

RESOLUTION NO. 2018-11-13-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADJUSTING THE SECURITY DEPOSITS AND APPEAL FEE FOR THE CITY OF LAGUNA HILLS CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM AND FINDING THAT THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15273 OF THE CEQA GUIDELINES AND PUBLIC RESOURCES CODE SECTION 21080(B)(8).

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

WHEREAS, on October 28, 2003, the City Council adopted Ordinance No. 2003-9 establishing the Construction and Demolition Recycling Program (Title 5, Chapter 48, Laguna Hills Municipal Code) in order to protect the public health, safety, and welfare of the community, and to achieve the goals of the California Waste Management Act; and

WHEREAS, on August 28, 2018, the City Council adopted Ordinance No. 2018-4 to amend and restate Chapter 5-48 (Construction and Demolition Waste Recycling Program) of Title 5 (Health and Sanitation) of the Laguna Hills Municipal code to comply with California Green Building Standards Code (Part 11 of Title 24, California Code of Regulations) known as CALgreen; and

WHEREAS, pursuant to Section 5-48.060 of the Laguna Hills Municipal Code, each applicant who applies for a building or an encroachment permit for a Covered Project as defined in Section 5-48.050 of the Laguna Hills Municipal Code shall remit a security deposit in an amount established by resolution of the City Council; and

WHEREAS, pursuant to Laguna Hills Municipal Code Section 5-48.150, an applicant may appeal a decision of the C&D Compliance Official, subject to an appeal application fee in an amount established by resolution of the City Council to defray the costs of processing appeals; and

WHEREAS, the security deposit and appeal fee have not been adjusted since the inception of the Construction and Demolition Waste Recycling program;

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Laguna Hills is authorized to adopt and implement fees, rates, and charges for municipal services; provided that such fees, rates, and charges do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City has calculated the reasonable costs associated with the processing of appeals under the Construction and Demolition Waste Recycling Program; and

WHEREAS, pursuant to Government Code Section 66014, 66017, and 66018, proposed increases to specific user fees charged for certain services must be adopted by Resolution, following notice and Public Hearing; and

WHEREAS, notice of Public Hearing has been given pursuant to Government Code Section 6062a, oral and written presentations have been made and received, and the required Public Hearing has been held; and

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

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

SECTION 1. Adoption of Recitals. The foregoing recitals set forth above are true and correct and are incorporated by reference herein.

SECTION 2. Rescission of prior Resolution. Resolution No. 2003-11-25-1 is hereby rescinded and replaced by this Resolution.

SECTION 3. Security Deposit. For each application for a building or encroachment permit for Covered Projects the following security deposits shall apply:

	Security Deposit per square foot	Minimum amount of Security Deposit	Maximum amount of Security Deposit
Residential projects	\$ .30	\$100	\$3,750
Commercial projects	\$ .50	\$250	\$7,143

SECTION 4. Appeal Fee. The Appeal fee for each application for Covered Projects is \$1,428.42. This is the estimated cost of City staff to review an appeal.

SECTION 5. Effective Date. The provisions of this Resolution shall become effective and shall be implemented 60-days following the adoption of this resolution.

SECTION 6. Amendments to Comprehensive Fee Schedule. The City Council hereby authorizes and directs the City's Finance Director to update the Comprehensive Fee Schedule in accordance with the amendments set forth in this Resolution.

SECTION 7. Environmental Exemption. The adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15273 of CEQA


Guidelines and Section 21080(b)(8) of the Public Resources Code; and in accordance with such determination, the City Clerk is hereby directed to file a Notice of Exemption upon adoption of this Resolution.

**SECTION 8. Severability.** If any adjusted user fee, rate, or charge adopted by this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such adjusted fee, rate, or charge shall be deemed a separate, distinct, and independent provision of this Resolution, and such holding shall not affect the validity of the remaining user fees, rate, and charges adopted or revised herein. The City Council hereby declares that it would have adopted the Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of November 2018.

  
MELODY CARRUTH, MAYOR

ATTEST:

  
MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
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. 2018-11-13-2 adopted by the City Council of the City of Laguna Hills, California, at a  
Regular Meeting thereof held on the 13<sup>th</sup> day of November 2018, by the following vote:

AYES: Council Members Heft, Sedgwick, Mayor Pro Tempore  
Gilbert, and Mayor Carruth

NOES: None

ABSENT: None

ABSTAIN: None

(SEAL)



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MELISSA AU-YEUNG, CITY CLERK