

Sales Activity

The City's existing Zoning Code permits the sale of tobacco and cigarettes subject only to the approval of a conditional use permit in the Community Commercial zoning district. The sale of tobacco and cigarettes is prohibited in the Neighborhood Commercial and Professional & Administrative Office zoning districts.

The City's existing Zoning Code defines "cigarette" as including both combustible cigarettes and e-cigarettes, as well as "roll-your-own" tobacco. Medical and non-medical marijuana is regulated separately.

- Should the City prohibit businesses that *primarily* sell tobacco or cigarette products in the Community Commercial zoning district (i.e., should tobacco and cigarette sales be permitted as only an incidental retail function, subject to the approval of a conditional use permit)?

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachment: A – Existing Laguna Woods Municipal Code Chapter 7.16 (Smoking in Public Places and Places of Employment)

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CHAPTER 7.16. - SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT^[3]

Footnotes:

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Editor's note— Ord. No. 11-03, § 1, adopted Mar. 16, 2011, repealed the former Ch. 7.16, §§ 7.16.010—7.16.150, and enacted a new Ch. 7.16 as set out herein. The former Ch. 7.16 pertained to smoking in public places and places of employment and derived from Ord. No. 04-06, §§ 2—16, 8-12-2004; Ord. No. 06-06, § 2, 11-8-2006.

Sec. 7.16.010. - Purpose.

The purpose of this chapter is to protect the public health and welfare by regulating smoking in places available to and used by members of the public and in places of employment.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.020. - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (05) *Bar* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- (10) *Business* means a sole proprietorship, partnership, joint venture, corporation, association, or other entity formed either for-profit or not-for-profit making purposes, that is open to members of the public and/or has an employee as defined in this section.
- (15) *Employee* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and/or a person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.
- (20) *Employer* means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- (25) *Enclosed* means closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening for ingress and egress.
- (30) *Health care facility* means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight

control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.

- (35) *Multi-unit residential facility* means a building or portion thereof that contains more than one dwelling space consisting of essentially complete independent living facilities for one or more persons and includes apartments, condominiums, cooperatives and group homes. A single family residence shared by roommates is not considered a multi-use residence for the purpose of this chapter.
- (40) *Place of employment* means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- (45) *Public place* means any enclosed area, public or private, to which the public is permitted, regardless of any fee or age requirement. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- (50) *Restaurant* means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.
- (55) *Retail tobacco store* means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (60) *Service area* means any area designated to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not the service involves the exchange of money.
- (65) *Shopping mall* means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (70) *Smoking* means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.030. - Prohibition of smoking in public places.

Except as otherwise hereinafter provided by this chapter, smoking shall be prohibited in all:

- (1) Enclosed areas of all public places, including lobbies, elevators, reception, waiting and service areas, hallways, and other areas used by members of the public, located within the City, including but not limited to the following:

ITEM 8.2 - Attachment A

- a. Any portion of a museum, aquariums, gallery, library, or museums which is open to and used by members of the general public;
 - b. Any portion of a grocery store, supermarket or other retail food marketing establishment which is open to and used by the general public;
 - c. Any restroom open to and used by the general public;
 - d. Any portion of a theater, auditorium, clubhouse or hall which is open to the general public and used for exhibiting a motion picture, live theatrical performance, religious or spiritual service, banquet, lecture, musical recital or similar performance;
 - e. Hallways, examination rooms, rooms used for treatment, wards and semi-private rooms of health care facilities;
 - f. Any licensed child care or adult day care facility;
 - g. Lobbies, hallways, game rooms, meeting rooms, laundry rooms, and other common areas in multi-unit residential facilities;
 - h. Public transportation facilities, including buses and taxicabs, under the authority of the City of Laguna Woods, and ticket, boarding, and waiting areas of public transit depots;
 - i. Any restaurant or bar, including those in private clubs;
 - j. Any portion of a building owned, leased and/or operated by a public agency or entity which is open to and used by the public and is subject to the jurisdiction of the city;
 - k. Polling places;
 - l. Any recreation or sports facility, including but not limited to gymnasiums, enclosed swimming pools, roller skating and ice skating rinks, bowling alleys, pool halls, health spas, clubhouses and other similar places where members of the public assemble whether to engage in physical exercise, participate in athletic events or participate in sports events;
 - m. Any other business or establishment or portion of a business or establishment which is open to and used by the general public, including but not limited to banks, professional offices, retail stores, enclosed shopping malls, laundromats, beauty and barber shops, nails salons, professional offices, hotels and motels.
- (2) Unenclosed areas of the following public places, subject to the reasonable distance requirement in Section 7.16.050:
- a. Any service area where one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money;
 - b. Outdoor dining areas of restaurants;
 - c. Unenclosed swimming pools in a multifamily residence;
 - d. Unenclosed hallways, entryways, breezeways, stairways and other common areas accessible and useable by more than one residence in a multifamily residential facility;
 - e.

Balconies and patios in residential facilities. For the purpose of this chapter, balconies and patios shall include unenclosed and screened patios and balconies as well as enclosed patios and balconies unless windows and doors are closed to prevent the escape of smoke;

- f. Covered and semi-covered carports shared by more than one residential unit;
- g. Ticket, boarding and waiting areas for public transportation services;
- h. Entrances and exits to enclosed public areas;
- i. City parks and preserves;
- j. Sites of public events sponsored or co-sponsored by the City, including sports events, entertainment, ceremonies, speaking performances, pageants and fairs.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.040. - Prohibition of smoking in places of employment.

- (a) Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- (b) This prohibition on smoking shall be communicated to all existing employees by the effective date of the ordinance from which this chapter is derived and to all prospective employees upon their application for employment.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.050. - Reasonable distance.

Smoking in unenclosed areas shall be prohibited within a reasonable distance of 20 feet from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.060. - Where smoking not regulated.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of Section 7.16.030 of this chapter:

- (1) With the exception of locations specifically identified in Section 7.16.030, private residences, except when used as a licensed child care, adult day care, or health care facility.
- (2)

ITEM 8.2 - Attachment A

Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

- (3) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter.
- (4) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter.
- (5) Outdoor areas except those covered by the provisions of Sections 7.16.030 and 7.16.040.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.070. - Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 7.16.080 of this chapter is posted.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.080. - Posting of signs.

- (a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place.
- (b) Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (c) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person having control of the area.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.090. - Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.100. - Enforcement.

- (a) The provisions of this chapter shall be enforced by the City Manager and/or his or her authorized designee.
- (b) Notice of the provisions of this chapter shall be given to all applicants for a business license/permit in the City of Laguna Woods.
- (c) Any citizen who desires may register a complaint under this chapter with the City Manager and/or his or her authorized designee who will determine if enforcement is warranted based on the facts of the complaint.
- (d) The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- (e) An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- (f) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.
- (g) In addition to the remedies provided by the provisions of this section, the City Manager or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.110. - Violations and penalties.

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of an infraction, punishable by a fine not exceeding \$50.00.
- (b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding \$100.00 for a first violation.
 - (2) A fine not exceeding \$200.00 for a second violation within one year.
 - (3) A fine not exceeding \$500.00 for each additional violation within one year.
- (c) In addition to the fines established by this section, violation of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- (d)

Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.120. - Public education.

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.130. - Governmental agency cooperation.

The City Manager shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all Federal, State, County and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.140. - Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Ord. No. 11-03, § 2, 3-16-2011)

Sec. 7.16.150. - Liberal construction.

This chapter shall be liberally construed so as to further its purposes.

(Ord. No. 11-03, § 2, 3-16-2011)

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8.3

**GOLDEN RAIN FOUNDATION GENERAL PLAN
AMENDMENT, ZONING CODE AMENDMENT,
AND ZONE CHANGES FOR URBAN ACTIVITIES
CENTER PROPERTIES (GPA/ZC-1169)**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 20, 2017 Regular Meeting

SUBJECT: Golden Rain Foundation General Plan Amendment, Zoning Code Amendment, and Zone Changes for Urban Activities Center Properties (GPA/ZC-1169)

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.08.040 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE ESTABLISHMENT OF A RESIDENTIAL COMMUNITY-MAINTENANCE ZONING OVERLAY, AND ADOPTING ZONE CHANGES RELATED TO THE GOLDEN RAIN FOUNDATION GENERAL PLAN AMENDMENT, ZONING CODE AMENDMENT, AND ZONE CHANGES FOR URBAN ACTIVITIES CENTER PROPERTIES (GPA/ZC-1169) PROJECT

Background

The City has received an application from the Golden Rain Foundation for the project known as “Golden Rain Foundation General Plan Amendment, Zoning Code Amendment, and Zone Changes for Urban Activities Center Properties” and also referred to as “GPA/ZC-1169” (“proposed project”). The proposed project does not include any changes in existing land uses.

The Golden Rain Foundation’s stated intent in submitting the proposed project is to better align existing land uses with land use designations and zoning. Village Management Services (“VMS”) staff have indicated that they support the proposed project “... as several residents through the years have expressed their desire to retain the support facilities southwest of Moulton Parkway and El Toro Road and to not allow sale of the parcels that could lead to high-rise residential and retail commercial uses. Left unchanged, the existing land use designations and zoning would potentially allow both residential and commercial uses.”¹

Project Location

The proposed project pertains to the following six parcels in the City of Laguna Woods, all of which are owned and maintained by the Golden Rain Foundation and are generally located south of El Toro Road and north of the Aliso Viejo Golf Course between Calle Sonora and Moulton Parkway:

Site	Assessor’s Parcel Number
1	621-131-06
2	621-131-07
3	621-131-23
4	621-131-18
5	621-131-19
6	621-131-20

Map showings the approximate locations of all six parcels are included on pages 7 and 9 of the initial study and mitigated negative declaration (Attachment B).

Project Summary

The proposed project includes:

1. A General Plan Amendment affecting the City’s General Plan Land Use Element to (a) change the land use designation for Sites 1-5 from Urban Activities Center (UAC) to Residential Community (RC); (b) change the land use designation for Site 6 from portions Open Space (OS) and portions Urban Activities Center (UAC) to entirely OS; and (c) delete the Urban Activities

¹ Laguna Woods Village “Re: What’s Up in the Village: Fourth of July, Public Notice Clarification, and More!” Message to *Laguna Woods Village Breeze* distribution list. July 1, 2017. Email.

Center (UAC) land use designation, including related narrative and one implementation measure.

AND

2. A Zoning Code Amendment affecting various portions of the Laguna Woods Municipal Code to (a) delete the Urban Activities Center (UAC) zoning district, and (b) establish a new Residential Community – Maintenance (RC-MT) Zoning Overlay district. The Residential Community – Maintenance (RC-MT) Zoning Overlay would be established for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base Residential Community (RC) zoning district, and to prohibit incompatible uses. *[See Attachment A]*

AND

3. Zone Changes affecting the City’s Zoning Map to (a) change the zoning district for Sites 1-5 from Urban Activities Center (UAC) to Residential Community (RC) with the Residential Community – Maintenance (RC-MT) Zoning Overlay district, and (b) change the zoning district for Site 6 from portions Open Space-Recreation (OS-R) and portions Urban Activities Center (UAC) to entirely Open Space-Recreation (OS-R). *[See Attachments A and B]*

On August 16, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would add Section 13.08.040 to the Laguna Woods Municipal Code related to the establishment of a Residential Community – Maintenance zoning overlay, and adopting zone changes related to the proposed project. At the meeting on August 16, 2017, the City Council also adopted a mitigated negative declaration, mitigation monitoring and reporting program, and amendments to the City’s General Plan.

Discussion

After reviewing the Golden Rain Foundation’s land use application and considering environmental issues as required by the California Environmental Quality Act (“CEQA”), staff recommends that the City Council adopt the proposed ordinance.

If the City Council takes the recommended action at today’s meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

The Initial Study prepared for the proposed project finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project that have been made by or agreed to by the Golden Rain Foundation. Therefore, a Mitigated Negative Declaration (Attachment B) and Mitigation Monitoring and Reporting Program have been prepared. None of the project sites are included on any hazardous material lists enumerated under Government Code Section 65962.5.

Fiscal Impact

The City's costs related to this project are recovered from the applicant.

Report Prepared With: Rebecca M. Pennington, Development Programs Analyst

Attachments: A – Proposed Ordinance
 Exhibit A – Proposed Code Amendments
 Exhibit B – Proposed Zoning Map
 B – Initial Study and Mitigated Negative Declaration

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.08.040 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE ESTABLISHMENT OF A RESIDENTIAL COMMUNITY-MAINTENANCE ZONING OVERLAY, AND ADOPTING ZONE CHANGES RELATED TO THE GOLDEN RAIN FOUNDATION GENERAL PLAN AMENDMENT, ZONING CODE AMENDMENT, AND ZONE CHANGES FOR URBAN ACTIVITIES CENTER PROPERTIES (GPA/ZC-1169) PROJECT

WHEREAS, the Golden Rain Foundation submitted an application for the project known as “Golden Rain Foundation General Plan Amendment, Zoning Code Amendment, and Zone Changes for Urban Activities Center Properties” and also referred to as “GPA/ZC-1169”; and

WHEREAS, on August 16, 2017, the City Council considered proposed amendments to the Laguna Woods Municipal Code, as identified in Exhibit A attached hereto and incorporated herein by reference (“Code Amendment”), to establish a Residential Community-Maintenance Zoning Overlay; and

WHEREAS, on August 16, 2017, the City Council considered proposed zone changes related to properties owned by the Golden Rain Foundation, as identified in Exhibit B attached hereto and incorporated herein by reference (“Zone Changes”); and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and Zone Changes and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on August 16, 2017, the City Council held a duly noticed public hearing on the proposed Code Amendments and Zone Changes at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In adopting this Ordinance, the City Council finds and determines that each of the recitals to this Ordinance are true and correct and are adopted herein as findings.

SECTION 2. The City Council hereby finds and determines that (i) the Code Amendments and Zone Changes comply with all applicable requirements of State law; (ii) the Code Amendments and Zone Changes will not adversely affect the health, safety, or welfare of the residents within the community; (iii) the Code Amendments and Zone Changes are in the public interest of the City of Laguna Woods; and, (iv) the Code Amendments and Zone Changes are consistent with the Laguna Woods General Plan and its various elements.

SECTION 3. Section 13.08.040 is hereby added to the Laguna Woods Municipal Code to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. The Zoning Map as amended and attached as Exhibit B, including zone changes related to the Golden Rain Foundation General Plan Amendment, Zoning Code Amendment, and Zone Changes for Urban Activities Center Properties (GPA/ZC-1169) Project, is hereby adopted.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 7. The Deputy City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 8. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 17-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2017 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

A new Section 13.08.040 (“Residential community-maintenance overlay”) is added to Chapter 13.08 (“Residential Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code to read as follows:

Section 13.08.040. – Residential community-maintenance overlay.

(a) *Purpose, generally.* The purpose of overlay zoning districts is to allow the City to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City for a specific property or location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives. Overlay zoning districts are established through rezoning and only in conjunction with base zoning districts.

(b) *Purpose, specifically.* The purpose of the *Residential Community-Maintenance Overlay Zoning District (RC-MT)* is to provide for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base *Residential Community (RC)* zoning district, and to prohibit incompatible uses. Specialized maintenance and operational support facilities were developed with the initial development of the planned unit development located within the RC zoning district (formerly Rossmoor Leisure World Planned Community, now Laguna Woods Village), and have continued to be maintained and developed since then. Such facilities, and the direct services that they allow for, further the RC zoning district’s purpose and intent of providing for the “development and preservation of planned unit developments.”

(c) *Establishment and designation, generally.* Except as modified by an overlay zoning district, the provisions of the applicable base zoning district shall apply to all development within the boundary of a designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail. Whenever an overlay zoning district is established, any subsequent

application to change the base zoning district shall not be construed to be an application to eliminate the overlay zoning district for the property covered by the application. An intent to eliminate the overlay zoning district on a given property shall be expressly stated to be part of the application.

(d) *Establishment and designation, specifically.* The designated area to which the RC-MT overlay zoning district is applied shall be all parcels located within the RC zoning district that are located south of El Toro Road, west of Moulton Parkway, and east of Calle Sonora.

(e) *Principally permitted land uses.* Land uses permitted as a principal use within the RC-MT overlay zoning district, subject to all applicable laws and regulations, and only when operated to primarily provide services to the base RC zoning district, include the following:

- Administrative/Professional Offices
- Automobile Parking Structures, Multi-Level
- Automobile/Truck Maintenance and Repair
- Garages and Carports
- Gate Houses
- Maintenance Equipment/Supply Storage
- Maintenance Office/Building
- Public/Private Utility Buildings/Structures

(f) *Accessory land uses.* Land uses that are permitted only as an accessory to a principal use within the RC-MT overlay zoning district include the following:

- Accessory Building/Use
- Exercise Facilities for Employee Use Only (indoor only; no fields/courts)
- Churches, Temples, and Places of Worship
- Fences and Walls

(g) *Conditionally permitted land uses.* Land uses permitted subject to approval of a use permit within the RC-MT overlay zoning district, subject to all applicable laws and regulations, and only when operated to primarily provide services to the base RC zoning district, include the following:

- Automobile Service Stations

- Bus and Taxi Terminal Buildings
- Impound/Storage Yards
- Ministorage Facilities
- Police and Fire Stations
- Recreational Vehicle/Vessel Storage
- Recycling Collection Sites
- Vehicle Washing Facilities

(h) *Prohibited land uses.* Land uses that are prohibited within the RC-MT overlay zoning district include the following:

- Agricultural and Produce Stands
- Alcoholic Beverage Sales
- Athletic Fields/Courts
- Automobile Wrecking, Junk/Salvage Yards
- Bottling Plants
- Commercial Medical Marijuana Cultivation
- Commercial Uses
- Congregate Care Facilities
- Day Care Nurseries
- Educational Institutions
- Emergency and Transitional Housing Shelters
- Helistops
- Hospitals
- Hotels and Motels
- Housing
- Kennels
- Medical Uses
- Recreation Centers
- Restaurants
- Retail/Service Businesses
- Riding and Hiking Trails
- Swimming Pools
- Theatres
- Tobacco and Cigarette Sales
- Transfer/Materials Recovery Facilities

(i) *Wireless facilities.* Wireless facilities within the RC-MT overlay zoning district are subject to the provisions of Section 13.26.210 of this Code.

(j) *Development standards.* Development standards for the RC-MT overlay zoning district shall include Section 13.08.020 as it relates to the RC zoning district, but not Section 13.08.030, of this Code.

(k) *Supplemental development standards.*

(1) *Lighting.* All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.

(2) *Trash enclosures.* All trash container storage areas shall, at a minimum, be covered by a solid roof equipped with downspouts to direct water away, paved with an impervious surface, and graded to prevent ponding.

(3) *Fueling areas.* All fuel dispensing areas shall, at a minimum, be covered by a solid roof equipped with downspouts to direct water away, paved with an impervious surface, and graded to prevent ponding.

(4) *Screening.* Landscaping shall be installed and maintained in a manner that substantially screens the RC-MT overlay zoning district, including any fences and walls, from the portion of El Toro Road extending west of the intersection of El Toro Road and Moulton Parkway to the first signalized intersection.

ITEM 8.3 – Exhibit B to Attachment A

COVER

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CITY OF LAGUNA WOODS



ZONING MAP

Proposed: June 2017

Legend

City Boundaries

Zoning Designations

- Residential Community (RC)
- Residential Towers (RT)
- Residential Multifamily (RMF)
- Professional and Administrative Office (PA)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Community Facilities - Public/Institutional (CF-P/I)
- Community Facilities - Private (CF-P)
- Open Space - Recreation (OS-R)
- Open Space - Passive (OS-P)

Overlays

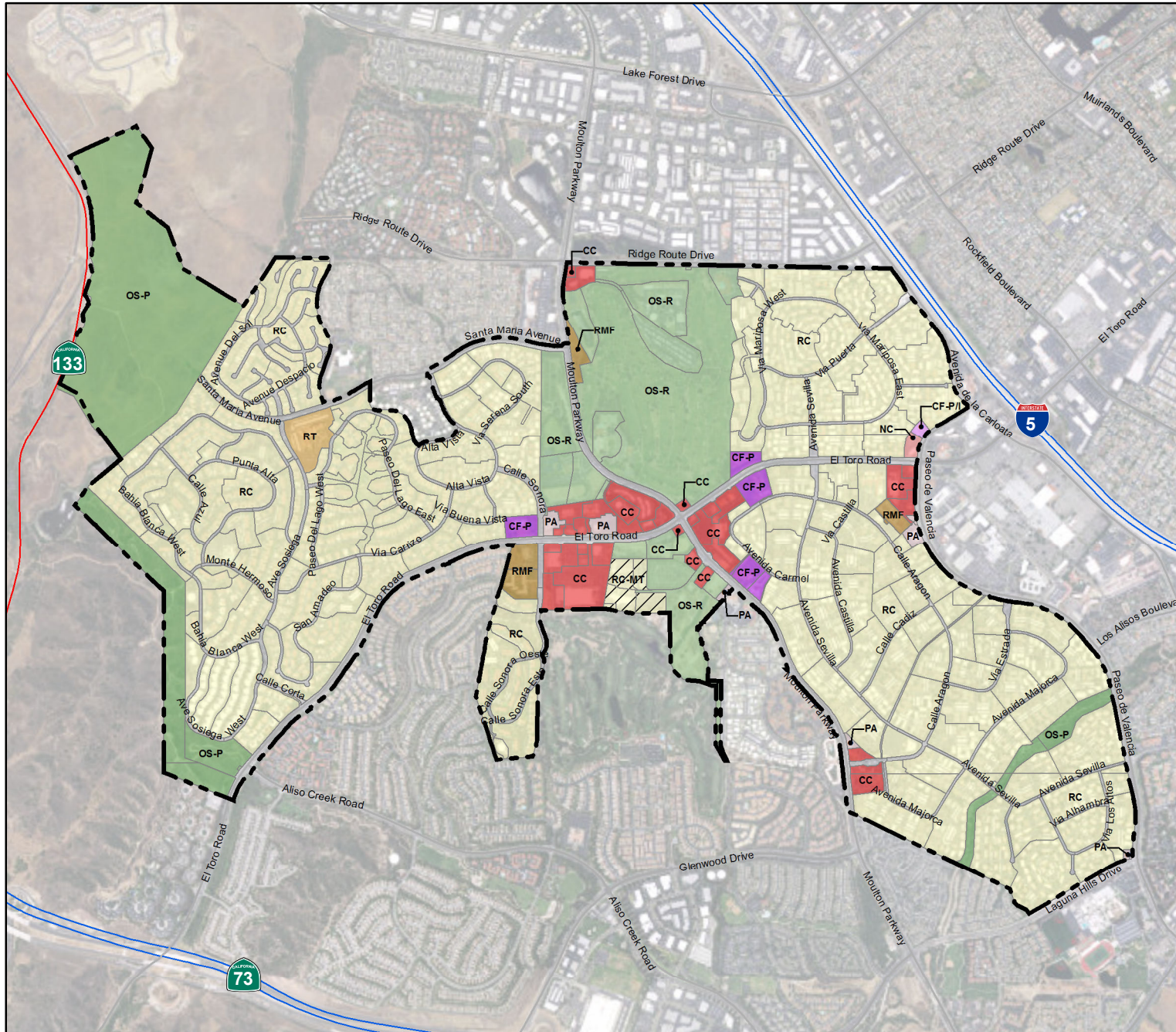
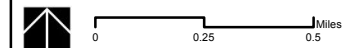
- Residential Community - Maintenance (RC-MT)

Key Map



DISCLAIMER

This map is a public resource of general information. The feature data provided on this map represents the most accurate zoning and parcel information available at the most recent date of revision. In the event of a conflict between information on this map and adopted City Resolutions or Ordinances, the City's Resolutions or Ordinances shall govern.



