

ORDINANCE NO. 1664

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING SECTIONS 15.01.030 AND 15.01.045 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO DEFENSIBLE SPACE GUIDELINE AND DOCUMENTATION OF COMPLIANCE PURSUANT TO THE CALIFORNIA FIRE CODE

WHEREAS, State of California Health & Safety Code Section 17958 mandates that the City of Laguna Beach adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State of California pursuant to Health & Safety Code, Section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2019 California Fire Code, hereinafter referred to the Fire Code; and

WHEREAS, Section 17958.7 of the State of California Health and Safety Code states “the governing body of a city or county, before making any modifications or changes to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geologic or topographical conditions”; and

WHEREAS, the Fire Chief and the Fire Official recommend changes and modifications to the Fire Code that are reasonably necessary due to the following local climatic, geological, or topographical conditions; and

WHEREAS, the City Council finds as follows:

A. The City of Laguna Beach is located in an area subject to climatic conditions of high winds and low humidity. This environment is conducive to rapidly spreading fires and control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles may greatly impact the response time to reach an incident scene.

B. The City of Laguna Beach is located in a seismically active area. The viability of the public water system may be questionable immediately after a major seismic event. This would leave buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to extinguish a fire. 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 indicated above. With the probability of a countywide seismic disaster, the availability of immediate mutual aid resources will be limited.

C. Due to topographical conditions of sprawling development separated by narrow and congested streets and the expected infrastructure damage inherent in a seismically active area, 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) requirements for a given structure. Additional fire protection is also justified to match the current resources, firefighting equipment and personnel within the Laguna Beach Fire Department. Additionally, the City of Laguna Beach has only three access or egress points (North Coast Highway, South Coast Highway, and Laguna Canyon Road). With the daily reliance on automatic or mutual aid, any condition that limits an access point exponentially increases response times for outside aid.

D. The City of Laguna Beach has several areas with significant growth of wildland vegetation of a highly combustible nature that could threaten structures and the surrounding community. That threat combined with the potential for high winds and low humidity described above warrant additional construction requirements regarding fire resistivity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 15.01.030 of the Laguna Beach Municipal Code is hereby amended to add Sections 304.1.2.1 and 304.1.2.2 to Chapter 3 of the Fire Code, which shall read as follows:

Section 304.1.2.1 Defensible Space Guideline is hereby added as follows:

304.1.2.1 Defensible Space Guideline. All existing habitable buildings and structures within the Very High Fire Hazard Severity Zone shall maintain defensible space in accordance with the requirements in the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, dated August 2021.

Exceptions:

1. New construction or major remodels, as defined by local ordinance, to be built or installed in areas containing City of Laguna Beach Fuel Modification designation, shall comply with Section 321.
2. Existing structures built in compliance with the Fuel Modification Guidelines pursuant to Resolution 89.104 shall be maintained in accordance with the approved plan.

Section 304.1.2.2 Documentation of Compliance is hereby added as follows:

304.1.2.2 Documentation of Compliance. Property owners required to comply with the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, or the Fuel Modification

Guidelines pursuant to Resolution 89.104, shall obtain documentation of compliance from the fire code official upon inspection verification.

SECTION 2. Section 15.01.045 of the Laguna Beach Municipal Code is hereby amended to add Sections 4907.1.1 and 4907.1.2 to Chapter 49 of the Fire Code, which shall read as follows:

Section 4907.1.1 Defensible Space Guideline is hereby added as follows:

4907.1.1 Defensible Space Guideline. All existing habitable buildings and structures within the Very High Fire Hazard Severity Zone shall maintain defensible space in accordance with the requirements in the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, dated August 2021, as amended from time to time by Resolution of the City Council.

Exceptions:

1. New construction or major remodels, as defined by local ordinance, to be built or installed in areas containing City of Laguna Beach Fuel Modification designation, shall comply with Section 4908.

2. Existing structures built in compliance with the Fuel Modification Guidelines pursuant to Resolution 89.104 shall be maintained in accordance with the approved plan.

Section 4907.1.2 Documentation of Compliance is hereby added as follows:

4907.1.2 Documentation of Compliance. Property owners required to comply with the Defensible Space Guideline for Existing Structures in the Very High Fire Hazard Severity Zone, or the Fuel Modification Guidelines pursuant to Resolution 89.104, shall obtain documentation of compliance from the fire code official upon inspection verification.

SECTION 3. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines in that the proposed amendments are not anticipated to result in a direct or reasonably foreseeable indirect physical change causing a significant effect on the environment. Without adoption of the Ordinance, the City would default to the more stringent and environmentally deleterious State defensible space guidelines. The amendments proposed by the Ordinance address the needs of the City's residential fuel modification program, provide greater flexibility in meeting the AB 38 requirements for home sales in the Very High Fire Hazard Severity Zone, and are commensurate with regional wildland fire prevention practices. The Ordinance will not substantially affect, potentially substantially affect, or change the City's land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic resources as all potential changes have been thoroughly considered and will protect the environment

by minimizing potential spread of wildfire. The City Council further finds that this Ordinance is exempt from CEQA pursuant to Sections 15269(c) and 15308 of the State CEQA Guidelines and Public Resources Code Section 21080(b)(4) in that the proposed amendments are intended to be and have the effect of being specific actions necessary to prevent or mitigate a wildfire emergency, which has a high probability of occurring in the short-term, and in that the proposed amendments are actions taken by a regulatory agency, as authorized by state law or local ordinance, to assure the maintenance and protection of the environment by facilitating the prevention and containment of wildfires that would be destructive to the environment.

SECTION 4. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

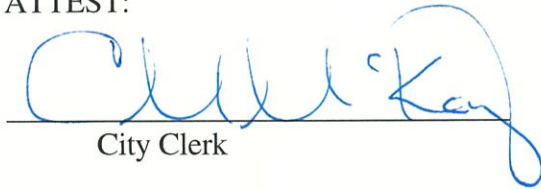
SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective November 5, 2021.

ADOPTED this 5th day of October, 2021.



Bob Whalen, Mayor

ATTEST:

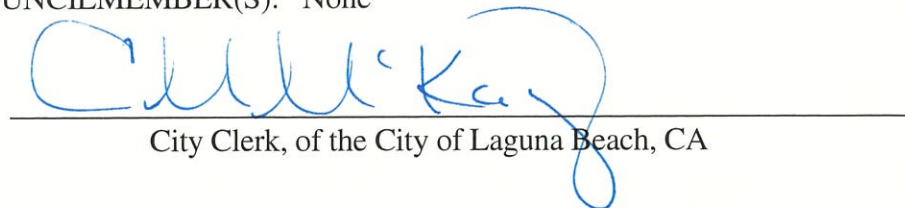

City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on September 21, 2021, and was finally adopted at a regular meeting of the City Council of said City held on October 5, 2021 by the following vote:

AYES: COUNCILMEMBER(S): Blake, Kempf, Whalen

NOES: COUNCILMEMBER(S): Iseman, Weiss

ABSENT: COUNCILMEMBER(S): None


City Clerk, of the City of Laguna Beach, CA