

ORDINANCE NO. 2022-220

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, ADOPTING BY REFERENCE THE 2022 CALIFORNIA FIRE CODE, TOGETHER WITH CERTAIN AMENDMENTS, DELETIONS, ADDITIONS AND PENALTIES, AND AMENDING TITLE 11 OF THE LAGUNA NIGUEL MUNICIPAL CODE

The City Council of the City of Laguna Niguel does ordain as follows:

SECTION 1. **RECITALS**

1. Pursuant to California Government Code section 50022.1 *et seq.* the City of Laguna Niguel may adopt by reference codes comprising the California Building Standards Code, 2022 Edition, as provided in Title 24 of the California Code of Regulations.
2. The California Building Standards Commission adopted the 2022 California Buildings Standards Code which will take effect January 1, 2023.
3. California Health & Safety Code Section 17958.5 authorizes cities and counties to modify the California Fire Code by adopting more restrictive standards and modifications if such standards and modifications are supported by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions.
4. The Orange County Fire Authority (OCFA), which serves as the City's Fire Department, has recommended that changes and modifications be made to the 2022 Edition of the California Fire Code in order to more fully safeguard life and property due to local conditions in the City of Laguna Niguel. Other recommended changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code.
5. On October 18, 2022, the City Council introduced Ordinance Nos. 2022-219 and 2022-220 adopting the 2022 California Building Standards Code by reference, including local amendments, and directed that the Ordinances be placed on the November 1, 2022 City Council agenda for adoption as a public hearing item.
6. On November 1, 2022, the City Council continued the public hearing to the meeting of November 15, 2022 to accommodate the necessary legal noticing requirements. The law requires publication of Ordinance summaries at least five days prior to the meeting at which an Ordinance is to be adopted. Unfortunately, that did not occur prior to the November 1, 2022 meeting and the item was continued allowing City staff to properly notice and maintain the validity of the Ordinances.

7. On November 15, 2022, the City Council conducted and concluded a duly noticed public hearing as required by California Government Code Section 50022.3, to consider adoption of this Ordinance.

SECTION 2. ADOPTION OF THE 2022 CALIFORNIA FIRE CODE AND AMENDMENTS THERETO

Article 1, entitled “2019 Edition of the California Fire Code,” of Division 3, entitled “Fire Protection and Explosives,” of Title 11 of the Laguna Niguel Municipal Code entitled “Public Morals, Safety and Welfare,” is hereby repealed. A new Article 1, entitled “2022 Edition of the California Fire Code,” is added to Division 3, entitled “Fire Protection and Explosives,” of Title 11 of the Laguna Niguel Municipal Code, entitled “Public Morals, Safety and Welfare,” to read as follows:

“ARTICLE 1. 2022 EDITION OF THE CALIFORNIA FIRE CODE

Sec. 11-3-1. Adoption of the 2022 Edition of the California Fire Code

Except as hereinafter provided, the 2022 Edition of the California Fire Code, based on the 2021 Edition of the International Fire Code, as published by the International Code Council, is hereby adopted by reference by the City of Laguna Niguel for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion hazards, save and except such portions as are hereinafter added, deleted, modified or amended. One copy of all the above is now on file in the office of the City Clerk for public inspection. This code is adopted with the same force and effect as through set out herein in full.

Sec. 11-3-2. Chapter 1, Scope and Administration, amended.

Chapter 1, Scope and Administration is adopted in its entirety with the following amendments:

Section 112.4 ‘Violation penalties’ is hereby amended to read as follows:

112.4 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 be subject to 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 112.4.2 ‘Infraction and misdemeanor’ is hereby added as follows:

112.4.2 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.

Sec. 11-3-3. Chapter 2, Definitions, amended.

Chapter 2, Definitions, is adopted in its entirety with the following amendments:

Sections 202 General Definitions is hereby amended by adding “OCFA,” and “Spark Arrester” as follows:

OCFA. Orange County Fire Authority which is the fire department/authority having jurisdiction.

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.

Sec. 11-3-4. Chapter 3, General Requirements, amended.