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**CITY OF LAGUNA WOODS
GOLDEN RAIN FOUNDATION GENERAL
PLAN AMENDMENT, ZONING CODE
AMENDMENT, AND ZONE CHANGES FOR
URBAN ACTIVITIES CENTER PROPERTIES**

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for:

CITY OF LAGUNA WOODS
24264 EL TORO ROAD
LAGUNA WOODS, CA 92637

Prepared by:

Michael Baker
INTERNATIONAL

3760 KILROY AIRPORT WAY, SUITE 270
LONG BEACH, CA 90806

JUNE 2017

CITY OF LAGUNA WOODS
GOLDEN RAIN FOUNDATION GENERAL PLAN
AMENDMENT, ZONING CODE AMENDMENT, AND
ZONE CHANGES FOR URBAN ACTIVITIES CENTER
PROPERTIES
DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for:

CITY OF LAGUNA WOODS
24264 EL TORO ROAD
LAGUNA WOODS, CA 92637

Prepared by:

MICHAEL BAKER INTERNATIONAL
3760 KILROY AIRPORT WAY, SUITE 270
LONG BEACH, CA 90806

JUNE 2017

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A. BACKGROUND

1. Project Title:

Golden Rain Foundation General Plan Amendment, Zoning Code Amendment, and Zone Changes for Urban Activities Center Properties (GP/ZC-1169)

2. Lead Agency Name and Address:

City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

Please note: This project was not initiated by the City of Laguna Woods. The City is conducting this environmental review of an application *submitted by the project sponsor* (identified on page 4) in accordance with federal, state, and local laws and regulations. “Lead agency” is a term used in the California Environmental Quality Act (CEQA) to describe the City’s official role.

3. Lead Agency’s Contact Person and Telephone Number:

Rebecca Pennington, Development Programs Analyst
City of Laguna Woods
(949) 639-0561

4. Project Location:

The proposed project pertains to six parcels in the City of Laguna Woods, all of which are owned and maintained by the Golden Rain Foundation. **Figure 1** shows the regional location of the City of Laguna Woods. The parcels are listed by parcel number and approximate acreage in **Table 1** and their locations are shown on **Figures 2–3**.

**TABLE 1
PROJECT SITES**

Site	Assessor’s Parcel Number	Approximate Acreage
1	621-131-06	3.71
2	621-131-07	0.42
3	621-131-23	3.43
4	621-131-18	3.94
5	621-131-19	2.32
6	621-131-20	7.35

5. Project Description:

The proposed project includes:

- 1) A General Plan Amendment affecting the City’s General Plan Land Use Element to (a) change the land use designation for Sites 1-5 from Urban Activities Center (UAC) to Residential Community (RC); (b) change the land use designation for Site 6 from

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

portions Open Space (OS) and portions Urban Activities Center (UAC) to entirely OS; and (c) delete the Urban Activities Center (UAC) land use designation, including related narrative and one implementation measure.

AND

- 2) A Zoning Code Amendment affecting various portions of the Laguna Woods Municipal Code to (a) delete the Urban Activities Center (UAC) zoning district, and (b) establish a new Residential Community – Maintenance (RC-MT) Zoning Overlay district. The Residential Community – Maintenance (RC-MT) Zoning Overlay would be established for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base Residential Community (RC) zoning district, and to prohibit incompatible uses. The text of the proposed Zoning Code Amendment establishing the Residential Community – Maintenance (RC-MT) Zoning Overlay, including permitted and prohibited uses, is attached to this document as Appendix A.

AND

- 3) Zone Changes affecting the City's Zoning Map to (a) change the zoning district for Sites 1-5 from Urban Activities Center (UAC) to Residential Community (RC) with the Residential Community – Maintenance (RC-MT) Zoning Overlay district, and (b) change the zoning district for Site 6 from portions Open Space-Recreation (OS-R) and portions Urban Activities Center (UAC) to entirely Open Space-Recreation (OS-R).

TABLE 2
SUMMARY OF PROPOSED LAND USE DESIGNATION AND ZONING DISTRICT CHANGES

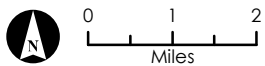
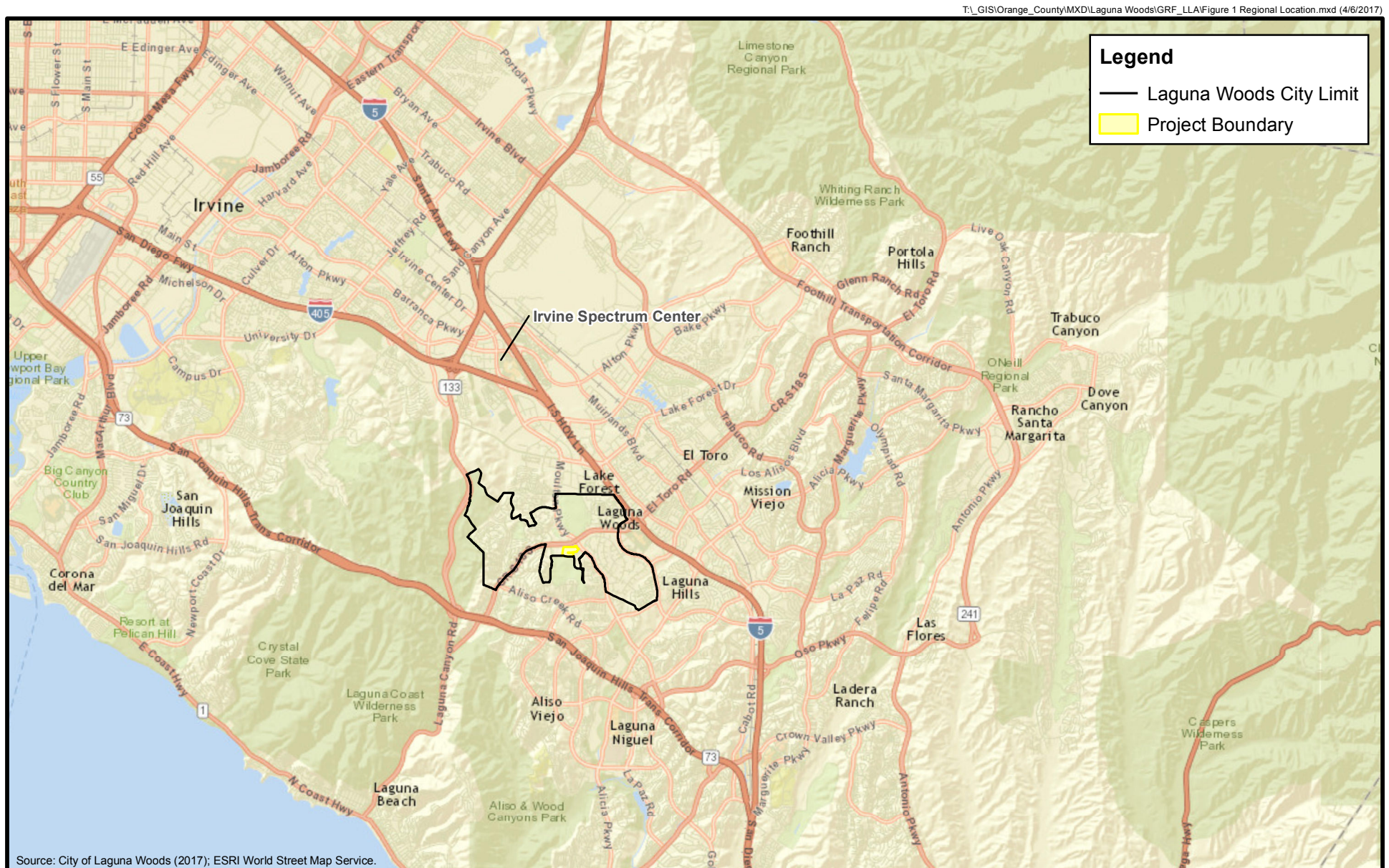
Site	APN	Land Use Designation		Zoning District	
		Current	Proposed	Current	Proposed
1	621-131-06	UAC	RC	UAC	RC:RC-MT
2	621-131-07	UAC	RC	UAC	RC:RC-MT
3	621-131-23	UAC	RC	UAC	RC:RC-MT
4	621-131-18	UAC	RC	UAC	RC:RC-MT
5	621-131-19	UAC	RC	UAC	RC:RC-MT
6	621-131-20	Portions OS and portions UAC	OS	Portions OS-R and portions UAC	OS-R

6. Project Sponsor's Name and Address:

Golden Rain Foundation
24351 El Toro Road
Laguna Woods, CA 92367

Please note: This project was not initiated by the City of Laguna Woods. The City is conducting this environmental review of an application *submitted by the project sponsor* (identified above) in accordance with federal, state, and local laws and regulations.

References to "applicant" in this document mean "project sponsor."

**FIGURE 1****Regional Location**

Initial Study/Mitigated Negative Declaration for Golden Rain Foundation General Plan Amendment, Zoning Code Amendment and Zone Changes for Urban Activities Center Properties

T:_GIS\Orange_County\MXD\Laguna Woods\GRF_LLA\Figure 2 Project Location.mxd (4/6/2017)

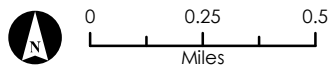
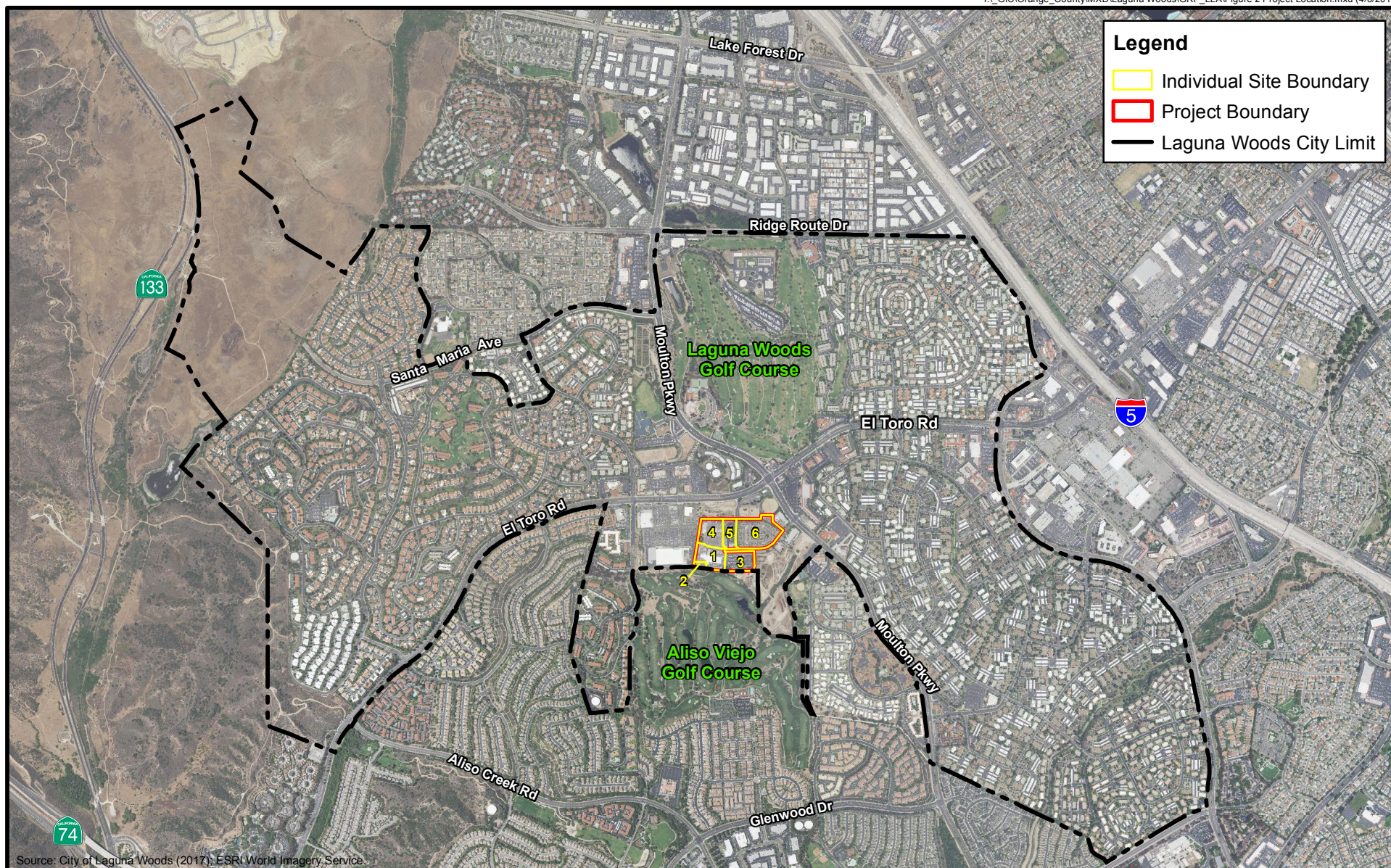


FIGURE 2
Project Location

Initial Study/Mitigated Negative Declaration for Golden Rain Foundation General Plan Amendment, Zoning Code Amendment and Zone Changes for Urban Activities Center Properties

T:\GIS\Orange_County\MXD\Laguna Woods\GRF_LLA\Figure 3 Project Sites.mxd (4/6/2017)

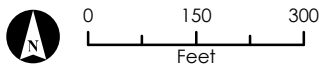
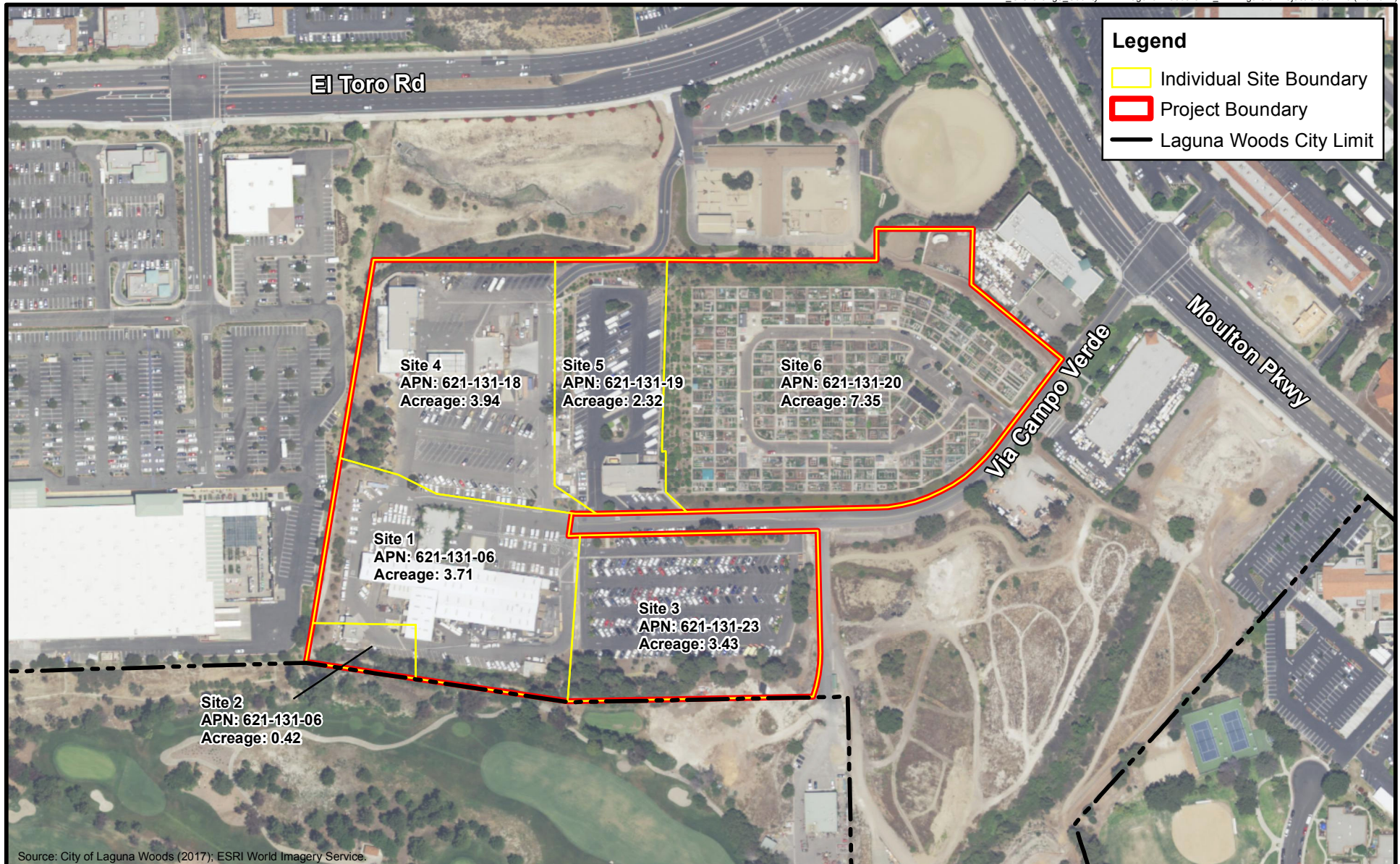


FIGURE 3
Project Sites

Initial Study/Mitigated Negative Declaration for Golden Rain Foundation General Plan Amendment, Zoning Code Amendment and Zone Changes for Urban Activities Center Properties

7. Project Sponsor's Contact Person and Telephone Number:

Lori Moss, Community Manager
Village Management Services, Inc.
(949) 268-2272

8. Existing General Plan Designation:

Urban Activities Center (UAC): All of Sites 1–5 and portions of Site 6 are currently designated UAC in the City's General Plan. As stated in the 2015 Land Use Element of the City's General Plan:

This designation is distinctive in that it allows for mixed-use development that may include both commercial and residential uses. This land use designation requires the preparation of a Specific Plan at the Zoning Ordinance level incorporating performance standards as a means to ensuring that new development is compatible with existing uses, that new uses are compatible with one another, and that development is consistent with traffic and fiscal impact guidelines established for this land use category.

Open Space (OS): Portions of Site 6 are currently designated OS in the City's General Plan. As stated in the 2015 Land Use Element of the City's General Plan:

The "Open Space" designation in the Land Use Element is generally used for passive and active recreation such as parkland, tennis courts, and golf courses. These uses may be either publicly or privately owned. Facilities of governmental and quasi-governmental agencies such as cities, water districts, and electric utilities may be included within this category.

9. Proposed General Plan Designation:

Residential Community (RC): With the proposed project, Sites 1-5 would be entirely designated RC in the City's General Plan. As stated in the 2015 Land Use Element of the City's General Plan:

The category "Residential Community" encompasses nearly all of the Laguna Woods Village (formerly known as Leisure World) planned residential community with the exception of Rossmoor Towers. "Residential Community" integrates a mix of single-family detached, single-family attached, two family, and multi-family residential, with supporting country clubs, parks, community services, local-serving noncommercial services, and open spaces. Common areas within this district are managed by private nonprofit community associations.

Open Space (OS): With the proposed project, Site 6 would be entirely designated OS in the City's General Plan.

10. Existing Zoning District:

Urban Activities Center (UAC): All of Sites 1-5 and portions of Site 6 are currently zoned UAC. Section 13.14.010 of the Laguna Woods Municipal Code identifies the purpose and intent of the UAC district as:

To provide for the development of certain parcels within the City utilizing a "specific plan" concept to ensure comprehensive development consistent with performance and development standards as outlined in the land use element of the City's General Plan.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Open Space-Recreation (OS-R): Portions of Site 6 are currently zoned OS-R. Section 13.12.010(b) of the Laguna Woods Municipal Code identifies the purpose and intent of the OS-R district as:

To provide for the development and preservation of public and private parks and associated recreation facilities within open space areas.

11. Proposed Zoning District:

Residential Community (RC) with the Residential Community – Maintenance (RC-MT) Zoning Overlay: With the proposed project, Sites 1-5 would be entirely zoned RC-MT. The RC-MT Zoning Overlay would be established to provide for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base RC zoning district, and to prohibit incompatible uses. The text of the proposed Zoning Code Amendment establishing the RC-MT Zoning Overlay, including a list of permitted and prohibited uses, is attached to this document as Appendix A.

Open Space-Recreation (OS-R): With the proposed project, Site 6 would be entirely zoned OS-R.

12. Existing and Potential Future Uses on Project Sites:

All of the project sites are currently being used for purposes substantially consistent with each of the proposed land use designations and zoning districts. Following General Plan redesignation and rezoning, the applicant has indicated to the City that its intention is to continue to use the sites for substantially similar purposes. **Table 3** identifies the existing uses of the six project sites. **Tables 4** and **5** identifies the uses allowed in the existing and proposed land use designations and zoning districts.

**TABLE 3
EXISTING USES**

Site	Existing Use(s)
1	Laguna Woods Village offices; equipment and supply storage; work vehicle parking; and employee and guest parking.
2	Laguna Woods Village equipment and supply storage.
3	Laguna Woods Village offices; equipment and supply storage; and employee and guest parking.
4	Laguna Woods Village offices; vehicle washing, fueling, and repair areas; equipment and supply storage; bus and work vehicle parking; and employee and guest parking.
5	Laguna Woods Village offices; garden center, recreational vehicle (RV) storage; work vehicle parking; and employee and guest parking.
6	Laguna Woods Village garden center; equestrian center facilities; satellite dish/antennas; equipment and supply storage; and employee and guest parking.

