Fire Pits, Fire Rings, & Outdoor Fireplaces	Administrative
R1001.13.1	Gas-fueled devices	I & II
R1001.13.2	Devices using wood or fuels other than natural gas or LPG	I & II
R1001.13.3	Where prohibited	I & II
Chapter 44	Reference Standards	N/A
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II

SECTION 2. Chapter 10.28 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-28 CALIFORNIA BUILDING CODE

10-28-010 Adoption of the California Building Code.

The California Building Code, 2016 Edition, based on the 2015 Edition of the International Building Code as published by the International Code Council, together with the amendments provided in this chapter, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Building Code of the City of Laguna Hills, regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

10-28.030 Amendments to the California Building Code.

Chapter 2 Definitions.

Section 202 Definitions is hereby revised by adding “Spark Arrester” as follows:

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 7A Materials and Construction Methods for Exterior Wildfire Exposure.

Section 701A.3 Application is hereby revised to read as follows:

701A.3 Application. New buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date, and additions to and remodel of buildings constructed before 2012 located in areas currently designated as such, shall comply with the provisions of this chapter. The provisions shall also apply to additions, remodels, and accessory structures located within 100 feet of a fuel modification zone, vegetation management area, or similar area containing hazardous combustible vegetation, regardless of whether the property is currently located in a designated Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area, when materials and/or construction methods for exterior wildfire exposure were previously required at the property by the Building or Fire Code Official.

Exceptions:

1. Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from the applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Section 710A.3.2 is hereby revised to read as follows:

710A.3.2 Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

Section 710A.4 Requirements is hereby revised to read as follows:

710A.4 Requirements. Accessory structures shall be constructed of non-combustible or ignition-resistant materials.

Chapter 9 Fire Protection Systems.

Section 903.2 Where required is hereby revised to read as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet
 - b. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby revised to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area as defined in Section 202, and greater than 1000 square feet within a two year period; or,
 - b. An addition when the existing building is already provided with automatic sprinklers; or,
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

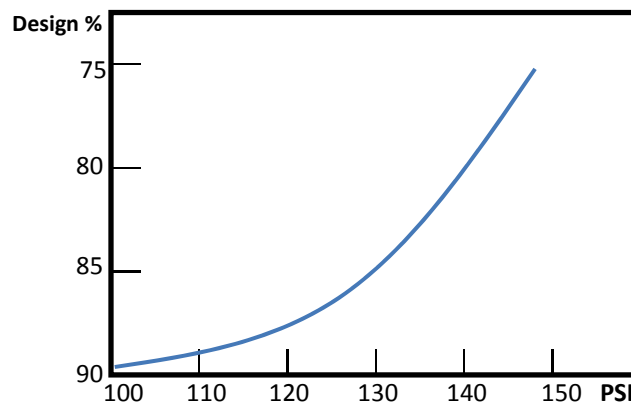
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is hereby added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



Chapter 35 Referenced Standards.

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½"

inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the

joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings.

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

SECTION 3. Chapter 10-32 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-32 CALIFORNIA MECHANICAL CODE

10-32.010 Adoption of the California Mechanical Code.

The California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Mechanical Code of the City of Laguna Hills, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. Not less than one copy of said code

has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 4. Chapter 10-36 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-36 CALIFORNIA ELECTRICAL CODE

10-36.010 Adoption of the California Electrical Code.

The California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Electrical Code of the City of Laguna Hills, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 5. Chapter 10-40 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-40 CALIFORNIA PLUMBING CODE

10-40.010 Adoption of the California Plumbing Code.

The California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Plumbing Code of the City of Laguna Hills, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 6. Chapter 10-48 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-48 CALIFORNIA RESIDENTIAL CODE

10-48.010 Adoption of the California Residential Code.

The California Residential Code, 2016 Edition, based on the 2015 International Residential Code as published by the International Code Council together with the

amendments provided in this chapter, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Residential Code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

10-48.020 Amendments to the Residential Code.

Chapter 2 Definitions.

Section 202 Definitions is hereby revised by adding “OCFA” and “Spark Arrester” as follows:

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

3. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
4. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 Building Planning.

Section R301.9 Fuel Modification Requirements for New Construction is hereby added as follows:

R301.9 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program.”

Section R309.6 Fire sprinkler attached garages, and carports with habitable space above is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.1 Townhouse automatic fire sprinkler systems is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic sprinkler system unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.3.6.2.2 Calculation procedure is hereby revised to read as follows:

R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.3.

(The remainder of the section is unchanged)

Chapter 10 Chimneys and Fireplaces.

Section R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices is hereby added as follows:

R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices.

Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking

Section R1001.13.1 Gas-fueled devices is hereby added as follows:

R1001.13.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.

Section R1001.13.3 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

R1001.13.3 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones

(FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ, unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

Chapter 44 Referenced Standards.

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

SECTION 7. Chapter 10-52 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-52 California Green Building Standards Code

10-52.010 Adoption of the California Green Building Standards Code.

The California Green Building Standards Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the green building standards code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 8. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-60 (California Energy Code) to read as follows:

Chapter 10-60 California Energy Code

10-60.010 Adoption of the California Energy Code.

The California Energy Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the energy code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 9. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-64 (California Referenced Standards Code) to read as follows:

Chapter 10-64 California Referenced Standards Code

10-64.010 Adoption of the California Referenced Standards Code.

The California Referenced Standards Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the referenced standards code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 10. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-68 (California Existing Building Code) to read as follows:

Chapter 10-68 California Existing Building Code

10-68.010 Adoption of the California Existing Building Code.

The California Existing Building Code, 2016 Edition, based on the 2015 International Existing Building Code as published by the International Code Council is hereby adopted and incorporated by reference, as if set forth at length herein, as the City of Laguna Hills existing building code regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 11. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, 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 15371), because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 12. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 13. The City Clerk shall certify as to the adoption of this Ordinance and cause a summary thereof to be published within (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 22nd DAY OF NOVEMBER, 2016.

BARBARA J. KOGERMAN , MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss
 CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2016- was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the th day of November, 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the th day of November, 2016, by the following vote, to wit:

AYES:

NOES:

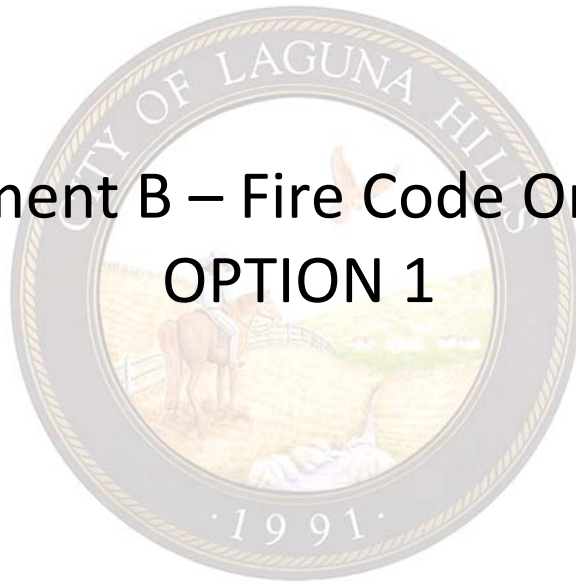
ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Attachment B – Fire Code Ordinance OPTION 1



ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING CHAPTER 5-16 (FIRE CODE) OF TITLE 5 (HEALTH AND SANITATION) OF THE LAGUNA HILLS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA FIRE CODE INCLUDING APPENDICES B, BB, C, CC, AND H, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS THERETO.

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of Laguna Hills ("City") may adopt by reference the 2016 California Fire Code, based on the International Fire Code, 2015 Edition (including appendices), published by the International Code Council (ICC), as adopted by the State of California pursuant to Title 24, Part 9 of the California Code of Regulations; and

WHEREAS, California Health & Safety Code Section 17958.5 authorizes cities to adopt the codes contained in Title 24 of the California Code of Regulations with changes and modifications determined to be reasonably necessary because of local climatic, topographic or geologic conditions; and

WHEREAS, the City desires to adopt the 2016 California Fire Code including Appendices B, BB, C, CC and H, based on the International Fire Code, 2015 Edition, published by International Code Council (ICC), as adopted by Title 24, Part 9 of the California Code of Regulations ("Fire Code") with necessary amendments to assure the Code is tailored to the particular fire protection needs of the City as required by local climatic, topographic and geologic conditions and assure that a maximum level of fire protection is provided to residents, businesses and other occupants; and

WHEREAS, on October ____, 2016, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading fo the Ordinance for November ____, 2016e; and

WHEREAS, pursuant to California Government Code Section 6066, the City published notice of the aforementioned public hearing; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred;

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the proposed amendments to the 2016 California Fire Code are reasonably necessary because of local climatic, geologic or topographic conditions, and adopts the findings provided below to support the modifications to the 2016 California Fire Code.

I. Climatic Conditions

A. Orange County located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles will greatly impact the response time to reach an incident scene.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

A. Natural; slopes of 15 percent or greater generally occur throughout the foothills of Orange County. The elevation change caused by the hills creates the geological foundation on which communities with Orange County is built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and with greater constraints in terrain.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

A. The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

B. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe."

C. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

D. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zones described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) resources available for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

The findings above are applicable to amendments to the 2016 California Fire Code and the International Fire Code, 2015 Edition as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
109.4	Violation penalties	Administrative
109.4.2	Infraction & Misdemeanor	Administrative
202	General definitions	Administrative
304.1.2	OCFA Vegetation Management	I
305.6	Hazardous conditions	I & II
305.7	Disposal of rubbish	I & II
307	Fire Pits, Fire Rings, & Outdoor Fireplaces	Administrative
307.6.1	Gas-fueled devices	I & II
307.6.2	Devices using wood or fuels other than natural gas or LPG	I & II
307.6.2.1	Where prohibited	I & II
309.2.1	Indoor charging of electric cars	Administrative
320	Fuel modification requirements for new construction	I
321	Clearance of brush or vegetation growth from roadways	I

322	Unusual circumstances	Administrative
323	Use of equipment	I
323.1	Spark arresters	I
324	Sky Lanterns or similar devices	I & II
407.5	Hazardous material inventory statement	I & II
501.1	Scope	Administrative, I, II & III
510.1	Emergency responder radio coverage	Administrative
510.4.2.2	Technical Criteria	Administrative
510.5.1	Approval prior to installation	Administrative
510.5.2	Minimum qualification of personnel	Administrative
510.5.3	Acceptance test procedure	Administrative
510.6.1	Testing and proof of compliance	Administrative
903.2	Where required (Sprinklers)	I, II & III
903.2.8	Group R (Sprinklers)	I, II & III
903.3.5.3	Hydraulically calculated systems	I & II
2801.2	Permit	Administrative
2808.2	Storage site	Administrative
2808.3	Size of piles	I
2808.4	Pile separation	I
2808.7	Pile fire protection	I
2808.9	Material-handling equipment	I
2808.11	Temperature control	I
2808.11.1	Pile temperature control	I
2808.11.2	New material temperature control	I
2808.12	Water availability for piles	I
2808.13	Tipping area	I
2808.14	Emergency contact	Administrative
4906.3	OCFA Vegetation Management Guideline	I
4908	Fuel modification requirements for new construction	I
5001.5.2	Hazardous materials inventory statement	Administrative
5003.1.1.1	Extremely hazardous substances	I & III
5608.2	Retail fireworks	Administrative
5608.3	Application for permit	Administrative
Chapter 80	Reference Standards	N/A
	2016 NFPA 13 (Sprinkler Systems)	Administrative, II & III
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II
	2013 NFPA 14 (Standpipe Systems)	Administrative
	2016 NFPA 24 (Underground Water Supply)	Administrative & III

	Systems)	
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SECTION 2. Section 5-16.010 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

5-16.010 Adoption of the California Fire Code and International Fire Code

The 2016 California Fire Code, including Appendices B, BB, C, CC, and H based on the International Fire Code, 2015 Edition, published by the International Code Council (ICC), and the whole of the International Fire Code, 2015 Edition, together with the amendments provided in this chapter, are hereby adopted and incorporated by reference, as though set forth at length herein, as the Fire Code of the City of Laguna Hills for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosions.. Not less than one copy of said codes has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 3. Section 5-16.030 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

5-16.030 Amendments to the California Fire Code

Chapter 1 Scope and Administration is adopted in its entirety with the following amendments:

Section 109.4 Violation penalties is hereby revised to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall result in penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.4.2 Infraction and misdemeanor is hereby added as follows:

109.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

Chapter 2 Definitions is adopted in its entirety with the following amendments:

Section 202 General Definitions is hereby revised by adding “OCFA,” “Sky Lantern,” and “Spark Arrester” as follows:

202 General Definitions

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 General Requirements is adopted in its entirety with the following amendments:

Section 304.1.2 Vegetation is hereby revised to read as follows:

304.1.2 Vegetation. Type, amount, or arrangement of weeds, grass, vines or other growth that is capable of being ignited and endangering property needing to comply with OCFA Guidelines, shall be cut, thinned, and removed by the owner or occupant of the premises in accordance with OCFA Guideline C-05 “Vegetation Management Guideline—Technical Design for New

Construction, Fuel Modification Plans, and Maintenance Program. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49.

Section 305.6 Hazardous Conditions is hereby added as follows:

305.6 Hazardous conditions. Outdoor fires are not allowed when predicted sustained winds exceed 8 MPH during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.

Section 305.7 Disposal of rubbish is hereby added as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

Section 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES is hereby revised to read as follows:

SECTION 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS, AND PORTABLE OUTDOOR FIREPLACES

Sections 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies is hereby added as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

Section 307.6.1 Gas-fueled devices is hereby added as follows:

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible

construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

Section 307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace. Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

Section 307.6.2.1 Where prohibited is hereby added as follows:

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and Wildland-Urban Interface Areas (WUI) or in locations where conditions could cause the spread of fire to the WRA or WUI unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

Section 309.2.1 Indoor charging of electric carts/cars is hereby added as follows:

309.2.1 Indoor charging of electric carts/cars. Indoor charging of electric carts/cars where the combined volume of all battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7.1
4. Smoke detection shall be provided and comply with Section 608.9.

Section 320 Fuel Modification Requirements for New Construction is hereby added as follows:

320 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

Section 321 Clearance of brush or vegetation growth from roadways is hereby added as follows:

321 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 322 Unusual Circumstances is hereby added as follows:

322 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.

5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 323 Use of Equipment is hereby added as follows:

323 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

Section 323.1 Spark Arresters is hereby added as follows:

323.1 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 323 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Section 324 Sky Lanterns or similar devices is hereby added as follows:

324 Sky Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or similar device is prohibited.

Chapter 4: Emergency Planning and Preparedness. Only the following sections and subsections of Chapter 4 are enacted:

401

401.3.4

401.9

402

403.2

404.5 – 404.6.6

407

Section 407.5 is revised to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include OCFA's Chemical Classification Packet in accordance with Section 5001.5.2.

Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

Section 501.1 Scope is revised to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development." Fire service features for buildings, structures and premises located in State Responsibility Areas shall also comply with OCFA Guideline B-09a, "Fire Safe Development in State Responsibility Areas."

Section 510.1 Emergency responder radio coverage is revised to read as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the local authority having jurisdiction's ordinance and this code.

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative

impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.

This section shall not apply to the following:

1. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
2. Elevators.
3. Structures that are three stories or less without subterranean storage or parking and that do not exceed 50,000 square feet on any single story.
4. Wood-constructed residential structures four stories or less without subterranean storage or parking that are not built integral to an above ground multi-story parking structure.
5. Should construction that is three stories or less that does not exceed 50,000 square feet on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

Section 510.2 Emergency responder radio coverage in existing buildings is deleted without replacement:

Section 510.4.2.2 Technical criteria is revised to read as follows:

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

1. The frequency range supported from the 800 MHz Countywide Communications System shall be 851-869 MHz (base transmitter frequencies).
2. The frequency range supported to the 800 MHz Countywide Communications System shall be 806-824 MHz (radio field transmit frequencies).
3. A public safety radio amplification system shall include filters to reject frequencies below 851 MHz and frequencies above 869 MHz by a minimum of 35dB.
4. All system components must be 100 percent compatible with analog and digital modulations after installation without adjustments or modifications. The systems must be capable of encompassing the frequencies stated

herein and capable of future modifications to a frequency range subsequently established by the jurisdiction.

5. Active devices shall have a minimum of -50 dB 3rd order intermodulation protection.
6. All active in-building coverage devices shall be FCC Part 90 Type Certified

Section 510.5.1 Approval prior to installation is revised to read as follows:

510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior plan submittal, coordination and approval from Orange County Communications and a copy of the approved plan provided to the fire and building code officials.

Section 510.5.2 Minimum qualification of personnel is revised to read as follows:

510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio operator's license.
2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

Section 510.5.3 Acceptance test procedure item 7 is revised to read as follows:

510.5.3 Acceptance test procedure. When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to ensure that two-way coverage on each floor of the building is not less than 90 percent. The test procedure shall be conducted as follows: ...

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and subsequent annual inspections by the FCC licensed technician hired by the property owner and an OCSD/Communications Division FCC-certified technician.

Section 510.6.1 Testing and proof of compliance is revised to read as follows:

510.6.1 Testing and proof of compliance.

The owner of the building or their representative shall have the emergency responder radio coverage system ~~shall be~~ inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building system components shall be tested to determine general functional operability.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. Other active components shall be checked to verify operation within the manufacturer's specifications.
5. If noncompliance is found, the FCC licensed technician will assess improvements necessary and provide such information to OCSD Communications and the fire and building code officials.
6. At the conclusion of the testing, a certification report, which shall verify compliance with Section 510.5.3, shall be submitted to OCSD Communications and the fire and building code officials.

Chapter 9 Fire Protection Systems is adopted in its entirety with the following amendments:

Section 903.2 Where required is hereby revised to read as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet
 - b. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby revised to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area as defined in Section 202, and greater than 1000 square feet within a two year period; or,
 - b. An addition when the existing building is already provided with automatic sprinklers; or,
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

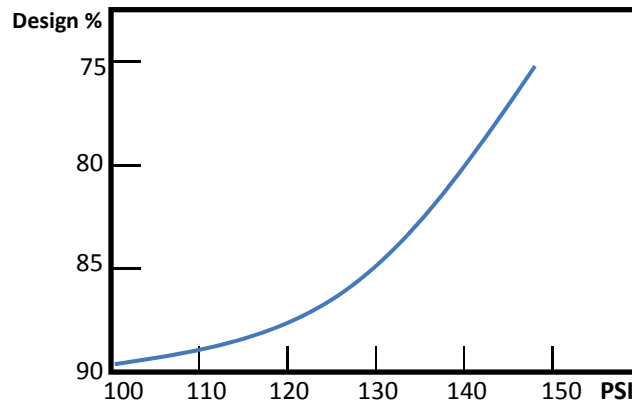
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is hereby added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



Chapter 11 Construction Requirements for Existing Buildings. Only the following sections and subsections of Chapter 11 are enacted:

1103.7
 1103.7.3
 1103.7.3.1
 1103.7.8 – 1103.7.8.2
 1103.7.9 – 1103.7.9.10
 1103.8 – 1103.8.5.3
 1107
 1113
 1114
 1115
 1116

Chapter 20 Aviation Facilities is adopted in its entirety without amendments.