Chapter 3, General Requirements, is adopted in its entirety, with the exception of Sections 308.1.4, 311.5 through 311.5.5, 318, and 319, and with the following amendments:

Section 304.1.2 ‘Vegetation’ is hereby amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49. Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, interior slope, or similarly hazardous area shall be in accordance with OCFA Guideline C-05 “Vegetation Management Guideline-Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program.”

Section 305.6 ‘Hazardous conditions’ is hereby added as follows:

305.6 Hazardous conditions. Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:

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1. When predicted sustained winds exceed 8 MPH and relative humidity is less than 25%, or a red flag condition has been declared.
2. When an official sign was caused to be posted by the Fire Code Official, or a public announcement is made.

No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH 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 amended by adding Sections 307.6 through 307.6.2.1 to read as follows:

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 occupancies shall comply with this section.

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

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 and vegetation 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.

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Permanent outdoor fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code with clearance from combustible construction and building openings as required therein. 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 25 feet of combustible structures unless within an approved permanent 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.

Exceptions:

1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3 feet from combustible construction at R-3 occupancies.
2. Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone, Wildfire Risk Area, Wildland-Urban Interface Area, or in locations where conditions could cause the spread of fire to the Wildfire Risk Area or Wildland-Urban Interface Area.

Exceptions:

1. Permanent fireplaces that are not located in a fuel modification zone.
2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

Section 324 Fuel Modification Requirements for New Construction is hereby added as follows:

324 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 325 'Clearance of Brush or Vegetation Growth from Roadways' is hereby added as follows:

325 Clearance of Brush or Vegetation Growth from Roadways. The Fire Code Official is authorized to cause areas within 10 feet 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 326 'Unusual Circumstances' is hereby added as follows:

326 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 327 'Use of Equipment' is hereby added as follows:

327 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 327.1 Use of equipment and devices generating heat, sparks or open flames is hereby added as follows:

327.1 Equipment and devices generating heat, sparks or open flames. During any time of the year within Wildfire Risk Areas, within or immediately adjacent to any forest- or brush-covered land or non-irrigated grass-covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:

1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30 foot clearing cannot be achieved, then an alternate method shall be approved by the Authority Having Jurisdiction (AHJ) prior to work starting.
2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.
3. Stop work when winds are 8 MPH or greater 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.
4. Keep a cell phone nearby and call 911 immediate in case of fire.

Section 327.2 'Spark arresters' is hereby added as follows:

327.2 *Spark arresters*. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 327 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.

Sec. 11-3-5. Chapter 4, Emergency Planning and Preparedness, amended.

Chapter 4, Emergency Planning and Preparedness, is not adopted with the exception of the sections, subsections, and amendment listed below:

401 - 401.9
402
403.2
403.5 - 403.5.4
403.10.2.1.1
403.13 - 403.13.3
404.5 - 404.6.6
407

Section 407.5 'Hazardous Materials Inventory Statement' is amended 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.

Sec. 11-3-6. Chapter 5, Fire Service Features, amended.

Chapter 5, Fire Service Features, is adopted in its entirety with the following amendments:

Section 501.1 'Scope' is amended 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-01, "Fire Master Plan for Commercial & Residential Development."

Section 510.1 'Emergency responder radio coverage in new buildings' is amended 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 utilized by the jurisdiction, measured 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 Orange County Sheriff's Department, Communications and Technology Division guidelines and specifications and, where the functionality or performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. In buildings or structures where it is determined by the Fire Code Official that the radio coverage system is not needed, including but not limited to the following:

- a. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
- b. Elevators.
- c. Structures that meet all of the following:
 - i. Three stories or less, and
 - ii. Do not have subterranean storage or parking, and
 - iii. Do not exceed 50,000 square feet on any single story.
- d. Structures that meet all of the following:
 - i. Residential structures four stories or less, and
 - ii. Constructed of wood, and
 - iii. Do not have subterranean storage or parking, and
 - iv. Are not built integral to an above ground multi-story parking structure.

Should a structure that is three stories or less and 50,000 square feet or smaller on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

- 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 the facility, the Fire Code Official shall have the authority to accept an automatically activated emergency radio coverage system.

Sec. 11-3-7. Chapter 9, Fire Protection and Life Safety Systems, amended

Chapter 9, Fire Protection Systems is adopted in its entirety with the following amendments:

Section 903.2 'Where Required' is amended 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 903.2.21 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 that are smaller than the area specified in section 903.2.10 (3) or 903.2.10.1 of the California Fire 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 when 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 5,000 square feet as defined in Section 202;
 - b. When an addition exceeds 2,000 square feet and the resulting building area exceeds 5,000 square feet as defined in Section 202; or
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Group R-3 occupancies. Additions to Group R-3 occupancies shall comply with Section 903.2.8.2

Section 903.2.8 'Group R' is amended 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:

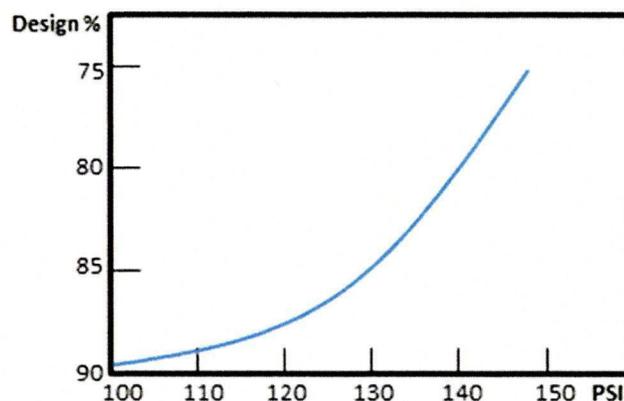
1. *New Buildings:* An automatic sprinkler system shall be installed throughout all new buildings.
2. *Existing Buildings:* An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When the floor area of alterations within any two-year period exceeds 50% of gross floor area of the existing structure and the building gross floor area exceeds 5,500 square feet.
 - b. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

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 pounds per square inch (psi), and when required by the Fire Code Official, the fire sprinkler system shall not exceed water supply capacity specified by Table 903.3.5.3

**TABLE 903.3.5.3
Hydraulically Calculated Systems**



Sec. 11-3-8. Chapter 25, Fruit and Crop Ripening, is deleted in its entirety.

Sec. 11-3-9. Chapter 26, Fumigation and Insecticidal Fogging, is deleted in its entirety.

Sec. 11-3-10. Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities, amended

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 amended 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 amended 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 amended 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. Factors 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 amended 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 amended 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 amended 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 2,500 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 2,500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5,000 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 OCFA 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.

Section 2808.15 'Maximum Grid of Piles and Rows' is hereby added as follows:

2808.15 Maximum Grid of Piles and Rows. Rows of Piles shall not exceed 500 feet by 500 feet. Grids shall be separated by a minimum 50 foot clear space used for no other purpose.

Section 2808.16 'Push-out/Clear Area' is hereby added as follows:

2808.16 Push-out/Clear Area. Piles exceeding 20 cubic yards shall be provided with push-out areas. Push-out areas shall be maintained clear at all times to allow for the largest pile to be spread out to a depth of 2 feet in height. Push-out areas shall be located within 250 feet of all edges of any pile and shall be located a minimum of 20 feet from any building.

Sec. 11-3-11. Chapter 49, Requirements for Wildland-Urban Interface Fire Areas, amended

Chapter 49, 'Requirements for Wildland-Urban Interface Fire Areas' is adopted in its entirety with the following amendment:

Section 4907.3 Requirements is hereby amended to read as follows:

4907.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structures 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 1299.03 (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.”

Sec. 11-3-12. Chapter 50, Hazardous Materials - General Provisions, amended

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 amended 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 OCFA’s Chemical Classification Guideline, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises.

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.

Sec. 11-3-13. Chapter 56, Explosives and Fireworks, amended

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 firework displays, regardless of mortar, device, or shell size, shall be electrically fired.

Section 5608.3 'Application for Permit' is hereby added as follows:

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.

Sec. 11-3-14. Chapter 80, Referenced Standards, amended

Chapter 80, Referenced Standards, is adopted in its entirety with the following amendments:

NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 16.12.3.3 is hereby amended to read as follows:

16.12.3.3 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 2.5 inch 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 2.5 inch inlets shall be provided.

Section 9.4.3.1 is hereby amended to read as follows:

9.4.3.1 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 9.2.1.7 is hereby added as follows:

9.2.1.7 concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved by the Fire Code Official.

NFPA 13D 2022 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 amended 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, 2019 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby deleted in its entirety.

NFPA 24, 2019 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 amended 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 feet from the building.
 - a. For buildings less than 40 feet in height, a post indicator valve shall be permitted to be installed closer than 40 feet, 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 feet from the building.
 - a. For buildings less than 40 feet in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 feet, 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 amended 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 amended 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 Adopted and Deleted:

Appendix A is deleted in its entirety without amendments.

Appendix B is adopted in its entirety without amendments outlined in Guideline B-09.

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 deleted 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.

Appendix O is deleted in its entirety without amendments.”

SECTION 3. **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15060(c)(2) of the California CEQA Guidelines, the City Council finds that this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to the CEQA. Additionally, pursuant to Section 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.

SECTION 4. **EFFECTIVE DATE**

This Ordinance and all codes referenced shall take effect on the later of 30 days from the adoption of this Ordinance, or January 1, 2023. Projects for which a building permit application and building plans have been submitted prior to the effective date of this Ordinance, and for which building permits have been obtained within 365 days from the effective date of this Ordinance, shall be exempt from the provisions of this Ordinance. Projects for which a building permit application and building plans have been submitted prior to the effective date of this Ordinance, and building permits have not been obtained within 365 days from the effective date of this Ordinance, shall be subject to all provisions of this Ordinance and the codes referenced.

SECTION 5. **SEVERABILITY**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court or 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, phrases, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional.

SECTION 6. CITY CLERK'S CERTIFICATION

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

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.



Elaine Gennawey, Mayor

ATTEST:



Marissa J. Asistin, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS
CITY OF LAGUNA NIGUEL)

I, Marissa J. Asistin, City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Ordinance No. 2022-220, which was adopted at a regular meeting of the City Council of the City of Laguna Niguel, California, held November 15, 2022, by the following vote:

AYES: Council Members Jennings, Minagar, Sharma; Mayor Pro
 Tem Rains, and Mayor Gennawey

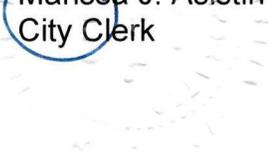
NOES: None.

ABSTENTIONS: None.

ABSENT: None.



Marissa J. Asistin
City Clerk



RESOLUTION NO. 2022-1410

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, SETTING FORTH
FINDINGS THAT MODIFICATIONS TO THE 2022 CALIFORNIA BUILDING
STANDARDS CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL
CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS**

WHEREAS, On October 18, 2022, the City Council introduced Ordinance Nos. 2022-219 and 2022-220 adopting and amending certain codes that are part of the 2022 California Building Standards Code; and

WHEREAS, pursuant to California Government Code section 50022.1, *et seq.*, the City of Laguna Niguel may adopt by reference the California Building Standards Code, 2022 Edition as codified in Title 24 of the California Code of Regulations; and

WHEREAS, the California Building Standards Commission adopted the 2022 California Building Standards Code, which will become effective on January 1, 2023; and

WHEREAS, California Health & Safety Code section 17958.5 authorizes cities and counties to modify building standards in the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are supported by express findings that they are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the Laguna Niguel Community Development Department and/or the Orange County Fire Authority (OCFA) have recommended that changes and modifications be made to certain codes contained in the California Building Standards Code (specifically, provisions of the 2022 California Building Code, the 2022 California Residential Code, and the 2022 California Fire Code) and are reasonably necessary to safeguard life and property due to local conditions in the City of Laguna Niguel and has further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Codes; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laguna Niguel as follows:

1. To the extent that the following changes and modifications are deemed more restrictive than the standards contained in the 2022 California Building Standards Code, thus requiring that findings be made pertaining to local conditions to justify such modifications, the City Council hereby finds and determines that the following findings are reasonably necessary because of local climatic, geological, or topographical conditions, and adopts the findings provided below to support

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the modifications to building standards in the 2022 California Building, Residential and Fire Code, adopted and amended by the City.

I. Climatic Conditions

- A. Orange County and the City of Laguna Niguel 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 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 fire department'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% 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%.
- E. Untreated wood roofs cause or contribute to serious fire hazard and to the rapid spread of fires when such fires are accompanied by high winds. Pieces of burning wooden roofs become flying ambers and are carried by the wind to other locations and thereby spread fire quickly.

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- F. Swimming pool accidents are a preventable tragedy. The warm, dry climate is conducive to swimming pools which creates a higher probability of child drownings where pools are unprotected.

II. Topographical Conditions

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

The Orange County region, including the City of Laguna Niguel, 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 Laguna Niguel 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

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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 fire department.

IV. Administrative

This amendment is necessary for administrative or procedural clarification, and do not modify a building standard pursuant to California Health, Safety Code Sections 17958, 17985.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Laguna Niguel.

The findings above are applicable to amendments to the 2022 California Building Code, the 2022 California Residential Code, and the 2022 California Fire Code, as detailed in the following tables.

2022 California Building Code

<i>Section No.</i>	<i>Finding</i>
104.8	I
105.2	I, IV
105.3.2.1	IV
105.5	IV
105.5.2	IV
105.8	IV
105.9	IV
112.4	IV
202	IV
502.1	IV
701A.3	I, II
903.2	II, III
903.2.8	II, III
903.3.5.3	I, II
1505	I, II
1505.1	I, II
1505.1.2	I, II
115922(a)	I
3109.2	I
3109.2.1.1-	I
3109.2.1.4	

2022 California Residential Code

<i>Section No.</i>	<i>Finding</i>
202	IV
301.2	I
R301.9	I, II
R309.6	I, II
R313.1	I, II
R313.2	I, II
R313.3.6.2.2	I, II
R337.1.3	I, II
R405.1	I, II
R902.1	I, II
R902.1.2	I, II
R902.2	I, II
R1001.14	I, II, III
R1001.14.1	I, II, III
R1001.14.2	I, II, III
R1001.14.3	I, II, III
NFPA 13	
8.15.1.2.7	IV
11.1.1.1	II, III, IV
11.2.3.1.1.1	II, III, IV
NFPA 13D	
7.1.2	II, III, IV

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2022 California Fire Code

<i>Section No.</i>	<i>Finding</i>	<i>Section No.</i>	<i>Finding</i>
112.4	IV	2808.2	IV
112.4.2	IV	2808.3	I
202	IV	2808.4	I
304.1.2	I	2808.7	I
305.6	I, II	2808.9	I
305.7	I, II	2808.11	I
307	IV	2808.11.1	I
307.6	IV	2808.11.2	I
307.6.1	I, II	2808.12	I
307.6.2	I, II	2808.13	I
307.6.2.1	I, II	2808.14	IV
308.1.6.3	I, III	2808.15	IV
324	I	2808.16	IV
325	I	4907.3	I
326	IV	5001.5.2	IV
327	I	5003.1.1.1	I, III
327.1	I	5608.2	IV
327.2	I	5608.3	IV
407.5	I, II	5801.1	IV
501.1	I, II, III, IV	NFPA 13	II, III, IV
510.1	IV	NFPA 13D	I, II
903.2	I, II, III	NFPA 14	IV
903.2.8	I, II, III	NFPA 24	III, IV
903.3.5.3	I, II		
2801.2	IV		

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PASSED, APPROVED, AND ADOPTED this 15th day of November, 2022.


Elaine Gennawey, Mayor

ATTEST:


Marissa J. Asistin, City Clerk

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CERTIFICATION

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

I, Marissa J. Asistin, City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Resolution No. 2022-1410, which was adopted at a regular meeting of the City Council of the City of Laguna Niguel, California, held on November 15, 2022, by the following vote:

AYES: Council Members Jennings, Minagar, and Sharma; Mayor Pro Tem Rains, and Mayor Gennawey.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.



Marissa J. Asistin, CMC
City Clerk

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