TABLE 4
USES ALLOWED BY GENERAL PLAN DESIGNATION AND ZONE – UAC/UAC TO RC/RC:RC-MT*

General Plan Designation		Zone	
Existing – Urban Activities Center (UAC)	Proposed – Residential Community (RC)	Existing – Urban Activities Center (UAC)	Proposed – Residential Community (RC) with the Residential Community-Maintenance (RC-MT) Zoning Overlay
This designation allows mixed-use development that may include both commercial and residential uses. This land use designation requires the preparation of a specific plan prior to development.	This designation integrates a mix of single-family detached, single-family attached, two-family, and multifamily residential, with supporting country clubs, parks, community services, local-serving noncommercial services, and open spaces within the Laguna Woods Village (formerly known as Leisure World) planned residential community. Common areas within this district are managed by private nonprofit community associations.	<i>Laguna Woods Municipal Code (LWMC) Section 13.14.010, Purpose and intent of district.</i> To provide for the development of certain parcels within the city utilizing a “specific plan” concept to ensure comprehensive development consistent with performance and development standards as outlined in the Land Use Element of the City’s General Plan. <i>LWMC Section 13.14.020, Comprehensive plan required.</i> Properties designated as UAC shall have an approved comprehensive plan in effect for all properties with such designation within the city prior to improvement of any one parcel within the designated district. Said plan shall be subject to the approval of the City through the procedures for adoption/amendment of a specific plan as outlined in Section 13.24.110, except that it may be initiated by the property owner.	The Residential Community – Maintenance (RC-MT) Zoning Overlay is proposed to be established with the following land use types principally permitted (i.e., allowed by right) within the zoning overlay area: • Administrative/professional offices • Automobile parking structures, multi-level • Automobile/truck maintenance and repair • Garages and carports • Gatehouses • Maintenance equipment/supply storage • Maintenance office/building • Public/private utility buildings/structures Principally permitted uses would be permitted only if operated to primarily provide services to the base Residential Community (RC) zoning district. Certain uses are also proposed to be permitted only as an accessory to a principal use on a site. For example: accessory building/use; fences and walls; churches, temples, and places of worship; and exercise facilities for employee use only (indoor only; no fields/courts). Additional uses are also proposed to be permitted with an approved use permit. Examples include automobile service stations, recreational vehicle/vessel storage, and vehicle washing facilities. Uses proposed to be prohibited in the district include commercial uses, housing, recreation centers, and emergency and transitional housing shelters. For a full list of permitted and prohibited uses, see Appendix A to this document.

* This table applies to Sites 1-5.

Please note: The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

TABLE 5
USES ALLOWED BY GENERAL PLAN DESIGNATION AND ZONE – UAC/UAC TO OS/OS-R*

General Plan Designation		Zone	
Existing – Urban Activities Center (UAC)	Proposed – Open Space (OS)	Existing – Urban Activities Center (UAC)	Proposed – Open Space-Recreation (OS-R)
This designation allows mixed-use development that may include both commercial and residential uses. This land use designation requires the preparation of a specific plan prior to development.	This designation is used for passive and active recreation such as parkland, tennis courts, and golf courses. These uses may be either publicly or privately owned.	<i>Laguna Woods Municipal Code (LWMC) Section 13.14.010, Purpose and intent of district.</i> To provide for the development of certain parcels within the city utilizing a “specific plan” concept to ensure comprehensive development consistent with performance and development standards as outlined in the Land Use Element of the City’s General Plan. <i>LWMC Section 13.14.020, Comprehensive plan required.</i> Properties designated as UAC shall have an approved comprehensive plan in effect for all properties with such designation within the city prior to improvement of any one parcel within the designated district. Said plan shall be subject to the approval of the City through the procedures for adoption/amendment of a specific plan as outlined in Section 13.24.110, except that it may be initiated by the property owner.	LWMC Section 13.12.020 identifies the land use types principally permitted (i.e., allowed by right) within the district as: • Apiary • Archaeological/paleontological/historical site • Community gardens/garden center • Grazing • Greenbelts • Parks/playgrounds (public/private) • Public/private utility buildings/structures • Recreation centers • Riding and hiking trails LWMC Section 13.12.020 also identifies uses permitted only as an accessory to a principal use on a site, e.g., accessory building/use, animals and pets, fences and walls, garages and carports, information centers, and ranger station. Additional uses are also permitted with an approved use permit. Examples include sewage disposal and transfer/material recovery facilities. Uses permitted with an approved temporary use/special event permit include recycling collection sites and special events. Uses prohibited in the district include commercial stockpiling/manure processing, and emergency and transitional housing shelters. For a full list of permitted and prohibited uses, see LWMC Section 13.12.020.

* This table applies to Site 6.

Please note: The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses.

13. Surrounding Land Uses and Setting:

West

A shopping center is located west of Sites 1, 2, and 4. Current primary tenants in the shopping center include Home Depot and Rite Aid.

North

The Laguna Woods Village Equestrian Center and a detention basin are located north of the project location. A private road owned by the Golden Rain Foundation is located immediately north of portions of Sites 1 and 3. A small portion of the shopping center primarily located west of Sites 1, 2, and 4 is also located north of Sites 1, 2, and 4.

East

A commercial building and parking lot are located east of the project limits. A compost facility, undeveloped property, and drainage facilities owned by the Golden Rain Foundation are also located east of the project location.

South

The Aliso Viejo Country Club (including golf courses) is located south of the project limits, within the municipal boundaries of the City of Aliso Viejo. A private road owned by the Golden Rain Foundation is located immediately south of portions of Sites 4 and 5.

14. Other Public Agencies Whose Approval May Be Required:

In the California Environmental Quality Act (CEQA), the term “responsible agency” includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project. No responsible agencies were identified for this proposed project.

15. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to California Public Resources Code Section 21080.3.1? If so, has consultation begun?

Notification of this project and the City’s CEQA review process was provided to four Native American tribes that have requested such notice from the City. In response, one tribe requested consultation. That consultation has been completed and no impacts to tribal cultural resources have been identified. Please refer to the responses to Checklist Topic 17, Tribal Cultural Resources, later in this document, for additional information.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a “potentially significant impact,” as indicated by the checklist on the following pages. Potentially significant impacts that are mitigated to a “less than significant” impact are not shown here.

- | | | |
|---|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology and Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials | ☐ Hydrology and Water Quality |
| ☐ Land Use and Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population and Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Tribal Cultural Resources | ☐ Utilities and Service Systems |
| ☐ Mandatory Findings of Significance | | |

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



John Bellas
Michael Baker International

June 26, 2017

Date

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

D. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources cited. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the proposed project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
- 2) All answers must take account of the whole proposed project, including off-site as well as on-site, cumulative as well as project-level, indirect, and construction as well as operational impacts.
- 3) “Less Than Significant Impact” applies when the proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- 4) “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect of the proposed is significant. If there are one or more “Potentially Significant Impact” answers when the determination is made, an Environmental Impact Report (EIR) is required.
- 5) “Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect of the proposed project from “Potentially Significant Impact” to a “Less Than Significant Impact.” The initial study must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐
e) Create changes to the topography of a primary or secondary ridgeline unless the project is consistent with the General Plan pertaining to hillside development?	☐	☐	☐	☒

EXISTING SETTING

Laguna Woods is predominantly built out with residential, commercial, and community uses, roads, golf courses and other open space uses, drainage facilities, and other man-made features. The terrain generally consists of gradual and varying slopes, hills, and low-lying areas.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) No Impact.** Scenic vistas include views of natural features such as watercourses, rock outcrops, natural vegetation, and notable man-made features in the landscape. The City's General Plan Open Space Element identifies two parcels in the city that afford scenic vistas: a 10-acre parcel adjoining El Toro Road opposite the terminus of Aliso Creek Road and the Southern California Edison right-of-way on the southwesterly edge of the city. In addition, the General Plan Open Space Element states that the approximately 178-acre open space area west of the terminus of Santa Maria Avenue offers "scenic qualities unique to the area."

The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Although the proposed project does not contain any development proposals, future development could take place on the project sites. None of the project sites is in the vicinity of any of the parcels that afford scenic views or offer unique scenic qualities identified in the General Plan. Therefore, the proposed project would not affect any scenic vistas.

- b) No Impact.** The project sites are not located adjacent to or near an officially designated state/county scenic highway or an eligible or officially designated route under the California Department of Transportation's (Caltrans) Scenic Highway Program (2011). There are no scenic preservation easements located on any of the project sites. Therefore, no impact would occur.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- c) **Less Than Significant Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Potential future uses contemplated by the proposed RC zoning and proposed RC-MT Overlay Zone for Sites 1-5 could include additional facilities consistent in scale and character with existing Laguna Woods Village offices and maintenance activity areas, and with neighboring commercial land uses. If any multilevel structure is proposed, it would be limited to a maximum height of 40 feet, in accordance with the development standards of the RC zoning district. Depending on specific height and mass characteristics, there could be some inconsistencies with neighboring building character; however, given the interior location of Sites 1-5, such structures would not be highly visible from El Toro Road or from any residential areas.

The types of low-scale/low-intensity open space, recreational, and accessory uses allowed in the OS-R zone would generally be consistent with the low-scale/low-intensity character of the existing uses of Site 6 and would be considered visually compatible and, in many cases, complementary to the surrounding uses. Uses permitted on Site 6 with a Use Permit, could be substantially different in visual character and quality than the existing uses on the site or nearby. Any such new facilities requiring approval of a Use Permit would be subject to review and discretionary approval by the City to ensure, among other conditions, that such facilities are visually compatible with the character and quality of the site and surroundings, and the City may impose certain design requirements to address those concerns. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the project sites and their surroundings. Impacts would be less than significant.

- d) **Less Than Significant Impact With Mitigation Incorporated.** Lighting is currently regulated by Laguna Woods Municipal Code Section 13.12.040, which mandates that all exterior lighting be designed and located so that direct light rays are confined to the premises. Therefore, and given the existing typical suburban illumination levels on the project sites and in the surrounding area, the proposed project would not allow for the generation of light or glare in a manner that would adversely affect views or be intrusive to neighboring properties or passing motorists, unless lighting for nighttime sport courts or athletic fields ("athletic fields") is undertaken. Athletic fields are permitted uses in the OS-R zoning district; Site 6 is proposed for this zoning designation. Given the location of Site 6 at least 750 feet from the nearest residential use and as it is surrounded by equestrian facilities, a detention basin, commercial facilities, RV storage and other surface parking lots, a compost facility, and disturbed undeveloped property, athletic field lighting, if ever developed, is not expected to be intrusive to any light-sensitive uses. However, given the potential height and intensity of lighting equipment for athletic fields, such lighting has the potential to affect sensitive uses. Mitigation Measure AES-1 provides specific restrictions for athletic field lighting. With the incorporation of this measure, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Impacts would be less than significant.
- e) **No Impact.** The project sites are developed sites surrounded by suburban development and recreational land uses and do not contain any landforms with a primary or secondary ridgeline. Accordingly, the proposed project could not result in development on a primary or secondary ridgeline, and no impact would occur.

Mitigation Measures

None required for Thresholds a-c or e. The following measure is intended to avoid significant impacts from potential night lighting of outdoor athletic fields, as noted under Threshold d.

Mitigation Measure AES-1: Prior to City approval of a building or grading permit for any athletic field lighting, the applicant shall provide the City with a photometric plan that identifies the horizontal and vertical foot-candles of the proposed illumination. Said photometric plan shall be prepared to the satisfaction of the City Manager or his or her designee. No athletic field lighting shall be undertaken that produces an initial illuminance value greater than 0.10 horizontal and vertical foot-candles at the site boundary or greater than 0.01 horizontal foot-candles 10 feet beyond the site boundary. For boundaries that abut public or private streets, light trespass requirements may be met relative to the curb line instead of the site boundary. In addition, no more than 2 percent of the total initial designed fixture lumens shall be emitted at an angle of 90 degrees or higher from nadir (straight down). Finally, athletic field lighting shall be prohibited after 8 p.m. Monday through Saturday and after 7 p.m. on Sunday.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forestland or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

EXISTING SETTING

The project area is located in a predominantly developed suburban area. There is no State-classified Farmland, commercial agricultural land, or forestland located on any of the project sites, in the vicinity, or anywhere in Laguna Woods.

PROJECT IMPACTS AND MITIGATION MEASURES

a-e) No Impact. There is no commercial farming or other agricultural uses on any of the six project sites. A community garden has been active on Site 6 for a number of years, but this is limited to small plots for local residents to engage in recreational gardening activities. Those activities are not considered to be farming or agricultural uses. No impact to agricultural or forest resources would occur.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation by exceeding SCAQMD thresholds?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
f) Result in the movement or grading of earth exceeding 100,000 cubic yards?	☐	☐	☒	☐

EXISTING SETTING

Both the US Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. Those ambient air quality standards are levels of contaminants representing safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas.

The project area is located in a nonattainment basin—the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the basin is in nonattainment, which include ozone, coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead.

PROJECT IMPACTS AND MITIGATION MEASURES

a-d) Less Than Significant Impact With Mitigation Incorporated. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Although the proposed project does not contain any development proposals, future development could take place on the project sites.

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In the event that any of the existing uses are replaced with permitted uses allowed by the proposed RC-MT zoning, there could be a change in the profile of air pollutant emissions due to different levels of energy consumption and vehicular traffic, which represent the two primary sources of air pollution emissions from these potential land use changes. At such time as a proposal is submitted to replace the existing land uses with different uses permitted under the proposed zoning, the City would examine the environmental implications associated with such proposals, including analysis under CEQA, if the proposal is substantial enough to require some form of discretionary approval and is not exempt from CEQA. As part of such environmental review, the air emissions aspects would be examined; for projects subject to CEQA, there would be a quantitative analysis to determine whether the net change in emissions would exceed any applicable thresholds of significance recommended by the SCAQMD. Through this existing planning and environmental review process, potentially significant air quality impacts would be identified and measures to mitigate such impacts developed. No further regulatory authority or mitigation measures are warranted at this time to ensure that the proposed project does not result in significant air quality impacts, with respect to Sites 1-5.

Regarding Site 6, the proposed project would impose more land use restrictions (i.e., prohibit the range of commercial and residential uses currently allowed under the existing General Plan and zoning designations), while redefining the range of permitted uses to primarily low-intensity open space and recreation activities that typically produce minor levels of air emissions. Other uses allowed pursuant to a discretionary Use Permit could be subject to review under CEQA, including assessment of air quality impacts and measures to mitigate such impacts. No significant air pollution impacts are anticipated as a result of the proposed re-designations of this site, and no further regulatory authority or mitigation measures are warranted at this time.

In the future, new or expanded land uses could generate air pollutants during grading and construction activities and from vehicles accessing the facilities. Such emissions could include PM₁₀, PM_{2.5}, precursors of ozone (e.g., nitrogen oxides and volatile organic compounds), and carbon monoxide. All construction projects would be required to comply with SCAQMD Rules 403 (Fugitive Dust) and 1113 (Architectural Coatings), which greatly reduce the amount of particulate matter and volatile organic compounds generated by construction activities. Nevertheless, to ensure construction emissions would not exceed SCAQMD thresholds of significance, Mitigation Measure AQ-1 is included.

Vehicle emissions from new or expanded community maintenance or recreational facilities intended to primarily serve Laguna Woods Village residents are expected to be minimal and below the SCAQMD's thresholds of significance. Such vehicle trips would be short in length and, since the project would not increase the population of Laguna Woods Village, trips to new or expanded uses would partially displace existing resident trips to other facilities. Should new or expanded uses in the project area be primarily intended to serve populations outside of Laguna Woods Village residents, new emission-generating trips would be generated. To ensure that such emissions would not exceed the SCAQMD's thresholds of significance, Mitigation Measure AQ-2 is included. With the incorporation of Mitigation Measures AQ-1 and AQ-2, impacts would be less than significant.

- e) Less Than Significant Impact.** The range of uses that would be principally permitted on Sites 1-5 are highly similar to the existing uses of these sites and thus there is little potential for a significant change in the odor-generating character of any of these sites. No significant odor-related impacts are anticipated at any of these sites as a result of the proposed project.

At Site 6, the increased land use restrictions to allow mainly low-intensity open space and recreation uses would not allow for new activities that involve significant odor sources. Other uses allowed pursuant to a discretionary Use Permit could be subject to review under CEQA, including assessment of potential odor impacts and measures to mitigate such impacts. No significant odor impacts are anticipated as a result of the proposed re-designations of this site, and no further regulatory authority or mitigation measures are required at this time.

- f) **Less Than Significant Impact.** All of the project sites are composed of gently sloping or nearly flat topographical relief. Even if there should be proposals for significant redevelopment of any of these sites, with the uses that would be permitted, such types of projects would typically not require subterranean structures or other kinds of construction that would necessitate substantial earth movement and/or grading alterations that could approach the level of 100,000 cubic yards. Significant air quality impacts due to extensive grading projects are not anticipated as a result of the proposed project.

Mitigation Measures

None required for Thresholds e and f. Mitigation measures AQ-1 and AQ-2, below, are proposed to avoid potentially significant impacts from future construction activities or more intensive land uses that might be proposed.

Mitigation Measure AQ-1: Prior to City approval of any grading permit for any new or expanded use in the project area that involves the concurrent operation of more than three pieces of diesel-powered construction equipment, the applicant shall provide the City with an air quality impact analysis (AQIA) that evaluates the project's construction-phase air pollutant emissions. Said AQIA shall be prepared to the satisfaction of the City Manager or his or her designee and shall be prepared in accordance with the South Coast Air Quality Management District's (SCAQMD) guidelines in effect at the time the study is initiated. No project shall be undertaken unless that project's construction-phase air quality impacts are shown to be below, or mitigated to a level below, the SCAQMD's thresholds of significance in effect at the time the study is initiated.

Mitigation Measure AQ-2: Prior to City approval (if required) and prior to the sale or lease of land for any use on any of the project sites primarily intended to serve a population other than Laguna Woods Village residents, the applicant shall provide the City with an Air Quality Impact Analysis (AQIA) that evaluates the project's long-term air pollutant emissions. Said AQIA shall be prepared to the satisfaction of the City Manager or his or her designee and shall be prepared in accordance with the South Coast Air Quality Management District's (SCAQMD) guidelines in effect at the time that the study is initiated. No project shall be undertaken unless that project's long-term air quality impacts are shown to be below, or mitigated to a level below, the SCAQMD's thresholds of significance in effect at the time the study is initiated.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒
g) Disturb any habitat known or suspected to contain a plant or animal species listed as endangered on such federal and/or state lists?	☐	☐	☐	☒
h) Disturb any Significant Habitat Area as identified by the City of Laguna Woods?	☐	☐	☐	☒

EXISTING SETTING

The predominant vegetative community types found in the city include annual grassland, coastal sage scrub, and valley-foothill riparian corridors, in addition to aquatic habitats provided by Aliso Creek and other open waters. Though Laguna Woods is predominantly urbanized, several open space areas remain that provide habitat for wildlife and vegetative biological resources. Certain urbanized areas also provide habitat.

Portions of Laguna Woods support sensitive natural communities that are of concern to state and federal resource agencies. Several special-status species, mostly birds or reptiles, are known to occur or may occur in Laguna Woods, including the federally endangered least Bell's vireo. Those areas are not located within any of the project sites.

Connectivity between open space areas is an important element of wildlife conservation. By joining subregional and regional biological resource areas that might otherwise be fragmented as a result of urbanization, wildlife corridors can help to maintain and reestablish wildlife populations, as well as to increase biodiversity within existing populations. In Laguna Woods, several areas serve as movement corridors for wildlife, especially the generally undisturbed western edge of the city and riparian corridors located throughout the city.

Although most of the land within the city limits supported coastal sage and native grasslands at one time, much of the land today, including the project area, is either developed or has been modified or impacted by human activity in the past.

PROJECT IMPACTS AND MITIGATION MEASURES

- a, g) No Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. The project sites are located in a predominantly developed suburban area, and all of the sites have been extensively disturbed by land development activities that resulted in removal of native vegetation and the wildlife habitat that it supported. None of the sites provide habitat or food or water sources that candidate, sensitive, or special-status wildlife species would depend upon. Surrounding lands include developed urban uses, a golf course, and disturbed open spaces. Given the disturbed nature of the project sites and surrounding lands, potential future land use changes that might occur would not disturb any habitat known or suspected to contain a plant or animal species listed for protection by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. No impact would occur.
- b) No Impact.** The project sites are located in a predominantly developed area that has been highly disturbed to create the existing developed land uses. There are no drainage courses on any of the sites and there is thus no riparian habitat. As noted in the preceding responses, none of the extensively disturbed sites contain natural vegetation communities that provide important wildlife habitat. None of these sites contains resources that could be classified as a sensitive natural community. The proposed project would not, therefore, have any impact on riparian resources or other sensitive natural communities.
- c) No Impact.** No blue-line streams occur on the project sites, as shown in the San Juan Capistrano, California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle map. Each site has been extensively disturbed to create the existing developed land uses, with a majority of the land covered with impervious surfaces, and there are no drainage courses or other water bodies on any of these sites. Potential future land use changes on any of these sites, therefore, would not result in alterations to existing wetlands resources.
- d) No Impact.** The project sites are located in a predominantly developed suburban area, and as noted earlier, all have been extensively disturbed to create the existing developed land uses. None of the sites function as nursery sites for wildlife, and there are no water bodies that could support fish or any natural habitat that could support populations of sensitive wildlife species or the regional movement thereof. While the sites might currently

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allow for limited wildlife movement by small mammals adapted to an urban environment and by birds, they do not function as corridors for migratory fish or wildlife. There are no adjoining lands that support sensitive wildlife habitat or water bodies that support fish species. Therefore, the proposed project would have no impact on the movement of migratory fish or wildlife.

- e) **Less Than Significant Impact.** Laguna Woods Municipal Code Section 4.26.060 requires a permit to remove any significant tree on certain public or private land. Trees not specifically shown or listed on the tree removal permit would be assumed as not permitted for removal. Furthermore, unless the City Forester, for good cause, determines otherwise, trees must be replaced in accordance with specified regulations and standards. No land use changes are under consideration for any of the project sites at this time; therefore, the proposed project would not affect any existing trees. Potential future land use changes could require removal of one or more trees that might be subject to the provisions of the City's permitting requirements. Should that occur, that future project would be required to comply with the Laguna Woods Municipal Code. Therefore, a less than significant impact would occur.
- f) **No Impact.** The project sites are within the boundaries of the Coastal Subregion of the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). However, the project sites are not located within a reserve, special linkage, or conservation easement area of the NCCP/HCP and contain no on-site habitat in support of any special-status species. Thus, the proposed project would not conflict with the provisions of the NCCP/HCP and no impact would occur.
- g) **No Impact.** None of the sites is identified as being within or adjacent to important biological resources indicated in the General Plan's Exhibit CO-1, Biological Resource Areas; therefore, there would be no impact.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
e) Cause modification or demolition of a structure with a category 1, 2, or 3 on the State's Historical List, the City Historical Survey List, or as determined by a Historical Resource Survey?	☐	☐	☐	☒

EXISTING SETTING

Laguna Woods is a part of a region that was once populated by the Gabrieliño and Luiseño Native American communities. It has a strong cultural heritage associated with Spanish missionaries and ranching activities dating back to the early Spanish land grants.