Chapter 21 Dry Cleaning is adopted in its entirety without amendments.

Chapter 22 Combustible Dust-Producing Operations is adopted in its entirety without amendments.

Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages is adopted in its entirety without amendments.

Chapter 24 Flammable Finishes is adopted in its entirety without amendments.

Chapter 25 Fruit and Crop Ripening is deleted in its entirety.

Chapter 26 Fumigation and Insecticidal Fogging is deleted in its entirety.

Chapter 27 Semiconductor Fabrication Facilities is adopted in its entirety without amendments.

Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities is adopted in its entirety with the following amendments:

Section 2801.2 Permit is hereby revised to read as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

Section 2808.2 Storage site is hereby revised to read as follows:

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring products to the site.

Section 2808.3 Size of piles is hereby revised to read as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.

3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

Section 2808.4 Pile Separation is hereby revised to read as follows:

2808.4. Pile separation. Piles shall be separated from adjacent piles by a minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

Section 2808.7 Pile fire protection is hereby revised to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

Section 2808.9 Material-handling equipment is hereby revised to read as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

Section 2808.11 Temperature control is hereby added as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

Section 2808.11.1 Pile temperature control is hereby added as follows:

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

Section 2808.11.2 New material temperature control is hereby added as follows:

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

Section 2808.12 Water availability is hereby added as follows:

2808.12 Water Availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

Section 2808.13 Tipping area is hereby added as follows:

2808.13 Tipping areas shall comply with the following:

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.

5. All material within a tipping area shall be processed within 5 days of receipt.

Section 2808.14 Emergency Contact is hereby added as follows:

2808.14 Emergency Contact. The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

Chapter 29 Manufacture of Organic Coatings is adopted in its entirety without amendments.

Chapter 30 Industrial Ovens is adopted in its entirety without amendments.

Chapter 31 Tents and Other Membrane Structures is adopted in its entirety without amendments.

Chapter 32 High-Piled Combustible Storage is adopted in its entirety without amendments.

Chapter 33 Fire Safety During Construction and Demolition is adopted in its entirety without amendments.

Chapter 34 Tire Rebuilding and Tire Storage is adopted in its entirety without amendments.

Chapter 35 Welding and Other Hot Work is adopted in its entirety without amendments.

Chapter 36 Marinas is adopted in its entirety without amendments.

Chapter 37 Combustible Fibers is adopted in its entirety without amendments.

Chapter 48 Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities and Production Locations is adopted in its entirety without amendments.

Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendments:

Section 4906.3 Requirements is hereby revised to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation “General Guideline to Create Defensible Space”).
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”

Section 4908 Fuel Modification Requirements for New Construction is hereby added as follows:

4908 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”
 - 3.1 The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.

4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Chapter 50 Hazardous Materials – General Provisions is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS) is hereby revised to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include Orange County Fire Authority's Chemical Classification Packet, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Classification Packet shall include the following information:

1. Product Name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

Section 5003.1.1.1 Extremely Hazardous Substances is hereby added as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

Chapter 51 Aerosols is adopted in its entirety without amendments.

Chapter 53 Compressed Gases is adopted in its entirety without amendments.

Chapter 54 Corrosive materials is adopted in its entirety without amendments.

Chapter 55 Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 56 Explosives and Fireworks is adopted in its entirety with the following amendments:

Section 5608.2 Firing is hereby added as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

Section 5608.3 Application for Permit is hereby added as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

Chapter 57 Flammable and Combustible Liquids is adopted in its entirety without amendments.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 59 Flammable Solids is adopted in its entirety without amendments.

Chapter 60 Highly Toxic and Toxic Materials is adopted in its entirety without amendments.

Chapter 61 Liquefied Petroleum Gases is adopted in its entirety without amendments.

Chapter 62 Organic Peroxides is adopted in its entirety without amendments.

Chapter 63 Oxidizers, Oxidizing Gases, and Oxiding Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 64 Pyrophoric Materials is adopted in its entirety without amendments.

Chapter 65 Pyroxylin (Cellulose Nitrate) Plastics is adopted in its entirety without amendments.

Chapter 66 Unstable (Reactive) Materials is adopted in its entirety without amendments.

Chapter 67 Water-Reactive Solids and Liquids is adopted in its entirety without amendments.

Chapter 80 Referenced Standards is adopted in its entirety with the following amendments:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service:

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

(1) A post indicator valve installed not less than 40 ft (12 m) from the building

- (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.

- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Appendices

Appendix A is deleted in its entirety without amendments.

Appendix B is adopted in its entirety without amendments.

Appendix BB is adopted in its entirety without amendments.

Appendix C is adopted in its entirety without amendments.

Appendix CC is adopted in its entirety without amendments.

Appendix D is deleted in its entirety without amendments.

Appendix E is deleted in its entirety without amendments.

Appendix F is deleted in its entirety without amendments.

Appendix G is deleted in its entirety without amendments.

Appendix H is adopted in its entirety without amendments.

Appendix I is deleted in its entirety without amendments.

Appendix J is deleted in its entirety without amendments.

Appendix K is deleted in its entirety without amendments.

Appendix L is deleted in its entirety without amendments.

Appendix M is deleted in its entirety without amendments.

Appendix N is deleted in its entirety without amendments.

SECTION 4. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, 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 15371), because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 6. 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 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen 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 this __TH DAY OF NOVEMBER, 2016.

BARBARA KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. 2016- was duly introduced and
placed upon its first reading at a Regular Meeting of the City Council on the th day of
October, 2016, and that thereafter, said Ordinance was duly adopted and passed at a
Regular Meeting of the City Council held on the th day of November, 2016, by the
following vote, to wit:

AYES:

NOES:

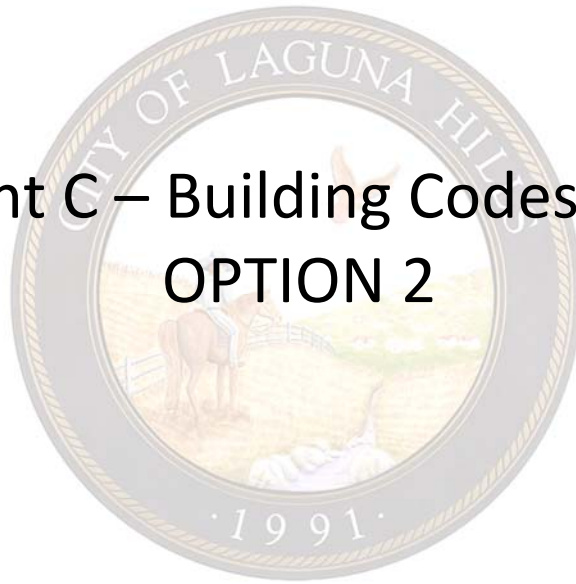
ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Attachment C – Building Codes Ordinance OPTION 2



ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING TITLE 10 OF THE LAGUNA HILLS MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION) AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2016 CALIFORNIA BUILDING CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 BUILDING REFERENCE STANDARDS CODE; AND THE 2016 CALIFORNIA EXISTING BUILDING CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS THERETO.

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.*, the City of Laguna Hills ("City") may adopt by reference the California Building Standards Code, 2016 Edition, as provided in Title 24 of the California Code of Regulations; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted new amendments to the California Building Standards Code; and

WHEREAS, California Health & Safety Code Section 17958.5 *et seq.*, and 18941.5 authorize cities to modify the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, based upon the recommendations of the Building Official, the City Council finds the proposed amendments to the 2016 California Building Standards Code ("amendments") set forth in this ordinance, which are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury, and death due to fires and earthquakes, and are reasonable and necessary to mitigate local climatic, geological or topographical conditions; and

WHEREAS, on October 25, 2016, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading of the Ordinance for November 22, 2016; and

WHEREAS, the City Council held a public hearing on November 22, 2016, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2016 California Building Standards Code as amended herein; and

WHEREAS, pursuant to California Government Code Section 6066, the City published notice of the aforementioned public hearing; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the amendments to the 2016 California Building Code and 2016 California Residential Code are reasonably necessary because of local climatic, geological or topographic conditions, and adopts the findings provided below to support the modifications to the 2016 California Building Code and 2016 California Residential Code.

1. Climatic Conditions

A. Orange County and the City of Laguna Hills are located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County Fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

2. Topographical Conditions

A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Orange County. The elevation change caused by the hills creates the geological foundation on which communities within Orange County are built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and with greater constraints in terrain.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

3. Geological Conditions

The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake

(6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”

B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

C. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone s described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) resources available for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

Additional amendments have been made to the 2016 California Building Standards Code. Such amendments are hereby found to be either administrative or procedural in nature or concern themselves with subjects not covered in such codes. The changes

made include provisions making each of said codes compatible with other codes enforced by the City.

