

MAYOR

CYNTHIA PICKETT-ADAMS

MAYOR PRO TEM

WILLIAM PHILLIPS

COUNCIL MEMBERS

GREG FICKE

CARMEN VALI-CAVE, PHD

KARL WARKOMSKI

CITY MANAGER

DAVID J. NORMAN

CITY ATTORNEY

SCOTT C. SMITH

CITY CLERK

DEBBIE A. LEE, MMC

May 9, 2003

The Honorable Frederick P. Horn
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, California 92701

Re: Wood Roofs are Dangerous Grand Jury Report

Dear Judge Horn:


Pursuant to Penal Code 933.05(f) the City of Aliso Viejo is responding to the 2002-2003 Orange County Grand Jury report entitled *Wood Roofs Are Dangerous*.

As to Findings One through Four of the Report – the City of Aliso Viejo is in general agreement with the Findings

As to Recommendation Number Two, the City of Aliso Viejo adopted, at its Council Meeting of April 16, 2003, an amendment to its current Building Code to require, at a minimum and in conformance with the Grand Jury's recommendation, the most fire retardant class of roof covering (Class A) for re-roofing of all residential structures (Group R) in all fire zones, when more than 50 percent of the roof is replaced within one year. A certified copy of City of Aliso Viejo Ordinance 2003-045 is enclosed.

Please contact me at (949) 425-2510 if you have any questions regarding this ordinance.

Sincerely,


David J. Norman
City Manager

CITY OF ALISO VIEJO

INCORPORATED JULY 1, 2001

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c: Orange County Grand Jury
City Council
City Attorney
Building Official

ORDINANCE NO. 2003-045

AN ORDINANCE OF THE CITY OF ALISO VIEJO AMENDING ARTICLE 2 OF DIVISION 1 OF TITLE 7 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO AND AMENDING SECTION 7-1-39, TABLE 15-A, OF PART 2 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2001 CALIFORNIA BUILDING CODE

WHEREAS, California Health and Safety Code Section 17958.7 authorizes cities to adopt the Codes with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Aliso Viejo desires to amend the Codes to assure that their provisions are tailored to the particular safety needs of the City of Aliso Viejo as required by its unique climatic, geological and topographical conditions.

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. To the extent that the following change to the Codes is deemed more restrictive than the standards contained in the Codes, thus requiring findings be made pertaining to local conditions to justify such modifications, the City Council hereby finds and determines that the following change is reasonably necessary due to local climatic, geological and topographical conditions.

Table 15-A of the California Building Code.

This amendment is reasonably necessary because of the following local climatic and topographical conditions:

The City of Aliso Viejo is located adjacent to a major mountain range, which creates extreme wind conditions (Santa Ana winds) and severe fire dangers. These climatic and topographical conditions cause extreme drying of vegetation and wood roofing materials and predispose the area to large, destructive fires.

Section 2. Section 7-1-39 of Article 2 of Division 1 of Title 7 of the Codified Ordinances of the County of Orange, as adopted by the City of Aliso Viejo pursuant to Ordinance No. 2001-001 and modified by Ordinance 2002-040 is hereby amended as follows:

**ARTICLE 2
BUILDING AND STRUCTURES**

Section 7-1-39. Minimum Roof Class. Table 15-A of the California Building Code is hereby amended to read as follows:

Table 15-A Minimum Roof Class

Occupancy	Roofing
All	Class A

EXCEPTION: Class A roof assemblies shall be required for re-roofing and additions on all residential structures when more than 50 percent of the roof is replaced or added onto within a one year period. All other re-roofs and additions shall have minimum Class B roof assemblies.

Section 3. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. This, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk's Office within five (5) working days of the approval of this ordinance.


Section 4. Severability. The City Council hereby declares that the provisions of this Ordinance are severable and if for any reason a court of competent jurisdiction shall hold any sentence, paragraph or section of this Ordinance to be invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 5. Effective Date. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted as required by law. Upon the effective date of the Ordinance, the provisions hereof shall supersede any conflicting provision of the Codified Ordinances of the County of Orange as the same were adopted by the City of Aliso Viejo pursuant to Ordinance No. 2001-001.

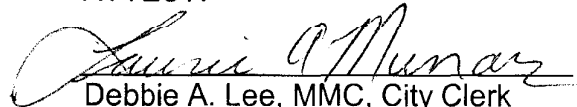
PASSED, APPROVED AND ADOPTED this 16th day of April, 2003.



Cynthia Pickett-Adams
Mayor

APPROVED AS TO FORM:


Scott G. Smith, City Attorney

ATTEST:


Debbie A. Lee, MMC, City Clerk
By Laurie A. Murray, Deputy City Clerk


STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF ALISO VIEJO)

I, Debbie Lee, City Clerk of the City of Aliso Viejo, do hereby certify that the foregoing Ordinance No. 2003-045 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th day of March, 2003, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 16th day of April, 2003 by the following vote, to wit:

AYES: COUNCILMEMBERS: Ficke, Phillips, Pickett-Adams, Vali-Cave, Warkomski

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Debbie A. Lee, MMC, City Clerk
By Laurie A. Murray, Deputy City Clerk

**The foregoing instrument is a full, true and correct copy of the original on file in this office
Debbie A. Lee, City Clerk
City of Aliso Viejo**

By _____ Date: _____