Cultural resources consist of prehistoric and historic sites, structures, and districts or any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, or religious reasons.

Archaeology is the study of prehistoric human activities and cultures. Twelve known archaeological sites once existed in or immediately adjacent to Laguna Woods; however, all have been destroyed by development, some prior to complete excavation and analysis. The archaeological sites contained one isolated prehistoric artifact and a variety of other objects, including lithic scatter, rock shelters/caves, habitation debris, fire-affected rocks, and bedrock milling features.

Paleontological resources include the fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. Laguna Woods is underlain by Tertiary bedrock and covered by unconsolidated Quaternary sediments. Approximately 95 percent of Laguna Woods is mapped as paleontologically sensitive with numerous vertebrate fossil localities having been recorded.

Historical resources, as described in CEQA, include buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and be listed or eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historical resources. The first modern

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dwelling units were constructed during the early 1960s. No buildings or resources in the planning area are currently listed on the National Register of Historic Places or the California Register of Historical Resources (Laguna Woods 2015a).

PROJECT IMPACTS AND MITIGATION MEASURES

a-e) No Impact. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. There are no historic resources on the project sites, and the soils on all of the sites have been disturbed to varying degrees as a result of grading activities for past improvements, both on- and off-site, and as a result of ongoing maintenance activities. Thus, no impacts to significant historic, cultural, archaeological, or paleontological resources or human remains are anticipated due to potential future ground-disturbing activities that involve typical construction methods.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

EXISTING SETTING

Laguna Woods is located at the southeastern edge of the central structural block of the Los Angeles basin, along the northern flank of the San Joaquin Hills. Regionally, local basement rocks are overlain by a thick sequence of marine and non-marine sedimentary rocks dating from the Cretaceous to the Quaternary; some volcanic rocks are also present.

As is the case for most cities in Southern California, Laguna Woods is located in a region that is characterized by moderate to high seismic activity. The city has experienced moderately strong ground shaking due to earthquakes on a number of occasions, both recently and historically. The closest faults likely to produce large earthquakes are the San Andreas, San Jacinto, San Joaquin Hills, Elsinore-Whittier, and Newport-Inglewood.

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Three soil associations occur in Laguna Woods: Sorrento-Mocho, Alo Bossanko, and Friant-Cieneba-Exchequer. The Sorrento-Mocho soils include well-drained sandy loams, loams, or clay loams on alluvial fans and floodplains. This soil occurs in the southeastern part of the city along Aliso Creek. Alo Bossanko soils include well-drained clays on coastal foothills. The Alo Bossanko soil association is the most common throughout the city and covers approximately 90 percent of the city. Friant-Cieneba-Exchequer soils are excessively drained and well-drained sand loams, loams, clay loams, gravelly loams, and cobbly loams on coastal foothills. This soil association occurs in the middle of the eastern edge of the city. Soils have the potential to shrink or swell based on a number of variables, such as texture and permeability. The shrink-swell potential of soil can impact the type of development and design of buildings to meet safety and environmental standards. High shrink-swell potential can result in cracking and buckling that affects building structures. The prominent soils in Laguna Woods have moderate shrink-swell potential (USDA 2016).

PROJECT IMPACTS AND MITIGATION MEASURES

- a) i) No Impact.** As detailed in the Laguna Woods General Plan EIR (2002), published geologic maps do not show any active faults in the city. The closest faults likely to produce large earthquakes are the San Joaquin Hills Blind Thrust Fault Zone, San Andreas, San Jacinto, Elsinore-Whittier, and Newport-Inglewood. Based on the City's Local Hazard Mitigation Plan, the aforementioned faults were identified as being of "particular concern." Locally, there are several less significant faults: the Christianitos fault to the northeast is suggested to be active; the Shady Canyon fault and Laguna Canyon fault zone are located to the west; and the east-trending Temple Hill fault terminates near Aliso Creek. Additionally, the Norwalk fault is located in the northern part of Orange County, the El Modena fault is located near the City of Orange, and the Peralta Hills fault is located in the Anaheim Hills area (Laguna Woods 2012). Based on the five earthquake modeling scenarios in the Local Hazard Mitigation Plan, the five earthquake faults identified as being of particular concern could result in potential impacts ranging from very light damage (from the San Jacinto fault) to moderate/heavy damage (from the San Joaquin Hills fault). Ground rupture due to faults within the City's planning area is considered unlikely. Therefore, the proposed project would not cause significant impacts related to exposure of people or structures to ground rupture.
- ii) Less Than Significant Impact.** While the project sites are located in a seismically active region, compliance with applicable building codes is proven to substantially lessen the risk for adverse impacts associated with strong seismic shaking. The City has adopted the California Building Code, and the City's Planning & Environmental Services Department is responsible for plan checks and construction inspections, which help to ensure that all new structures in the city are built as safely as possible, consistent with all applicable building codes, and in a manner that prevents adverse impacts from seismic ground shaking. Any new construction on any of the project sites would be subject to compliance with these building codes and plan check, permitting, and inspection procedures. Therefore, the impact would be less than significant.
- iii) Less Than Significant Impact.** Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid when shaken by an earthquake. Liquefaction can result in the following types of seismic-related ground failure:
- Loss of bearing strength – soils liquefy and lose the ability to support structures
 - Lateral spreading – soils slide down gentle slopes or toward stream banks

- Flow failures – soils move down steep slopes with large displacement
- Ground oscillation – surface soils, riding on a buried liquefied layer, are thrown back and forth by shaking
- Flotation – floating of light buried structures to the surface
- Settlement – settling of ground surface as soils reconsolidate
- Subsidence – compaction of soil and sediment

Three factors are required for liquefaction to occur: (1) loose, granular sediment; (2) saturation of the sediment by groundwater; and, (3) strong shaking. The project sites are not within an area that has been identified as susceptible to liquefaction, based on seismic hazard zones data obtained from the California Department of Conservation's Seismic Hazards Zones Map for the San Juan Capistrano Quadrangle (California Department of Conservation 2001), as depicted on Figure S-5 in the Laguna Woods General Plan Safety Element (2014). Therefore, the proposed project would not result in significant impacts related to the exposure of people or structures to liquefaction.

- iv) Less Than Significant Impact.** As indicated in the Local Hazard Mitigation Plan (2012), landslides are considered to pose a low to moderate risk to the city with low impact and medium probability. Areas known to be susceptible to earthquake-induced landslides include small portions of the project area, within Sites 1, 5, and 6, (as depicted on Figure S-4 in the Laguna Woods General Plan Safety Element [2014]). No changes to any of the existing land uses are proposed on any of the project sites and no proposals for any land-altering activities that might somehow aggravate landslide conditions have been submitted or are under consideration. The City has adopted the California Building Code, and the City's Planning & Environmental Services Department is responsible for plan checks and construction inspections, which ensure that all new structures in the city are built as safely as possible, consistent with the Building Code, and in a manner that prevents significant adverse impacts from landslides. Any future projects that propose substantial land use changes with land alteration within the areas of landslide hazard would be subject to the most current California Building Code standards that address such hazards. With the required compliance with the California Building Code, the proposed project would not result in significant impacts related to the exposure of people or structures to landslides.
- b) Less Than Significant Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Any future construction activities would be subject to the erosion control requirements of the Laguna Woods Municipal Code (i.e., Sections 10.06.300 and 10.06.310). Compliance with applicable regional water quality control board requirements and Laguna Woods Municipal Code Sections 10.06.300 and 10.06.310 would minimize soil erosion and loss of topsoil and would reduce potential impacts to a less than significant level.
- c) Less Than Significant Impact.** The potential for landslides on the project sites is addressed under Issue a)(iv) and was determined to be less than significant. The potential for lateral spreading, liquefaction, subsidence, and other types of ground failure or collapse is addressed under Issue a)(iii) above and was also determined to be less than significant.

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- d) **Less Than Significant Impact.** Expansive or shrink-swell soils are soils that swell when subjected to moisture and shrink when dry. Expansive soils typically contain clay minerals that attract and absorb water, greatly increasing the volume of the soil. This increase in volume can cause damage to foundations, structures, and roadways. As noted earlier, the proposed project does not include any proposal to alter existing land uses or to authorize any kind of new construction. Any future improvements involving structures would be required to comply with the California Building Code. Therefore, the proposed project would not result in significant impacts related to expansive soils.
- e) **No Impact.** If any future improvement includes a bathroom, it would be required to be connected to the local wastewater purveyor's wastewater system, so no septic tank or alternative wastewater disposal system would be necessary. Therefore, no impact would occur.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

EXISTING SETTING

Since the early 1990s, scientific consensus has held that the world's population is releasing greenhouse gases (GHG) faster than the earth's natural systems can absorb them. These gases are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. This release of gases, such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and chlorofluorocarbons, creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

For most nonindustrial development projects, motor vehicles make up the bulk of GHG emissions produced on an operational basis. The primary GHGs emitted by motor vehicles include carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons. **Table 6** provides descriptions of the primary GHGs attributed to global climate change, including a description of their physical properties, primary sources, and contribution to the greenhouse effect.

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TABLE 6
GREENHOUSE GASES

Greenhouse Gas	Description
Carbon dioxide (CO ₂)	CO ₂ is a colorless, odorless gas and is emitted in a number of ways, both naturally and through human activities. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, industrial facilities, and other sources. A number of industrial production processes and product uses such as mineral production, metal production, and the use of petroleum-based products can also lead to CO ₂ emissions. The atmospheric lifetime of CO ₂ is variable because it is so readily exchanged in the atmosphere.
Methane (CH ₄)	CH ₄ is a colorless, odorless gas that is not flammable under most circumstances. CH ₄ is the major component of natural gas, about 87 percent by volume. It is also formed and released to the atmosphere by biological processes occurring in anaerobic environments. CH ₄ is emitted from both human-related and natural sources. Human-related sources include fossil fuel production, animal husbandry (livestock intestinal fermentation and manure management), biomass burning, and waste management. These activities release significant quantities of CH ₄ to the atmosphere. Natural sources of CH ₄ include wetlands, gas hydrates, permafrost, termites, oceans, freshwater bodies, non-wetland soils, and other sources such as wildfires. Methane's atmospheric lifetime is about 12 years.
Nitrous oxide (N ₂ O)	N ₂ O is a clear, colorless gas with a slightly sweet odor. N ₂ O is produced by natural and human-related sources. Primary human-related sources are agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. N ₂ O is also produced naturally from a wide variety of biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years.

Source: EPA 2017

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. Gases with high global warming potential, such as hydrofluorocarbons, perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆), are the most heat-absorbent. CH₄ traps over 21 times more heat per molecule than CO₂, and N₂O absorbs 310 times more heat per molecule than CO₂. Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO₂e), which weight each gas by its global warming potential. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) Less Than Significant Impact.** GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature or to measurably change climatic conditions. The combination of GHG emissions from past, present, and future projects contributes substantially to the phenomenon of global climate change and its associated environmental impacts. As such, GHG emissions are addressed only as a cumulative impact. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes on six parcels of land, with no currently proposed changes of the existing land uses. As such, the project would have no direct impacts involving an increase in generation of GHGs. In the future, new or expanded uses could generate GHG emissions during grading and

construction activities and from vehicles accessing the uses. On Sites 1-5, little change in the land use character is anticipated over time, as the proposed Residential Community – Maintenance Zoning Overlay is intended to be more reflective of the existing land uses and to ensure that there are no substantial land use changes in the future. Further, the change from the Urban Activities Center designation would eliminate the potential for future land use changes that could comprise a more intensive mixture of residential and commercial development with a larger GHG footprint.

On Site 6, the proposed OS-R zoning would potentially allow for establishment of sewage disposal facilities and/or waste transfer/material recovery facilities that could generate higher levels of GHGs than the very low levels that occur intermittently in association with the existing community garden activities. Such uses are not envisioned for Site 6 and, if ever proposed, would require the City's discretionary approval through a use permit process, which would include examination of the full range of environmental impacts, including GHG emissions. If GHG emissions associated with such future uses should exceed applicable thresholds in effect at that time, the City could require measures to reduce or offset such emissions to below a level of significance, or could deny the project outright. In any event, the City's zoning authority and land use powers would be sufficient to ensure that future land uses on Site 6 would not generate significant levels of GHGs.

- b) No Impact.** The proposed project would not conflict with any adopted plans, policies, or regulations adopted for the purpose of reducing GHG emissions, as there are none that would pertain to site-specific rezoning actions on a small, local scale.

Mitigation Measures

None required.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

EXISTING SETTING

A material is considered hazardous if it appears on a list of hazardous materials prepared by one or more federal, state, or local agencies or if it has characteristics defined as hazardous by such an agency or agencies.

A hazardous material is defined by California Health and Safety Code Section 25501 as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

A hazardous material is defined in Title 22, Section 662601.10, of the California Code of Regulations as follows:

A substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.

The release of hazardous materials into the environment could potentially contaminate soils, air, surface water, and groundwater supplies.

Most hazardous materials regulation and enforcement in Orange County is managed by the Orange County Health Care Agency and the Orange County Fire Authority. Both agencies refer large cases of hazardous materials contamination or violations to the responsible Regional Water Quality Control Board (RWQCB), the California Department of Toxic Substances Control (DTSC), and/or other agencies as appropriate. It is not uncommon for other agencies, such as both the federal and state Occupational Safety and Health Administrations, to become involved when issues of hazardous materials arise. Under California Government Code Section 65962.5, both the DTSC and the State Water Resources Control Board are required to maintain lists of sites known to have hazardous substances present in the environment. Both agencies maintain up-to-date lists on their websites.

A search of the DTSC database determined that none of the project sites are identified as a closed or active hazardous waste or substances site (DTSC 2017). The project sponsor operates a maintenance shop on Site 1 that is regulated by the Orange County Environmental Health Division, as it contains chemical storage facilities, aboveground petroleum storage, and is classified as a hazardous waste generator (CalEPA 2017).

PROJECT IMPACTS AND MITIGATION MEASURES

- a) Less Than Significant Impact.** Existing practices involving hazardous materials and wastes associated with the project sites are likely to continue indefinitely, until such time as a proposal to change a land use were to occur. In that event, on Sites 1-5, the range of potential land uses would be limited to uses that would likely be similar to and not significantly more intensive than existing uses with respect to use, transport, storage, and disposal of hazardous substances and wastes. On Site 6, the range of principally permitted open space and recreation uses would not result in significant impacts involving hazardous materials and wastes; however, with the issuance of a discretionary Use Permit, the proposed OS-R zoning district would allow for sewage disposal facilities and/or waste transfer/material recovery facilities that could involve handling of hazardous materials and

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wastes to a much larger extent. Those uses would require discretionary approval by the City, and as part of that evaluation process, the activities involving storage, use, transport, and disposal of hazardous substances and wastes would be examined closely to determine whether those activities could result in any significant impacts. If new land uses are proposed on any of the six project sites that entail some increased usage of hazardous materials and wastes, the City's fire department (Orange County Fire Authority) would be asked to review the proposal to ensure that appropriate design features and operational measures are taken to prevent or contain accidents and to respond effectively during an accidental release. The proposed project would not authorize any activities that would be exempt from either Orange County Fire Authority oversight or compliance with existing state and local regulations governing land uses that routinely transport, store, use, and dispose of more than small quantities of hazardous materials and wastes. As a result, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b) No Impact.** As discussed in Issue a) above, the proposed project would not result in the routine transport, use, disposal, handling, or emission of significant quantities of hazardous materials that could create a significant hazard to the public or to the environment. Likewise, no conditions exist that present a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Therefore, no impact would occur.
- c) No Impact.** There are no schools located within one-quarter mile of the project sites. Therefore, no impact to schools would occur.
- d) No Impact.** The California DTSC maintains a database to consolidate various lists maintained by state agencies under Government Code Section 65962.5. A review of the current database for the Laguna Woods area determined that there are no sites reported to be under investigation or involved in any ongoing cleanup activities as hazardous wastes or substances sites. Therefore, the project sites are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC 2017). There would be no impact related to any such sites.
- e-f) No Impact.** The project sites are not located within an airport land use plan or within two miles of a public airport or a private airstrip. Thus, there would be no related safety hazard to people working in the project area. No impact would occur.
- g) No Impact.** The proposed project does not include any roadway modifications and as such there would be no interference with established evacuation routes. Use of the project sites for community maintenance and related support facilities or recreation or other open space uses would not result in any interference with the City's Emergency Operations Plan or the County of Orange/Orange County Operational Area's emergency response plans.
- h) No Impact.** The project sites are not located in an area that is adjacent to or intermixed with wildlands, nor are they located in any one or more of the City's designated fire hazard severity zones. Therefore, there would be no impact.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Place unprotected structures for human occupancy and major roadways in a 100-year floodplain?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
k) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
l) Disturb, or encroach into, any river, river tributary, riparian habitat, stream, or similar waterway identified on a United States Geologic Survey map as a "blue-line" watercourse, or any waterway otherwise identified as a significant resource by the City of Laguna Woods?	☐	☐	☐	☒

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EXISTING SETTING

Laguna Woods straddles three watersheds: Newport Bay, Aliso Creek, and Laguna Coastal Streams. The proposed project is located in the Newport Bay watershed.

Laguna Woods is located within the jurisdictional boundaries of the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board (collectively, the RWQCBs). The RWQCBs develop and enforce water quality objectives and implementation plans that safeguard the quality of water resources. Specifically, the RWQCBs identify potential water quality problems, confirm and characterize water quality problems through assessment, remedy problems through imposing or enforcing appropriate measures, and monitor problem areas to assess effectiveness of remedial measures. Remedies for problems include prevention and cleanup. Common means of prevention are the issuance of National Pollutant Discharge Elimination System (NPDES) permits, waste discharge requirements, and discharge prohibitions and restrictions. Cleanup is implemented through enforcement measures such as cease and desist and cleanup and abatement orders. The project area is already urbanized and developed with sufficient stormwater drainage in place.

Laguna Woods is urbanized and the project area is developed. The city has existing maintained storm drainages including those on the south side of Ridge Route Drive and in Moulton Parkway; Santa Maria Avenue (excluding the portion in Laguna Hills); and, El Toro Road. Runoff from the development areas currently sheet flows into respective storm drain facilities in Ridge Route Drive, Moulton Parkway, Santa Maria Avenue, and El Toro Road.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) Less Than Significant Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Future improvements would be governed by the permitted uses table and development standards for the proposed RC-MT zone for Sites 1-5, and the OS-R zone for Site 6. No proposal for any site-specific construction projects or other land use changes are under consideration as part of the proposed project. If there are any future proposals for new development or land alterations, construction plans would be required to comply with Laguna Woods Municipal Code Sections 10.06.300–320, which identify the City's erosion and sediment control and water quality requirements. These sections require the implementation of various best management practices (BMPs) during construction.

In addition, according to the State Water Resources Control Board, dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Thus, any improvement of at least 1 acre would be required to prepare a stormwater pollution prevention plan (SWPPP) pursuant to the RWQCBs' standards and subject to the RWQCBs' review for each phase of the project. SWPPPs must include measures designed to reduce or eliminate erosion and runoff into waterways. BMPs include wattles, covering of stockpiles, silt fences, and other physical means of slowing stormwater flow from the graded areas to allow sediment to settle before entering stormwater channels. The methods used would be described in the SWPPPs and may vary, depending on the circumstances. Additionally, the proposed project would not violate any waste discharge requirements. Because of these standard procedures, future projects involving land use

changes would be designed and constructed with sufficient structural and non-structural features to ensure that impacts to water quality are less than significant.

None of the principally permitted uses or other uses allowed under special permits for the proposed RC-MT zone to be applied to Sites 1-5 would typically require issuance of a Waste Discharge Permit from an RWQCB, and no point sources of water pollutant discharges are anticipated to occur in conjunction with future land use changes on those sites. On Site 6, the range of principally permitted uses would typically not involve a point source of water pollutant discharge and would not require issuance of a Waste Discharge Permit. In the event there is a proposal for a land use change requiring a discretionary Use Permit, the wastewater generation and disposal aspects would be carefully reviewed to ensure compliance with all applicable water quality standards. The proposed project would not authorize any exceptions to state, local, or federal water quality standards and permitting requirements. Conflicts with water quality standards or related permitting requirements are not anticipated as a result of potential future land use changes.

- b) **No Impact.** As documented in the City's General Plan EIR (2002), no groundwater recharge areas are located in or in the immediate vicinity of the city. Land uses that involve groundwater extraction to meet its water needs are not allowed under the proposed rezoning of any of the project sites. Therefore, no impact would occur.
- c-d) **Less Than Significant Impact.** No blue-line streams occur on the project sites, as shown in the San Juan Capistrano, California, USGS 7.5-minute topographic quadrangle map. There are no established drainage features on any of the project sites. The nearest drainage course is located within noncontiguous, undeveloped land to the east, just outside of the Aliso Viejo Golf Course (Laguna Woods 2003). Given the gently sloping topography and established drainage system in this area, major grading that would substantially alter existing drainage patterns is not expected in the event there is a future proposal for land use changes or development on any of the project sites. Any future development proposal or other land use alterations would be subject to the requirements of the City's Grading Code, which addresses drainage, erosion, and stormwater runoff control. With the required compliance with the Grading Code, the proposed project would not result in significant erosion, siltation, or flooding impacts resulting from an alteration of the existing drainage pattern.
- e) **Less Than Significant Impact.** See responses to Issues a) and c-d) of this subsection. Given the already mostly impervious surface coverage on Sites 1-5, in the event there are any future land use changes proposed on any of those sites, post-project runoff volumes would likely be similar to existing runoff volumes, and the existing drainage system is expected to accommodate any potential runoff from future improvements on those project sites. On Site 6, rezoning from the OS-R/UAC zoning districts to exclusively OS-R would substantially limit the types of land uses to primarily open space and recreation activities, which would generate less runoff from impervious surfaces than would likely occur with the residential and/or commercial development allowed under the current UAC zoning district. If there were a future proposal to convert the existing community gardens into some other land use, there could be an increase in impervious surface coverage by buildings and paved parking areas, and possibly from other paved surfaces. Runoff from any future development project on Site 6 could, therefore, result in an increase in urban runoff and the typical pollutants found in such runoff, compared to current conditions, if not properly controlled. Those pollutants have the potential to affect receiving waters.

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The City participates in the Orange County Stormwater Program, which is regulated under NPDES Permit Nos. RB8-2009-0030 (as amended by Order No. R8-2010-0062) and R9-2013-0001 (as amended by Order No. R9-2015-0001). In accordance with both NPDES permits, the City is required to implement all BMPs outlined in the Drainage Area Management Plan (2003) and its Local Implementation Plan. Future development in the project area would require review by the City to confirm that there would be no significant change in site runoff and to identify the specific drainage/water quality control measures required to meet the standards of the City's Local Implementation Plan. With these mandatory drainage and water quality control design standards, the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and the impact would be less than significant.