The findings above are applicable to amendments to the 2016 California Building Code as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
202	General definitions	Administrative
701A.3	Construction methods requirements for the addition and remodeling requirements of building in wildfire areas located within 100 feet of a fuel modification zone.	I & II
701A.3.2	Construction methods requirements for the detached accessory structures in wildfire areas.	I & II
701A.4	Construction material requirements for the accessory structures in wildfire areas.	I & II
903.2	Where required (Sprinklers)	I, II & III
903.2.8	Group R (Sprinklers)	I, II & III
903.3.5.3	Hydraulically calculated systems	I & II
Chapter 35	Reference Standards	N/A
	2016 NFPA 13 (Sprinkler Systems)	Administrative, II & III
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II
	2013 NFPA 14 (Standpipe Systems)	Administrative
	2016 NFPA 24 (Underground Water Supply Systems)	Administrative & III

The findings above are applicable to amendments to the 2016 California Residential Code as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
202	General definitions	Administrative
R301.9	Construction methods requirements for the addition and remodeling requirements of building in wildfire areas located within 100 feet of a fuel modification zone.	I & II
R309.6	Group R-3 fire sprinkler requirements in attached garages, carports with habitable spaces in accordance with CFC Section 903.2.8	I, II & III
R313.1	Group R-3 Townhome fire sprinkler requirements for additions and alterations in accordance with CFC Section 903.2.8	I, II & III

R313.2	Group R One- and two-family fire sprinkler requirements for additions and alterations in accordance with CFC Section 903.2.8	I, II & III
R313.3.6.2.2	Hydraulically calculated systems	I & II
R1001.13	Fire Pits, Fire Rings, & Outdoor Fireplaces	Administrative
R1001.13.1	Gas-fueled devices	I & II
R1001.13.2	Devices using wood or fuels other than natural gas or LPG	I & II
R1001.13.3	Where prohibited	I & II
Chapter 44	Reference Standards	N/A
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II

SECTION 2. Chapter 10.28 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-28 CALIFORNIA BUILDING CODE

10-28-010 Adoption of the California Building Code.

The California Building Code, 2016 Edition, based on the 2015 Edition of the International Building Code as published by the International Code Council, together with the amendments provided in this chapter, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Building Code of the City of Laguna Hills, regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

10-28.030 Amendments to the California Building Code.

Chapter 2 Definitions.

Section 202 Definitions is hereby revised by adding “Spark Arrester” as follows:

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.

2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 7A Materials and Construction Methods for Exterior Wildfire Exposure.

Section 701A.3 Application is hereby revised to read as follows:

701A.3 Application. New buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date, and additions to and remodel of buildings constructed before 2012 located in areas currently designated as such, shall comply with the provisions of this chapter. The provisions shall also apply to additions, remodels, and accessory structures located within 100 feet of a fuel modification zone, vegetation management area, or similar area containing hazardous combustible vegetation, regardless of whether the property is currently located in a designated Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area, when materials and/or construction methods for exterior wildfire exposure were previously required at the property by the Building or Fire Code Official at the time of construction.

Exceptions:

1. Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from the applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Section 710A.3.2 is hereby revised to read as follows:

710A.3.2 Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

Section 710A.4 Requirements is hereby revised to read as follows:

710A.4 Requirements. Accessory structures shall be constructed of non-combustible or ignition-resistant materials.

Chapter 9 Fire Protection Systems.

Section 903.2 Where required is hereby revised to read as follows:

903.2 Where required. Approved automatic sprinkler systems in-buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet
 - b. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby revised to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.

2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area as defined in Section 202, and greater than 1000 square feet within a two year period; or,
 - b. An addition when the existing building is already provided with automatic sprinklers; or,
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

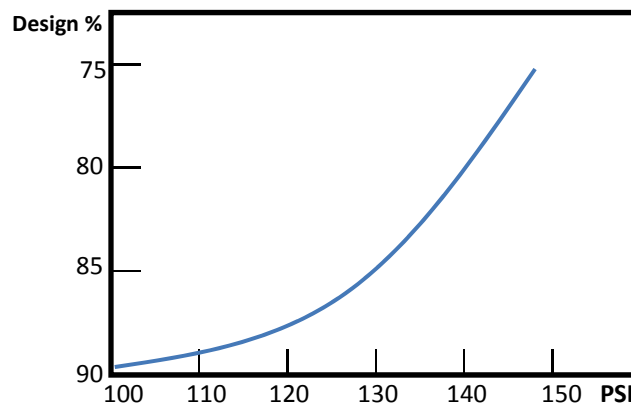
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is hereby added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



Chapter 35 Referenced Standards.

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design

requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
2. Use a maximum of 40 psi, if available;

3. Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings.

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

SECTION 3. Chapter 10-32 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-32 CALIFORNIA MECHANICAL CODE

10-32.010 Adoption of the California Mechanical Code.

The California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Mechanical Code of the City of Laguna Hills, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 4. Chapter 10-36 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-36 CALIFORNIA ELECTRICAL CODE

10-36.010 Adoption of the California Electrical Code.

The California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Electrical Code of the

City of Laguna Hills, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 5. Chapter 10-40 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-40 CALIFORNIA PLUMBING CODE

10-40.010 Adoption of the California Plumbing Code.

The California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Plumbing Code of the City of Laguna Hills, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 6. Chapter 10-48 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-48 CALIFORNIA RESIDENTIAL CODE

10-48.010 Adoption of the California Residential Code.

The California Residential Code, 2016 Edition, based on the 2015 International Residential Code as published by the International Code Council together with the amendments provided in this chapter, is hereby adopted and incorporated by reference, as if set forth at length herein, as the Residential Code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

10-48.020 Amendments to the Residential Code.

Chapter 2 Definitions.

Section 202 Definitions is hereby revised by adding “OCFA” and “Spark Arrester” as follows:

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

3. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
4. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 Building Planning.

Section R301.9 Fuel Modification Requirements for New Construction is hereby added as follows:

R301.9 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program.”

Section R309.6 Fire sprinkler attached garages, and carports with habitable space above is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.1 Townhouse automatic fire sprinkler systems is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic sprinkler system unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

Section R313.3.6.2.2 Calculation procedure is hereby revised to read as follows:

R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.3.

(The remainder of the section is unchanged)

Chapter 10 Chimneys and Fireplaces.

Section R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices is hereby added as follows:

R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking

Section R1001.13.1 Gas-fueled devices is hereby added as follows:

R1001.13.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible

construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

~~Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied petroleum gas is hereby added as follows:~~

~~R1001.13.2 Devices using wood or fuels other than natural gas or liquefied petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.~~

~~Section R1001.13.3 Devices using wood or fuels other than natural gas or liquefied petroleum gas is hereby added as follows:~~

~~R1001.13.3 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones (FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ, unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.~~

Chapter 44 Referenced Standards.

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be

painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;

2. Use a maximum of 40 psi, if available;
3. Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

SECTION 7. Chapter 10-52 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 10-52 California Green Building Standards Code

10-52.010 Adoption of the California Green Building Standards Code.

The California Green Building Standards Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the green building standards code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 8. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-60 (California Energy Code) to read as follows:

Chapter 10-60 California Energy Code

10-60.010 Adoption of the California Energy Code.

The California Energy Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the energy code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any

appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 9. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-64 (California Referenced Standards Code) to read as follows:

Chapter 10-64 California Referenced Standards Code

10-64.010 Adoption of the California Referenced Standards Code.

The California Referenced Standards Code, 2016 Edition, is hereby adopted and incorporated by reference, as if set forth at length herein, as the referenced standards code of the City of Laguna Hills regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 10. Title 10, of the Laguna Hills Municipal Code is hereby amended by adding a new Chapter 10-68 (California Existing Building Code) to read as follows:

Chapter 10-68 California Existing Building Code

10-68.010 Adoption of the California Existing Building Code.

The California Existing Building Code, 2016 Edition, based on the 2015 International Existing Building Code as published by the International Code Council is hereby adopted and incorporated by reference, as if set forth at length herein, as the City of Laguna Hills existing building code regulating the construction, alteration, movement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the City. Not less than one copy of said code has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 11. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, 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 15371), because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 12. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 13. The City Clerk shall certify as to the adoption of this Ordinance and cause a summary thereof to be published within (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 22nd DAY OF NOVEMBER, 2016.

BARBARA J. KOGERMAN , MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2016- was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the th day of November, 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the th day of November, 2016, by the following vote, to wit:

AYES:

NOES:

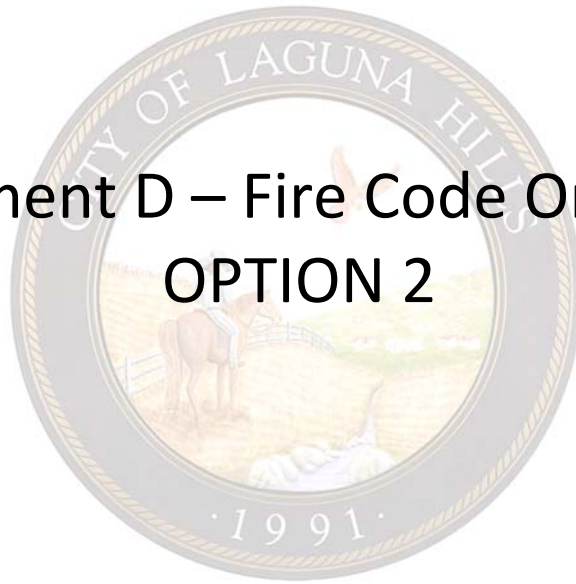
ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Attachment D – Fire Code Ordinance OPTION 2



ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING CHAPTER 5-16 (FIRE CODE) OF TITLE 5 (HEALTH AND SANITATION) OF THE LAGUNA HILLS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA FIRE CODE INCLUDING APPENDICES B, BB, C, CC, AND H, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS THERETO.

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of Laguna Hills ("City") may adopt by reference the 2016 California Fire Code, based on the International Fire Code, 2015 Edition (including appendices), published by the International Code Council (ICC), as adopted by the State of California pursuant to Title 24, Part 9 of the California Code of Regulations; and

WHEREAS, California Health & Safety Code Section 17958.5 authorizes cities to adopt the codes contained in Title 24 of the California Code of Regulations with changes and modifications determined to be reasonably necessary because of local climatic, topographic or geologic conditions; and

WHEREAS, the City desires to adopt the 2016 California Fire Code including Appendices B, BB, C, CC and H, based on the International Fire Code, 2015 Edition, published by International Code Council (ICC), as adopted by Title 24, Part 9 of the California Code of Regulations ("Fire Code") with necessary amendments to assure the Code is tailored to the particular fire protection needs of the City as required by local climatic, topographic and geologic conditions and assure that a maximum level of fire protection is provided to residents, businesses and other occupants; and

WHEREAS, on October ____, 2016, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading fo the Ordinance for November ____, 2016e; and

WHEREAS, pursuant to California Government Code Section 6066, the City published notice of the aforementioned public hearing; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred;

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the proposed amendments to the 2016 California Fire Code are reasonably necessary because of local climatic, geologic or topographic conditions, and adopts the findings provided below to support the modifications to the 2016 California Fire Code.

I. Climatic Conditions

A. Orange County located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles will greatly impact the response time to reach an incident scene.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

A. Natural; slopes of 15 percent or greater generally occur throughout the foothills of Orange County. The elevation change caused by the hills creates the

geological foundation on which communities with Orange County is built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and with greater constraints in terrain.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

A. The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

B. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe."

C. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills,

slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

D. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zones described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) resources available for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

The findings above are applicable to amendments to the 2016 California Fire Code and the International Fire Code, 2015 Edition as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
109.4	Violation penalties	Administrative
109.4.2	Infraction & Misdemeanor	Administrative
202	General definitions	Administrative
304.1.2	OCFA Vegetation Management	I
305.6	Hazardous conditions	I & II
305.7	Disposal of rubbish	I & II
307	Fire Pits, Fire Rings, & Outdoor Fireplaces	Administrative
307.6.1	Gas-fueled devices	I & II
307.6.2	Devices using wood or fuels other than natural gas or LPG	I & II
307.6.2.1	Where prohibited	I & II
309.2.1	Indoor charging of electric cars	Administrative
320	Fuel modification requirements for new construction	I
321	Clearance of brush or vegetation growth from roadways	I
322	Unusual circumstances	Administrative
323	Use of equipment	I
323.1	Spark arresters	I

324	Sky Lanterns or similar devices	I & II
407.5	Hazardous material inventory statement	I & II
501.1	Scope	Administrative, I, II & III
510.1	Emergency responder radio coverage	Administrative
510.4.2.2	Technical Criteria	Administrative
510.5.1	Approval prior to installation	Administrative
510.5.2	Minimum qualification of personnel	Administrative
510.5.3	Acceptance test procedure	Administrative
510.6.1	Testing and proof of compliance	Administrative
903.2	Where required (Sprinklers)	I, II & III
903.2.8	Group R (Sprinklers)	I, II & III
903.3.5.3	Hydraulically calculated systems	I & II
2801.2	Permit	Administrative
2808.2	Storage site	Administrative
2808.3	Size of piles	I
2808.4	Pile separation	I
2808.7	Pile fire protection	I
2808.9	Material-handling equipment	I
2808.11	Temperature control	I
2808.11.1	Pile temperature control	I
2808.11.2	New material temperature control	I
2808.12	Water availability for piles	I
2808.13	Tipping area	I
2808.14	Emergency contact	Administrative
4906.3	OCFA Vegetation Management Guideline	I
4908	Fuel modification requirements for new construction	I
5001.5.2	Hazardous materials inventory statement	Administrative
5003.1.1.1	Extremely hazardous substances	I & III
5608.2	Retail fireworks	Administrative
5608.3	Application for permit	Administrative
Chapter 80	Reference Standards	N/A
	2016 NFPA 13 (Sprinkler Systems)	Administrative, II & III
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II
	2013 NFPA 14 (Standpipe Systems)	Administrative
	2016 NFPA 24 (Underground Water Supply Systems)	Administrative & III

SECTION 2. Section 5-16.010 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

5-16.010 Adoption of the California Fire Code and International Fire Code

The 2016 California Fire Code, including Appendices B, BB, C, CC, and H based on the International Fire Code, 2015 Edition, published by the International Code Council (ICC), and the whole of the International Fire Code, 2015 Edition, together with the amendments provided in this chapter, are hereby adopted and incorporated by reference, as though set forth at length herein, as the Fire Code of the City of Laguna Hills for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosions.. Not less than one copy of said codes has been filed in the office of the City Clerk and shall be made available for public inspection.

SECTION 3. Section 5-16.030 of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

5-16.030 Amendments to the California Fire Code

Chapter 1 Scope and Administration is adopted in its entirety with the following amendments:

Section 109.4 Violation penalties is hereby revised to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall result in penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 109.4.2 Infraction and misdemeanor is hereby added as follows:

109.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety

hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

Chapter 2 Definitions is adopted in its entirety with the following amendments:

Section 202 General Definitions is hereby revised by adding “OCFA,” “Sky Lantern,” and “Spark Arrester” as follows:

202 General Definitions

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 General Requirements is adopted in its entirety with the following amendments:

Section 304.1.2 Vegetation is hereby revised to read as follows:

304.1.2 Vegetation. Type, amount, or arrangement of weeds, grass, vines or other growth that is capable of being ignited and endangering property-needing to comply with OCFA Guidelines, shall be cut, thinned, and removed by the owner or occupant of the premises in accordance with OCFA Guideline C-05 “Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49.

Section 305.6 Hazardous Conditions is hereby added as follows:

305.6 Hazardous conditions. Outdoor fires are not allowed when predicted sustained winds exceed 8 MPH during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.

Section 305.7 Disposal of rubbish is hereby added as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

Section 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES is hereby revised to read as follows:

SECTION 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS, AND PORTABLE OUTDOOR FIREPLACES

Sections 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies is hereby added as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

Section 307.6.1 Gas-fueled devices is hereby added as follows:

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach

upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

~~Section 307.6.2 Devices using wood or fuels other than natural gas or liquefied petroleum gas~~ is hereby added as follows:

~~307.6.2 Devices using wood or fuels other than natural gas or liquefied petroleum gas.~~ ~~Fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace. Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.~~

~~Section 307.6.2.1 Where prohibited~~ is hereby added as follows:

~~307.6.2.1 Where prohibited.~~ ~~The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and Wildland-Urban Interface Areas (WUI) or in locations where conditions could cause the spread of fire to the WRA or WUI unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.~~

Section 309.2.1 Indoor charging of electric carts/cars is hereby added as follows:

309.2.1 Indoor charging of electric carts/cars. Indoor charging of electric carts/cars where the combined volume of all battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7.1
4. Smoke detection shall be provided and comply with Section 608.9.

Section 320 Fuel Modification Requirements for New Construction is hereby added as follows:

320 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

Section 321 Clearance of brush or vegetation growth from roadways is hereby added as follows:

321 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 322 Unusual Circumstances is hereby added as follows:

322 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 323 Use of Equipment is hereby added as follows:

323 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

Section 323.1 Spark Arresters is hereby added as follows:

323.1 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 323 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Section 324 Sky Lanterns or similar devices is hereby added as follows:

324 Sky Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or similar device is prohibited.

Chapter 4: Emergency Planning and Preparedness. Only the following sections and subsections of Chapter 4 are enacted:

401
401.3.4
401.9
402
403.2
404.5 – 404.6.6
407

Section 407.5 is revised to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include OCFA's Chemical Classification Packet in accordance with Section 5001.5.2.

Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

Section 501.1 Scope is revised to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development." Fire service features for buildings, structures and premises located in State Responsibility Areas shall also comply with OCFA Guideline B-09a, "Fire Safe Development in State Responsibility Areas."

Section 510.1 Emergency responder radio coverage is revised to read as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the local authority having jurisdiction's ordinance and this code.

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.

This section shall not apply to the following:

1. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
2. Elevators.
3. Structures that are three stories or less without subterranean storage or parking and that do not exceed 50,000 square feet on any single story.
4. Wood-constructed residential structures four stories or less without subterranean storage or parking that are not built integral to an above ground multi-story parking structure.
5. Should construction that is three stories or less that does not exceed 50,000 square feet on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

Section 510.2 Emergency responder radio coverage in existing buildings is deleted without replacement:

Section 510.4.2.2 Technical criteria is revised to read as follows:

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

1. The frequency range supported from the 800 MHz Countywide Communications System shall be 851-869 MHz (base transmitter frequencies).
2. The frequency range supported to the 800 MHz Countywide Communications System shall be 806-824 MHz (radio field transmit frequencies).
3. A public safety radio amplification system shall include filters to reject frequencies below 851 MHz and frequencies above 869 MHz by a minimum of 35dB.
4. All system components must be 100 percent compatible with analog and digital modulations after installation without adjustments or modifications. The systems must be capable of encompassing the frequencies stated herein and capable of future modifications to a frequency range subsequently established by the jurisdiction.
5. Active devices shall have a minimum of -50 dB 3rd order intermodulation protection.
6. All active in-building coverage devices shall be FCC Part 90 Type Certified

Section 510.5.1 Approval prior to installation is revised to read as follows:

510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior plan submittal, coordination and approval from Orange County Communications and a copy of the approved plan provided to the fire and building code officials.