- f) **Less Than Significant Impact.** The proposed project would not result in any additional sources of runoff beyond those discussed in the preceding responses; therefore, there would be no significant impact.
- g-i) **No Impact.** According to the City's General Plan Safety Element, no portion of the project sites is located within a 100-year floodplain (Laguna Woods 2014). Therefore, the proposed project would not result in the development of any housing or structures in a 100-year flood zone. No impact would occur.
- j) **No Impact.** According to the City's General Plan Safety Element, the project sites are not located within a 100-year floodplain and there are no dam or levee inundation zones affecting the city (Laguna Woods 2014). Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact would occur.
- k) **No Impact.** The project sites are located over five miles from the Pacific Ocean; therefore, the proposed project is not subject to tsunami hazards. There are no water bodies or water storage facilities in the vicinity of the project sites that could flood the sites in the event of seismically induced seiche conditions. A portion of the project sites is located on a slight hillside; however, the hillside is stabilized by turf and other vegetation. Therefore, mudflow impacts to the project sites are not anticipated.
- l) **No Impact.** The project sites do not contain any waterways identified on a USGS map as "blue-line" watercourses or as a significant water resource by the City. No impact would occur.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

EXISTING SETTING

The primary land use plan for the project area is the City's General Plan Land Use Element, which was last updated in 2010. For more information on the proposed project and its various land use components, please refer to earlier sections of this document.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) No Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. For potential future land use changes, there would be no need for construction of major new infrastructure such as roadways or utility rights-of-way or any other activities that would result in physical disruption of the established community. As such, no physical division of an established community would occur.
- b) No Impact.** The existing General Plan designation Urban Activities Center (UAC) allows mixed-use development that may include both commercial and residential uses. The proposed land designations and zoning would be consistent with the established land uses and would not allow for future land use changes that would conflict with any of the City's environmental protection and conservation policies set forth in the Conservation, Open Space, Safety, or Land Use Elements (Laguna Woods 2015a, 2007, 2014, 2010). There would be no impact involving a conflict with an adopted land use plan, policy, or regulatory program intended to mitigate or avoid an environmental effect.
- c) No Impact.** The project sites are within the boundaries of the Coastal Subregion of the Orange County Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). However, the project sites are not located within a reserve, special linkage, or conservation easement area of the NCCP/HCP and contain no on-site habitat in support of any special-status species. Thus, the proposed project would not conflict with the provisions of the NCCP/HCP and no impact would occur.

Mitigation Measures

None required.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

EXISTING SETTING

According to the California Department of Conservation's Surface Mining and Reclamation Land Classification Maps (California Department of Conservation 2014), a portion of Laguna Woods is designated Mineral Resource Zone 3, indicating that the significance of mineral resources cannot be evaluated using available data (California Geological Survey 2012). The balance of Laguna Woods is designated as Mineral Resource Zone 1, meaning that available geologic information indicates no significant mineral deposits or a minimal likelihood of significant mineral deposits.

PROJECT IMPACTS AND MITIGATION MEASURES

a-b) No Impact. No known mineral resources are located in the project vicinity (Laguna Woods 2002). Therefore, the proposed project would not adversely affect the availability of a known mineral resource. No impact would occur.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. Would the project:				
a) The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

EXISTING SETTING

Noise is defined as “unwanted sound.” Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum; they are adjusted to reflect only those frequencies that are audible to the human ear.

PROJECT IMPACTS

a-d) Less Than Significant Impact. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. In the future, new or expanded uses could generate noise during construction and from activities occurring on the project sites. Laguna Woods Municipal Code Sections 7.08.060 and 7.08.070 establish the City’s exterior and interior noise standards, respectively. Future activities on the project sites would be required to comply with City standards. Noise generated during construction activities would be considered exempt pursuant to Laguna Woods Municipal Code Section 7.08.080, provided the activities do not take place between the hours of 8 p.m. and 7 a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday. The proposed project’s

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compliance with applicable codes will substantially minimize noise. Therefore, the proposed project would not expose people to noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies; would not generate excessive groundborne vibration or noise levels; would not cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project; and, would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project. No significant impacts would occur.

- e-f) No Impact.** The project area is located more than two miles from a public airport and is not in the vicinity of a private airstrip. Therefore, no impact would occur.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

EXISTING SETTING

The California Department of Finance (2017) estimated the city's population as of January 1, 2017, at 16,319. There is no housing on the project sites; however, the existing Urban Activities Center land use designation and zoning classification allows for development of a mixture of residential and commercial land uses, pursuant to a specific plan.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) No Impact.** The project sites are located in an established suburban community, and no new roads or extensions of existing roads or other major urban infrastructure that could support substantial growth are proposed. The proposed project does not include the construction of any new homes or businesses, and the proposed project would prohibit the construction of homes on all of the project sites. Therefore, no increase in population would occur as a result of the proposed project.
- b) No Impact.** No residences would be displaced or removed as a result of the proposed project and would, therefore, not necessitate the construction of replacement housing elsewhere. No impact would occur.
- c) No Impact.** As discussed under Issue b), the proposed project does not involve the displacement or relocation of any housing and would, therefore, not displace any people or necessitate the construction of any replacement housing. No impact would occur.

Mitigation Measures

None required.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

EXISTING SETTING**Fire Protection**

The Orange County Fire Authority provides fire prevention, suppression, and paramedic services to Laguna Woods. The city is primarily served by Station No. 22 at 24001 Paseo de Valencia in Laguna Woods.

Police Protection

The City contracts with the Orange County Sheriff's Department for police services, which are generally provided from the Aliso Viejo Substation at 11 Journey in Aliso Viejo. Private security guards patrol Laguna Woods Village, including the project sites.

Schools

The Saddleback Valley Unified School District operates elementary, intermediate, and high schools serving the project area.

Parks

The City operates and maintains all or part of three public parks: City Centre Park, Ridge Route Linear Park/"A Place for Paws" Dog Park, and Woods End Wilderness Preserve. Woods End Wilderness Preserve is currently leased to OC Parks for inclusion in the Laguna Coast Wilderness Park.

PROJECT IMPACTS AND MITIGATION MEASURES

a-b) No Impact. There would be a need for fire protection and police protection services to respond to any potential incidents that may occur at the project sites, under current conditions or if there are changes to any of the existing land uses consistent with the proposed zoning standards. However, the project sites are located in a developed part of the city that is adequately served by existing police and fire services and facilities.

Furthermore, under the proposed project, potential future land use changes would, for the most part, be limited to community maintenance activities, recreation, and other open space uses similar in nature to those that currently take place on the project sites and throughout the city. Other types of land uses could occur through a discretionary Use Permit process, but the proposed zoning would not allow for development of high-rise structures or industrial or commercial uses that might require different kinds of fire response resources or additional police department resources. Therefore, the proposed project would not result in the need for new fire or police facilities. No impact would occur.

- c-e) No Impact.** The proposed project does not propose any housing, would not allow for development of new housing, and would not include any other components that would result in an increased demand for schools, parks, or other public services, such as libraries. As such, there would be no need for additional facilities to maintain acceptable service ratios. No impact would occur.

Mitigation Measures

None required.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

EXISTING SETTING

Laguna Woods was nearly built out at the time of its incorporation in 1999. Prior to incorporation, development proceeded pursuant to Orange County's Rossmore Leisure World Planned Community zoning. Recreational facilities were developed for the exclusive use of residents in Laguna Woods Village. Since its incorporation, the City has begun to operate and maintain all or a part of three public parks: City Centre Park, Ridge Route Linear Park/"A Place for Paws" Dog Park, and Woods End Wilderness Preserve. Woods End Wilderness Preserve is currently leased to OC Parks for inclusion in the Laguna Coast Wilderness Park.

PROJECT IMPACTS AND MITIGATION MEASURES

- a) No Impact.** The proposed project would not authorize development of residential uses; thus, the proposed project would not increase the demand on existing parks and recreational facilities such that there would be substantial physical deterioration of the facility or demand for new facilities. No impact would occur.
- b) Less Than Significant Impact.** The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. On Sites 1-5, permitted uses would be limited to a range of residential community maintenance activities and some accessory uses. Through approval of a discretionary Use Permit, there could be new land uses; however, none of the potential land uses would affect any existing or planned recreation resources and none would likely contain any significant recreational component.

On Site 6, the proposed project would allow for a range of low-intensity open space and recreational activities, and possibly some active sport courts or athletic fields ("athletic fields") that might be equipped with night lighting. Potential adverse effects associated with night lighting of athletic facilities would be mitigated through Mitigation Measure AES-1, requiring submittal of a detailed photometric plan to verify limitations on lighting levels around the site perimeter, as described earlier under Checklist Topic 1, Aesthetics. Given the already human-modified condition of the community garden site, future recreational uses would likely not result in any significant impacts involving alteration of the land. Impacts related to the intensity of the proposed uses (e.g., traffic, noise, air emissions, water demand) would be addressed through the City's existing zoning authority and project

level-review procedures. This existing authority and plan review process is sufficient and no additional regulatory authority or mitigation measures are required at this time to address the potential impacts of future recreational land use proposals.

Mitigation Measures

None required.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
g) Increase traffic by 1 percent or more at any location where level of service for road links and level of service for intersections is D (Level of Service D)?	☐	☒	☐	☐

EXISTING SETTING

Most of the commercially zoned land in the city is located along Moulton Parkway and/or El Toro Road, which are the two major public roadways bisecting the city. Both roadways carry substantial volumes of regional traffic (that is, traffic passing through Laguna Woods from one part of the county to another without stopping in the city). Traffic counts taken in 2015 determined that both streets are operating at high levels of efficiency, carrying less than half of their design capacity for average daily traffic volumes (Laguna Woods 2015b). None of the sites have frontages on either road; however, the intersection of these two streets is close to the six project sites. Vehicular access is available via a private drive extending to El Toro Road, through adjacent land. Via Campo Verde, a private local street, provides vehicular access to all of the sites from Moulton Parkway.

PROJECT IMPACTS AND MITIGATION MEASURES

a-b, g) Less Than Significant Impact With Mitigation Incorporated. El Toro Road, a six-lane Major Arterial, and Moulton Parkway, a six-lane Smart Street Arterial, are the two closest roadways providing local access to the project sites. As noted in the discussion of the existing setting, both are currently operating at high efficiency, carrying daily traffic volumes that are typically less than half of their capacity. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. In the future, new or expanded uses could generate new vehicle trips. If new land uses in the future should include more employee-intensive community maintenance activities on Sites 1-5, there could be an increase in peak hour trip generation, which occurs in the morning and late afternoon commuting periods. Future recreation or open space uses on Site 6 would primarily serve the local, mostly retired resident population and thus would likely generate trips spread throughout the day, rather than concentrated during peak hours. Other types of land uses allowed by a discretionary Use Permit on Site 6 might generate additional peak hour trips. This would be evaluated at the time such a project were to be submitted for City approval. In addition, while not currently contemplated, private property owners may decide to pursue future land uses that are not primarily intended to serve Laguna Woods Village residents. Such facilities have the potential to cause significant traffic impacts. Mitigation Measure TRAF-1 is included to ensure any such future uses would not significantly impact the performance of the circulation system or the level of service at nearby intersections. With the incorporation of Mitigation Measure TRAF-1, impacts on the performance of the local roadway network would be less than significant.

The intersection of Moulton Parkway and El Toro Road is the only one in the city that is part of the Orange County Congestion Management Program (CMP) network. The CMP establishes a performance standard of level of service E for this intersection. Accordingly, should there be a future development proposal of substantial intensity on one or more of the project sites, the City would impose Mitigation Measure TRAF-1, to determine whether the project could adversely affect the performance of the Moulton Parkway/El Toro Road intersection, with respect to the CMP performance standard, and, if warranted, to identify mitigation measures to achieve the required performance standard. With the incorporation of Mitigation Measure TRAF-1, impacts on the performance of the CMP intersection would be less than significant.

- c) No Impact.** The proposed project would not affect air traffic volumes or patterns. Future new development could not exceed a building height of 40 feet; therefore, there could be no intrusion into any air traffic space. The proposed project is not located within the boundaries of an airport land use plan area or the approach or departure pattern of any airport. No impact would occur.
- d) No Impact.** Access to the project sites would remain unchanged. The vehicle fleet mixes associated with the proposed project would be substantially similar to existing conditions, which include golf carts, cars, light trucks, and heavy trucks considered compatible with the City's existing circulation system. No impact would occur.
- e) No Impact.** Emergency vehicles would access the project sites from Moulton Parkway and El Toro Road. These streets and private side streets are already utilized for access to existing facilities and would continue to accommodate through movements of emergency vehicles. No impact would occur.

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- f) **No Impact.** There are no Orange County Transportation Authority bus stops on or adjacent to any of the project sites, and because none of the sites have frontage on El Toro Road or Moulton Parkway, or any of the City's other bus routes, it is considered unlikely that any of these sites would be considered an effective location for a future bus stop. Additionally, Laguna Woods Village offers a variety of private transportation services to its residents. None of the project sites have frontage on a designated bike route of any classification, and there are no sidewalks along Via Camp Verde. The proposed project would not conflict with policies, plans, programs, or existing improvements regarding public transit, bicycle, or pedestrian travel and would not otherwise decrease the performance or safety of such facilities. No impact would occur.

Mitigation Measures

None required, for Thresholds c-f. Mitigation Measure TRAF-1 is proposed to address potential congestion impacts from future, more intensive development proposals, with respect to Thresholds a, b, and g.

Mitigation Measure TRAF-1: Prior to City approval (if required) and prior to the sale or lease of land for any use on any of the project sites primarily intended to serve a population other than Laguna Woods Village residents, or which has a substantially higher employment intensity than existing land uses, the applicant shall provide the City with a transportation impact analysis (TIA) that evaluates the project's impact on the level of service of any intersection that receives more than 50 project trips during any hour. Said TIA shall be prepared to the satisfaction of the City Manager or his or her designee and shall be prepared in accordance with the City's traffic study guidelines in effect at the time the study is initiated. No such project shall be undertaken unless that project's traffic impacts are shown to be below, or mitigated to a level below, the City's traffic impact thresholds of significance (and in the case of the Moulton Parkway/El Toro Road intersection, the County's CMP threshold) that are in effect at the time the study is initiated.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. TRIBAL CULTURAL RESOURCES. Would the project:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

EXISTING SETTING

Four Native American tribes have submitted requests to the City to be notified of pending projects subject to assessment under the City's CEQA procedures, to provide an opportunity for tribal review to determine whether there could be impacts to tribal cultural resources and to suggest measures to mitigate potentially significant impact. These tribes are:

- San Gabriel Band of Mission Indians
- Soboba Band of Luiseno Indians
- Gabrieleno Band of Mission Indians-Kizh Nation
- Gabrielino-Tongva Tribe

PROJECT IMPACTS AND MITIGATION MEASURES

a-b) No Impact. There are no tribal cultural resources listed in the California Register of Historical Resources, or in a local register of historical resources, on any of the involved parcels. Pursuant to §21080.3.1 of the State CEQA Guidelines, written correspondence was sent to the four Native American tribes noted above, to provide notification of the proposed project and the City's CEQA process. One response was received, from the Gabrieleno Band of Mission Indians-Kizh Nation. The Gabrieleno Band of Mission Indians-Kizh Nation noted that an ancestral village had been located in the project vicinity. It was acknowledged that the proposed project, which would not authorize any change in the existing land uses or any form of construction activity, could not have a significant impact

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on that tribal cultural resource. The City agreed to provide notification to the Gabrieleno Band of Mission Indians-Kizh Nation of any future proposals for land use alterations that would involve ground-disturbing activities, in accordance with applicable provisions of State law, including Assembly Bill 52 and Senate Bill 18. No further investigations or any form of mitigation for the proposed project was requested.

Mitigation Measures

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in the inability to maintain a water system, on- or off-site, which is capable of meeting the daily and peak demand of Laguna Woods residents and businesses, including the provision of adequate fire flows?	☐	☐	☒	☐
f) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
g) Result in the inability to maintain a wastewater collection treatment and disposal system, which is capable of meeting the daily and peak demands of Laguna Woods residents and businesses?	☐	☐	☒	☐
h) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
i) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

EXISTING SETTING

Water

The El Toro Water District (ETWD) provides water to consumers in Laguna Woods. As a constituent member of the Municipal Water District of Orange County, the ETWD buys water from the Metropolitan Water District (MWD), which imports water from both the Colorado River and Northern California. Imported water is transported by pipeline from the MWD Diemer Filtration Plant in Yorba Linda to the ETWD service area and again by pipeline into Laguna Woods.

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Wastewater

The ETWD owns and operates sanitary sewer lines serving Laguna Woods. The ETWD operates a treatment plant in Laguna Woods that currently recycles 10 percent of wastewater for beneficial reuse, but anticipates recycling 30 to 35 percent of all wastewater for beneficial reuse. After treatment, the effluent is discharged into the Pacific Ocean through an outfall pipe 7,900 feet offshore and southwest of the mouth of Aliso Creek. Biosolids from ETWD sewers are transported by truck to the South Orange County Wastewater Authority's Regional Treatment Plant.

Solid Waste

Waste Management of Orange County currently provides solid waste collection services. Services are separately contracted for hazardous waste and sharps collection. Waste that is not recycled or otherwise disposed of is transported to the Frank R. Bowerman Landfill, located approximately 4 miles north of Interstate 5 in Irvine. The 725-acre Frank R. Bowerman Landfill opened in 1990 with 534 acres permitted for refuse disposal and is scheduled to close in approximately 2053 (Orange County Waste and Recycling 2017). Most green waste generated in Laguna Woods Village is either chipped and reused or composted within the community.

PROJECT IMPACTS AND MITIGATION MEASURES

a-b, d-g) Less Than Significant Impact. The proposed project includes a General Plan Amendment, Zoning Code Amendment, and Zone Changes, with no currently proposed changes of the existing land uses. Because the proposed project would repeal the existing land use policies and development standards for Urban Activities Center (which permitted development of a mixture of residential and commercial land uses) and would generally restrict future land uses to residential community maintenance activities and a variety of low-intensity recreation and open space uses, the potential demand for various utilities would be reduced. This would include a reduction in potential water demand and wastewater generation. From a long-term planning perspective, therefore, the proposed project would not result in significant impacts involving a substantial increase in potential water demand or wastewater generation or related infrastructure improvements. It is considered unlikely that there would be a future proposal for a large-scale development project of sufficient intensity to trigger the requirement for a Water Supply Assessment, under Part 2.10 of Division 6 (commencing with Section 10910) of the California Water Code, or verification of adequate water supply to serve a large subdivision, under Senate Bill 221.

Any future new land use proposals would be subject to compliance with the then-current water conservation standards set forth in the Laguna Woods Municipal Code and Building Codes, with respect to outdoor landscaping and irrigation systems and interior plumbing fixtures. Compliance with these standards would minimize potential impacts related to changes in levels of water usage at a particular site, and significant impacts are not anticipated. As part of future updates to the ETWD's Urban Water Management Plan, proposals for substantial redevelopment and intensification of any of the project sites would be considered in the forecasting of Laguna Woods' water demands. Through this ongoing water supply planning process, the ETWD can adjust its forecasts to encompass changes in demand and develop ways to address changes in demand that ensure a sufficient water supply in normal, wet, and dry periods. Since no changes to the existing land uses on the project sites are proposed or currently contemplated, it is premature at this time to estimate whether some specific types of land use changes on the project sites could have a significant influence on Urban Water Management Plan demand projections.

or modifications to entitlements to water supplies. No further analysis can be accomplished at this time without undo speculation, and significant impacts on future water supplies and infrastructure are not anticipated as a result of the proposed project.

The range of principally permitted and accessory uses, as well as uses that could be allowed through a discretionary Use Permit on Sites 1-5, would not likely require construction of new water or wastewater treatment systems or generate wastewater streams that could not be accommodated by the City's existing wastewater infrastructure. While considered highly unlikely, if some future proposal for a sewage disposal facility should be submitted for Site 6, the water and wastewater characteristics would be examined carefully by the City through the discretionary Use Permit process, and any potentially adverse impacts involving construction of new water or wastewater facilities would be addressed at that time. Through its discretionary land use authority, the City could reject a proposal with significant impacts, or require modifications in the design or operational characteristics of the project to avoid or mitigate impacts to a less than significant level.

- c) **Less Than Significant Impact.** Any increase in runoff from the project sites would follow the existing drainage patterns and would either dissipate through landscaped areas, surface or subsurface collection and treatment mechanisms, or be accommodated by the connections to existing drainage system. The proposed project would not require or result in the construction of new or expanded community stormwater drainage facilities that could cause significant impacts.

- h) **Less Than Significant Impact.** The closest landfill, Frank R. Bowerman Landfill, is located 13 miles from the project area at 11002 Bee Canyon Access Road in Irvine. The landfill is permitted to receive a daily maximum of 11,500 tons per day, and the County forecasts that this landfill will have sufficient capacity to receive permitted wastes from all sources through the year 2053 (Orange County Waste and Recycling 2017). Changes in solid waste generation from any of the project sites would not occur as a direct and immediate result of the proposed project, but if there are any land use conversions to different, more intensive uses in the future, there could be an increase in the volume or a change in the composition of wastes generated within the project sites. Given the land use restrictions associated with the proposed zoning classifications, a significant change in the composition of wastes, compared to the existing citywide waste stream, is considered unlikely. The City would continue to implement waste reduction, diversion, and recycling programs to reduce the total amount of wastes from all of the local land uses that require landfill disposal, pursuant to its obligations under Assembly Bill 939 (Integrated Waste Management Act of 1989). As a result, even with some changes to the existing land uses in the future, there would be a less than significant impact on any landfill capacity.

- i) **No Impact.** Compliance with all applicable statutes and regulations, including those for solid waste collection and disposal, are mandated. The proposed project does not include any uses or components that would not comply with the law. No impact would occur.

Mitigation Measures

None required.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
19. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

PROJECT IMPACTS AND MITIGATION MEASURES

- a) **Less Than Significant Impact with Mitigation Incorporated.** The proposed project would not impact any sensitive plants, plant communities, fish, wildlife, or habitat for any sensitive species, as discussed in Checklist Topic 4, Biological Resources. Given the urbanized and previously disturbed character of the project area, adverse impacts to archaeological and paleontological resources are considered unlikely. No environmental hazards were identified as part of the project analysis. The proposed project would not degrade the quality of the environment or impact any habitat or species and would not impact important examples of California history and prehistory.
- b) **Less Than Significant Impact.** When considering the proposed project in combination with other past, present, and reasonably foreseeable future projects in the vicinity, it does not have the potential to cause impacts that are cumulatively considerable. There are no other significant land use actions proposed in this area, and no pending development projects in the vicinity. As detailed in the discussions above, the proposed project would not result in any significant and unmitigable impacts in any environmental categories. In all cases, the impacts associated with the proposed project are limited to the project sites or are of such a negligible degree that they would not result in a significant contribution to any cumulative impacts.
- c) **Less Than Significant Impact with Mitigation Incorporated.** As demonstrated in this Initial Study, the proposed project would not result in substantial adverse effects on human beings. Impacts that could have a potential effect on human health and well-being, such as air quality, geology and soils, hazards and hazardous materials, noise, and traffic, would all be less than significant. Preapproval impact assessments and, possibly, implementation of routine mitigation measures would be required to address air quality and traffic impacts from substantial development proposals.

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APPENDIX A PROPOSED ZONING CODE AMENDMENT TEXT ESTABLISHING THE RESIDENTIAL COMMUNITY – MAINTENANCE OVERLAY

Section 13.08.040. – Residential community-maintenance overlay.

(a) *Purpose, generally.* The purpose of overlay zoning districts is to allow the City to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City for a specific property or location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives. Overlay zoning districts are established through rezoning and only in conjunction with base zoning districts.

(b) *Purpose, specifically.* The purpose of the *Residential Community-Maintenance Overlay Zoning District (RC-MT)* is to provide for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base *Residential Community (RC)* zoning district, and to prohibit incompatible uses. Specialized maintenance and operational support facilities were developed with the initial development of the planned unit development located within the RC zoning district (formerly Rossmoor Leisure World Planned Community, now Laguna Woods Village), and have continued to be maintained and developed since then. Such facilities, and the direct services that they allow for, further the RC zoning district's purpose and intent of providing for the "development and preservation of planned unit developments."

(c) *Establishment and designation, generally.* Except as modified by an overlay zoning district, the provisions of the applicable base zoning district shall apply to all development within the boundary of a designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail. Whenever an overlay zoning district is established, any subsequent application to change the base zoning district shall not be construed to be an application to eliminate the overlay zoning district for the property covered by the application. An intent to eliminate the overlay zoning district on a given property shall be expressly stated to be part of the application.

(d) *Establishment and designation, specifically.* The designated area to which the RC-MT overlay zoning district is applied shall be all parcels located within the RC zoning district that are located south of El Toro Road, west of Moulton Parkway, and east of Calle Sonora.

(e) *Principally permitted land uses.* Land uses permitted as a principal use within the RC-MT overlay zoning district, subject to all applicable laws and regulations, and only when operated to primarily provide services to the base RC zoning district, include the following:

- Administrative/Professional Offices
- Automobile Parking Structures, Multi-Level
- Automobile/Truck Maintenance and Repair
- Garages and Carports
- Gate Houses
- Maintenance Equipment/Supply Storage
- Maintenance Office/Building
- Public/Private Utility Buildings/Structures

APPENDIX A

(f) *Accessory land uses.* Land uses that are permitted only as an accessory to a principal use within the RC-MT overlay zoning district include the following:

- Accessory Building/Use
- Exercise Facilities for Employee Use Only (indoor only; no fields/courts)
- Churches, Temples, and Places of Worship
- Fences and Walls

(g) *Conditionally permitted land uses.* Land uses permitted subject to approval of a use permit within the RC-MT overlay zoning district, subject to all applicable laws and regulations, and only when operated to primarily provide services to the base RC zoning district, include the following:

- Automobile Service Stations
- Bus and Taxi Terminal Buildings
- Impound/Storage Yards
- Ministorage Facilities
- Police and Fire Stations
- Recreational Vehicle/Vessel Storage
- Recycling Collection Sites
- Vehicle Washing Facilities

(h) *Prohibited land uses.* Land uses that are prohibited within the RC-MT overlay zoning district include the following:

- Agricultural and Produce Stands
- Alcoholic Beverage Sales
- Athletic Fields/Courts
- Automobile Wrecking, Junk/Salvage Yards
- Bottling Plants
- Commercial Medical Marijuana Cultivation
- Commercial Uses
- Congregate Care Facilities
- Day Care Nurseries
- Educational Institutions
- Emergency and Transitional Housing Shelters
- Helistops
- Hospitals
- Hotels and Motels
- Housing
- Kennels
- Medical Uses
- Recreation Centers
- Restaurants
- Retail/Service Businesses
- Riding and Hiking Trails
- Swimming Pools
- Theatres
- Tobacco and Cigarette Sales
- Transfer/Materials Recovery Facilities

(i) *Wireless facilities.* Wireless facilities within the RC-MT overlay zoning district are subject to the provisions of Section 13.26.210 of this Code.

(j) *Development standards.* Development standards for the RC-MT overlay zoning district shall include Section 13.08.020 as it relates to the RC zoning district, but not Section 13.08.030, of this Code.

(k) *Supplemental development standards.*

(1) *Lighting.* All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.

(2) *Trash enclosures.* All trash container storage areas shall, at a minimum, be covered by a solid roof equipped with downspouts to direct water away, paved with an impervious surface, and graded to prevent ponding.

(3) *Fueling areas.* All fuel dispensing areas shall, at a minimum, be covered by a solid roof equipped with downspouts to direct water away, paved with an impervious surface, and graded to prevent ponding.

(4) *Screening.* Landscaping shall be installed and maintained in a manner that substantially screens the RC-MT overlay zoning district, including any fences and walls, from the portion of El Toro Road extending west of the intersection of El Toro Road and Moulton Parkway to the first signalized intersection.

APPENDIX A

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8.4 ELECTRIC VEHICLE CHARGING STATIONS REGULATIONS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: September 20, 2017 Regular Meeting
SUBJECT: Electric Vehicle Charging Stations Regulations

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 10.34 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

Background

On October 8, 2015, Governor Brown signed Assembly Bill 1236 into law, adding Section 65850.7 to the Government Code. Section 65850.7(a) provides that it is the policy of the State to “promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.” In furtherance of that policy, Section 65850.7(g)(1) requires that, on or before September 30, 2017, all cities with a population of less than 200,000 residents create an expedited, streamlined permitting process for electric vehicle charging stations.

As defined by Government Code Section 65850.7(i)(3), an “electric vehicle charging station” is “any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical

Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.”

Among other requirements, Assembly Bill 1236 requires cities to accept permit applications for electric vehicle charging stations electronically. The City is unable to deny electric vehicle charging station applications or require additional permits unless there is “substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

On August 16, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would add Chapter 10.34 to the Laguna Woods Municipal Code related to an expedited, streamlined permitting process for electric vehicle charging stations. At the meeting on August 16, 2017, the City Council also adopted the application checklist (Attachment B) that is referred to in the proposed ordinance, which would become effective concurrent with the ordinance.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed electric vehicle charging stations regulations (Attachment A). Staff recommends that the City Council adopt the proposed ordinance, in order to ensure compliance with state law.

If the City Council takes the recommended action at today’s meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

The proposed ordinance and application checklist are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), in that they are consistent with California law, specifically Government Code Section 65850.7. It can be seen with certainty that the proposal will have no significant effect on the environment. In addition, the proposal is exempt under Title 14 California Code of Regulations Section 15303(d), relating to extensions of electrical utility installations of reasonable length.

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachments: A – Proposed Ordinance
 Exhibit A – Code Amendment Text
 B – Application Checklist

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ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 10.34 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, on October 8, 2015, Governor Brown signed Assembly Bill 1236 into law, adding Section 65850.7 to the Government Code; and

WHEREAS, Assembly Bill 1236 provides that it is the policy of the State to “promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use”; and

WHEREAS, Government Code Section 65850.7 now requires every city to create an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, staff has recommended proposed electric vehicle charging station regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, will comply with the requirements of Government Code Section 65850.7; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on August 16, 2017, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral; and

WHEREAS, in conjunction with the public meeting on the Code Amendments, the City Council also held a duly noticed public hearing on an resolution to adopt a new “Application Checklist for Expedited Processing of Permits for Electric Vehicle Charging Stations” to list the requirements with which electric vehicle charging

stations shall comply to be eligible for expedited review, a copy of which was included with the City Council’s agenda report for this item, dated August 16, 2017.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that the proposed amendments to the Laguna Woods Municipal Code and the associated checklist are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), in that they are consistent with California law, specifically Government Code Section 65850.7. It can be seen with certainty that the proposal will have no significant effect on the environment. In addition, the City Council determines and certifies that the proposal is exempt under Title 14 California Code of Regulations Section 15303(d), relating to extensions of electrical utility installations of reasonable length.

SECTION 3. A new Chapter 10.34 (“Electric Vehicle Charging Stations”) of the Laguna Woods Municipal Code is hereby adopted to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions,

paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 17-XX** was duly introduced
and placed upon its first reading at a regular meeting of the City Council on the XX
day of XX 2017, and that thereafter, said Ordinance was duly adopted and passed at
a regular meeting of the City Council on the XX day of XX 2017 by the following
vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A
CODE AMENDMENTS**

Chapter 10.34 (“Electric Vehicle Charging Stations”) of Title 10 (“Buildings and Construction”) of the Laguna Woods Municipal Code is added to the Laguna Woods Municipal Code, to read as follows:

CHAPTER 10.34. - ELECTRIC VEHICLE CHARGING STATIONS

Sec. 10.34.010. - Purpose and intent.

The purpose and intent of this chapter is to:

- (a) Provide for clear, expedited procedures for the application and permitting of electric vehicle charging stations;
- (b) Ensure the design and location of electric vehicle charging stations are consistent all health and safety requirements of local, state, and federal law;
- (c) Ensure that electric vehicle charging stations do not create specific, adverse impacts on public health or safety; and
- (d) Comply with State policy to achieve the timely and cost effective installation of electric vehicle charging stations, as required by Government Code Section 65850.7, and as may be amended from time to time.

Sec. 10.34.020. - Definitions.

The following definitions shall govern the meaning of words and phrases used in this chapter:

- (a) *Application checklist* shall mean the rules, regulations, guidelines, and checklist adopted by resolution of the City Council that set forth implementing and additional requirements for electric vehicle charging stations consistent with Government Code Section 65850.7, including any non-substantive and clarifying revisions to the same, which may be adopted administratively by the Building Official from time to time.
- (b) *Building Official* shall mean the City’s Building Official or his or her designee.

(c) *Electric vehicle charging station* shall have the same meaning as the term is defined in subsection (i)(3) of Government Code Section 65850.7, as amended from time to time or replaced by a successor statute.

(d) *Electronic submittal* shall have the same meaning as the term is defined in subsection (i)(2) of Government Code Section 65850.7, as amended from time to time or replaced by a successor statute.

(e) *EVCS permit* shall mean a particularized building permit for the erection, construction, installation, alteration, or replacement of an electric vehicle charging station.

(f) *Feasible method to satisfactorily mitigate or avoid the specific, adverse impact* shall have the same meaning as the term is defined in subsection (i)(1) of Government Code Section 65850.7, as amended from time to time or replaced by a successor statute.

(g) *Specific, adverse impact* shall have the same meaning as the term is defined in subsection (i)(4) of Government Code Section 65850.7, as amended from time to time or replaced by a successor statute.

Sec. 10.34.030. - Applicability.

(a) This chapter applies to the permitting of all electric vehicle charging stations within the City.

(b) All electric vehicle charging stations shall require an EVCS permit issued in accordance with the provisions of this chapter. It shall be unlawful for any person to erect, construct, install, alter, or replace an electric vehicle charging station without a required permit being secured from the Building Official by the owner or owner's agent.

(c) Any electric vehicle charging station established or permitted prior to the effective date of this chapter shall not require an EVCS permit, unless physical modifications or alterations are undertaken that materially change the type, size, components, capacity, or dimensions of the electric vehicle charging station. Routine operation and maintenance, or like-kind replacements of components in the normal course of usage, shall not be considered a material change.

Sec. 10.34.040. - Application; documents and requirements.

(a) All documents required for the submission of an EVCS permit application shall be made available on the City's website. The applicant may submit the permit application and associated documentation to the City in-person or by electronic submittal, together with any required permit processing and inspection fees. For electronic submittal, the City shall accept an electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant to the extent permitted by law and to the extent such electronic submittal complies with the requirements set forth in this chapter and the application checklist.

(b) Any electric vehicle charging station erected, constructed, installed, altered, or replaced shall comply with all provisions of applicable health and safety standards and requirements of local, state, and federal law, including the Laguna Woods Municipal Code.

(c) Any electric vehicle charging station erected, constructed, installed, altered, or replaced shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

Sec. 10.34.050. - Review and approval.

(a) The Building Official shall implement an administrative review process to expedite review and approval of applications for EVCS permits. The Building Official's review shall be limited to the compliance of the electric vehicle charging station with local, state, and federal health and safety requirements, and the mitigation or elimination of any specific, adverse impact upon public health or safety. Where an application meets the requirements of this chapter and the application checklist, and where there are no specific, adverse impacts upon public health or safety, the Building Official shall deem the application complete and issue the permit, which shall be non-discretionary. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(b) In the event that the Building Official finds a specific, adverse impact upon public health and safety, the applicant for the EVCS permit may be required to pursue a discretionary use permit under Section 13.24.020 of this Code. Such use permit review shall be limited, however, to the compliance of the electric vehicle charging station with local, state, and federal health and safety requirements, and the mitigation or elimination of any specific, adverse impact upon public health or safety. Any condition imposed on an applicant for an EVCS permit shall be designed to implement feasible mitigation to eliminate or materially reduce the specific, adverse impact at the lowest cost possible. A use permit shall not be denied unless written findings are made based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(c) The decision of the Building Official pursuant to subsections (a) and (b) above may be appealed to the Planning Commission in accordance with the procedure set forth in Section 13.24.050 of this Code.

Sec. 10.34.060. - Approval by association not required.

The City shall not condition approval for any electric vehicle charging station permit on the approval of the system by an “association,” as that term is defined in the Civil Code Section 4080. Notwithstanding the foregoing, applicants for City approval of electric vehicle charging stations should be aware that the City will require association approval when the association owns the property on which the electric vehicle charging station will be located, and that association approval may be separately required by the association under the circumstances set forth in the Civil Code Section 714.1 (e.g., the electric vehicle charging station will be located in a “common area,” as defined in the Civil Code sections 4095 or 6532, or the electric vehicle charging station will be located on another person’s “separate interest,” as defined in the Civil Code sections 4185 or 6564). It is the applicant’s responsibility to determine whether an association’s approval is required for an electric vehicle charging station and, if so, to comply with any and all association approval requirements.



APPLICATION CHECKLIST FOR EXPEDITED PROCESSING OF PERMITS FOR ELECTRIC VEHICLE CHARGING STATIONS

City of Laguna Woods
Planning & Environmental Services Department
24264 El Toro Road, Laguna Woods, CA 92637
Ph: (949) 639-0500 Fax: (949) 639-0591
www.cityoflagunawoods.org

INTRODUCTION. To be eligible for expedited permit processing pursuant to Chapter 10.34 of the Laguna Woods Municipal Code, applicants for electric vehicle charging stations must follow this Application Checklist (“Checklist”)¹. An application that provides all of the information required by this Checklist, as determined by the City, shall be deemed complete and shall be processed as expeditiously as practicable. For additional information, please contact the City’s Planning & Environmental Services Department during business hours: Monday through Friday, from 8:00 a.m. to 5:00 p.m.

Please be advised that the information provided in this document is general and intended to be used as a guide only. Each project is unique and the City may enforce additional requirements, as necessary.

ELECTRONIC SUBMITTAL. Applicants may also choose to submit application materials electronically, via email. For assistance, please contact the City’s Planning & Environmental Services Department.

I. GENERAL REQUIREMENTS

The term “electric vehicle charging station” is defined in Subsection (i)(3) of Section 65850.7(i)(3) of California Government Code, as amended from time to time or replaced by a successor statute. To qualify as an “electric vehicle charging station,” electric vehicle supply equipment must meet all of the following requirements:

- A. The electric vehicle charging station would be designed and built in compliance with Article 625 of the California Electrical Code. ☐ Yes ☐ No
- B. The electric vehicle charging station would deliver electricity from a source outside an electric vehicle into a plug-in electric vehicle. ☐ Yes ☐ No

II. PERMITTING CHECKLIST

	Residential	Non-Residential
Phase 1 Pre-Work Contractor	✓ Understands intended use of the EVSE (i.e. personal)	✓ Obtain an address for the location ✓ Determine the ownership of the site and/or authorization to install equipment at site ✓ Understands intended use of the EVSE (i.e., fleet, employee, customer, visitor, etc.)

¹ If Chapter 10.34 of the Laguna Woods Municipal Code is amended or renumbered subsequent to the City Council’s adoption of this Checklist, those amendments may be incorporated into this Checklist administratively without the need for City Council approval. In addition, the Building Official may from time to time amend this Checklist pursuant to his or her authority under Chapter 10.34 of the Laguna Woods Municipal Code.

ITEM 8.4 – Attachment B

		✓ Determine number of vehicles charging and connectors per charging station ✓ Determine source of power and authorization to use source
Phase 2 Pre-Work Customer	✓ Determine type of vehicle(s) to be charged at EVSE ✓ Evaluate mounting type options (i.e., bollard, pole-mount, wall-mount, ceiling-mount) ✓ Clarify communication requirements (i.e., Ethernet, cellular, Wi-Fi, none or other) ✓ Determine the NEMA Enclosure type ✓ Determine the physical dimensions of the space(s) ✓ Inspect the type of circuit breaker panel board intended for the installation	
Phase 3 On-Site Evaluation	✓ Identify incentives or rate structures through the utility ✓ Determine size of electrical service at the site ✓ Identify and contact applicable local permit office(s) to identify specific requirements, including local fire, environmental, construction, building, concealment and engineering requirements ✓ Identify incentives available through local, state or federal programs ✓ Contact insurance company to acquire additional insurance or separate coverage as needed ✓ Hire the contractor and verify credentials with all subcontractors; ensure electrical contractor's license for electrical work is current	
Phase 4 On-Site Survey	✓ Ensure overhead doors and vehicle parking spot do not conflict with EVSE location ✓ Place EVSE in a location convenient to charging port on vehicle and typical orientation of the vehicle in garage (i.e., backed in or head-first) ✓ Ensure functionality of lighting in the garage to meet NEC code 210-70	✓ Space(s) should be visible to drivers and pedestrians ✓ Determine proximity to building entrance (could be considered an incentive for PEV use) ✓ Select spaces proximate to existing transformer or panel with sufficient electrical capacity ✓ EVSE installation should maintain a minimum parking space length to comply with local zoning requirements ✓ If available, use wider spaces to reduce the risk of cord damage and minimize the intersection of cords with walking paths

ITEM 8.4 – Attachment B

		✓ Ensure sufficient lighting at proposed space(s) to reduce the risk of tripping and damage to charging station from vehicle impact or vandalism; light levels above two foot candles are recommended ✓ Address accessibility requirements (refer to the Plug-In Electric Vehicle Infrastructure and Equipment Accessibility section of the Guidebook for more information) ✓ Determine availability of space for informative signing ✓ EVSE with multiple cords should be placed to avoid crossing other parking spaces ✓ All available charging station mounting options should be considered and optimized for the space ✓ Determine if hazardous materials were located at the site PARKING DECKS ✓ Place EVSE towards the interior of a parking deck to avoid weather-related impacts on equipment PARKING LOTS ✓ Avoid existing infrastructure and landscaping to mitigate costs, potential hazards and other negative impacts ON-STREET ✓ Install on streets with high foot and vehicle traffic to mitigate vandalism ✓ Avoid existing infrastructure to mitigate costs, potential hazards and other negative impacts ✓ Address accessibility requirements (refer to the Plug-In Electric Vehicle Infrastructure and Equipment Accessibility section of the Guidebook for more information) ✓ For pull-in spaces, EVSE should be placed in front of the space and either centered on the space if placed between two spaces (if two connectors are available); EVSE with more than two connectors should not be used in on-street applications ✓ For parallel parking locations, the charging station should be installed at the front third of the parked vehicle and based on the direction of traffic flow; EVSE with a single connector is recommended to reduce potential trip hazards
	✓ Mount the connector at a height between 36" and 48" from the ground (NEC 625.29) unless otherwise indicated by the manufacturer	

ITEM 8.4 – Attachment B

	✓ Install wall or pole-mount stations and enclosures at a height between 36" and 48" ✓ Ensure sufficient space exists around electrical equipment for safe operation and maintenance (NEC 110.26); recommended space is 30" wide, 3' deep and 6'6" high ✓ Minimize tripping hazards and utilize cord management technologies when possible ✓ Equipment operating above 50 volts must be protected against physical damage (NEC 110.27); ensure the vehicle is out of the line of vehicle travel and use wheel stops or other protective measures ✓ EVSE must be located such that ADA routes maintain a pathway of 36" at all times	
Phase 4 Contractor Installation Preparation	✓ Price quote submitted to customer and approved including utility upgrades ✓ Order equipment ✓ Provide stamped engineering calculations as needed ✓ Provide site plan modification with diagrams as necessary ✓ Complete all necessary service upgrades and/or new service assessments ✓ Complete permit applications as required by local permitting department ✓ Ensure permit is approved and collected ✓ Schedule all necessary contract work (i.e., boring, concrete and/or paving restoration) and utility work (i.e., utility marking, service upgrade, new service and/or meter pull) ✓ Ensure utility marking of existing power lines, gas lines or other infrastructure is completed and utilize "call before you dig" services	
Phase 5 Installation	✓ Residential garages may permit the use of nonmetallic-sheathed cable in lieu of conduit	✓ Run conduit from power source to station location ✓ For EVSE greater than 60 amperes, a separate disconnect is required (NEC 625.23) and should be installed concurrently with conduit and visible from the EVSE
	✓ Post permit at site in visible location ✓ Remove material to run conduit and/or wiring (i.e., drywall, insulation, pavers, concrete, pavement, earth, etc. ✓ Contractors are encouraged to examine requirement for installation sites and types of wiring in Chapter 3 of the NEC ✓ Pull wiring; charging stations require a neutral line and a ground line and equipment is considered to be a continuous load ✓ Conductors should be sized to support 125% of the rated equipment load (NEC 625.21) ✓ Preparing mounting surface and install per equipment manufacturer instructions ✓ Floor-mount: typically requires a concrete foundation with J-bolts on station base; place with space to allow conductors to enter through the base ✓ Wall/pole/ceiling-mount: install brackets for mounting of the equipment ✓ Install bollard(s) and/or wheel stop(s) as needed ✓ Install informative signage to identify the EVSE and potential trip hazards ✓ Install additional electrical panels or subpanels as needed ✓ Install service upgrades, new service and/or new meter as needed; utility may also pull a meter to allow for charging station wires to be connected to a panel ✓ Make electrical connection ✓ Perform finish work to repair existing infrastructure, surfaces and landscaping	
Phase 6 Inspection	✓ An initial electrical inspection by applicable building, fire, environmental and electrical authorities should occur after conduit has been run and prior to connecting equipment and running wires; if necessary, contractor should correct any issues and schedule a second rough inspection	

	✓ If required, the inspector will perform a final inspection to ensure compliance with NEC and other codes adopted within the jurisdiction by inspecting wiring, connections, mounting and finish work ✓ Contractor should verify EVSE functionality
Additional Resources	✓ National Codes and Standards ✓ American National Standards Institute (ANSI) ✓ National Fire Protection Association (NFPA) ✓ Underwriters Laboratories, Inc. (UL) ✓ International Association of Electrical Inspectors (IAEI) ✓ International Code Council (ICC) ✓ NECA-NEIS Standards ✓ NECA and NFPA Webinars ✓ Electrical Vehicle Infrastructure Training Program (EVITP) Installer Training Course/Certification

III. SUBMITTAL REQUIREMENTS

Applicants must submit all of the following items prior to obtaining permits:

1. City Building Permit Application Form (with required fees)
2. Plans with the following minimum information:
 - ☐ Property Information: Address of the property; name, address, and telephone number of the property owner; occupancy type; and, description of the scope of work
 - ☐ Site plans showing the current and proposed locations of the building, street, electric vehicle charging stations, electric service meters, conduit location, and disconnects
 - ☐ A single line diagram must be included in the submittal with the following information:
 - ☐ Conductor types and sizes
 - ☐ Size of the over current device (circuit breaker) supplying the charging station
 - ☐ Conduit size, type, and location
 - ☐ Manufacturer and model of the charging station
 - ☐ Size of the main electric panel, distribution panels (sub panels), and disconnects.
 - ☐ Type of the charging station (Level 1, 2, or 3)
 - ☐ Electrical Load Calculation Sheet: Provide size of the existing electrical panel, existing load on the panel, and proposed load/circuits from the electric vehicle charging system, in order to determine if there is adequate capacity in the existing panel (CEC 220)
 - ☐ Detail for post/bollard installations where protection of electrical equipment is required (CEC 110.27)
3. Manufacturer's installation instructions and specifications for the electric vehicle charging station

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8.5

WIRELESS FACILITIES REGULATIONS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 20, 2017 Regular Meeting

SUBJECT: Wireless Facilities Regulations

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

Background

Section 13.26.210 of the Laguna Woods Municipal Code contains regulations related to the design and location of wireless communication facilities. Those regulations were last amended earlier this calendar year.

On August 16, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would amend Section 13.26.210 of the Laguna Woods Municipal Code related to the installation and modification of wireless facilities.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed wireless facilities regulations (Attachment A). Staff recommends

that the City Council adopt the proposed ordinance, in order to add additional flexibility for the City to permit new wireless facilities in a manner that would reduce visual obtrusiveness in the surrounding area (see pages 1, 9, and 10 of Exhibit A to Attachment A for the amendments proposed to the existing regulations). Doing so would help to protect local interests.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

This project has no possibility of directly impacting the environment, nor is it reasonably foreseeable that the adoption of this ordinance will have indirect impacts on the environment. Therefore, the adoption of this ordinance is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Furthermore, even if CEQA did apply, this project would be categorically exempt under sections 15303 (New Construction or Conversion of Small Structures), 153011 (Accessory Structures), and 15322 (In-Fill Development Projects) of Title 14 of the California Code of Regulations.

Fiscal Impact

Funds to support this project are included in the City's budget.

Attachment: A – Proposed Ordinance
Exhibit A – Code Amendment Text

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

WHEREAS, wireless facilities regulations are codified, in part, at Section 13.26.210 of the Laguna Woods Municipal Code; and

WHEREAS, staff has recommended amendments to the existing wireless facilities regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would add additional flexibility for the City to permit new Wireless Facilities in a manner that would reduce visual obtrusiveness in the surrounding area; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on August 16, 2017, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that there is no possibility that the Code Amendments could

have a significant effect on the environment. Accordingly, pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, the City Council certifies that the Code Amendments are not subject to CEQA. The City Council further determines and certifies that, even if the Code Amendments were subject to CEQA, they are categorically exempt from the requirements of CEQA pursuant to sections 15303 (New Construction or Conversion of Small Structures), 15311 (Accessory Structures), and 15332 (In-Fill Development Projects) of Title 14 of the California Code of Regulations.

SECTION 3. Section 13.26.210 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 17-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2017 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

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EXHIBIT A
CODE AMENDMENTS

Section 13.26.210 (“Wireless communication facilities”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 13.26.210. - Wireless ~~F~~facilities.

(a) *Purpose and intent.* The purpose of these requirements and guidelines is:

- (1) To regulate the location and design of Wireless Facilities as defined herein to facilitate the orderly deployment and development of wireless communications services in the City;
- (2) To ensure the design and location of Wireless Facilities are consistent with policies of the City previously adopted to guide the orderly development of the City;
- (3) To promote the public health, safety, comfort, convenience, quality of life and general welfare of the City’s residents;
- (4) To protect property values and enhance aesthetic appearance of the City by maintaining architectural and structural integrity;
- (5) To protect views from obtrusive and unsightly accessory uses and facilities; and
- (6) To ensure the City’s requirements and guidelines for Wireless Facilities are consistent with state and federal law, including without limitation, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)) and its implementing regulations (set forth in 47 C.F.R. § 1.40001), Section 332(c) of the Communications Act of 1934 (codified at 47 U.S.C. § 332), and California Assembly Bill No. 57 (“AB 57”), effective January 1, 2016 (codified at Gov. Code § 65964.1).

(b) *Scope.* This Section does not intend to, and shall not be interpreted to apply to:

- (1) Prohibit or effectively prohibit Personal Wireless Services; or

(2) Unreasonably discriminate among providers of functionally equivalent Personal Wireless Services; or

(3) Regulate the installation, operation, Collocation, modification or removal of Wireless Facilities on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or

(4) Prohibit or effectively prohibit any Collocation or modification that the City may not deny under California or federal law; or

(5) Preempt any applicable state or federal law.

(c) *Implementing Policies and Procedures.* The Director may adopt such policies and procedures as he or she deems necessary to implement the requirements of this Section, or to otherwise preserve and maintain the public health, safety, welfare, and convenience, provided such policies and procedures are consistent with this Section and not in conflict with all applicable state and federal laws.

(d) *Definitions.* For purposes of this Section only, the following words, phrases, and terms as used in this Section shall have the meaning as indicated below. The “definitions” and “general rules for construction of language” set forth in Section 13.06.010 of this Code shall also apply to this Section.

(1) *Applicant:* any Person submitting an Application for a Permit.

(2) *Application:* an application for a Permit.

(3) *Base Station:* has the same meaning as the term is defined in 47 C.F.R. § 1.40001(b)(1), as amended from time to time or replaced by a successor regulation.

(4) *Collocation:* has the same meaning as the term is defined in 47 C.F.R. § 1.40001(b)(2), as amended from time to time or replaced by a successor regulation.

(5) *CPUC:* the California Public Utilities Commission.

(6) *Department:* the City’s Community Development Department.

(7) *Director:* the City Manager or his or her designee.

(8) *Eligible Facilities Request*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(3), as amended from time to time or replaced by a successor regulation.

(9) *Eligible Facility Request Permit* or *EFR Permit*: a permit issued pursuant to this Section authorizing a Eligible Facilities Request.

(10) *Eligible Support Structure*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(4), as amended from time to time or replaced by a successor regulation.

(11) *Existing*: only when capitalized, has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(5), as amended from time to time or replaced by a successor regulation.

(12) *FCC*: the Federal Communications Commission.

(13) *Historic Resource*: Any building, site, structure, object, or district, which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and is listed or eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historical resources, including without limitation, any historically or architecturally significant, decorative, or specially designed utility, transit, or street light pole located in the public right-of-way.

(14) *Historic Protected Location*:

a. Any site that has a Historic Resource or is in the Immediate Vicinity of a Historic Resource; or

b. Any eligible national register historic district, listed or eligible California register historic district, or local historic or conservation district.

(15) *Immediate Vicinity*: only when capitalized, “Immediate Vicinity” shall mean within two hundred (200) feet of the property lines surrounding a Historic Resource, Park, Residence or public right-of-way.

(16) *Over-the-Air Reception Devices* or *OTARDs*: any antennae or mast listed in 47 C.F.R. § 1.4000(a)(i)-(iv), as amended from time to time or replaced with a successor regulation.

- (17) *Park*: any public park located in the City.
- (18) *Park Protected Location*: any site that is a Park or is in the Immediate Vicinity of a Park.
- (19) *Permit*: a Wireless Use Permit or an Eligible Facility Request Permit.
- (20) *Permittee*: a Person issued a Permit.
- (21) *Person*: any individual, group, company, partnership, association, joint stock company, trust, corporation, society, syndicate, club, business, or governmental entity. "Person" shall not include the City.
- (22) *Personal Wireless Service*: shall have the same meaning as the term is defined in 42 U.S.C. § 332(c)(7)(C)(i), as amended from time to time or replaced by a successor statute.
- (23) *Protected Location*: a Historic Protected Location, Park Protected Location, or Residential Protected Location.
- (24) *Replace*: only when capitalized, "Replace" means to remove previously permitted equipment and install new equipment at a permitted Wireless Facility that is identical in size or smaller than the previously permitted equipment.
- (25) *Residence*: any structure intended for lawful use as a dwelling, including single-family attached and detached homes and multiple-family structures.
- (26) *Residential Protected Location*: any site that has a Residence or is in the Immediate Vicinity of a Residence.
- (27) *Reviewing Authority*:
- a. For requests for an Eligible Facility Request Permit, the "Reviewing Authority" is the Director.
 - b. For requests that require a Wireless Use Permit and appeals of any decision of the Director, the "Reviewing Authority" is the City Council.

(28) *Section 6409(a)*: Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)) and its implementing regulations (codified at 47 C.F.R. § 1.40001), as that statute and those regulations are amended from time to time or replaced with a successor statute or regulation.

(29) *Site*: only when capitalized, “Site” has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(6), as amended from time to time or replaced by a successor regulation.

(30) *Substantial Change or Substantially Change*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(7), as amended from time to time or replaced by a successor regulation.

(31) *Tower*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(9), as amended from time to time or replaced by a successor regulation.

(32) *Transmission Equipment*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(8), as amended from time to time or replaced by a successor regulation.

(33) *Unprotected Location*: means a site that is not a Historic Protected Location, Park Protected Location, nor a Residential Protected Location.

(34) *Wireless Facility*: has the same meaning as the term “personal wireless service facilities” is defined by 47 U.S.C. § 332(c)(7)(C)(ii), as amended from time to time or replaced by a successor statute. The term “Wireless Facility” also includes any Base Station, Tower or Transmission Equipment.

(35) *Wireless Use Permit*: a permit issued pursuant to this Section authorizing a Permittee to construct, install, and maintain a Wireless Facility.

(e) *Applicability; Exemptions.*

(1) *Applicability*. This Section applies to all new Wireless Facilities and all modifications to Existing Wireless Facilities unless the Wireless Facility qualifies for an exemption under state or federal law or subsection (e)(2) below.

(2) *Exemptions.* In addition to any exemptions provided by state or federal law, this Section does not apply to:

- a. Amateur radio facilities;
- b. Antennas for OTARDs; or
- c. Wireless Facilities owned and operated by the City for its use.

(f) *Development Requirements.* Wireless Facilities shall comply with each of the following requirements.

(1) *Signage.* A Wireless Facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage that are required by governmental agencies acting in their regulatory capacity.

(2) *Screening and Camouflage.*

a. Any and all Transmission Equipment shall be located within a building, an enclosure, or an underground vault in a manner that complies with the development standards of the zoning district in which such Transmission Equipment is located. In addition, if Transmission Equipment is located above ground, it shall be visually compatible with the surrounding buildings and either shrouded by sufficient landscaping to screen the Transmission Equipment from view, or designed to match the architecture of adjacent buildings. If Transmission Equipment will be visible from a Protected Location or a public street, the Applicant shall provide a solid masonry block wall, or another material that is acceptable to the Reviewing Authority, that will screen the Transmission Equipment from the Protected Location or public street. If no recent and/or reasonable architectural theme is present, the Reviewing Authority may require a particular design that is deemed suitable to the subject location.

b. All screening used in connection with a wall mounted and/or roof mounted Wireless Facility shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached.

c. A Wireless Facility's exterior finish shall be comprised of nonreflective material(s) and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings, structures, or environments.

d. A roof mounted Wireless Facility that extends above the existing parapet of the building on which it is mounted shall be screened by a material and in a manner that is compatible with the existing design and architecture of the building to the satisfaction of the Reviewing Authority.

e. A roof mounted Wireless Facility requiring the placement of any guy wires, supporting structures, or accessory equipment shall be located and designed so as to minimize the visual impact as viewed from surrounding properties and public rights-of-way, including any public views from higher elevations.

(3) *Illumination.* Wireless Facilities may not be illuminated unless specifically required by the Federal Aviation Administration ("FAA") or other governmental agencies acting in their regulatory capacity.

(4) *Consent to Collocation.* The Permittee and the property owner, if different from the Permittee, shall consent to future Collocation of other Wireless Facilities on or with the Permittee's Wireless Facility, unless such Collocation is technically infeasible; provided however, this requirement shall not be construed to encourage the installation of a larger Wireless Facility (such as a Tower) where a smaller and more discrete Wireless Facility (such as a distributed antennae system or "DAS") would be sufficient to meet the Personal Wireless Service needs of the community.

(5) *Setbacks.* A Wireless Facility shall be considered an accessory structure for the purpose of determining applicable setback requirements. If the Wireless Facility is located in a residential zoning district or a Protected Residential Location, then the Wireless Facility shall comply with the setback requirements for the nearest residential zoning district. In all other instances, the Wireless Facility shall comply with the applicable setback requirements for the zoning district in which it is located.

(6) *Height.* A Wireless Facility shall not exceed the maximum building height for the zoning district in which it is located; provided however:

a. A roof mounted Wireless Facility may exceed the height of the structure on which it is mounted by up to fifteen (15) feet if the Applicant demonstrates to the Reviewing Authority's satisfaction that: (i) the extended height is technically necessary for operation of the Facility, (ii) the Facility is Collocated, or contains adequate space suitable for future Collocation, and the extended height is necessary for such Collocation, and (iii) the extended height is otherwise consistent with the requirements set forth in this Section;

b. A utility mounted Wireless Facility may exceed the height of the structure on which it is mounted by up to four (4) feet if the Applicant demonstrates to the Reviewing Authority's satisfaction that the extended height: (i) is technically necessary for operation of the Wireless Facility, and (ii) is otherwise consistent with the requirements set forth in this Section; and

c. A ground mounted Wireless Facility may exceed the maximum building height for the zoning district in which it is located if: (i) the Applicant demonstrates to the Reviewing Authority's satisfaction that exceeding the height limitation is technically necessary for operation of the Wireless Facility; (ii) the Wireless Facility is Collocated, or contains adequate space suitable for future Collocation, and the extended height is necessary for such Collocation, and (iii) the extended height is otherwise consistent with the requirements set forth in this Section.

(7) *Horizontal Protrusion.*

a. No portion of a Wireless Facility may protrude beyond property lines or into any portion of property where such Wireless Facility is not itself permitted (such as in a required setback); provided, however, the Reviewing Authority may approve the location of guy wires in a required setback if the Applicant demonstrates to the Reviewing Authority's satisfaction that such approval is technically necessary for the operation of the Wireless Facility and otherwise consistent with the requirements set forth in this Section.

b. A utility mounted Wireless Facility shall not protrude horizontally from the side(s) of the structure on which it is mounted

by more than eighteen (18) inches; provided however, the Wireless Facility may exceed the protrusion requirement if the Applicant demonstrates to the Reviewing Authority's satisfaction that the extended protrusion is technically necessary for operation of the Facility.

(8) *Location and Siting.*

a. Unless specifically exempt by federal law, state law or this Section, the following types of Wireless Facilities are prohibited in Historic Protected Locations:

1. Ground mounted Wireless Facilities; and

2. Wall mounted, utility mounted, or roof mounted Wireless Facilities that: (i) are not screened by solid material on four sides; (ii) are not architecturally compatible with surrounding land uses; and (iii) exceed the maximum height of the applicable zoning district in which the Wireless Facility is located. For the purposes of determining such maximum height, no additional height that may be otherwise permissible under subsection (f)(6) above shall be considered.

b. A new Wireless Facility shall not be located within 1,500 feet of any existing Wireless Facility unless:

1. The new Wireless Facility is wall mounted, utility mounted, or roof mounted and: (i) is screened by solid material on four sides; (ii) is architecturally compatible with surrounding land uses; and (iii) does not exceed the maximum height of the applicable zoning district in which the Facility is located. For the purposes of determining such maximum height, no additional height that may be otherwise permissible under subsection (f)(6) above shall be considered; ~~or~~

2. The Reviewing Authority determines that: (i) the Applicant has demonstrated to the Reviewing Authority's satisfaction that a shorter distance between the new and existing Wireless Facilities is technically necessary, (ii) the area served by the new Wireless Facility could not be served by one or more Wireless Facilities that meet the criteria set forth in subsection "1" above, (iii) the selected Site would result in less

visual obtrusiveness in the surrounding area, and (iv) the new and existing Wireless Facilities are not located within 500 feet of each other; or

3. The Reviewing Authority determines that the installation of the new Wireless Facility would result in less visual obtrusiveness in the surrounding area as compared to otherwise available Collocations located within 1,500 feet of the existing Wireless Facility.

c. A ground mounted Wireless Facility:

1. Shall not be located in any required setback;

2. Shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area, or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area; and

3. To the extent possible, shall be located in close proximity to existing above ground utilities, such as electrical towers or utility poles (not scheduled for removal or undergrounding within eighteen (18) months of the date the Application is deemed complete), light poles, trees of comparable height, water tanks and other areas where the Wireless Facility will not detract from the image or appearance of the City.

d. *City-Owned Property and Public Right-of-Way.*

1. The City Council may approve by resolution, following a duly noticed public hearing, a list of sites located on City-owned property or within the public right-of-way that are pre-approved for Wireless Facilities. Each site shall include a description of permissible development and design characteristics of the permissible types of Wireless Facility, including but not limited to maximum height requirements. The City shall make such resolution available to all persons upon request. The City Council may subsequently amend the list of preapproved sites or Wireless Facilities by resolution from time to time. Wireless Facilities on preapproved sites require an Eligible Facilities Request Permit or a Wireless Use Permit, as

applicable, and must otherwise comply with the Laguna Woods Municipal Code.

2. Unless otherwise exempt by federal or state law, Wireless Facilities on City-owned property or in the public right-of-way require a written lease agreement, license, or other agreement acceptable to the City Attorney's Office between the City and the operator of the Wireless Facility. The existence of a lease agreement, license, or similar agreement shall not relieve the operator of any obligations to obtain appropriate Permits for the Wireless Facility or otherwise comply with the Laguna Woods Municipal Code.

3. All lease agreements, licenses, or similar agreements for Wireless Facilities on City-owned property or in the public right-of-way shall be nonexclusive. To the extent technically feasible, the operator of a Wireless Facility located on City-owned property or in the public right-of-way shall make the supporting structure of the Facility available to any other Applicant wishing to Collocate.

(9) *Safety and Security.*

a. A ground mounted Wireless Facility shall be secured from access by the general public with a fence or other form or screening of a type and dimensions approved by the Reviewing Authority.

b. A ground mounted Wireless Facility shall be covered with a clear anti-graffiti material of a type approved by the Reviewing Authority. The Reviewing Authority may waive this requirement if the Applicant demonstrates to the satisfaction of the Reviewing Authority that there is adequate other security around the Wireless Facility to prevent graffiti.

(10) *Backup Power Requirement.*

a. This provision shall only apply to applications for the construction of new ground-mounted Wireless Facilities, or modification to a preexisting ground-mounted Wireless Facility, that require the issuance of a Wireless Use Permit.

b. All construction of new ground-mounted Wireless Facilities, or modification to an existing ground-mounted Wireless Facility, that require the issuance of a Wireless User Permit, shall be required to install and maintain an on-site backup generator, or similar on-site energy source, that is of sufficient capacity and maintained in such condition as to be readily capable of powering all of the equipment located on said Wireless Facility so as to allow the Wireless Facility to continue to function for a period of not less than 24 hours of continuous use when regular energy systems as provided by the local utility company to the subject Wireless Facility are inoperable, interrupted, or otherwise experiencing shortages.

c. Other Standards.

1. *Number.* More than one on-site backup generator or similar on-site energy source may be installed to serve a single ground-mounted Wireless Facility in order to meet the requirements of this section.

2. *Aesthetics.* On-site backup generators and similar on-site energy sources shall be architecturally integrated into one or more concealing structures or otherwise screened from view from public right-of-way and residential properties by topography, plantings, walls, or fencing.

3. *Noise.* On-site backup generators and similar on-site energy sources shall be installed and operated in a manner that results in compliance with the noise standards set forth in this Code.

4. *Water Quality.* On-site backup generators and similar on-site energy sources shall be installed in a manner that results in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements and water quality-related best management practices, as may be required at the City's discretion.

5. *Limitations on Operation.* In order to control noise and minimize operational impacts, on-site backup generators and similar on-site energy sources shall only be operated when regular energy systems as provided by the local utility company

to the subject automobile service station are inoperable, interrupted, or otherwise experiencing shortages.

d. *Permitting.* To the greatest extent authorized by state and federal law, the installation of on-site backup generators, or similar on-site energy sources, shall be included as a condition of approval for the conditional use permit sought from the City, or as a site development permit when no conditional use permit is required. The applicant shall be responsible for determining whether additional permits or approvals are required from the City, Orange County Fire Authority, South Coast Air Quality Management District, and other regulatory agencies.

e. *Submittals.* The City may require such submittals and fees as are reasonably necessary to implement and enforce this section including, but not limited to, site plans, visual renderings, and reports from qualified professionals to substantiate the demand and power-generating adequacy of the on-site backup generator or similar on-site energy source.

(g) *Types of Permits Required.*

(1) *Wireless Use Permit.* Unless specifically exempt by federal law, state law or this Section, all new Wireless Facilities and modifications or Collocations to existing Wireless Facilities that do not qualify as an Eligible Facilities Request require a Wireless Use Permit.

(2) *Eligible Facility Request Permit.* Unless specifically exempt by federal law, state law or this Section, all Eligible Facilities Requests require an Eligible Facilities Request Permit.

(h) *Applications; Fees; Deposits.*

(1) *Contents of Application.* Except as set forth in subsections “m” and “n” below, Applications for a Permit must include all of the following:

a. *Use Permit Application Materials.* Any and all materials required for a “Use Permit” under Chapter 13.24 of this Code, including a fully completed and executed form application required by Section 13.24.030(a) of this Code, as may be amended from time-to-time or replaced by a successor ordinance. Unless otherwise exempt under either federal or state law, if the proposed

Wireless Facility is to be located on a City-held easement or right-of-way, on City-owned property, or on a City-owned building or structure, the form application must be signed by an authorized representative of the City. The form application must state what approval is being sought (*i.e.*, a Wireless Use Permit or an Eligible Facility Request Permit).

b. *Required Licenses or Approvals.* Evidence that the Applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide Personal Wireless Services utilizing the proposed Wireless Facility. Furthermore, the Applicant is required to provide any other evidence that it possesses the required licenses and approvals to provide Personal Wireless Services within the City.

c. *Prior Approvals.* For proposed modifications to Existing Wireless Facilities, the Applicant must provide copies of the approved plans, photo simulations, staff report/resolution, and/or approval letters from the original discretionary approval(s) along with the most recent discretionary approval(s) for the Existing Wireless Facility. Notwithstanding the foregoing, this requirement can be independently waived by the City to the extent the required approvals are in the City's possession.

d. *Carriers.* For modifications to Existing Wireless Facilities, the Application must identify all carriers currently using the Wireless Facility. For all proposed Wireless Facilities, the Application must identify all carriers that will use the Facility if the Permit is approved (if known).

e. *Plans.* Three (3) full-size construction-ready plans of the proposed Wireless Facility with an exact PDF copy on compact disk, wet stamped by a professional engineer, showing the entire proposed Wireless Facility and any appurtenant structures, including, where applicable, any required on-site backup generator, or similar on-site energy source, in plan and elevation views, all proposed changes in plan and elevation views, and all utility runs and points of contact. These plans must be drawn at 1" = 20' or a comparable scale and contain all of the following information:

ITEM 8.5 – Exhibit A to Attachment A

1. Location, type, dimensions, height, number, color and technical specifications of any proposed antennas.

2. Location, type, dimensions, gross floor area, height, materials and color of proposed equipment structure. Location of exhaust ports or outlets.

3. Location of existing and proposed power, telephone and other utilities serving the site.

4. Specific landscape, screening and fencing materials. Landscape plans shall include size, species, location, distance apart, plus irrigation and maintenance plans. For applications that will require compliance with Section 4.28 of the Laguna Woods Municipal Code, this particular requirement must be satisfied by providing the landscape documentation package required under that Section.

5. Proposed setbacks from property lines, nearest Residence and residentially zoned properties.

6. Location of adjacent roadways and proposed means of access.

7. Location and extent of any streams, wetlands, or landslide hazard areas on or within 100 feet of the underlying property.

8. Lot size and lot coverage calculations for the underlying property.

f. *Drawings/Simulations.* Where applicable, the Applicant must provide all of the following:

1. Two (2) color copies of photographs of the existing site conditions.

2. Two (2) color copies of photo simulations showing the proposed changes to the site.

3. Two (2) color copies of photo simulations of the proposed Wireless Facility from any Historic Resource(s),

Park(s), Residence(s), and public right(s)-of-way in the Immediate Vicinity of the Wireless Facility.

4. For modifications to Existing Wireless Facilities, dimensioned elevation drawings of the Existing Wireless Facility showing the existing and proposed antennas and equipment structures (at 1/8" = 1' or comparable scale).

g. *RF Exposure Compliance Report.* A radio frequency ("RF") report acceptable to the City prepared and certified by an RF engineer that certifies that the proposed Wireless Facility, as well as any collocated Wireless Facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the site of the proposed Wireless Facility.

h. *Environmental Review.* Additional information, such as engineer diagrams, site diagrams, plans, technical information, and any other information with respect to the potential visual, noise, public health, and safety impacts of the proposed Wireless Facility to permit the City to conduct a preliminary environmental review.

i. *Letter of Justification.* A letter of justification accompanied by written documentation that explains and validates the Applicant's efforts to develop the proposed Wireless Facility is in accordance with federal and state law, as well as this Section. The letter of justification shall also include: (i) a description of the technical objectives to be achieved; (ii) an annotated topographical map that identifies the targeted service area to be benefitted; (iii) the estimated number of potentially affected users in the targeted service area; and (iv) full-color signal propagation maps with objective units of signal strength measurement that show the Applicant's current service coverage levels from all adjacent sites without the proposed

site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. The letter of Justification shall include a written statement demonstrating how the proposed Wireless Facility complies with all federal guidelines regarding interference and American National Standards Institute (“ANSI”) standards applicable to the Facility, including but not limited to nonionizing electromagnetic radiation (“NIER”) standards, and stating that the proposed Wireless Facility will comply with all applicable federal and state laws, including specifically FCC and Federal Aviation Administration (“FAA”) regulations, and the City’s General Plan, this Code, and all City ordinances, resolutions and policies.

j. *Alternative Sites Analysis.* The Applicant must provide a list of all sites considered as alternatives to the location of the proposed Wireless Facility, together with a general description of the site design considered at each alternate site. The Applicant must also provide a written explanation for why the alternative sites considered were unacceptable or infeasible, unavailable or not as consistent with the development standards in this Section as the location of the proposed Wireless Facility. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons written explanation. If an Existing Wireless Facility is listed among the alternatives, the Applicant must specifically address why the modification of the Existing Wireless Facility is not a viable option. When an Applicant proposes a site in the public right-of-way, the initial alternative sites analysis required for a complete Application may evaluate other potential locations within the right-of-way.

k. *Exemptions.* Applications for an Eligible Facility Request Permit are exempt from the requirements set forth above for “Environmental Analysis”, “Letter of Justification” and “Alternative Site Analysis”, and subsections (c)(6) and (c)(7) of Section 13.24.030 of this Code (relating to properties within 300 feet of the site), as amended from time to time or replaced by a successor ordinance.

1. *Waivers.* The Director may waive one or more of the above-listed Application requirements only when: (i) the Applicant attends a pre-submittal consultation meeting with City staff for the proposed Wireless Facility, (ii) the Director finds that compliance with the Application requirement would create an unnecessary or unreasonable burden on the Applicant, and (iii) the Director memorializes the waiver and grounds therefor in a writing.

(2) *Filing Fee.*

a. A filing fee to defray the cost of processing and notification for each Application brought under this section shall be paid by the Applicant at the time the Application is accepted. Such fees shall be in accordance with the fee schedule currently in effect as adopted by resolution by the City Council.

b. Should the Applicant fail to provide the required filing fee, the City shall either (1) not accept the Application, or (2) deem and the Application incomplete.

c. The City may refund a filing fee in whole upon a determination that the application was erroneously required or filed. The City may refund a fee pro rata, based on the cost of processing the application, if the application is withdrawn prior to a decision thereon.

(3) *Future Application Developments and Modifications.* The City Council authorizes the Director to develop and make publicly available forms for Permit Applications and other materials specific for Wireless Facilities, and from time-to-time to update and amend such publicly available forms and materials as the Director deems appropriate.

(i) *Application Submittal and Resubmittal Meetings.*

(1) *Pre-Submittal Consultation Meeting.* Before submitting an Application for a Wireless Use Permit for a proposed Wireless Facility in a Protected Location or a public right-of-way, an Applicant shall schedule and attend a pre-submittal consultation meeting with the Director or other designated City staff. For all other Applications, pre-submittal consultation meetings are strongly encouraged but not required. City staff will endeavor to provide Applicants with a pre-submittal consultation meeting within fifteen (15) working days after receipt of a written request for a meeting.

(2) *Application Submittal Meeting.* All Applications must be submitted to the City at a pre-scheduled submittal meeting. City staff will endeavor to provide Applicants with a submittal meeting within five (5) working days after receipt of a written request for a meeting.

(3) *Application Resubmittal Meeting.* All resubmittals of Applications must be submitted to the City at a pre-scheduled resubmittal meeting. City staff will endeavor to provide Applicants with a resubmittal meeting within five (5) working days after receipt of a written request for a meeting.

(4) *Waiver of Meeting Requirements.* The Director, in his or her sole discretion, may waive in writing the requirement for any of the above-listed meetings.

(j) *Initial Review of Permit Applications.*

(1) *Completeness Determination.* Following receipt of a new or resubmitted Application for a Permit, the Director shall make an initial determination as to whether the Application is complete. If the Director determines the Application is not complete, the Director shall provide written notice to the Applicant that clearly and specifically delineates all missing documents, information, or payments within the timeframes set forth below.

a. *Eligible Facility Request Permits.* For Applications for EFR Permits, the Director shall provide the Applicant with written notice of his or her completeness determination within the timeframes set forth in 47 C.F.R. § 1.40001(c)(3), as that regulation is amended from time to time or replaced with a successor regulation.

b. *Wireless Use Permits.* For Applications for Wireless Use Permits, the Director shall provide the Applicant with written notice of his or her completeness determination within the timeframes set forth in Government Code § 65964.1, as that statute is amended from time to time or replaced with a successor statute.

c. *Tolling Agreement.* The timeframe to review any Application for completeness may be extended by mutual agreement of the Applicant and the Director.

(2) *Initial Categorization Determination.* At the time the Director determines an Application is complete, the Director shall also make an initial determination as to whether the proposal will be categorized as an Application for one of the following:

a. An Eligible Facilities Request for a modification to an Eligible Support Structure that is one of the following: (i) a Tower in the public right-of-way; (ii) a Tower that is not in a public right-of-way; or (iii) a Base Station in any location; or

b. A Wireless Use Permit for a new or modified Wireless Facility in one or more of the following locations: (i) a public right-of-way; (ii) a Historic Protected Location; (iii) a Park Protected Location; and (iv) a Residential Protected Location.

The Director shall provide written notice to the Applicant of his or her initial categorization determination.

An Application for a proposal that the Director determines is an Eligible Facilities Request shall be processed in accordance with subsections (k)(1), (l)(1), and (m)(1) of this Section.

Applications for all other proposals shall be processed in accordance with subsections (k)(2), (l)(2), and (m)(2) of this Section.

(k) *Timeframes and Reviewing Authority.*

(1) *Eligible Facility Request Permits.* The Director shall approve or deny an Application for an EFR Permit within the timeframes set forth in 47 C.F.R. § 1.40001(c)(2), as that regulation is amended from time to time or replaced with a successor regulation.

(2) *Wireless Use Permits.* The City Council shall approve, conditionally approve, or deny an Application for a Wireless Use Permit within the timeframes set forth in Government Code § 65964.1, as that statute is amended from time to time or replaced with a successor statute.

(3) *Tolling Agreement.* The timeframes to approve, conditionally approve, or deny any Application may be extended by mutual agreement of the Applicant and the Director.

(l) *Notice and Hearing Requirements.*

(1) *Eligible Facility Request Permits.* Unless otherwise required by state or federal law, Applications for EFR Permits may be acted upon administratively without notice or a public hearing.

(2) *Wireless Use Permits.* Before the City Council approves an Application for a Wireless Use Permit, the City shall comply with the notice and public hearing requirements for approval of a “Use Permit” set forth in Chapter 13.24 of this Code, including without limitation, the requirements set forth in Section 13.24.040(2), as that Section is amended from time to time or replaced with a successor ordinance. Any public hearing for a Wireless Use Permit may be continued to a time certain without further notice.

(m) *Required Findings.*

(1) *Eligible Facility Request Permits.* If the Director determines a proposal meets the criteria for an Eligible Facilities Request set forth in Section 6409(a), the Director shall issue an EFR Permit unless the Director makes one or more of the following findings:

- a. The proposal involves a structure that was constructed or modified without all regulatory approvals required at the time it was constructed or modified;
- b. The proposal Substantially Changes the physical dimensions of the Eligible Support Structure;
- c. The proposal entails excavation or deployment outside the Site;
- d. The proposal would defeat one or more of the concealment elements of the Eligible Support Structure;
- e. The proposal does not comply with one or more conditions of the underlying approval(s) for the Eligible Support Structure and any appurtenant equipment, provided however, this limitation does not apply if the proposal merely changes the physical dimensions of the Eligible Support Structure in a manner that does not qualify as a “Substantial Change”;
- f. The proposal involves the replacement of the entire Eligible Support Structure;

g. The Applicant has not paid all outstanding balances owed to the City for the reasonable and necessary costs of processing the Application, including any fees imposed pursuant to this Section; or

h. The proposal does not qualify for mandatory approval under Section 6409(a) for any other lawful reason.

(2) *Wireless Use Permits.* The City Council shall approve an Application for a Wireless Use Permit if it determines it can make all of the following findings:

a. The Applicant has paid all outstanding balances owed to the City for the reasonable and necessary costs of processing the Application, including any fees imposed pursuant to this Section.

b. The proposed Wireless Facility satisfies all of the findings required for approval of a “Use Permit” set forth in Chapter 13.24 of this Code, including without limitation, the findings required by Section 13.24.040(4)(a), as that Section is amended from time to time or replaced with a successor ordinance.

c. The proposed Wireless Facility blends into the surrounding environment or is architecturally integrated into a concealing structure and is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Any such improvements are appropriate for and compatible with the site and surrounding area.

d. The size, design, and operation of the proposed Wireless Facility is compatible with any supporting structures, surrounding structures, and existing uses on surrounding properties.

e. Unless infeasible, the location of the proposed Wireless Facility conforms to one or more of the following in order of preference:

1. The proposed Wireless Facility is Collocated with an Existing Wireless Facility;

2. The proposed Wireless Facility is attached to an existing structure such as an existing building, communication tower, church steeple or utility; or

3. The proposed Wireless Facility is located in an Unprotected Location.

f. *For ground mounted Wireless Facilities only*, no existing building or support structure can reasonably accommodate the proposed Wireless Facility. Evidence supporting this finding may consist of any of the following:

1. No existing buildings or support structures are located within the geographic area proposed to be served by the proposed Wireless Facility;

2. Existing buildings or support structures are not of sufficient height or structural strength to satisfy the proposed Wireless Facility's operational or engineering requirements.

3. The proposed Wireless Facility would create electromagnetic interference with another Wireless Facility on an Existing structure, or the Existing Transmission Equipment on an Existing building or support structure would create interference with the Applicant's proposed Transmission Equipment.

4. The costs, fees, or contractual provisions required by a property owner or by an incumbent wireless service provider in order to Collocate the proposed Wireless Facility on an existing building or structure, or to adapt an existing building or structure for the location of the proposed Wireless Facility, are unreasonable.

5. There are other limiting factors that render Existing buildings and structures unsuitable for use by the Applicant for the proposed Wireless Facility.

g. Alternative sites for the location of the proposed Wireless Facility are unacceptable, infeasible, unavailable, or less consistent with the development requirements in this Section.

h. The Site will provide adequate ingress and egress to the proposed Wireless Facility.

i. There is a documented public need for the proposed Wireless Facility.

j. The proposed Wireless Facility is the least intrusive means to achieve the Facility's technical objectives.

k. The proposed Wireless Facility will comply with all applicable state and federal regulations for such facilities, including safety regulations and FCC regulations regarding interference with the reception or transmission of other *wireless* service signals within the City and surrounding community.

l. *For Wireless Facilities in a Public Right-of-Way only*, the proposed Wireless Facility will not create any significant blockage to public views.

m. *For Wireless Facilities in a Historic Protected Location only*, the proposed Wireless Facility will not significantly impair the views of any Historic Resource or significantly degrade the aesthetic attributes of any Historic Resource.

n. *For Wireless Facilities in a Park Protected Location only*, the proposed Wireless Facility will not significantly impair the views of any Park or significantly degrade the aesthetic or natural attributes that define the Park.

o. *For Wireless Facilities in a Residential Protected Location only*, the proposed Wireless Facility will not significantly impair the views from any Residence or significantly detract from any of the defining characteristics of the zoning district in which it is located.

(3) *Denial of Permit.* If an Application for a Permit is denied, the Director (in the case of an EFR Permit) or City Council (in the case of a Wireless Use Permit) shall make a written determination setting forth the grounds for denial supported by substantial evidence contained in a written record, as may be required by law.

(n) *Transfers Involving a Wireless Facility or Wireless Use Permit.* Within 30 days after a Permittee transfers any interest in the Wireless Facility or any Permit(s) issued for the Facility, the Permittee shall deliver written notice to the City. The written notice must include: (1) the transferee's legal name; and (2) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in subsection (t) below. By accepting the transfer, the transferee shall be deemed to have accepted all Permit terms and conditions.

(o) *Preemption Exemption.* An Applicant or Permittee may seek an exemption from any requirement of this Section on the basis that it is preempted by state or federal law. An Applicant seeking an exemption on the basis that denial of a Permit would effectively prohibit Personal Wireless Service must demonstrate with clear and convincing evidence all the following:

(1) The Applicant has the legal right to access the rights-of-way or private property necessary for the proposed Wireless Facility;

(2) A significant gap in the Applicant's service coverage exists;
and

(3) All alternative sites identified in the Application review process are either technically infeasible or not available.

(p) *Notice of Decision; Appeals.*

(1) *Notice of the Decision.* Within five (5) working days after final decision by the Reviewing Authority on an Application submitted for approval pursuant to this Section, notice of the decision shall be mailed to the Applicant at the address provided on the Application and to all other persons who have filed a written request for notice of the decision with the Department. If the Application is denied, the Reviewing Authority shall provide the reasons for any denial either in the written decision or in some other written record available at the same time as the notice of decision is provided.

(2) *Appeals.* Any interested person may appeal a final decision by the Director in accordance with the appeal procedures set forth in Chapter 13.24 of this Code. The appeal must state in plain terms the grounds for the appeal and the facts that support those grounds. The appellant must pay a

fee established by a resolution of the City Council at the time the appeal is filed. The City Council shall hear the appeal.

(q) *Non-Waiver of Enforcement.* An Applicant or Permittee shall not be relieved of its obligation to comply with every provision of the Code, any Permit issued hereunder, or any applicable law or regulation by reason of any failure of the part of the City to notice, enforce or prompt compliance by the Applicant or Permittee.

(r) *Amendment of Permits.* Any Permit issued under this Section may be amended in accordance with the amendment procedures applicable to “Use Permits,” set forth in Chapter 13.24 of this Code, including Section 13.24.090 as that Section is amended from time to time or replaced by a successor ordinance. Notwithstanding the foregoing, amendments to a Permit that qualify as an Eligible Facilities Request shall be processed in accordance with the procedures applicable to EFR Permits set forth in this Section.

(s) *Reservation of Right to Review Permits for Changed Circumstances.* Any Wireless Use Permit issued under this Section shall be subject to the reservation of the City’s right and jurisdiction to review and require the Permittee obtain an amendment to the Wireless Use Permit (including any conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following:

- (1) Increased height or size of the Wireless Facility without proper authorization from the City;
- (2) Additional impairment of the views from surrounding properties;
- (3) Change in the type of antenna or supporting structure;
- (4) Changed color or materials;
- (5) A substantial change in location on the site; and
- (6) An effective increase in signal output above or near the maximum permissible exposure (“MPE”) limits imposed by the revised radio frequency emissions guidelines by the FCC.

(t) *Revocation of Permits.* Any Permit issued under this Section may be revoked in accordance with the revocation procedures applicable to “Use Permits,” set forth

in Chapter 13.24 of this Code, including Section 13.24.080 as that Section is amended from time to time or replaced by a successor ordinance.

(u) *Abandonment/Discontinuation of Wireless Facility; Removal; Relocation.*

(1) *Discontinued use.* The operator of a lawfully erected Wireless Facility, and the owner of the Site upon which it is located, shall promptly notify the Director in writing in the event that use of the Wireless Facility is discontinued for any reason. In the event that discontinued use is permanent, then the owner(s) and/or operator(s) shall promptly remove the Wireless Facility, repair any damage to the site caused by such removal, and restore the Site as appropriate such as to be in conformance with applicable Zoning Codes. All such removal, repair and restoration shall be completed within ninety (90) days after the use is discontinued, and shall be performed in accordance with all applicable health and safety requirements and requirements relating to abandonment of utility facilities. . For purposes of this subsection, a discontinued use shall be permanent unless the Wireless Facility is likely to be operative and used within the immediately following three (3) month period.

(2) *Abandonment.* A Wireless Facility that is inoperative or unused for a period of six (6) continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the Wireless Facility and the owner(s) of the Site upon which it is located. Such notice may be delivered in person, or mailed to the address(es) stated on the Wireless Facility's Permit Application, and shall be deemed given at the time it is hand delivered or placed in first class mail. Such notice shall also provide that in the event the Wireless Facility is not removed as otherwise provided in this Section, the Wireless Facility shall be deemed to be abandoned, and may be removed, retained, or otherwise disposed of by the City.

(3) *Removal of abandoned facility or hearing.* The operator of the Wireless Facility and the owner(s) of the Site on which it is located, shall within thirty (30) days after notice of abandonment is given either (a) remove the Wireless Facility and restore the Site, or (2) provide the Department with written objection to the City's determination of abandonment and request for hearing before the City Council. If a written objection is timely received and a hearing is properly requested, the City shall conduct a hearing, and the procedures for hearings, notices and related fees set forth in Chapter 13.24 of this Code shall apply. At such hearing, the

operator and/or owner shall be given the opportunity to provide evidence that the Wireless Facility was in use during the relevant six (6) month period, and that it is presently operational. The operator and/or owner shall also be given the opportunity to rebut or cross examine any evidence provided by the City to the contrary. The City Council shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator written notice of its determination. As part of its determination the City Council may, but is not required to, provide the appealing owner or operator additional time to remove or salvage the abandoned Wireless Facility.

(4) *Removal by City.* The City may remove any abandoned Wireless Facility, repair any and all damage to the Site caused by such removal, and otherwise restore the Site at any time after the latter of: (1) thirty (30) days following delivery of the notice of abandonment, or (2) immediately following delivery of a notice of decision by the City Council, or expiration of any additional time granted for approval, if applicable. The City may, but shall not be required to, store the removed Facility (or any part thereof). The owner of the Site upon which the abandoned Wireless Facility was located, and all prior operators of the Wireless Facility, shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. The City may, in lieu of storing the removed Wireless Facility, convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

(5) *Penalties.* The operator of the abandoned Wireless Facility, and the owners of the Site upon which the Facility is located shall be in violation of this Section for failure to timely comply with any requirements hereunder. Each such person shall be subject to penalties for each such violation, pursuant to this Code.

(6) *City lien on property.* Until the cost of removal, repair, restoration and storage is paid in full, a lien may be placed on the personal property and any real property on which the abandoned Wireless Facility was located, for the full amount of the cost of removal, repair, restoration and storage. The Director shall cause the lien to be recorded in the Orange County Recorder's Office.

(v) *Severability.* If any subsection, subdivision, paragraph, sentence, clause, or phrase of this Section or any part thereof, is for any reason held to be

unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section or any part thereof. The City Council hereby declares that it would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsections, subdivision paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

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