Section 510.5.2 Minimum qualification of personnel is revised to read as follows:

510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio operator's license.
2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

Section 510.5.3 Acceptance test procedure item 7 is revised to read as follows:

510.5.3 Acceptance test procedure. When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to ensure that two-way coverage on each floor of the building is not less than 90 percent. The test procedure shall be conducted as follows: ...

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and subsequent annual inspections by the FCC licensed technician hired by the property owner and an OCSD/Communications Division FCC-certified technician.

Section 510.6.1 Testing and proof of compliance is revised to read as follows:

510.6.1 Testing and proof of compliance.

The owner of the building or their representative shall have the emergency responder radio coverage system ~~shall be~~ inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building system components shall be tested to determine general functional operability.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. Other active components shall be checked to verify operation within the manufacturer's specifications.
5. If noncompliance is found, the FCC licensed technician will assess improvements necessary and provide such information to OCSD Communications and the fire and building code officials.
6. At the conclusion of the testing, a certification report, which shall verify compliance with Section 510.5.3, shall be submitted to OCSD Communications and the fire and building code officials.

Chapter 9 Fire Protection Systems is adopted in its entirety with the following amendments:

Section 903.2 Where required is hereby revised to read as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet

- b. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
- c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby revised to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area as defined in Section 202, and greater than 1000 square feet within a two year period; or,
 - b. An addition when the existing building is already provided with automatic sprinklers; or,
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories

in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

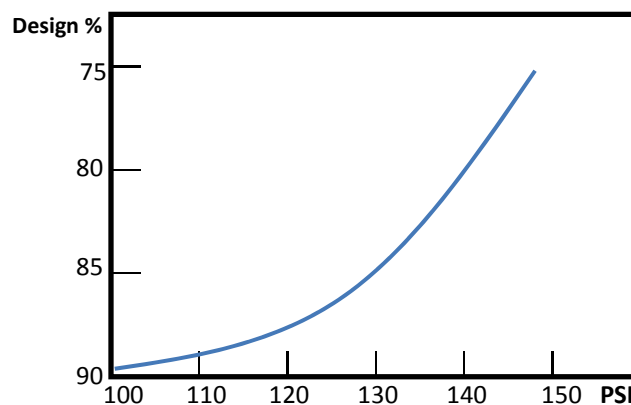
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is hereby added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



Chapter 11 Construction Requirements for Existing Buildings. Only the following sections and subsections of Chapter 11 are enacted:

1103.7
 1103.7.3
 1103.7.3.1
 1103.7.8 – 1103.7.8.2
 1103.7.9 – 1103.7.9.10
 1103.8 – 1103.8.5.3
 1107
 1113
 1114
 1115
 1116

Chapter 20 Aviation Facilities is adopted in its entirety without amendments.

Chapter 21 Dry Cleaning is adopted in its entirety without amendments.

Chapter 22 Combustible Dust-Producing Operations is adopted in its entirety without amendments.

Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages is adopted in its entirety without amendments.

Chapter 24 Flammable Finishes is adopted in its entirety without amendments.

Chapter 25 Fruit and Crop Ripening is deleted in its entirety.

Chapter 26 Fumigation and Insecticidal Fogging is deleted in its entirety.

Chapter 27 Semiconductor Fabrication Facilities is adopted in its entirety without amendments.

Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities is adopted in its entirety with the following amendments:

Section 2801.2 Permit is hereby revised to read as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

Section 2808.2 Storage site is hereby revised to read as follows:

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring products to the site.

Section 2808.3 Size of piles is hereby revised to read as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

Section 2808.4 Pile Separation is hereby revised to read as follows:

2808.4. Pile separation. Piles shall be separated from adjacent piles by a minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

Section 2808.7 Pile fire protection is hereby revised to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

Section 2808.9 Material-handling equipment is hereby revised to read as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

Section 2808.11 Temperature control is hereby added as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

Section 2808.11.1 Pile temperature control is hereby added as follows:

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

Section 2808.11.2 New material temperature control is hereby added as follows:

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

Section 2808.12 Water availability is hereby added as follows:

2808.12 Water Availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

Section 2808.13 Tipping area is hereby added as follows:

2808.13 Tipping areas shall comply with the following:

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
5. All material within a tipping area shall be processed within 5 days of receipt.

Section 2808.14 Emergency Contact is hereby added as follows:

2808.14 Emergency Contact. The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

Chapter 29 Manufacture of Organic Coatings is adopted in its entirety without amendments.

Chapter 30 Industrial Ovens is adopted in its entirety without amendments.

Chapter 31 Tents and Other Membrane Structures is adopted in its entirety without amendments.

Chapter 32 High-Piled Combustible Storage is adopted in its entirety without amendments.

Chapter 33 Fire Safety During Construction and Demolition is adopted in its entirety without amendments.

Chapter 34 Tire Rebuilding and Tire Storage is adopted in its entirety without amendments.

Chapter 35 Welding and Other Hot Work is adopted in its entirety without amendments.

Chapter 36 Marinas is adopted in its entirety without amendments.

Chapter 37 Combustible Fibers is adopted in its entirety without amendments.

Chapter 48 Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities and Production Locations is adopted in its entirety without amendments.

Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendments:

Section 4906.3 Requirements is hereby revised to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation “General Guideline to Create Defensible Space”).
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”

Section 4908 Fuel Modification Requirements for New Construction is hereby added as follows:

4908 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

3.1 The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.

4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Chapter 50 Hazardous Materials – General Provisions is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS) is hereby revised to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include Orange County Fire Authority's Chemical Classification Packet, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of

chemicals on the premises. The Chemical Classification Packet shall include the following information:

1. Product Name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

Section 5003.1.1.1 Extremely Hazardous Substances is hereby added as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

Chapter 51 Aerosols is adopted in its entirety without amendments.

Chapter 53 Compressed Gases is adopted in its entirety without amendments.

Chapter 54 Corrosive materials is adopted in its entirety without amendments.

Chapter 55 Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 56 Explosives and Fireworks is adopted in its entirety with the following amendments:

Section 5608.2 Firing is hereby added as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

Section 5608.3 Application for Permit is hereby added as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be

discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

Chapter 57 Flammable and Combustible Liquids is adopted in its entirety without amendments.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 59 Flammable Solids is adopted in its entirety without amendments.

Chapter 60 Highly Toxic and Toxic Materials is adopted in its entirety without amendments.

Chapter 61 Liquefied Petroleum Gases is adopted in its entirety without amendments.

Chapter 62 Organic Peroxides is adopted in its entirety without amendments.

Chapter 63 Oxidizers, Oxidizing Gases, and Oxiding Cryogenic Fluids is adopted in its entirety without amendments.

Chapter 64 Pyrophoric Materials is adopted in its entirety without amendments.

Chapter 65 Pyroxylin (Cellulose Nitrate) Plastics is adopted in its entirety without amendments.

Chapter 66 Unstable (Reactive) Materials is adopted in its entirety without amendments.

Chapter 67 Water-Reactive Solids and Liquids is adopted in its entirety without amendments.

Chapter 80 Referenced Standards is adopted in its entirety with the following amendments:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service:

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve
- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Appendices

Appendix A is deleted in its entirety without amendments.

Appendix B is adopted in its entirety without amendments.

Appendix BB is adopted in its entirety without amendments.

Appendix C is adopted in its entirety without amendments.

Appendix CC is adopted in its entirety without amendments.

Appendix D is deleted in its entirety without amendments.

Appendix E is deleted in its entirety without amendments.

Appendix F is deleted in its entirety without amendments.

Appendix G is deleted in its entirety without amendments.

Appendix H is adopted in its entirety without amendments.

Appendix I is deleted in its entirety without amendments.

Appendix J is deleted in its entirety without amendments.

Appendix K is deleted in its entirety without amendments.

Appendix L is deleted in its entirety without amendments.

Appendix M is deleted in its entirety without amendments.

Appendix N is deleted in its entirety without amendments.

SECTION 4. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, 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 15371), because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 6. 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 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen 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 this __TH DAY OF NOVEMBER, 2016.

BARBARA KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2016- was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the th day of October, 2016, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council held on the th day of November, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016
TO: Mayor and Council Members
FROM: Bruce E. Channing
City Manager
ISSUE: Authorization of a 2016 Year-End Performance Compensation Award

RECOMMENDATION: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Authorizing a 2016 Year-End Performance Compensation Award for all Full-time and Extended Part-time Employees."

SUMMARY:

Over the last nine years economic conditions and tightened budgets have necessitated the need to “do more with less.” This is especially the case as the total number of employees has decreased during that time. As such, the City wishes to recognize and commend the dedication and professionalism of its employees as well as their contributions to the City. It is recommended the City Council approve a 2016 Year-End Performance Compensation Award for all full-time and extended part-time employees.

BACKGROUND:

With the start of the Great Recession in 2007, economic conditions necessitated a series of cost-savings measures and tightened budgets as the City underwent a decline in its operating revenues. Budget corrections enacted by the City during that time, along with a concerted effort to reduce or limit the growth of expenditures over the last nine years, has resulted in the City’s current strong fiscal condition. As part of this process the City undertook three significant money-saving reorganizations and restructurings involving numerous City personnel and departments, largely resulting in the decrease of total City personnel by two full-time employees and two extended part-time employees. In 2008,

Authorization of a 2016 Year-End Performance Compensation Award

November 22, 2016

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the City had a total of 29 full-time employees and five extended part-time employees. As of Fiscal Year 2016/2017, the City has allocated for a total of 27 full-time employees and three extended part-time employees. Additionally, austere budgets became the norm as a structural economic correction affected all levels of government. This was readily evident within the City as General Fund revenues decreased from a high of \$20,260,741 in Fiscal Year 2006/2007 to \$17,318,731 in Fiscal Year 2011/2012. As a result, City personnel were required to “do more with less” on a regular basis.

Financial results from Fiscal Year 2015/2016 indicate that the City has largely recovered from the Great Recession as General Fund revenues for this year came in at \$20,653,126. Additionally, total operating expenditures came in below budget by 6%. This variance is due to a number of reasons including savings in the County Law Enforcement Contract, savings in capital outlay projects, and savings in personnel costs. In light of the healthy financial condition of the City and in order to recognize and commend the contributions of all City employees over the last nine years, it is recommended that the City Council authorize a Year-End Performance Compensation Award for all full-time and extended part-time employees. This is a one-time performance compensation award for employees of up to \$1,000, per the discretion of the City Manager.

FISCAL IMPACT:

The City currently has 27 full-time employees and 3 extended part-time employees that would qualify for the award. As such, the total award amount for all employees would not exceed \$30,000. This amount can be absorbed within the current budget due to various personnel savings.

ATTACHMENTS:

- Resolution

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA HILLS, CALIFORNIA, AUTHORIZING A 2016
YEAR-END PERFORMANCE COMPENSATION AWARD
FOR ALL FULL-TIME AND EXTENDED PART-TIME
EMPLOYEES

WHEREAS, the City Council of the City of Laguna Hills wishes to recognize and commend the dedication and professionalism of its employees and their contributions to the City of Laguna Hills; and

WHEREAS, the economic conditions and tightened budgets over the last nine years has necessitated the need to “do more with less”, especially as the number of City personnel has decreased by two full-time employees and 2 extended part-time employees during that time; and

WHEREAS, the City has implemented various money-saving reorganizations and restructurings involving City personnel and departments over the last nine years; and

WHEREAS, the City Council has determined that sufficient funding is available in the current fiscal year budget to allow for the provision of a one-time, year-end performance compensation award without negatively affecting the total budget in the current fiscal year or in future fiscal years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the City Manager to administer a 2016 year-end performance compensation award of up to \$1,000 per full-time and extended part-time employee.

SECTION 2. The performance compensation authorized herein shall only be available to full-time and extended part-time employees employed with the City in that capacity as of November 1, 2016.

PASSED, APPROVED, AND ADOPTED this 22nd day of November 2016.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. 2016-11-22- adopted by the City Council of the City of Laguna Hills, California, at a
Regular Meeting thereof held on the 22nd day of November 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Attachment: Resolution (1127 : Authorization of a 2016 Year-End Performance Compensation Award)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: November 22, 2016

TO: Mayor and Council Members

FROM: Donald J. White
City Manager

ISSUE: Employment Classifications, Salary Ranges, and Benefits for Management, Confidential, and Part-Time Classes of Employment with the City

RECOMMENDATION: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, regarding employment and establishing salary ranges and benefits for Management, Confidential, and Part-time classes of employment with the City and rescinding Resolution No. 2015-06-23-2."

SUMMARY:

The proposed Salary and Benefits Resolution (Resolution) covers management, confidential, and part-time classes of employment. All other employees are covered by the Memorandum of Understanding (MOU) between the City and the Laguna Hills Employees Association (LHCEA). This two-year Resolution, essentially mirroring the terms of the MOU with the LHCEA, coincides with the expiration of the current MOU with the LHCEA. Staff has estimated the two-year costs pertaining to management and confidential classifications of employment associated with this Salary and Benefits Resolution to be \$49,000. Staff is also recommending salary adjustments to the part-time classifications covered by this Resolution.

BACKGROUND:

The City Council approved its current MOU with the LHCEA at its June 28, 2016, City Council meeting. As part of the negotiation process, the City conducted a comprehensive compensation study for all employees covered by the MOU using the

Employment Classifications, Salary Ranges, and Benefits for Management, Confidential, and Part-Time

November 22, 2016

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same comparator agencies from the 2011 Compensation Report completed by Ralph Andersen & Associates. The compensation study also included management and confidential classes of employees. The following is a summary of the consultant's findings and conclusions pertaining to management and confidential employees:

- The City's base salary levels are 5.8% above the market mean with most jobs being from 5% to 10% above the market mean. No salary range reductions are required; however, the City may want to address those jobs that are below the market mean in future salary adjustments.
- The City appears to be meeting its objective of maintaining salary ranges that are slightly above the market mean. This maintains the City's ability to recruit and retain staff.
- The City's core benefits are generally consistent with the labor market with a slightly higher cost for providing health insurance benefits. This is likely due to the small demographics in the City's workforce, not because the health benefits are any "richer" than other agencies.
- Only four survey agencies have continued to pay all or a portion of the employee's retirement contribution (retirement pick-up). This is a market transition that is still in progress in response to the Public Employees' Pension Reform Act of 2013 (PEPRA).
- When benefits are added to base salary, the City's compensation levels are 8.2 % above the market average. This is primarily due to the City's current practice of paying 4.75% of the employee's retirement contribution.
- When retirement tiers with a majority of employees are compared, the City is the only agency among the survey jurisdictions that has a 2%@60 retirement formula. This lower formula puts the City at a significant disadvantage when recruiting among competing cities. When "classic" tiers are compared, seven agencies have a 2%@60 retirement benefit.
- The City's retirement costs, even with the enhanced PARS benefits, are lower than the market.
- If future retirement costs are translated into net present day values, the City's

Employment Classifications, Salary Ranges, and Benefits for Management, Confidential, and Part-Time

November 22, 2016

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salary levels are 7.9% below the market average (a 13.3% impact on the +5.4% base salary average). This analysis recognizes the reduced retirement benefit for City employees.

- The City provides a contribution towards retiree health benefits using a Health Savings Plan. This is unique in the labor market and is consistent with the City's objective of minimizing long-term liabilities.
- The City's leave benefits are below the market for unrepresented job classes with all but three agencies providing an administrative/management leave benefit (additional leave days for management and unrepresented positions). The city should consider adding a management leave benefit equal to 5 days to be more consistent with the market.

Resolution No. 2015-06-23-2 has governed salary and benefits for the 2015/2016 Fiscal Year for unrepresented employees. Based on the results of the comprehensive compensation study, staff is proposing a Resolution for 2016/2017 and 2017/2018 that mirrors the terms of the MOU with the LHCEA:

- Salary ranges will increase by the April CPI for the Los Angeles-Riverside-Orange County area for All Consumers effective July 1, 2016, and again on July 1, 2017. The CPI for April 2016 is 2%. (Year 1: \$23,441; Year 2: \$23,910)
- Employees who are below the comparator agencies' average in the report will have their ranges adjusted to the 5% threshold effective July 1, 2016. (\$9,684)
- Beginning July 1, 2016, employees will increase pay to 3% toward the City's normal cost rate of its pension program with PERS. This amount will increase to 3.75% on July 1, 2017. (Year 1 cost to employees: \$9,609; Year 2 cost to employees: \$9,801)
- The City will increase life insurance from 100% to 150% of base salary up to a maximum of \$250,000. (\$847)
- Holiday hours will increase from 104 to 108 hours annually.
- The short-term disability elimination period will decrease from 29 days to 14 days. (Cost for all employees: \$2,503)

Employment Classifications, Salary Ranges, and Benefits for Management, Confidential, and Part-Time

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Although the compensation study includes a recommendation to establish an administrative/management leave benefit, staff is not requesting it at this time. Additionally, staff conducted a survey of the part-time classifications covered by this Resolution and is recommending the following adjustments:

PART-TIME POSITION	HOURLY RANGE	
Administrative Intern	\$17.00	\$17.00
Code Enforcement Officer	\$25.00	\$30.00
Community Services Leader I	\$11.00	\$13.50
Community Services Leader II	\$13.50	\$16.00

The term of this proposed Resolution will coincide with the duration of the MOU between the City and the LHCEA.

FISCAL IMPACT:

Staff estimates the two-year costs pertaining to the management and confidential classifications of employment covered by this proposed Resolution to be \$49,000. All first year expenditures associated with the attached Resolution are included in the 2015-2017 Biennial Budget. Second year expenditures will be included in the upcoming 2017-2019 Biennial Budget.

ATTACHMENTS:

- 2016-18 Salary and Benefits Resolution

RESOLUTION NO. 2016-11-22-X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, REGARDING EMPLOYMENT AND ESTABLISHING SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL, AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY AND RESCINDING RESOLUTION NO. 2015-06-23-2

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. This Resolution establishes the official plan of compensation for the City for positions defined as management, confidential, and part-time in the Employer-Employee Relations Resolution No. 2012-02-14-3. The plan of compensation for all other employees is set forth in the current Memorandum of Understanding between the City and the Laguna Hills City Employees Association. In addition, insurance benefits for elected officials are established in Section 3, Paragraph II.

SECTION 2. The following salary ranges are assigned to the classes of employment, which are hereby designated as management, confidential, and part-time for fiscal year 2016-2017. Unless specified otherwise herein, the provisions of this Resolution only apply to the following classifications:

FULL-TIME POSITIONS – CONFIDENTIAL	MONTHLY RANGE	
Administrative Assistant –City Manager	\$5,871	\$7,137

FULL-TIME POSITIONS – MANAGEMENT		
Assistant City Manager	\$15,200	\$18,476
Assistant to the City Manager/City Clerk	\$ 9,655	\$11,736
City Engineer/Public Works Director	\$13,749	\$16,712
City Manager	\$21,847	\$21,847
Community Development Director	\$13,365	\$16,246
Deputy City Manager	\$12,695	\$15,432

PART-TIME POSITIONS		
Administrative Intern	\$17.00	\$17.00
Code Enforcement Officer	\$25.00	\$30.00
Community Services Leader I	\$11.00	\$13.50
Community Services Leader II	\$13.50	\$16.00

Effective July 1, 2017, the City shall increase salary ranges in accordance with the CPI for April 2017 for the Los Angeles-Riverside-Orange County area for All Urban Consumers.

SECTION 3. The City shall provide the following benefits to the categories of employees specified herein:

I. RETIREMENT

A. The City shall participate in the California Public Employees Retirement System's (Cal PERS). The City provides the following two tiers of benefits:

1. Tier 1 (Employees hired before July 1, 2013 or individuals hired after July 1, 2013 who have participated in a public retirement system within the six months prior to being hired): 2% @ 60 Program and beginning July 1, 2016, employees shall pay 3.00% toward the City's normal cost rate of its pension program with Cal PERS (as determined by Cal PERS). Beginning July 1, 2017, employees shall pay 3.75% toward the City's normal cost rate of its pension program with Cal PERS (as determined by Cal PERS). Additional benefits provided through Cal PERS shall include the following:

One-Year Final Compensation

Post-Retirement Survivor Allowance

Pre-Retirement Survivor Allowance

1959 Survivor Benefits, including Third Level Benefits

2. Tier 2 (Employees hired on or after January 1, 2013 who have not been members of a public retirement system within the six months prior to employment with the City): 2% @ 62 with 3 year Final Compensation and with employee paying 100% of the employees' contribution to PERS.

B. The City shall provide a supplemental retirement program as established in Resolution No. 99-05-04-1, which affords management employees a defined contribution equal to 6.5% of base salary upon employment with the City and confidential employees a defined contribution equal to 3.0% of base salary after ten years of service with the City.

C. The City shall provide a retiree health savings plan as established in Resolution No. 2001-12-11-2.

D. The City shall make available to all management and confidential employees the ICMA Retirement Corporation's Section 457 Deferred Compensation Plan. This is a voluntary program and will be funded at the sole cost of each participating employee. This provision does not apply to the Deferred

Compensation provisions found in the Employment Agreements between the City and the City Manager and the Assistant City Manager which provide for the terms and conditions of their participation in the Plan.

- E. The City shall provide to part-time employees an alternative retirement plan as established in Resolution No. 2000-06-27-5.

II. INSURANCE

- A. Effective July 1, 2016, the City will contribute the following towards all full-time management, confidential employees, and elected members' health insurance premium:

Employee Only	\$629.54
Employee+One	\$1,259.59
Employee+Family	\$1,637.82

City contributions to either the PPO or HMO plans will increase to an amount not to exceed the equivalent of the annual increase in the PPO premium. Employees will be responsible for paying any portion of their health insurance premium not covered by the City's contribution amount.

- B. The City shall provide and pay for a dental insurance plan for all full-time management, confidential employees, and elected members, including their dependents.
- C. The City shall provide and pay for a vision insurance plan for all full-time management, confidential employees, and elected members, including their dependents.
- D. The City shall provide and pay for a group life and accidental death and dismemberment insurance plan for all full-time management and confidential employees on the basis of 150% of the employee's annual salary, to the next highest \$1,000.00 increment, up to a maximum of \$250,000.
- E. The City shall provide and pay for a short and long-term disability plan for all full-time management and confidential employees.
- F. Elected members may opt not to participate in the City's medical, dental, and vision insurance plans.

III. VACATION

- A. Full-time non-management, confidential employees accrue vacation leave according to the following schedule:

Years of Service	Rate
0-3	10 days/year or 6.667 hours/month
4-9	15 days/year or 10 hours/month
10+	20 days/year or 13.334 hours/month

- B. Full-time management employees accrue vacation leave according to the following schedule:

Years of Service	Rate
0-3	15 days/year or 10 hours/month
4+	20 days/year or 13.334 hours/month

- C. Upon termination or retirement, all employees shall be compensated at their current pay scale for their accrued vacation leave balance. No employee shall be allowed to carryover more than 320 hours of vacation leave from one fiscal year to the next.
- D. For management employees, upon completion of ten years of full-time employment with the City, the City shall make a one-time allotment of 40 hours of vacation leave to the employee's vacation leave balance.

IV. HOLIDAYS

- A. The City shall observe certain fixed holidays during which City Hall will be closed. These include:

New Year's Day
 Presidents Day
 Memorial Day
 Independence Day
 Labor Day
 Veteran's Day
 Thanksgiving
 Day After Thanksgiving
 Christmas Day

- B. Full-time employees shall receive 8 hours pay for these holidays. In order to receive holiday pay, an employee must have received pay for all of both the regularly scheduled work assignment immediately prior to a holiday and the regularly scheduled working assignment immediately after that holiday.
- C. The City shall provide full-time management and confidential employees 108 paid hours per fiscal year for fixed holidays as set forth herein and employees may use the remaining time as discretionary holiday leave.

- D. Holidays falling on Sunday shall be observed on the following Monday. Holidays falling on Saturday shall be observed on the preceding Friday unless this, too, is a holiday and then one day sooner.
- E. Holiday hours must be taken during each fiscal year and cannot be carried over to the succeeding fiscal year.

V. LEAVES OF ABSENCE

- A. All full-time employees shall accrue annual sick leave at a rate of 8 hours per month.
- B. All full-time management and confidential employees prior to completing ten years of service as full-time employees, (hereafter, "ten—year anniversary") shall be eligible, if they so desire, each quarter (October 1, January 1, April 1, and July 1) to convert unused personal sick leave in excess of 160 hours at a rate of 8 hours of vacation for every 24 hours of personal sick leave. Upon retirement or resignation from the City prior to their ten-year anniversary, a full-time employee who has personal sick leave in excess of 160 hours may convert the excess hours to vacation at a rate of eight hours of vacation for every 24 hours of personal sick leave. In this situation, the vacation accrual limits under Section 3, Paragraph III.C above can be exceeded to a maximum of 480 hours.
- C. For all full-time management and confidential employees who have completed their ten-year anniversary, sick leave accumulation and balances will be governed by Resolution No. 2001-12-11-2. As part of the Retirement Health Services (RHS) plan, employees upon ten years of service may convert any vacation hours over 80 hours to sick leave on a 1 to 1 basis.
- D. All full-time management and confidential employees shall receive 3 days bereavement leave for absence necessitated by the death of immediate family members. An immediate family member shall be defined as the spouse, children, parents, brothers, sisters, grandparents, parents-in-law, or other individuals whose relationship to the employee is that of a dependent or near dependent. Where such death has occurred and upon request of the Assistant City Manager, the employee shall furnish satisfactory evidence of such death.
- E. Part-time employees shall begin to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment, or July 1, 2015, whichever occurs later. A part-time employee is not eligible to begin using any accrued paid sick leave until after ninety (90) days of employment with the City and is only allowed to use up to a maximum of three (3) days or twenty-four (24) hours, whichever is greater, of paid sick leave in a twelve (12) month period. A part-time employee can only accrue paid sick leave up to a cap of six (6) days or forty-eight (48)

hours, whichever is greater, ongoing. Sick leave does not accrue once the cap is reached, but accrual begins again when accrued sick leave drops below the cap. Any unused accrued paid sick leave carries over year to year while the part-time employee is continuously employed.

VI. AUTOMOBILE ALLOWANCE

- A. The following positions, at the discretion of the City Manager, may be eligible for a monthly automobile allowance in lieu of mileage reimbursement:

City Engineer/Director of Public Services	-	\$ 650
Community Development Director	-	\$ 600
Assistant to the City Manager/City Clerk	-	\$ 450

All other employees shall be reimbursed at the prevailing standard mileage rates established by the IRS.

SECTION 4. MISCELLANEOUS PROVISIONS

- I. The City Manager may authorize special adjustments to avoid or eliminate inequities resulting from the strict application of any provision of this Resolution.
- II. The City Manager is authorized to issue written administrative personnel regulations designed to augment or clarify the provisions of this Resolution.
- III. In the event of any conflict between the provisions of the City Manager's Employment Agreement or the Assistant City Manager's Employment Agreement and this Resolution, the Agreements prevail.

SECTION 5. EFFECTIVE DATE

- I. Except as otherwise specified to the contrary in this Resolution, all provisions set forth herein shall be effective July 1, 2016.

SECTION 6. Resolution No. 2015-06-23-2 is hereby rescinded and replaced with this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of August 2016.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2016-11-22-X adopted by the City Council of the City of Laguna Hills, California, at a Regular Meeting thereof held on the 22nd day of November 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK