

# CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting  
Wednesday, February 21, 2018  
2:00 p.m.

Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637

Carol Moore  
Mayor

Cynthia Conners  
Mayor Pro Tem

Noel Hatch  
Councilmember



Shari L. Horne  
Councilmember

Joe Rainey  
Councilmember

***Welcome to a meeting of the Laguna Woods City Council!***

***This meeting may be recorded, televised, and made publically available.***

**Public Comments:** Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

**Americans with Disabilities Act (ADA):** It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council regularly meets on the third Wednesday of each month at 2 p.m.

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AGENDA POSTING AND AVAILABILITY

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FOR ADDITIONAL INFORMATION

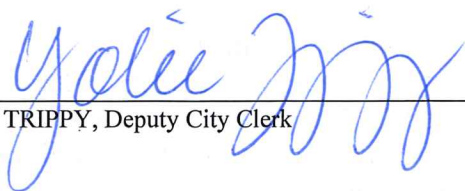
For additional information, please contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535, [cityhall@cityoflagunawoods.org](mailto:cityhall@cityoflagunawoods.org), or 24264 El Toro Road, Laguna Woods, California 92637.

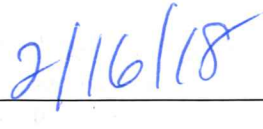
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AFFIDAVIT OF POSTING

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

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website ([www.cityoflagunawoods.org](http://www.cityoflagunawoods.org)); and, at other locations designated by Resolution No. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.

  
\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

  
\_\_\_\_\_  
Date

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 Black History Month – February 2018

*Recommendation:* Approve and present the proclamation.

**V. PUBLIC COMMENTS**

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

**VI. CONSENT CALENDAR**

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 City Council Minutes

*Recommendation:* Approve the City Council meeting minutes for the regular meeting on January 17, 2018.

6.2 City Treasurer's Report

*Recommendation:* Receive and file the City Treasurer's Report for the month of January 2018.

6.3 Warrant Register

*Recommendation:* Approve the warrant register dated February 21, 2018 in the amount of \$1,147,066.49.

6.4 Fiscal Year 2017-18 Budget Adjustment

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2017-19 BUDGET AND WORK PLAN FOR FISCAL YEAR 2017-18 COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018, AND FISCAL YEAR 2018-19 COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019, RELATED TO GENERAL FUND AND CAPITAL PROJECTS FUND APPROPRIATIONS FOR THE CITY HALL REFURBISHMENT AND SAFETY PROJECT: PHASE 1 (DESIGN)

6.5 Measure M2 Expenditure Report

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017, INCLUDING REVISIONS TO THE MEASURE M2 EXPENDITURE REPORT ADOPTED BY RESOLUTION NO. 17-42

6.6 Senior Mobility Transportation Services

*Recommendation:* Approve an extension of the agreement with Cabco Yellow, Inc. doing business as California Yellow Cab for senior mobility transportation services and authorize the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.7 Tree Pruning and Removal Services

*Recommendation:* Approve an agreement with Great Scott Tree Service, Inc. for tree pruning and removal services and authorize

the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.8 Drainage Improvement Project (Moulton Parkway at Santa Maria Avenue)

*Recommendation:*

1. Approve final plans and specifications reflecting completion of the “Drainage Improvement Project (Moulton Parkway at Santa Maria Avenue)”, as-built.

AND

2. Accept project completion of the contract agreement with David T. Wasden, Inc. for the “Drainage Improvement Project (Moulton Parkway at Santa Maria Avenue)”.

AND

3. Release contract retention in the amount of \$3,287.79 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

4. Exonerate project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange.

6.9 Pavement Management Plan Project (Westbound El Toro Road between Avenida Sevilla and Paseo de Valencia)

*Recommendation:*

1. Approve final plans and specifications reflecting completion of the “Pavement Management Plan Project (Westbound El Toro Road between Avenida Sevilla and Paseo de Valencia)”,

inclusive of additional sidewalk repairs on El Toro Road and pavement work at City Hall, as-built.

AND

2. Accept project completion of the contract agreement with Hardy & Harper, Inc. for the “Pavement Management Plan Project (Westbound El Toro Road between Avenida Sevilla and Paseo de Valencia)”, inclusive of additional sidewalk repairs on El Toro Road and pavement work at City Hall.

AND

3. Release contract retention in the amount of \$10,135.72 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

4. Exonerate project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange.

#### 6.10 General Plan Annual Report

*Recommendation:* Receive and file the General Plan Annual Report for the 2017 calendar year.

#### 6.11 Administrative Policy 4.2 (Paid Annual Leave)

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICY 4.2 RELATED TO PAID ANNUAL LEAVE

6.12 Administrative Policy 1.5 (Dog Park Advisory Group)

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING ADMINISTRATIVE POLICY 1.5 PERTAINING TO THE ESTABLISHMENT, APPOINTMENT, RESPONSIBILITIES, ACTIVITIES, AND PROCEDURES OF THE DOG PARK ADVISORY GROUP

**VII. PUBLIC HEARINGS**

7.1 Senior Mobility Program Fees

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED AND MODIFIED SENIOR MOBILITY PROGRAM FEES

7.2 Emergency Shelters, Transitional Housing, and Supportive Housing Regulations

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.06.010, 13.08.010, 13.10.020, and 13.13.020, AND CHAPTER 13.23, OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING CONSISTENT WITH APPLICABLE STATE LAW, INCLUDING CALIFORNIA GOVERNMENT CODE SECTION 65583 ET SEQ.

**VIII. CITY COUNCIL BUSINESS**

- 8.1 Roadway Modifications – El Toro Road at Aliso Creek Road

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING SIGNAGE AND PAVEMENT STRIPING MODIFICATIONS ON EL TORO ROAD IN THE VICINITY OF ALISO CREEK ROAD TO ALLOW ENHANCED VEHICLE TURNING MOVEMENTS ONTO SOUTHBOUND ALISO CREEK ROAD FROM EASTBOUND EL TORO ROAD

8.2 Mobile Source Air Pollution Reduction Review Committee's (MSRC) Clean Transportation Funding™ 2017 Local Government Partnership Program

*Recommendation:*

1. Acknowledge receipt of the Mobile Source Air Pollution Reduction Review Committee (MSRC)-supplied presentation from City staff.

AND

2. Authorize the City Manager to submit an application to the MSRC for \$50,000 in funding from the Clean Transportation Funding™ 2017 Local Government Partnership Program for up to 75% of purchase and/or installation costs of Electric Vehicle Charging Infrastructure (EVSE) at a publicly accessible location at or in the vicinity of City Hall, generally consisting of two charging stations (City Hall EVSE Project).

AND

3. Allocate \$50,000 of the City's Mobile Source Reduction Fund unassigned fund balance to provide supplemental funding, and the 25% required match for funding received from the MSRC's Clean Transportation Funding™ 2017 Local Government Partnership Program, for the City Hall EVSE Project.

8.3 Construction and Demolition Materials Management 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 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

8.4 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

8.5 Residential Density Bonus Standards 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 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

## 8.6 Purchasing and Procurement 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 CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

## 8.7 City Council Meeting Schedule

*Recommendation:*

1. Reschedule the regular City Council meeting on March 21, 2018 at 2 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

AND

2. Modify the time of the adjourned regular City Council meeting on April 25, 2018 to begin at 3 p.m., instead of 2 p.m., at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

## **IX. CITY COUNCIL REPORTS AND COMMENTS**

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

- 9.1 Coastal Greenbelt Authority  
Mayor Pro Tem Connors; Alternate: Councilmember Horne
- 9.2 Orange County Fire Authority  
Councilmember Hatch

- 9.3 Orange County Library Advisory Board  
Councilmember Rainey; Alternate: Mayor Moore
- 9.4 Orange County Mosquito and Vector Control District  
Councilmember Horne
- 9.5 San Joaquin Hills Transportation Corridor Agency  
Mayor Pro Tem Connors; Alternate: Mayor Moore
- 9.6 South Orange County Watershed Management Area  
Mayor Moore; Alternate: Councilmember Hatch
- 9.7 Other Comments and Reports

**X. CLOSED SESSION**

- 10.1 The City Council will meet in closed session under the authority of California Government Code sections 54956.9(d)(2) and (e)(1) to discuss potential exposure to litigation in one case.

**XI. CLOSED SESSION REPORT**

**XII. ADJOURNMENT**

Next Regular Meeting:                      Wednesday, April 18, 2018 at 2 p.m.  
Laguna Woods City Hall  
24264 El Toro Road, Laguna Woods, California 92637

**4.1  
PROCLAMATION –  
BLACK HISTORY MONTH –  
FEBRUARY 2018**

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**Proclamation  
City of Laguna Woods  
Black History Month  
February 2018**

**WHEREAS**, African Americans have played a critical role in the social, economic, and political development of the United States; and

**WHEREAS**, African Americans have a proud legacy of service and dedication to our community, state, and country; and

**WHEREAS**, Black History Month is a time for all Americans to remember the stories and teachings of African Americans who have helped to combat prejudice, further the cause of civil rights, and build, serve, and enrich our nation; and

**WHEREAS**, the Laguna Woods African American Heritage Club provides residents with opportunities to celebrate and recognize African American culture through social, educational, and historical events unique to African American life; and

**WHEREAS**, the City of Laguna Woods is committed to embracing diversity.

**NOW, THEREFORE, BE IT RESOLVED** that the Laguna Woods City Council does hereby proclaim February 2018 as “Black History Month” in the City of Laguna Woods and encourages reflection on the contributions that African Americans have made and continue to make, both locally and throughout our nation.

Dated this 21<sup>st</sup> day of February, 2018

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Carol Moore  
Mayor

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Attest: Yolie Trippy  
Deputy City Clerk

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**6.1-6.12**  
**CONSENT CALENDAR SUMMARY**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** February 21, 2018 Regular Meeting  
**SUBJECT:** Consent Calendar Summary

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## **Recommendation**

Approve all proposed actions on the February 21, 2018 Consent Calendar by single motion and City Council action.

## **Background**

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

## **Summary**

The February 21, 2018 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on January 17, 2018.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of January 2018.
- 6.3 Approval of the warrant register dated February 21, 2018 in the amount of \$1,147,066.49. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

- 6.4 Approval of a resolution amending and adopting the Fiscal Years 2017-19 Budget and Work Plan for Fiscal Year 2017-18 commencing July 1, 2017 and ending June 30, 2018, and Fiscal Year 2018-19 commencing July 1, 2018 and ending June 30, 2019, related to General Fund and Capital Projects Fund appropriations for the City Hall Refurbishment and Safety Project: Phase 1 (Design). The proposed budget adjustment would increase Capital Projects Fund appropriations for Fiscal Year 2017-18 by \$1,600 to fund design work related to the replacement of City Hall’s vault door with a new fire-rated and accessible door, in the interest of safety and security. The increase would be drawn from the General Fund unassigned balance.
- 6.5 Approval of a resolution adopting and concerning the Measure M2 Expenditure Report for the Fiscal Year ended June 30, 2017, including revisions to the Measure M2 Expenditure Report adopted by Resolution No. 17-42. The report is required by Orange County Local Transportation Authority Ordinance No. 3 (“Measure M2”), which was adopted by Orange County voters in 2006. Cities are required to annually account for net revenues, developer/traffic impact fees, and funds expended to meet maintenance of effort requirements. The proposed revisions are to the report adopted by the City Council on December 13, 2017 and include corrections of figures as requested by the Orange County Transportation Authority.
- 6.6 Approval of an extension of the agreement with Cabco Yellow, Inc. doing business as California Yellow Cab for senior mobility transportation services and authorization for the City Manager to execute the extension, subject to approval as to form by the City Attorney. The proposed extension is for a one-year period through June 30, 2019, as allowed for in the agreement.
- 6.7 Approval of an agreement with Great Scott Tree Service, Inc. for tree pruning and removal services and authorization for the City Manager to execute the agreement, subject to approval as to form by the City Attorney. The Request for Proposals (“RFP”) for tree pruning and removal services was released on November 16, 2017 with proposals due by December 12, 2017. A total of three proposals were received (BrightView Tree Care Services, Great Scott Tree Service, and West Coast Arborists). After reviewing all proposals, staff recommends that the City Council award the agreement to Great Scott Tree Service due to factors including cost, experience, and responsiveness to the RFP. Great Scott Tree Service provides

or has provided similar services for the County of Orange and the cities of Irvine, Lake Forest, Long Beach, Newport Beach, and Seal Beach.

- 6.8 [1] Approval of final plans and specifications reflecting completion of the “Drainage Improvement Project (Moulton Parkway at Santa Maria Avenue)” (“Project”), as-built (available for review at City Hall); [2] acceptance of project completion of the contract agreement with David T. Wasden, Inc. for the Project; [3] release of contract retention in the amount of \$3,287.79 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention; and, [4] exoneration of project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange. The Project is included in the City’s Capital Improvement Program.
- 6.9 [1] Approval of final plans and specifications reflecting completion of the “Pavement Management Plan Project (Westbound El Toro Road between Avenida Sevilla and Paseo de Valencia)”, inclusive of additional sidewalk repairs on El Toro Road and pavement work at City Hall (“Project”), as-built (available for review at City Hall); [2] acceptance of project completion of the contract agreement with Hardy & Harper, Inc. for the Project; [3] release of contract retention in the amount of \$10,135.72 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention; and, [4] exoneration of project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange. The Project is included in the City’s Capital Improvement Program.
- 6.10 Approval of a motion to receive and file the General Plan Annual Report for the 2017 calendar year. The City is required to file a report describing the status of the implementation of the General Plan with the City Council, the State of California’s Office of Planning and Research, and the State of California’s Department of Housing and Community Development no later than April 1 of each year [California Government Code Section 65400(a)(2)].
- 6.11 Approval of a resolution repealing Administrative Policy 4.2 related to paid annual leave. Administrative Policy 4.2 contains information that is outdated and no longer reflects City policies, procedures, and benefits. The proposed

resolution is included as Attachment A and the administrative policy that is proposed to be repealed is included as Attachment B.

- 6.12 Approval of a resolution amending Administrative Policy 1.5 pertaining to the establishment, appointment, responsibilities, activities, and procedures of the Dog Park Advisory Group. If approved, the amendments would remove a requirement that residents must have one or more dogs licensed by Laguna Woods Animal Services at the time of appointment to be eligible to serve on the Dog Park Advisory Group, in order to allow for the appointment of any resident with an interest, willingness, and ability to contribute to the purpose of the Dog Park Advisory Group.

**6.1**  
**CITY COUNCIL MINUTES**

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
January 17, 2018  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

Mayor Moore called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

**II. ROLL CALL**

COUNCILMEMBER:           PRESENT:   Hatch, Horne, Rainey, Conners, Moore  
                                  ABSENT:   -

STAFF PRESENT:           City Manager Macon, City Attorney Cosgrove, Administrative Services Director/City Treasurer Cady, Deputy City Clerk Trippy

**III. PLEDGE OF ALLEGIANCE**

Councilmember Hatch led the flag salute.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS – None**

4.1 Marilyn Thoms, OC Watersheds, County of Orange – Retirement

Mark Monin, El Toro Water District, presented a commendation to Ms. Thoms.

Donavan Higbee, on behalf of Congresswoman Mimi Walters, presented a certificate of congressional recognition to Ms. Thoms.

Jack Vollebregt, Moulton Niguel Water District, made comments.

Moy Yahya, Water Quality Manager, made comments.

Megan Yoo Schneider, Municipal Water District of Orange County, made comments.

Amanda Carr, County of Orange, made comments.

Councilmembers made comments.

Ms. Thoms made comments.

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to approve and present the commendation.

Mayor Moore called for a brief recess.

The meeting was called back to order at 2:28 p.m.

**V. PUBLIC COMMENT – None**

**VI. CONSENT CALENDAR**

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.5.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on December 13, 2017.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of December 2017.

6.3 Warrant Register

Approved the warrant register dated January 17, 2018 in the amount of \$715,337.29.

6.4 Rejection of Claim

Rejected the following claim: Ana Heimanson vs. City of Laguna Woods, Claimant: Ana Heimanson.

6.5 Laguna Woods Civic Support Fund

Approved a memorandum of understanding with the Laguna Woods Civic Support Fund related to fundraising and distribution of funds for “A Place for Paws” Dog Park, and authorized the Mayor Pro Tem to execute the memorandum of understanding, subject to approval as to form by the City Attorney.

**VII. PUBLIC HEARINGS**

7.1 Community Development Block Grant (CDBG) Public Facilities and Improvement Project Applications

City Manager Macon made a presentation.

Mayor Moore opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to authorize the City Manager to submit a proposal to the County of Orange for \$145,700 in Community Development Block Grant (CDBG) funds from the Fiscal Year 2018-19 public facilities and improvement grant cycle for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, as described in the City’s Capital Improvement Program, which generally involves the improvement of pedestrian paths-of-travel, including elimination of gaps, lifts, and other uneven sidewalk surfaces; reconstruction of curb ramps; replacement of detectable warnings; and/or, modification of right-of-way, as may be necessary, on El Toro Road and Moulton Parkway.

7.2 Construction and Demolition Materials Management Regulations

City Manager Macon made a presentation.

Mayor Moore opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers made comments.

Moved by Councilmember Hatch, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve the introduction and first reading of 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 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

7.3 Wireless Facilities Regulations

City Manager Macon made a presentation.

Mayor Moore opened the public hearing.

With no requests to speak, the public hearing was closed.

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve the introduction and first reading of 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

7.4 Residential Density Bonus Standards Regulations

City Manager Macon made a presentation. He noted the following modifications to the proposed ordinance that was included in the agenda packet:

1. *Section 13.26.040(h)(5) – revised to read:*

*(5) An application for a density bonus permit will not be processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with other required entitlements, if applicable.*

2. *Section 13.26.040(h)(6)(f.) – revised to read:*

*f. For the application for a density bonus permit for the donation of land, the application must show the location of the land in addition to including sufficient information to establish that each requirement California Government Code Section 65915(g)(2) has been met.*

Mayor Moore opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Hatch, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve the introduction and first reading of an ordinance, with the modifications proposed by staff to sections 13.26.040(h)(5) and 13.26.040(h)(6)(f.) – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

## 7.5 Purchasing and Procurement Regulations

City Manager Macon made a presentation. He noted the following modification to the proposed ordinance that was included in the agenda packet:

*Section 3.06.070(d) – revised to read:*

*(d) Notwithstanding the above provisions of this section, all single- or multi-year contracts for the performance of the annual independent audit of the City’s financial statements shall be competitively bid by obtaining at least three bids for providing the required services, evaluating the bids pursuant to the criteria set forth in subsection (a), and making the award based on the best bid. Further, the award of all such annual independent audit contracts, regardless of cost, shall be approved by the City Council. The City Council may authorize that such annual independent audit contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.*

Mayor Moore opened the public hearing.

With no requests to speak, the public hearing was closed.

Kathryn Freshley, resident, noted that the purchasing language included in Exhibit A to Attachment A does not coincide with the language included in Attachment E.

City Manager Macon stated that Attachment E is proposed to be repealed. Attachment A is the proposed ordinance.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Connors, and carried unanimously on a 5-0 vote, to approve the introduction and first reading of an ordinance, with the modifications proposed by staff to Section 3.06.070(d) – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

AND

To approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICIES RELATED TO ENVIRONMENTAL PURCHASING AND PURCHASE REQUISITIONS AS PART OF A BROADER UPDATE OF

PURCHASING AND PROCUREMENT REGULATIONS

**VIII. CITY COUNCIL BUSINESS**

8.1 City Council Meeting Schedule

City Manager Macon made a presentation.

Moved by Mayor Pro Tem Connors, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve a City Council meeting schedule for Fiscal Year 2018-19.

**IX. CITY COUNCIL REPORTS AND COMMENTS**

9.1 Coastal Greenbelt Authority

Mayor Pro Tem Connors stated that there had been no meeting since the last meeting.

9.2 Orange County Fire Authority

Councilmember Hatch stated that there had been no meeting since the last meeting. He provided an update on the Fire Chief recruitment process.

Councilmembers briefly responded to the report.

9.3 Orange County Library Advisory Board

Councilmember Rainey stated that there had been no meeting since the last meeting.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Pro Tem Connors provided a report.

9.6 South Orange County Watershed Management Area

Mayor Moore stated that there had been no meeting since the last meeting.

9.7 Other Comments and Reports

Councilmember Horne provided an update on the California Senior Legislature.

Councilmember Rainey reported on a recent housing and transportation meeting.

Councilmembers briefly responded to the report.

**X. CLOSED SESSION** – None

**XI. CLOSED SESSION REPORT** – None

**XII. ADJOURNMENT**

The meeting was adjourned at 3:42 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, February 21, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: February 21, 2018

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CAROL MOORE, Mayor

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**6.2**  
**CITY TREASURER'S REPORT**

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**City of Laguna Woods**  
**City Treasurer's Report**  
 For the Month Ended January 31, 2018

ITEM 6.2

**CASH AND INVESTMENTS**

	Beginning Balances As of 12/31/17	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 1/31/18	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
<b>Cash and Cash Equivalents</b>							
Analyzed Checking Account (Note 4)	\$ 355,722	\$ 1,464,199	\$ (811,726)	\$ -	\$ 1,008,194	9.47%	
Cash Balances, Multi-Bank Securities (MBS) Account	\$ 940	\$ 971	\$ (940)	\$ -	\$ 971	0.01%	
Earned Interest in Transit and Accrued Interest, Securities Account	\$ 2,918	\$ 2,157	\$ (971)	\$ -	\$ 4,104	0.04%	
Petty Cash	\$ 1,429	\$ -	\$ (91)	\$ -	\$ 1,339	0.01%	
Total Cash and Cash Equivalents	\$ 361,008	\$ 1,467,327	\$ (813,728)	\$ -	\$ 1,014,608	9.53%	100.00%
<b>Pooled Money Investment Accounts (PIMA)</b>							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 3,680,074	\$ 11,172	\$ -	\$ -	\$ 3,691,247	34.68%	
Orange County Investment Pool (OCIP) (Note 3)	\$ 4,019,996	\$ 3,536	\$ -	\$ -	\$ 4,023,532	37.80%	
Total Pooled Money Investment Accounts	\$ 7,700,070	\$ 14,708	\$ -	\$ -	\$ 7,714,779	72.48%	90.00%
<b>Investments - Interest and Income Bearing</b>							
Certificates of Deposit (book value) (Note 5)	\$ 1,915,000			\$ -	\$ 1,915,000	17.99%	
Total Investments	\$ 1,915,000	\$ -	\$ -	\$ -	\$ 1,915,000	17.99%	30.00%
<b>TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS</b>	<b>\$ 9,976,079</b>	<b>\$ 1,482,035</b>	<b>\$ (813,728)</b>	<b>\$ -</b>	<b>\$ 10,644,387</b>	<b>100.00%</b>	

**Summary of Total Cash, Cash Equivalents, and Investments (Note 4):**

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ (426,299)	\$ 1,434,493	\$ 1,008,194
Cash, Securities Account	\$ 971	\$ -	\$ 971
Interest in Transit	\$ 4,104	\$ -	\$ 4,104
Petty Cash	\$ 1,339	\$ -	\$ 1,339
LAIF	\$ 3,691,247	\$ -	\$ 3,691,247
OCIP	\$ 4,023,532	\$ -	\$ 4,023,532
Certificates of Deposit	\$ 1,915,000	\$ -	\$ 1,915,000
<b>Totals</b>	<b>\$ 9,209,894</b>	<b>\$ 1,434,493</b>	<b>\$ 10,644,387</b>

(See **NOTES** on Page 3 of 3)



**City of Laguna Woods  
City Treasurer's Report  
For the Month Ended January 31, 2018**

**INVESTMENT PORTFOLIO DETAIL**

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 5)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
<b>Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)</b>														
864088DC0	2017-5	STURGIS BANK & TRUST CO.	9 months	05/04/17	05/18/17	100,000	99,984	100,000	1.000	Monthly	06/18/17	206	1.000	02/20/18
45340KDY2	2017-3	INDEPENDENCE BANK OF KY	10 months	05/04/17	05/09/17	100,000	99,966	100,000	1.000	Monthly	06/09/17	242	1.000	03/09/18
140420F47	2016-4	CAPITAL ONE BANK USA	18 months	09/13/16	09/21/16	245,000	244,824	245,000	1.000	Semi-Annual	03/21/17	300	1.000	03/21/18
949763BJ4	2016-3	WELLS FARGO BANK	18 months	09/13/16	09/28/16	245,000	244,777	245,000	1.000	Monthly	10/28/16	295	1.000	03/28/18
57116ANC8	2017-1	MARLIN BUSINESS BK SALT LAKE	18 months	01/13/17	01/13/17	245,000	244,655	245,000	1.250	Monthly	02/13/17	300	1.250	07/13/18
02006LM59	2016-1	ALLY BK MIDVALE UTAH	24 months	09/12/16	09/15/16	245,000	243,951	245,000	1.150	Semi-Annual	03/15/17	300	1.150	09/17/18
02587DR26	2017-4	AMERICAN EXPRESS CENTURIAN	18 months	05/04/17	05/10/17	245,000	244,645	245,000	1.500	Semi-Annual	11/10/17	300	1.500	11/13/18
508176CH5	2017-2	LAKE CITY BANK	24 months	03/08/17	03/22/17	245,000	244,179	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
38148PTD9	2017-6	GOLDMAN SACHS BANK USA	36 months	11/16/17	11/22/17	245,000	243,246	245,000	2.050	Semi-Annual	05/22/18	Green*	2.050	11/23/20
		Accrued Interest - Month End				4,104		4,104						
<b>Total CDs</b>						<b>1,919,104</b>	<b>1,910,226</b>	<b>1,919,104</b>						

(\*) At the time of purchase and until September 2017, CDs were rated or ranked using an IDC Financial Publishing, Inc. (IDC) compiled ranking, and includes a one-number summary rank of quality comprised of 35 key financial ratios. Ranks range from 1 (the lowest) to 300 (the highest) and fall into one of the following six groups per Table 1. Post September 2017, CDs are ranked using the Veribanc Rating System, a two-part color code and star classification system which tests the present standing and future outlook by reviewing an institution's capital strength, asset quality, management ability, earnings sufficiency, liquidity, and sensitivity to market risk. Table 2 below summarizes the Veribanc color rankings. Veribanc star ratings of one to three, with three being best, are used to help review a possible future trend of an institutions health based on metrics from ten prior quarters. A rating of one, two, or three, are not necessarily an indicator of risk or an undesirable investment. The City reviews other rating systems and issuer financials before choosing any investment.

Table 1: CD Rankings (used prior to September 2017)

IDC Rank	Group Meaning
200-300	Superior
165-199	Excellent
125-164	Average
75-124	Below Average
2-74	Lowest Ratios
1	Highest Probability of Failure

Table 2: Veribanc Color Rankings (used post September 2017)

Veribanc Rank	Color Meaning
Green	Highest rating, exceeds qualifications in equity and income tests
Yellow	Merits attention, meets minimal qualifications in equity and income tests
Red	Merits close attention, does not meet minimal qualifications for equity and has incurred significant losses

**Pooled Money Investment Accounts (PIMA) (Notes 1, 2, and 3)**

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	3,691,247	3,691,247	3,691,247	1.056	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	4,023,532	4,023,532	4,023,532	1.063	N/A	N/A	N/A	N/A	N/A
<b>Total PIMA</b>						<b>7,714,779</b>	<b>7,714,779</b>	<b>7,714,779</b>						

(See **NOTES** on Page 3 of 3)



**City of Laguna Woods**  
**City Treasurer's Report**  
**For the Month Ended January 31, 2018**

**OTHER FUNDS - HELD IN TRUST**

	Beginning Balances As of 12/31/17	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 1/31/18
<b>Other Post-Employment Benefits (OPEB) Trust</b>					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 71,001	\$ -	\$ (5)	\$ 418	\$ 71,414
Total Other Funds - Held in Trust	<u>\$ 71,001</u>	<u>\$ -</u>	<u>\$ (5)</u>	<u>\$ 418</u>	<u>\$ 71,414</u>

**Notes:**

Note 1 - LAIF / During this period, with the exception of interest credited, there were no deposits or withdrawals in the LAIF account.

Note 2 - LAIF / The stated earnings rate for LAIF balances is an average monthly yield applied to the City's weighted average balance within the total pool. Earnings are paid the month after the end of each quarter. Quarterly earnings for October through December of \$11,172.23 was credited in January 2018. Interest earned is offset by expense, with the net interest reported by LAIF as a single transaction.

LAIF average investment yield rate before expenses for the quarter ended December 31, 2017 was 1.120%.

LAIF quarterly administrative costs for the quarter ended December 31, 2017 were 0.064%, resulting in net investment earnings of 1.056%.

Note 3 - OCIP / The January 2018 statement was not available at the date of this report and balances reflect activity posted through December 31, 2017. During this period, with the exception of interest credited, there were no deposits or withdrawals in the OCIP account. Interest earnings net of investment fees for December 2017 will be included in the February 2018 Treasurer's report.

OCIP average monthly investment yield rate for October 2017 was 1.109% (corrected from prior report) and 1.130% in both November and December 2017.

OCIP Monthly administrative costs for October, November and December 2017 were 0.060%, resulting in net investment earnings of 1.049% in October and 1.070% November and December. The average net investment earnings for the quarter ended December 31, 2017 was 1.063%.

Note 4 - Analyzed Checking Account / Monthly activity reported does not reflect January vendor invoicing processed after the date of this report.

Note 5 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City received interest payments of \$939.65 in January 2018. Cash balances to be invested or paid out are classified separately.

**City Treasurer's Certification**

I, Margaret A. Cady, City Treasurer, do hereby certify:

- That all investment actions executed since the last report have been made in full compliance with the City's Investment of Financial Assets Policy; and
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months.

*Margaret A Cady*

\_\_\_\_\_  
 Margaret A. Cady, City Treasurer

*2/13/18*

\_\_\_\_\_  
 Dated

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**6.3**  
**WARRANT REGISTER**

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**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**2/21/2018**

ITEM 6.3

<b>Date</b>		<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
<b>Debit</b>		<b>Automatic Bank Debits</b>		
Debit	1/12/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 1/5/2018	135.46
Debit	1/12/2018	COUNTY OF ORANGE	Law Enforcement Services / January 2018	216,434.57
Debit	1/24/2018	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 1/19/2018	36,449.12
Debit	1/25/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 1/19/2018	2,479.22
Debit	2/1/2018	CALPERS - HEALTH	Employee Benefit Program / February 2018	2,503.17
Debit	2/2/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 1/19/2018	337.97
Debit	2/7/2018	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 2/2/2018	33,206.73
Debit	2/7/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 2/2/2018	2,479.22
Debit	2/9/2018	COUNTY OF ORANGE	Law Enforcement Services / February 2018	216,434.57
Debit	2/16/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 2/2/2018	178.69
<b>Number</b>		<b>Warrants:</b>		
1779	01/11/2018	AT&T	Telephone / 639-0500 / December 2017	205.72
1780	01/11/2018	AT&T	Telephone / 458-3487 / December 2017	38.84
1781	01/11/2018	AT&T	Telephone / 452-0600 / December 2017	1,129.38
1782	01/11/2018	CAA	Water Quality Consulting Services / December 2017	1,962.00
1783	01/11/2018	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / January 2018	8,364.75
1784	01/11/2018	COMPUTER SERVICE COMPANY	Traffic Signal Maintenance Service / December 2017	868.00
1785	01/11/2018	COUNTY OF ORANGE	Automated Fingerprint ID System / January 2018	597.00
1786	01/11/2018	CSG CONSULTANTS INC	Building Plan Review Services / November 2017	892.50
1787	01/11/2018	KDC CONSTRUCTION	Permit Deposit Balance Refund	1,607.30
1788	01/11/2018	MANAGED HEALTH NETWORK	Employee Benefits Program / January 2018	16.72
1789	01/11/2018	MARC DONOHUE	Administrative Services / November - December 2017	250.00
1790	01/11/2018	RICOH USA, INC.	Copier Lease / January 2018	214.20
1791	01/11/2018	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controller / December 2017	979.29
1792	01/11/2018	SOUTHERN CALIFORNIA EDISON	City Hall Utilities / December 2017	1,082.75
1793	01/11/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controller / December 2017	25.48
1794	01/11/2018	SOUTHERN CALIFORNIA EDISON	Residential Streetlights / December 2017	1,796.96
1795	01/11/2018	SOUTHERN CALIFORNIA EDISON	Ridge Route Dog Park / December 2017	24.26
1796	01/11/2018	STAPLES	Office & Janitorial Services	278.33
1797	01/11/2018	THALES CONSULTING INC.	Annual Cities Financial Transaction Report / Fiscal Year 2016-17	1,000.00
1798	01/11/2018	TYLER TECHNOLOGIES, INC.	Software Support / December 2017	156.25
1799	01/11/2018	U.S. BANK	Credit Card Charges / December 2017 (See Note 3)	408.40
1800	01/11/2018	VECTUS	City Hall Internet Service / January 2018	399.00
1801	01/11/2018	VISION SERVICE PLAN OF AMERICA	Employee Benefits Program / January 2018	120.18
1802	01/11/2018	WHITE NELSON DIEHL EVANS LLP	Audit Services / Fiscal Year 2016-17	2,000.00
1803	01/11/2018	WILLDAN ENGINEERING	Code Enforcement Services / August - October 2017	4,379.00
1803	01/11/2018	WILLDAN ENGINEERING	Building Official Services / September 2017	7,170.00
1804	01/23/2018	360 BUSINESS CONSULTING	Website Hosting / November - December 2017	400.00
1805	01/23/2018	AAA AWARDS & MONOGRAMMING	Name Plates and Plaque Setting and Engraving	60.34
1806	01/23/2018	AT&T	Telephone / 581-3974 / January 2018	174.89
1807	01/23/2018	AT&T	White Pages / January 2018	4.48
1808	01/23/2018	AT&T	Telephone / 583-1105 / December 2017	20.25
1809	01/23/2018	BALLIET, MICHAEL	Waste Management Consulting Services / December 2017	1,152.50
1810	01/23/2018	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / January 2018	100.00
1811	01/23/2018	CALIFORNIA BLDG STANDARDS COMM	Building Permit Assessment Fee / October - December 2017	201.46
1812	01/23/2018	CALIFORNIA YELLOW CAB	Taxi Voucher Services / December 2017	9,998.00

**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**2/21/2018**

ITEM 6.3

<b>Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>	
1812	01/23/2018	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / December 2017	9,931.00
1813	01/23/2018	CIVIL SOURCE	El Toro Road Traffic Signal Synchronization Project / January - June 2017	16,010.00
1813	01/23/2018	CIVIL SOURCE	Moulton Parkway Traffic Signal Synchronization Project / January - June 2017	30,782.03
1813	01/23/2018	CIVIL SOURCE	Building Inspection & Counter Services / November 2017	32,745.00
1814	01/23/2018	COMPUTER SERVICE COMPANY	Traffic Signal Maintenance / December 2017	4,789.98
1815	01/23/2018	VOID	Void	0.00
1816	01/23/2018	COUNTY OF ORANGE	800MHz Cost Allocation / January - March 2018	710.00
1817	01/23/2018	CSG CONSULTANTS INC	Building Plan Review Services / December 2017	297.50
1818	01/23/2018	DALE CHRISTIAN/STRUCTURAL ENGINEER, INC.	Structural Engineering Consulting / City Hall / December 2017	1,700.00
1819	01/23/2018	VOID	Void	0.00
1820	01/23/2018	DEPARTMENT OF CONSERVATION	Quarterly SMIP Fee / October - December 2017	663.58
1821	01/23/2018	EL TORO WATER DISTRICT	City Hall, Parks & ROW Landscape Irrigation / December 2017	5,233.34
1822	01/23/2018	ELECNOR BELCO ELECTRIC, INC.	El Toro Road Traffic Signal Synchronization Project	86,450.00
1822	01/23/2018	ELECNOR BELCO ELECTRIC, INC.	Moulton Parkway Traffic Signal Synchronization Project	86,450.00
1823	01/23/2018	HARDY & HARPER, INC	Pavement Management Plan Project - Westbound El Toro Road	132,794.80
1824	01/23/2018	ICMA RETIREMENT CORPORATION	Quarterly Plan Fee / January - March 2018	125.00
1825	01/23/2018	KONE INC.	City Hall Elevator Maintenance / January 2018	257.62
1826	01/23/2018	MICHAEL BAKER INTERNATIONAL	Planning Services / December 2017	3,087.50
1826	01/23/2018	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / December 2017	13,062.10
1827	01/23/2018	NIEVES LANDSCAPE, INC.	Landscape & Irrigation Maintenance	4,050.69
1828	01/23/2018	NUVIS	Dog Park Relocation Project / October - November 2017	11,842.50
1828	01/23/2018	NUVIS	Landscape Architecture Services	825.00
1829	01/23/2018	PV MAINTENANCE INC	Street, City Hall & Park Maintenance / December 2017	14,038.00
1830	01/23/2018	RICOH USA, INC.	Copier / Usage Charges / December 2017	139.12
1831	01/23/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / December 2017	24.90
1832	01/23/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / December 2017	24.53
1833	01/23/2018	SOUTHERN CALIFORNIA EDISON	Street Lamps in Right of Way / December 2017	1,928.28
1834	01/23/2018	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers / December 2017	236.81
1835	01/23/2018	SUNSET PROPERTY SERVICES	Street Sweeping Services / December 2017	2,723.96
1836	01/23/2018	THE GAS COMPANY	City Hall Utilities / December 2017	75.47
1837	01/23/2018	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / December 2017	2,647.15
1838	01/30/2018	DAVID T WASDEN, INC.	Drainage Improvement Project - Moulton Parkway at Santa Maria Avenue	62,467.86
1839	02/09/2018	ANAHEIM COMMUNITY PUBLISHING	Graphic Design / January 2018	420.00
1840	02/09/2018	AT&T	Telephone / 452-0600 / January 2018	1,128.03
1841	02/09/2018	AT&T	Telephone / 458-3487 / January 2018	39.00
1842	02/09/2018	AT&T	Telephone / 639-0500 / January 2018	206.24
1843	02/09/2018	CAPTIONING UNLIMITED	Closed Captioning / City Council Meeting / January 2018	200.00
1844	02/09/2018	COASTAL CURRENT ELECTRIC	Cancelled Permit Refund	130.00
1845	02/09/2018	COUNTY OF ORANGE	800MHz Communication Charges / October - December 2017	360.00
1846	02/09/2018	DATA TICKET, INC	Citation Processing / December 2017	14.49
1847	02/09/2018	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / February 2018	382.82
1848	02/09/2018	LEAGUE OF CALIFORNIA CITIES	Membership Dues / Calendar Year 2018	6,730.00
1849	02/09/2018	MANAGED HEALTH NETWORK	Employee Benefits Program / February 2018	16.72
1850	02/09/2018	NIEVES LANDSCAPE, INC.	Landscape Maintenance / January 2018	14,000.00
1850	02/09/2018	NIEVES LANDSCAPE, INC.	City Hall Landscape Maintenance / January 2018	406.25
1851	02/09/2018	NUVIS	Dog Park Relocation Project / December 2017	6,612.50
1852	02/09/2018	ON POINT LAND SURVEYING, INC	Surveying / December 2017	500.00
1853	02/09/2018	ONE WAY CONSTRUCTION	Waste Diversion Deposit Refund	250.00
1854	02/09/2018	PV MAINTENANCE INC	Street, City Hall & Park Maintenance / January 2018	14,787.88
1855	02/09/2018	RICOH USA, INC.	Copier Lease / February 2018	214.20

**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**2/21/2018**

ITEM 6.3

Date	Vendor Name	Description	Amount	
1856	02/09/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / January 2018	28.99
1857	02/09/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / January 2018	106.53
1858	02/09/2018	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers / January 2018	1,101.08
1859	02/09/2018	SOUTHERN CALIFORNIA EDISON	Ridge Route Dog Park / January 2018	27.42
1860	02/09/2018	SOUTHERN CALIFORNIA EDISON	City Hall Utilities / January 2018	1,046.23
1861	02/09/2018	SOUTHERN CALIFORNIA EDISON	Residential Streetlights / January 2018	1,864.80
1862	02/09/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / January 2018	27.91
1863	02/09/2018	TEAM ONE MANAGEMENT	Janitorial Services / December 2017	664.98
1864	02/09/2018	THE BEE DETECTIVES, INC.	Bee Removal Services / January 2018	150.00
1865	02/09/2018	VECTUS	City Hall Internet Service / February 2018	399.00
1866	02/09/2018	VISION SERVICE PLAN OF AMERICA	Employee Benefits Program / February 2018	120.18
1867	02/09/2018	WILLDAN ENGINEERING	Code Enforcement Services / December 2017	1,566.00
1867	02/09/2018	WILLDAN ENGINEERING	Building Official Services / December 2017	8,700.00
			<b>Total Bank Debits and Warrants:</b>	<b>\$ 1,147,031.92</b>
<b>Petty Cash Expenditures Paid Out</b> (See Note 2)				
		ARC Document Solutions	Document Printing	27.50
		US Postal Office	Postage	7.07
			<b>Total Petty Cash:</b>	<b>34.57</b>
			<b>TOTAL</b>	<b>\$1,147,066.49</b>

**NOTES:**

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of February 2018, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and Rainey.

Note 2 - Petty cash is reported as cash is paid out.

Note 3 - The table below summarizes credit card expenditures paid via Check #1799 to U.S. Bank totaling \$408.40

California Chamber of Commerce	Office Supplies	138.40
Government Finance Officers Association	Training Registration	270.00
<b>Total Credit Card Reimbursement:</b>		<b>\$408.40</b>

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6.4

**FISCAL YEAR 2017-18 BUDGET ADJUSTMENT**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2017-19 BUDGET AND WORK PLAN FOR FISCAL YEAR 2017-18 COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018, AND FISCAL YEAR 2018-19 COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019, RELATED TO GENERAL FUND AND CAPITAL PROJECTS FUND APPROPRIATIONS FOR THE CITY HALL REFURBISHMENT AND SAFETY PROJECT: PHASE 1 (DESIGN)

**WHEREAS**, the Fiscal Years 2017-19 Budget and Work Plan (“Budget”) was adopted by the City Council on June 28, 2017; and

**WHEREAS**, City Council action is required to increase fund-level budget appropriations adopted as a part of the Budget; and

**WHEREAS**, the City Hall Refurbishment and Safety Project: Phase 1 (Design) (“Project”) is included in the City’s Capital Improvement Program as a funded project for Fiscal Year 2017-18; and

**WHEREAS**, subsequent to adoption of the Capital Improvement Program, staff identified the need to replace City Hall’s vault door with a new fire-rated and accessible door, in the interest of safety and security; and

**WHEREAS**, the addition of the vault door replacement design to the Project is expected to be advantageous in achieving efficiencies and economies of scale for the work, both during the design and construction processes; and

**WHEREAS**, it is necessary for the City Council to increase Fiscal Year 2017-18 appropriations for the Project in the Capital Projects Fund in the amount of \$1,600, with the increase drawn from the General Fund unassigned balance, in order for the vault door replacement design to be completed; and

**WHEREAS**, with this Budget amendment, the total Project budget in the Capital Projects Fund would be \$24,100.

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

**SECTION 1.** Section 2 of Resolution No. 17-20, as previously amended by resolution nos. 17-28, 17-33, 17-35, and 17-41, is hereby amended, in its entirety, to read as follows:

The budget appropriations authorized, on a fund level, are:

	<i>Fiscal Year 2017-18</i>	<i>Fiscal Year 2018-19</i>
General Fund	\$6,101,938	\$5,621,246
Capital Projects Fund	\$744,488	\$165,000
<i>Transportation Funds</i>		
Fuel Tax	\$480,736	\$300,102
Road Maintenance & Rehabilitation Program	\$50,000	\$110,250
Measure M2	\$242,044	\$242,992
<i>Public Safety Funds</i>		
Supplemental Law Enforcement Services	\$141,707	\$123,500
<i>Environmental Funds</i>		
Beverage Container Recycling	\$5,000	\$0
<i>Community Services Funds</i>		
PEG/Cable Television	\$2,000	\$2,047
Senior Mobility	\$294,179	\$316,700
Community Development Block Grant (CDBG)	\$145,700	\$145,700
<b>TOTAL</b>	<b>\$8,207,792</b>	<b>\$7,027,538</b>

The budget appropriations authorized by this section reflect the Fiscal Years 2017-19 adopted budgets, plus authorized budget adjustments approved between July 1, 2017 and the date of this amendment. The budget appropriations authorized by this section do not include carryovers of approved, but unspent, budget appropriations from prior fiscal years. Such carryovers were approved by the City Council with the adoption of the current budget and/or pursuant to Administrative Policy 2.9.

**SECTION 2.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2018.

\_\_\_\_\_  
CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted  
by the City Council of the City of Laguna Woods at a regular meeting thereof, held  
on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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**6.5**  
**MEASURE M2 EXPENDITURE REPORT**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017, INCLUDING REVISIONS TO THE MEASURE M2 EXPENDITURE REPORT ADOPTED BY RESOLUTION NO. 17-42

**WHEREAS**, Orange County Local Transportation Ordinance No. 3 requires local jurisdictions to adopt an annual expenditure report to account for net revenues, developer/traffic impact fees, and funds expended by local jurisdictions that satisfy the maintenance of effort requirements; and

**WHEREAS**, the Measure M2 Expenditure Report must include all net revenue fund balances, interest earned, and expenditures identified by type and program or project; and

**WHEREAS**, the Measure M2 Expenditure Report is required to be adopted and submitted to the Orange County Transportation Authority (“OCTA”) each year within six months of the end of the local jurisdiction’s fiscal year to be eligible to receive net revenues as part of Measure M2; and

**WHEREAS**, on December 13, 2017, the City Council adopted the Measure M2 Expenditure Report for the Fiscal Year ended June 30, 2017, via Resolution No. 17-42; and

**WHEREAS**, revisions to the previously adopted Measure M2 Expenditure Report for the Fiscal Year ended June 30, 2017 are required to correct figures on Schedule 3 therein, as requested by the OCTA.

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

**SECTION 1.** That the Measure M2 Expenditure Report for the Fiscal Year ending June 30, 2017, attached hereto as Exhibit A, is in conformance with the M2 Expenditure Report Template provided in the Renewed Measure M2 Eligibility Guidelines and accounts for net revenues, including interest earned, expenditures during the fiscal year, and balances at the end of the fiscal year.

**SECTION 2.** That the Measure M2 Expenditure Report for the Fiscal Year ending June 30, 2017, attached hereto as Exhibit A, is hereby adopted by the City of Laguna Woods. This resolution, including Exhibit A, shall supersede and replace Resolution No. 17-42 and the Measure M2 Expenditure Report that was approved by the City Council on December 13, 2017.

**SECTION 3.** That the City of Laguna Woods’ Administrative Services Director/City Treasurer is hereby authorized to sign and submit the Measure M2 Expenditure Report to the OCTA for the fiscal year ended June 30, 2017, acting in the capacity of the City of Laguna Woods’ Director of Finance.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2018.

\_\_\_\_\_  
CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**  
**Beginning and Ending Balances**

Description	Line No.	Amount	Interest
<b>Balances at Beginning of Fiscal Year</b>			
A-M: Freeway Environmental Mitigation	1	\$ -	\$ -
O: Regional Capacity Program	2	\$ -	\$ -
P: Regional Traffic Signal Synchronization Program	3	\$ (175,020)	\$ -
Q: M2 Fair Share	4	\$ 29,006	\$ 467
R: High Frequency Metrolink Service	5	\$ -	\$ -
S: Transit Extensions to Metrolink	6	\$ -	\$ -
T: Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U: Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ -	\$ -
V: Community Based Transit/Circulators	9	\$ -	\$ -
W: Safe Transit Stops	10	\$ -	\$ -
X: Water Quality Program	11	\$ -	\$ -
Other*	12	\$ -	\$ -
<b>Balances at Beginning of Fiscal Year (Sum Lines 1 to 12)</b>	13	\$ (146,014)	\$ 467
Monies Made Available During Fiscal Year	14	\$ 291,010	\$ 340
<b>Total Monies Available (Sum Lines 13 &amp; 14)</b>	15	\$ 144,996	\$ 807
Expenditures During Fiscal Year	16	\$ 260,659	\$ 77
<b>Balances at End of Fiscal Year</b>			
A-M: Freeway Environmental Mitigation	17	\$ -	\$ -
O: Regional Capacity Program	18	\$ -	\$ -
P: Regional Traffic Signal Synchronization Program	19	\$ (176,636)	\$ -
Q: M2 Fair Share	20	\$ 60,973	\$ 730
R: High Frequency Metrolink Service	21	\$ -	\$ -
S: Transit Extensions to Metrolink	22	\$ -	\$ -
T: Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	23	\$ -	\$ -
U: Senior Mobility Program or Senior Non-Emergency Medical Program	24	\$ -	\$ -
V: Community Based Transit/Circulators	25	\$ -	\$ -
W: Safe Transit Stops	26	\$ -	\$ -
X: Water Quality Program	27	\$ -	\$ -
Other*	28	\$ -	\$ -

\* Please provide a specific description

M2 Fair Share Beginning Balance has been adjusted as follows:

FYE 6/30/16 Balance per Report	\$	132,799	
Deduct ineligible expenditures posted to GL but not report and repaid in FY 16-17 (see revenue)	\$	(411)	
Add. Net adjustments for correcting prior claiming	\$	(21)	
Eligible expenditures in FY 13-14 confirmed by CPA during CAFR preparation and G/L adjusted after the 13-14 M2 report was submitted, The M2 report was never amended.	\$	(103,361)	(El Toro Rehab. Exp.)
Beginning Fair Share balance before interest s/b:	\$	29,006	

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**  
**Sources and Uses**

Description	Line No.	Amount	Interest
<b>Revenues:</b>			
A-M Freeway Environmental Mitigation	1	\$ -	\$ -
O Regional Capacity Program	2	\$ -	\$ -
P Regional Traffic Signal Synchronization Program	3	\$ -	\$ -
Q M2 Fair Share	4	\$ 205,671	\$ 263
R High Frequency Metrolink Service	5	\$ -	\$ -
S Transit Extensions to Metrolink	6	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ 85,338	\$ 77
V Community Based Transit/Circulators	9	\$ -	\$ -
W Safe Transit Stops	10	\$ -	\$ -
X Water Quality Program	11	\$ -	\$ -
Other*	12	\$ -	\$ -
<b>TOTAL REVENUES (Sum lines 1 to 12)</b>	<b>13</b>	<b>\$ 291,010</b>	<b>\$ 340</b>
<b>Expenditures:</b>			
A-M Freeway Environmental Mitigation	14	\$ -	\$ -
O Regional Capacity Program	15	\$ -	\$ -
P Regional Traffic Signal Synchronization Program	16	\$ 1,616	\$ -
Q M2 Fair Share	17	\$ 173,705	\$ -
R High Frequency Metrolink Service	18	\$ -	\$ -
S Transit Extensions to Metrolink	19	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	20	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	21	\$ 85,338	\$ 77
V Community Based Transit/Circulators	22	\$ -	\$ -
W Safe Transit Stops	23	\$ -	\$ -
X Water Quality Program	24	\$ -	\$ -
Other*	25	\$ -	\$ -
<b>TOTAL EXPENDITURES (Sum lines 14 to 25)</b>	<b>26</b>	<b>\$ 260,659</b>	<b>\$ 77</b>
<b>TOTAL BALANCE (Subtract line 26 from 13)</b>	<b>27</b>	<b>\$ 30,351</b>	<b>\$ 263</b>

\* Please provide a specific description

Q M2 Fair Share Expenditures include City transfer of General Fund dollars to reimburse Fund 111 M2 of \$440.

\$29 in eligible expenses per FY 2015-16 VTD audit of Fund 111 M2.

\$411 in expenses paid by Fund 411 not eligible for claiming per City internal audit of all fiscal years since inception of fund.

\$14 of interest was also paid on these reimbursements.

Corrected  
2-14-18

M2 Expenditure Report  
Fiscal Year Ended June 30, 2017  
Streets and Roads Detailed Use of Funds

Line No.	Type of Expenditure	MOE <sup>2</sup>	+ Developer / Impact Fees	O	O Interest	P	P Interest	Q	Q Interest	X	X Interest	Other M2 <sup>3</sup>	Other M2 Interest	Other*	TOTAL
1	Administration (Indirect & Overhead)							\$ 600							\$ 600
2	Construction & Right-of-Way														
3	New Street Construction														
4	Street Reconstruction														
5	Signals, Safety Devices, & Street Lights					\$ 1,616.00									\$ 1,616
6	Pedestrian Ways & Bikepaths														
7	Storm Drains														
8	Storm Damage														
9	Total Construction <sup>1</sup>					\$ 1,616.00									\$ 1,616
10	Right of Way Acquisition														
11	Total Construction & Right-of-Way Maintenance					\$ 1,616.00									\$ 1,616
12	Paving														
13	Overlay & Sealing														
14	Street Lights & Traffic Signals							\$ 173,105							\$ 173,105
15	Storm Damage														
16	Other Street Purpose Maintenance														
17	Total Maintenance <sup>2</sup>							\$ 89,272							\$ 89,272
18	Other														
19	GRAND TOTALS (Sum Lines 1, 10, 15, 17)					\$ 1,616		\$ 173,705				\$ 85,338	\$ 77		\$ 950,009

Legend

Project	Description
A-M	Freeway Environmental Mitigation
O	Regional Capacity Program
P	Regional Traffic Signal Synchronization Program
Q	M2 Fair Share
R	High Frequency Metrolink Service
S	Transit Extensions to Metrolink
T	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
U	Senior Mobility Program or Senior Non-Emergency/Medical Program
V	Community Based Transit/Circulators
W	Safe Transit Stops
X	Water Quality Program

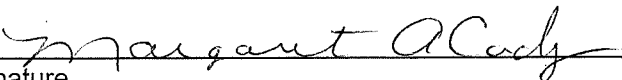
<sup>1</sup> Includes direct charges for staff time  
<sup>2</sup> Local funds used to satisfy maintenance of effort (MOE) requirements  
<sup>3</sup> Other M2 includes A-M, R,S,T,U,V, and W  
+ Transportation related only  
\* Please provide a specific description

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**

I certify that the interest earned on Net Revenues allocated pursuant to the Ordinance shall be expended only for those purposes for which the Net Revenues were allocated and all the information attached herein is true and accurate to the best of my knowledge:

Margaret A. Cady  
Director of Finance (Print Name)

2/14/2018  
Date

  
Signature

**6.6**  
**SENIOR MOBILITY TRANSPORTATION**  
**SERVICES**

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**EXTENSION OF THE  
AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE  
CITY OF LAGUNA WOODS  
AND  
CABCO YELLOW, INC. DOING BUSINESS AS CALIFORNIA YELLOW CAB  
FOR SENIOR MOBILITY TRANSPORTATION SERVICES**

This EXTENSION of the AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT") that was entered into on July 1, 2016 by and among the City of Laguna Woods, a California municipal corporation ("CITY") and Cabco Yellow, Inc. doing business as California Yellow Cab ("CONSULTANT"), is made and entered into this 21st day of February 2018 by and among CITY and CONSULTANT.

**WHEREAS**, the initial term of the AGREEMENT was for the period between July 1, 2016 and 11:59 p.m. on June 30, 2018; and

**WHEREAS**, the AGREEMENT allows for the term of the AGREEMENT to be extended upon written agreement of both parties to the AGREEMENT through a maximum of 11:59 p.m. on June 30, 2020.

**NOW THEREFORE**, the parties amend the AGREEMENT as follows:

1. CITY and CONSULTANT hereby agree to an extension of the AGREEMENT for a period beginning on July 1, 2018 and ending at 11:59 p.m. on June 30, 2019 with no changes to the terms and conditions of the AGREEMENT.

**IN WITNESS WHEREOF**, the parties hereto have caused this EXTENSION to be executed the day and year first above written.

**CITY OF LAGUNA WOODS:**

By \_\_\_\_\_  
Christopher Macon, City Manager

**CONSULTANT:**

By \_\_\_\_\_  
Tim Conlon, President and General Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David B. Cosgrove, City Attorney

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**6.7**

**TREE PRUNING AND REMOVAL SERVICES**

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**AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE  
CITY OF LAGUNA WOODS  
AND  
GREAT SCOTT TREE SERVICE, INC.  
FOR TREE PRUNING AND REMOVAL SERVICES**

This AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT"), is made and entered into this 1st day of March 2018 ("EFFECTIVE DATE"), by and among the City of Laguna Woods, a California municipal corporation ("CITY"), and Great Scott Tree Service, Inc. ("CONSULTANT").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

**SECTION 1. TERM OF AGREEMENT.**

Subject to the provisions of SECTION 19 "TERMINATION OF AGREEMENT" of this AGREEMENT, the term of this AGREEMENT shall be for a period beginning on March 1, 2018 and ending at 11:59 p.m. on February 28, 2019. Such term may be extended upon written agreement of both parties to this AGREEMENT.

**SECTION 2. SCOPE OF SERVICES.**

CONSULTANT shall perform the services set forth in EXHIBIT "A" "SCOPE OF SERVICES" and made a part of this AGREEMENT. All work to be performed by CONSULTANT shall be coordinated with, and approved by City Manager of CITY or his or her designee. CONSULTANT shall not begin work on any individual task or assignment until authorized by the City Manager of CITY or his or her designee to proceed.

**SECTION 3. ADDITIONAL SERVICES.**

CONSULTANT shall not be compensated for any services rendered in connection with its performance of this AGREEMENT which are in addition to or outside of those set forth in this AGREEMENT or listed in EXHIBIT "A" "SCOPE OF SERVICES", unless such additional services are authorized in advance and in writing by the City Council or the City Manager of CITY or his or her designee. CONSULTANT shall be compensated for any such additional services only in the amounts and in the manner agreed to by the City Council or City Manager of CITY or his or her designee.

**SECTION 4. COMPENSATION AND METHOD OF PAYMENT.**

(a) Subject to any limitations set forth in this AGREEMENT, CITY agrees to pay CONSULTANT the amounts specified in EXHIBIT "B" "COMPENSATION" and made a part of this AGREEMENT. CONSULTANT shall perform work only as requested by CITY.

## ITEM 6.7

This AGREEMENT does not state, convey, imply or infer a specific, minimum or expected amount of work or compensation for as needed services or reimbursables. Compensation for services shall not exceed the amounts specified in EXHIBIT "B" "COMPENSATION".

(b) No later than the 15<sup>th</sup> of each month CONSULTANT shall furnish to CITY an **original** invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the categories required by CITY, which are subject to change at the discretion of CITY. CITY shall independently review each invoice submitted by the CONSULTANT to determine whether the work performed and expenses incurred are in compliance with the provisions of this AGREEMENT. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event that any charges or expenses are disputed by CITY, the original invoice shall be returned by CITY to CONSULTANT for correction and resubmission.

(c) Except as to any charges for work performed or expenses incurred by CONSULTANT which are disputed by CITY, CITY will use its best efforts to cause CONSULTANT to be paid within thirty (30) days of receipt of CONSULTANT's invoice.

(d) Payment to CONSULTANT for work performed pursuant to this AGREEMENT shall not be deemed to waive any defects in work performed by CONSULTANT, nor to constitute any waiver of any type of relief or remedy, legal or equitable, arising out of any breach or nonperformance of any aspect of the AGREEMENT by CONSULTANT.

### **SECTION 5. INSPECTION AND FINAL ACCEPTANCE.**

CITY may inspect and accept or reject any of CONSULTANT's work under this AGREEMENT, either during performance or when completed. CITY shall reject or finally accept CONSULTANT's work in its discretion within sixty (60) days after submitted to CITY. Any rejection of work by CITY shall be by written explanation. Acceptance of any of CONSULTANT's work by CITY shall not constitute a waiver of any of the provisions of this AGREEMENT including, but not limited to, sections 15 and 16, pertaining to indemnification and insurance, respectively.

### **SECTION 6. OWNERSHIP OF DOCUMENTS.**

All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by CONSULTANT in the course of providing any services pursuant to this AGREEMENT shall become the sole property of CITY and may be used, reused or otherwise disposed of by CITY without the permission of the CONSULTANT. Upon completion, expiration or termination of this AGREEMENT, CONSULTANT shall turn over to CITY all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents, notwithstanding any billing or compensation disputes that may then exist between CITY and CONSULTANT.

**SECTION 7. CONSULTANT'S BOOKS AND RECORDS.**

(a) CONSULTANT shall maintain any and all documents and records demonstrating or relating to CONSULTANT's and any of CONSULTANT's subcontractors' performance of services pursuant to this AGREEMENT. CONSULTANT shall maintain any and all drafts of studies or planning documents, correspondence, notices, ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to CITY pursuant to this AGREEMENT. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by CONSULTANT pursuant to this AGREEMENT. Any and all such documents or records shall be maintained for five (5) years from the end of the term of this AGREEMENT and to the extent required by laws relating to audits of public agencies and their expenditures.

(b) Any and all records or documents required to be maintained pursuant to this section shall be made available for inspection, audit and copying, at any time during regular business hours, upon written request by CITY, Federal government, State of California, or their designated representatives. Copies of such documents or records shall be provided directly to the requesting party for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at CONSULTANT's address indicated for receipt of notices in this AGREEMENT.

(c) Where CITY has reason to believe that any of the documents or records required to be maintained pursuant to this section may be lost or discarded due to dissolution or termination of CONSULTANT's business, CITY may, by written request, require that custody of such documents or records be given to the requesting party and that such documents and records be maintained by the requesting party. Access to such documents and records shall be granted to CITY, as well as to its successors-in-interest and authorized representatives.

(d) CONSULTANT shall prepare and submit to CITY reports concerning the performance of the work in this AGREEMENT as CITY shall require.

**SECTION 8. STATUS OF CONSULTANT.**

(a) CONSULTANT is and shall at all times remain a wholly independent contractor and not an officer, official, employee or agent of CITY. CONSULTANT shall have no authority to bind CITY in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against CITY, whether by contract or otherwise, unless such authority is expressly conferred under this AGREEMENT or is otherwise expressly conferred in writing by CITY.

(b) The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT's exclusive direction and control. Neither CITY, nor any elected or appointed boards, officers, officials, employees or agents of

## ITEM 6.7

CITY, shall have control over the conduct of CONSULTANT or any of CONSULTANT's officers, officials, employees or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that CONSULTANT or any of CONSULTANT's officers, officials, employees or agents is in any manner officials, officers, employees or agents of CITY.

(c) Neither CONSULTANT, nor any of CONSULTANT's officers, officials, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to CITY'S employees. CONSULTANT expressly waives any claim CONSULTANT may have to any such rights.

(d) This AGREEMENT shall in no way prohibit the CITY from entering into other agreements or contracts, hiring staff or making other such arrangements with other persons and/or entities relative to the services set forth in EXHIBIT "A" "SCOPE OF SERVICES".

### **SECTION 9. STANDARD OF PERFORMANCE.**

CONSULTANT represents and warrants that it has the qualifications, experience, personnel, and facilities necessary to properly perform the services required under this AGREEMENT in a thorough, competent and professional manner. CONSULTANT shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this AGREEMENT, CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of CONSULTANT under this AGREEMENT.

### **SECTION 10. COMPLIANCE WITH APPLICABLE LAWS; PERMITS AND LICENSES.**

(a) CONSULTANT shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this AGREEMENT, including but not limited to regulations and rules pertaining to any grant awards or third-party funding with which this AGREEMENT is funded in whole or in part. CONSULTANT shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this AGREEMENT. CITY shall not be responsible for monitoring CONSULTANT's compliance with federal, state, and local laws, statutes, codes, ordinances, or regulations. Neither CITY, nor any elected or appointed boards, officers, officials, employees or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.

(b) CONSULTANT shall not be debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs, or from receiving Federal contracts, subcontracts, or financial or nonfinancial assistance or benefits, under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35) or other Federal laws, statutes, codes, ordinances, regulations or rules, at any time during the term of this AGREEMENT.

**SECTION 11. NONDISCRIMINATION.**

CONSULTANT shall not discriminate, in any way, against any person on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical conditions, veteran status, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status, sex, age over 40 years, or any other basis protected by applicable federal, state, or local law, including association with individuals with one or more of these protected characteristics or perception that an individual has one or more of these protected characteristics in connection with or related to the performance of this AGREEMENT.

**SECTION 12. UNAUTHORIZED ALIENS.**

CONSULTANT shall comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended from time to time or replaced by a successor statute, and in connection therewith, shall not employ unauthorized aliens as defined therein. The term "unauthorized aliens" means and includes "undocumented foreign nationals" as defined in the proposed Federal Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act (H.R. 3785, introduced October 21, 2015). Should CONSULTANT so employ such unauthorized aliens for the performance of work and/or services covered by this AGREEMENT, and should the any liability or sanctions be imposed against CITY for such use of unauthorized aliens, CONSULTANT shall reimburse CITY for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by CITY.

**SECTION 13. CONFLICTS OF INTEREST.**

(a) CONSULTANT covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of CITY or which would in any way hinder CONSULTANT's performance of services under this AGREEMENT. CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed by it as an officer, official, employee, agent or subcontractor without the express written consent of the City Manager of CITY or his or her designee. CONSULTANT agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of CITY in the performance of this AGREEMENT.

(b) CITY understands and acknowledges that CONSULTANT is, as of the date of execution of this AGREEMENT, independently involved in the performance of non-related services for other governmental agencies and private parties. CONSULTANT is unaware of any stated position of CITY relative to such projects. Any future position of CITY on such projects shall not be considered a conflict of interest for purposes of this section.

**SECTION 14. CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION.**

(a) All information gained or work product produced by CONSULTANT in performance of this AGREEMENT shall be considered confidential, unless such information is in the public domain or already known to CONSULTANT. CONSULTANT shall not release or disclose any such information or work product to persons or entities other than CITY without prior written authorization from the City Manager of CITY or his or her designee, except as may be required by law.

(b) CONSULTANT, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager of CITY or his or her designee or unless requested by the City Attorney of CITY, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this AGREEMENT. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.

(c) If CONSULTANT, or any officer, employee, agent or subcontractor of CONSULTANT, provides any information or work product in violation of this AGREEMENT, then CITY shall have the right to reimbursement and indemnity from CONSULTANT for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of CONSULTANT's conduct.

(d) CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, officials, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this AGREEMENT or the work performed thereunder. CITY retains the right, but has no obligation, to represent CONSULTANT or be present at any deposition, hearing or similar proceeding. CONSULTANT agrees to cooperate fully with CITY and to provide CITY with the opportunity to review any response to discovery requests provided by CONSULTANT. However, this right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

**SECTION 15. INDEMNIFICATION.**

(a) CITY and its respective elected and appointed boards, officials, officers, agents, employees and volunteers (individually and collectively, "INDEMNITEES") shall have no liability to CONSULTANT or any other person for, and CONSULTANT shall indemnify, defend and hold harmless INDEMNITEES from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements (collectively "CLAIMS"), which INDEMNITEES may suffer or incur or to which INDEMNITEES may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise occurring as a

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result of the CONSULTANT's performance of or failure to perform any services under this AGREEMENT or by the negligent or willful acts or omissions of CONSULTANT, its agents, officers, directors, subcontractors or employees, committed in performing any of the services under this AGREEMENT, including without limitation the violation of any federal, state, and local law, statute, code, ordinance, regulation, or rule.

(b) If any action or proceeding is brought against INDEMNITEES by reason of any of the matters against which CONSULTANT has agreed to indemnify INDEMNITEES as provided above, CONSULTANT, upon notice from CITY, shall defend INDEMNITEES at CONSULTANT's expense by counsel acceptable to CITY, such acceptance not to be unreasonably withheld. INDEMNITEES need not have first paid for any of the matters to which INDEMNITEES are entitled to indemnification in order to be so indemnified. The insurance required to be maintained by CONSULTANT under Section 16 shall insure CONSULTANT's obligations under this section, but the limits of such insurance shall not limit the liability of CONSULTANT hereunder. The provisions of this section shall survive the expiration or earlier termination of this AGREEMENT.

(c) The provisions of this section do not apply to CLAIMS occurring as a result of the CITY's sole negligence or willful acts or omissions.

### **SECTION 16. INSURANCE.**

CONSULTANT agrees to obtain and maintain in full force and effect during the term of this AGREEMENT the insurance policies set forth in EXHIBIT "C" "INSURANCE" and made a part of this AGREEMENT. All insurance policies shall be subject to approval by CITY as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager of CITY or his or her designee. CONSULTANT agrees to provide CITY with copies of required policies upon request.

### **SECTION 17. ASSIGNMENT.**

The expertise and experience of CONSULTANT are material considerations for this AGREEMENT. CITY has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon CONSULTANT under this AGREEMENT. In recognition of that interest, CONSULTANT shall not assign or transfer this Agreement or any portion of this AGREEMENT or the performance of any of CONSULTANT's duties or obligations under this AGREEMENT without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this AGREEMENT entitling CITY to any and all remedies at law or in equity, including summary termination of this AGREEMENT. CITY acknowledges, however, that CONSULTANT, in the performance of its duties pursuant to this AGREEMENT, may utilize subcontractors. CONSULTANT shall be solely liable and responsible for the actions, conduct, and performance of subcontractors, including but not limited to ensuring their compliance with Section 10 of this AGREEMENT (Compliance with Applicable Laws; Permits and Licenses).

**SECTION 18. CONTINUITY OF PERSONNEL.**

CONSULTANT shall make every reasonable effort to maintain the stability and continuity of CONSULTANT's staff assigned to perform the services required under this AGREEMENT. CONSULTANT shall obtain approval, in writing, from CITY of any changes in CONSULTANT's staff assigned to perform the services required under this AGREEMENT, prior to any such performance.

**SECTION 19. TERMINATION OF AGREEMENT.**

(a) CITY may terminate this AGREEMENT, with or without cause, at any time by giving thirty (30) days written notice of termination to CONSULTANT. In the event such notice is given, CITY may require CONSULTANT to cease immediately all work in progress.

(b) CONSULTANT may terminate this AGREEMENT at any time upon sixty (60) days written notice of termination to CITY. In the event such notice is given, CITY may require CONSULTANT to cease immediately all work in progress.

(c) If CONSULTANT fails to perform any material obligation under this AGREEMENT, then, in addition to any other remedies, CITY may terminate this AGREEMENT immediately upon written notice.

(d) Upon termination of this AGREEMENT by either CONSULTANT or CITY, all property belonging exclusively to CITY which is in CONSULTANT's possession shall be returned to CITY immediately upon demand by CITY, notwithstanding any billing disputes that may then exist under this AGREEMENT. CONSULTANT shall furnish to CITY a final invoice for work performed and expenses incurred by CONSULTANT, prepared as set forth in SECTION 4 of this AGREEMENT. This final invoice shall be reviewed and paid in the same manner as set forth in SECTION 4 of this AGREEMENT.

**SECTION 20. DEFAULT.**

In the event that CONSULTANT is in default under the terms of this AGREEMENT, the CITY shall not have any obligation or duty to continue compensating CONSULTANT for any work performed after the date of default and may terminate this AGREEMENT immediately by written notice to the CONSULTANT.

**SECTION 21. EXCUSABLE DELAYS.**

CONSULTANT shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of CONSULTANT. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this AGREEMENT shall be equitably adjusted for any delays due to such causes.



**SECTION 27. WAIVER.**

Waiver by any party to this AGREEMENT of any term, condition, or covenant of this AGREEMENT shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this AGREEMENT shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this AGREEMENT. Acceptance by CITY of any work or services by CONSULTANT shall not constitute a waiver of any of the provisions of this AGREEMENT.

**SECTION 28. LAW TO GOVERN; VENUE.**

This AGREEMENT shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Orange. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the District of California in which CITY is located.

**SECTION 29. ATTORNEYS FEES, COSTS AND EXPENSES.**

In the event litigation or other proceeding is required to enforce or interpret any provision of this AGREEMENT, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.

**SECTION 30. ENTIRE AGREEMENT.**

This AGREEMENT, including the attached EXHIBITS "A" through "C", is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between CONSULTANT and CITY prior to the execution of this AGREEMENT. No statements, representations or other agreements, whether oral or written, made by any party which is not embodied herein shall be valid and binding. No amendment to this AGREEMENT shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

**SECTION 31. SEVERABILITY.**

If a term, condition or covenant of this AGREEMENT is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this AGREEMENT shall not be affected thereby and the AGREEMENT shall be read and construed without the invalid, void or unenforceable provision(s).

**SECTION 32. NO THIRD PARTY BENEFICIARIES.**

This AGREEMENT, its provisions, and its covenants, are for the sole and exclusive benefit of CITY and CONSULTANT. No other parties or entities are intended to be,

nor shall be considered, beneficiaries of the performance by either party of any of the obligations under this AGREEMENT.

**IN WITNESS WHEREOF**, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

**CITY OF LAGUNA WOODS:**

By \_\_\_\_\_  
Christopher Macon, City Manager

**CONSULTANT:**

By \_\_\_\_\_  
Scott Griffiths, President

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David B. Cosgrove, City Attorney

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

CONSULTANT shall perform and complete tree pruning and removal services by providing all labor, tools, equipment, materials, and supplies necessary to complete work in a professional, thorough, and timely manner, in accordance with standards and specifications as contained in this AGREEMENT.

**Prevailing Wage**

**ALL SERVICES PERFORMED BY CONSULTANT UNDER THIS AGREEMENT ARE SUBJECT TO PREVAILING WAGE.** In accordance with the provisions of Section 1770 et seq., of the Labor Code, the Director of Industrial Relations of the State of California has determined the general prevailing rate of wages applicable to the work to be done. CONSULTANT shall pay to all persons employed for this work by CONSULTANT sums not less than the sums set forth in the documents entitled "General Prevailing Wage Determination made by the Director of Industrial Relations pursuant to California Labor Code, Part 7, Chapter 1, Article 2, Sections 1770,1773,1773.1".

**California Department of Industrial Relations**

CONSULTANT shall be registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 at all times during the term of this AGREEMENT. All services performed by CONSULTANT under this AGREEMENT are subject to compliance monitoring and enforcement by the Department of Industrial Relations.

**Firm Licensure**

1. CONSULTANT shall hold and maintain a valid State of California C-27 (Landscaping) and a C-61/D49 (Limited Specialty/Tree Service) contractor's license at all times during the term of this AGREEMENT.

**Standards for Personnel**

2. CONSULTANT shall designate a project manager who shall be responsible for overseeing all work performed under this AGREEMENT and coordinating the same with CITY. He or she shall be an International Society of Arboriculture (ISA) Certified Arborist and fluent in the English language. Experience managing municipal contracts is highly desirable.
3. CONSULTANT shall have available a minimum of one (1) Tree Care Industry Association (TCIA) Certified Treecare Safety Professional (CTSP). The CTSP shall be familiar with this Scope of Services and fluent in the English language. Site-specific safety meetings shall occur on a regular basis by the CTSP or an authorized representative of CONSULTANT. The CTSP shall oversee incident investigation by CONSULTANT (see Number 51 herein).

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4. CONSULTANT shall provide a minimum of one (1) ISA Certified Tree Worker (CTW) per tree pruning or removal crew. For the purpose of this provision, a “tree pruning or removal crew” shall be defined as all personnel working in a single, geographic work zone.
5. All of CONSULTANT’S personnel who work on any tree in or around primary electrical lines (aerial utilities) shall be Qualified Line Clearance Arborists or Arborist Trainees as defined in *ANSI Z133 4.1.4* and *4.2.3*. A Qualified Arborist shall make the determination if the work can be performed maintaining Minimal Approach Distances (*ANSI Z133 Table 1* and *Table 2*). A Qualified Arborist shall also determine if conditions exist to necessitate the de-energizing of aerial utilities. De-energizing shall be coordinated through CITY.
6. At all times during tree pruning or removal activities, CONSULTANT shall have work crews on-site that are represented by a fluent English-speaking supervisor who is familiar with this Scope of Services and can receive and carry out notices provided by CITY.
7. At all times during tree pruning or removal activities, CONSULTANT’s personnel shall be dressed in clean, high visibility uniforms, appropriate to the nature of the work performed, with the company name clearly identified. No portion of a uniform shall be removed or not worn. Personnel not in full uniform shall be immediately removed from the work zone.
8. CONSULTANT’s personnel shall possess all of the following:
  - a. Proper licensure and training for operation of equipment utilized.
  - b. Ability to operate equipment in accordance with the manufacturer’s recommendations.
  - c. Ability to make required operator/mechanical adjustments to the equipment being used.
  - d. Knowledge of safety regulations as they relate to tree care and traffic control.
  - e. Knowledge of the safety and uniform standards required by this AGREEMENT.

### **Standards of Practice**

9. CONSULTANT shall follow the most current editions of the *American National Standard for Tree Care Operations Pruning Standards (ANSI A300-Part 1)* and the *Best Management Practices-Tree Pruning*, as may change from time-to-time. Any deviations must be approved in writing by CITY prior to such work. CITY shall exercise its sole discretion, and be under no obligation as to timing, in acting to either approve, conditionally approve, or deny requested deviations. CITY may also rescind previous approvals, at any time and for any reason. CITY shall issue all approvals of requested deviations in writing.
10. CONSULTANT shall follow the most current edition of the *American National Standards for Arboricultural Operations Safety Requirements (ANSI Z133)*, as may change from time-to-time. Deviations are expressly prohibited.
11. CONSULTANT shall possess a documented California Division of Occupational Health and Safety (CalOSHA) compliant safety certification for each aerial lift that its personnel use.

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12. CONSULTANT shall keep all equipment in good working order and shall maintain, operate, and utilize the same in full compliance with applicable manufacturer's instructions, CalOSHA regulations, and California Department of Transportation (DOT) requirements.
13. CONSULTANT shall hold and maintain, in full force and effect, encroachment permits from CITY (CITY will waive fees) during all work. Encroachment permits applications shall include submittals required by CITY including, at a minimum, a traffic control plan. Interested firms are hereby advised that CITY will not allow more than one lane of traffic per street direction to be closed or impeded at a time, or work to commence earlier than 8 a.m. or occur past 4 p.m., except for duly authorized emergency work. CONSULTANT shall provide all traffic control services and devices (e.g., cones, delineators, signage, and flaggers) as required by encroachment permits and otherwise deemed necessary for the safe conduct of services. At no time shall CONSULTANT commence or carry on with work that presents a hazard to pedestrians or bicycle or vehicle traffic.
14. CONSULTANT shall setup, operate, and stage in a manner that presents the least amount of disruption to residents, businesses, the public, and traffic flow. Equipment shall never be stored or left unattended on a public street, CITY facility, or private property. The staging of equipment shall not be exempt from work hour restrictions (i.e., it shall not commence earlier than 8 a.m. or occur past 4 p.m.).
15. CONSULTANT shall establish and maintain a work zone for each tree pruned or removed using all generally accepted methods for establishing and maintaining such work zone. No individuals other than CONSULTANT's personnel or CITY representatives shall be allowed to enter such work zone. If any other individual enters a work zone, CONSULTANT shall immediately cease all work and the operation of all equipment until the work zone is clear.
16. Tree work is a controlled task. At no time shall CONSULTANT perform work so as to result in a loss of control incident (e.g. free-falling large limbs or trunk sections, hinge cutting to avoid use of ropes/hoisting equipment, lack of safety apparatus/equipment guards, improper use/loading of equipment). CONSULTANT shall be fully liable for any damage, injury, or death resultant of loss of control incidents. In addition, CONSULTANT shall be responsible for the mitigation of any damages related to loss of control incidents, and indemnification and defense obligations of CITY as set forth in this AGREEMENT.
17. CONSULTANT shall identify the location of all utilities, irrigation components, and/or any public or private property element(s) that could be compromised by any work activity. This pre-inspection shall occur prior to any commencement of work. If identified, CONSULTANT shall take appropriate action to protect the same. If, during the course of the pre-inspection, CONSULTANT identifies damage that existed before the onset of work, CONSULTANT shall document the damage with photographs and report such damage to CITY prior to any commencement of work in that area. All photo documentation shall have the time and date embedded. Any claim of damage that cannot be refuted by photo documentation and/or a written report to CITY shall be considered the responsibility of CONSULTANT.

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18. While performing work of any type, CONSULTANT shall continually inspect for any hazard related to trees, including uplified sidewalk segments and defective or weakened trees. Hazardous conditions shall be corrected by CONSULTANT or immediately reported to CITY. At no time shall CONSULTANT work in a hazardous condition.
19. Prior to the commencement of any work in the vicinity of any tree, CONSULTANT shall visually survey each tree, from all sides, for the sole purpose of detecting the presence of bird nests or wildlife of any type. If a nest is found and is determined to be active, there shall be no work of any type in the tree in which the nest is found without the written permission of CITY. At no time shall CONSULTANT remove any nest or wildlife from its location. In the event that wildlife is accidentally displaced, CONSULTANT shall notify CITY for animal control assistance, which shall be provided at CONSULTANT's cost.
20. For all trees known or suspected to be diseased, and for all California Sycamore trees, CONSULTANT shall disinfect all pruning tools and cutting surfaces with a ten percent (10%) percent chlorine bleach solution after each cut and between trees where there is danger of transmitting the disease on tools. Fresh solution shall be mixed daily. Used or old solutions shall be disposed of through lawful disposal methods. Dumping used or old solutions, or any component thereof, on the ground, in the gutter, or down the storm drain is prohibited.
21. CONSULTANT shall prevent unnecessary noise resulting from its work and comply with the Laguna Woods Municipal Code's noise standards, as may change from time-to-time.

### **General Tree Pruning Standards**

22. The term of this AGREEMENT is one year. Tree pruning shall be provided on an annual basis and as-needed. Within sixty (60) days from the date of the execution of this AGREEMENT, CONSULTANT shall prune trees in accordance with the inventory contained in appendices E and F of the Request for Proposals (RFP) that was released by CITY for Tree Pruning and Removal Services on November 16, 2017, subject to modification by CITY. Within thirty (30) days of the completion of such annual tree pruning, CONSULTANT's ISA Certified Arborist shall notify CITY in writing of any additional tree pruning that he or she expects will be necessary during the term of this AGREEMENT for consideration by CITY. Apart from the aforementioned annual tree pruning, CONSULTANT shall only provide tree pruning services as requested by CITY. This AGREEMENT does not state, convey, imply or infer a specific, minimum or expected amount of work or compensation for as-needed tree pruning.
23. CONSULTANT shall prune trees in accordance CITY specifications and to accomplish CITY's pruning objectives. Pruning objectives may include, but are not limited to, one or more of the following:
  - a. Risk Reduction
  - b. Clearance

- c. Structural Improvement
- d. Health Management
- e. Restoration

24. CITY's desire is for all trees to retain a natural look according to their species.

a. CONSULTANT shall prune all trees to retain and develop their natural structure, as defined in the most current version of *Best Management Practices-Tree Pruning*, as may change from time-to-time. Any deviations must be approved in writing by CITY prior to such work. CITY shall exercise its sole discretion, and be under no obligation as to timing, in acting to either approve, conditionally approve, or deny requested deviations. CITY may also rescind previous approvals, at any time and for any reason. CITY shall issue all approvals of requested deviations in writing.

b. Unless specific circumstances warrant, no more than twenty-five percent (25%) of a live tree crown shall be removed in any one growing season.

c. "Topping" and "lion's tailing" are prohibited.

d. The use of climbing spurs/gaffs in the act of tree pruning is prohibited.

25. CONSULTANT's tree pruning shall consist of one or more of the following types to achieve the pruning objective(s):

a. **Crown Cleaning:** Crown Cleaning is the removal of dead, diseased, crowded, crossing, weakly attached, and low-vigor branches and water sprouts from the entirety of the tree crown. It is the preferred pruning type to retain the natural structure of the tree. Competing stems and branches should be subordinated. This type may also be used in combination with Crown Restoration, Reduction, and Raising pruning.

b. **Crown Thinning:** Crown Thinning includes Crown Cleaning and the selective removal of branches to increase light penetration and air movement into and through the tree crown. Crown Thinning reduces the wind-sail effect of the crown and the weight of heavy limbs. Consideration shall be given to the ability of the tree to tolerate this type of pruning. Care shall be used to avoid stripping branches of all foliage at the interior of the crown. That practice, known as "lion's tailing," disrupts the structural integrity of the tree, making it subject to limb and branch failure, especially during high winds. Crown Thinning can emphasize the structural beauty of trunks and branches, as well as improve the growth of plants beneath the tree by increasing light penetration. When thinning the crown of mature trees, seldom should more than 25% of the live foliage be removed. This type may also be used in combination with Crown Restoration, Reduction, and Raising pruning.

c. **Crown Raising:** Crown Raising consists of removing the lower branches of a tree in order to provide clearance for buildings, vehicles, signs, lights, and pedestrians. Consideration shall be given to the ability of the tree to tolerate this type of pruning. CONSULTANT shall

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maintain street clearance to a safe distance above the public right-of-way at a minimum of eight (8) feet above the surface of a public sidewalk or pedestrian way and fourteen (14) feet above the surface of a public street. Crown Cleaning may also occur as necessary.

**d. Crown Reduction:** Crown Reduction is used to reduce the height and/or spread of a tree. Consideration shall be given to the ability of the tree to tolerate this type of pruning. "Topping" shall not occur. Crown Reduction should be accomplished using reduction cuts (drop-crotch), not heading cuts. Crown Cleaning should accompany a Crown Reduction. No more than 25% of the live crown should be removed in any one growing season.

**e. Crown Restoration:** Crown Restoration is corrective pruning used as a means to restore the form of tree crowns that have been previously damaged by wind events or poor pruning practices. The natural structure of the tree is to be restored. Multiple Crown Restorations, over time, may be necessary. Only ISA Certified Tree Workers and Arborists shall perform this type of work.

**f. Selective/Safety Pruning:** Selective/Safety Pruning is the select pruning and removal of specific branches(s) of a tree. A Safety Prune is employed as a means of eliminating potentially hazardous limbs (broken/dead/dying) from the crown of a tree when an entire pruning of the tree is not warranted. Crown Cleaning may also occur as necessary.

**g. Palm Pruning:** Palm Pruning relates to Queen Palms (*Syagrus romanzoffianum*). Stalks shall be pruned to a 45-degree angle. Loose petiole bases shall be removed each time the crown of a Queen Palm is maintained. Petiole bases that are attached to live trunk tissue shall be left undamaged.

26. CONSULTANT shall prune trees to prevent branch and foliage interference with safe public passage. This activity shall be included with each pruning type set forth in Number 25 herein, as necessary. Exceptions are allowed for young trees, which would be irreparably damaged by such pruning action. If pruning to these standards would result in permanent disfiguration of a tree, CONSULTANT shall not prune the tree until such time as direction is obtained from CITY. CONSULTANT shall maintain street clearance to a safe distance above the public right-of-way at a minimum of eight (8) feet above the surface of a public sidewalk or pedestrian way and fourteen (14) feet above the surface of a public street.
27. CONSULTANT shall remove and control all tree limbs in a manner that causes no damage to other parts of the tree, or to other plants or property.
28. CONSULTANT shall remove all broken, dead, dying, or loose branches and branch stubs. When removing a dead branch, the final cut should be made outside the collar of live callus tissue. If the collar has grown out along the branch stub, only the dead stub should be removed; the live collar should remain intact and uninjured.
29. CONSULTANT shall subordinate or remove branches that are developing in a manner as to become larger than the limbs they originate from.

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30. When encountering limbs that are weighted with more foliage than the limb is likely to support, CONSULTANT shall selectively prune branches toward the end of the limb in order to reduce end weight and, thus, decrease the likelihood of limb failure.
31. CONSULTANT shall selectively prune branches that create sight line conflicts with traffic control signs, traffic control devices, and/or wayfinding signs.
32. CONSULTANT shall selectively prune branches that are within five (5) feet of a structure.
33. CONSULTANT shall clear trees of sprout or sucker growth to a minimum height of ten (10) feet above ground level. Exceptions are allowed for young trees, which would be irreparably damaged by such pruning action.
34. CONSULTANT shall prune trees to maintain a balanced appearance when viewed from the side of the street immediately opposite the tree, unless authorized, in writing, by CITY to do otherwise.
35. CONSULTANT shall remove all vines (including ivy and mistletoe) that are entwined in trees and on tree trunks. Vine tendrils shall be removed without injury to trees.
36. CONSULTANT shall immediately report all infestations of termites, bees, hornets, wasps, or rats to CITY.
37. CONSULTANT shall prune all trees six (6) inches in diameter or less with hand saws, pole pruners, or other hand tools only.
38. CONSULTANT shall remove any extraneous and unnecessary metal, wire, rubber, or other material interfering with tree growth whenever possible.

### **Tree Removal Standards**

39. CONSULTANT shall only provide tree removal services as requested by CITY. This AGREEMENT does not state, convey, imply or infer a specific, minimum or expected amount of work or compensation for as-needed tree removal.
40. Tree removal consists of the removal of the entirety of a tree, including the removal of the associated stump (unless located on a slope and required for soil stability) and root system.
41. CONSULTANT shall identify the location of all utilities and public and private property landscape irrigation components prior to tree removal. CONSULTANT shall notify CITY, in writing, of any condition that prevents the removal of a tree. CONSULTANT shall be held responsible for any damage that occurs once the process of removing a tree and/or associated grinding begins.

## ITEM 6.7

42. CONSULTANT shall not remove any tree without first field verifying with CITY that the tree being considered is indeed the tree to be removed.
43. CONSULTANT shall grind stumps, including the root flare, to a depth of not less than eighteen (18) inches or until stump material is removed. Surface roots shall be traced and ground to a depth of not less than eight (8) inches. Debris generated by stump grinding and root removal shall be removed from the site and replaced with a topsoil mix. Chips and stump grindings shall not be used as a backfill material.
44. While loading and handling debris, CONSULTANT shall maintain control at all times so as not to result in damage to public or private property. In addition, CONSULTANT shall not drop brush, limbs, logs, or other debris so as to create undue noise or shock impact related damage to public or private property.
45. CONSULTANT shall be responsible for the repair of any damaged public or private property, including any irrigation system components damaged during tree removal. Repairs shall be made using components matching those that were damaged.

### **Clean-up and Waste Disposal**

46. CONSULTANT shall rake all lawn areas and sweep all streets and sidewalks at the end of each day before the work is completed. Areas are to be left in a condition equal to or better than that which existed prior to the commencement of work.
47. CONSULTANT shall promptly and lawfully remove brush, limbs, logs, and any other debris resulting from any tree pruning or removal within one (1) hour following completion of work on the tree from which the debris was generated. All trimming activities shall cease immediately if clean-up personnel or equipment ceases to function or becomes otherwise unavailable. Under no circumstance shall debris be allowed to create a hazardous condition.
48. CONSULTANT shall not permit any personnel or member of the public to collect, salvage, or remove any brush, limbs, logs, or other debris resulting from tree pruning or removal.
49. CONSULTANT shall divert at least sixty-five percent (65%) of the debris resulting from any tree pruning or removal from landfills and transformation facilities. If CONSULTANT chooses to utilize a third-party to haul debris, it shall be a requirement to use Waste Management of Orange County (Waste Management Collection and Recycling, Inc.).
50. CONSULTANT shall provide CITY with documentation of the tonnage and composition of debris disposed of, and the manner and location of disposition, before any compensation is provided for services rendered.

**Injury or Death Incident Reporting**

51. CONSULTANT shall report to CITY any incident that occurs during work, and results in any injury or death, within one (1) hour of occurrence. CONSULTANT shall prepare and submit a written report to CITY within twenty-four (24) hours of any such incident. CONSULTANT's CTSP shall oversee CONSULTANT's investigation and reporting, and shall also submit a report within fourteen (14) days determining root causes of the incident with follow-up mitigation actions by CONSULTANT.

**Property Damage Reporting and Repair**

52. Should any structure or property be damaged during CONSULTANT's work, CONSULTANT shall notify the property owners and CITY within one (1) hour of occurrence. CONSULTANT shall make all arrangements for repairs to damaged property within forty-eight (48) hours of occurrence, except utility lines, which shall be repaired within twenty-four (24) hours of occurrence. CONSULTANT shall be solely responsible for contacting all utilities, property owners, and contractors required to complete such repairs. Repairs shall be made in accordance with the appropriate building codes under permits issued by CITY (CITY will not waive fees) and other laws and regulations, as applicable. Repairs shall be made using components matching those that were damaged.

53. CONSULTANT shall pay special attention to existing irrigation systems, plant material, landscape features, lights, and utility boxes on CITY property in order to avoid damage. Any damage that occurs to those areas shall be repaired on the same day that the damage occurs, unless otherwise authorized by CITY.

**EXHIBIT "B"**  
**COMPENSATION**

CONSULTANT shall be compensated using the following rates:

*Table 1-1: Compensation Schedule – Tree Pruning Services in accordance with the inventory contained in appendices E and F of the Request for Proposals (RFP) that was released by CITY for Tree Pruning and Removal Services on November 16, 2017*

Description	Rate
Public Right-of-Way	\$21,482 (467 trees at \$46 per tree)
City Parks and City Hall	\$7,602 (181 trees at \$42 per tree)

\* Should the inventory assumed in Table 1-1 be modified by CITY, such modifications shall be made at the rate of +/- \$46 per Public Right-of-Way tree and +/- \$42 per City Parks and City Hall tree.

*Table 1-2: Compensation Schedule – As-Needed Services*

Description	Rate
Grid Prune 0”-6” DSH	\$39 each
Grid Prune 7”-12” DSH	\$44 each
Grid Prune 13”-18” DSH	\$49 each
Grid Prune 19”-24” DSH	\$49 each
Grid Prune 25”-30” DSH	\$49 each
Grid Prune (Multi-Trunk)	\$54 each
Service Request Prune DSH (<20 Trees)	\$90 per person/per hour
Tree & Stump Removal	\$44 per inch
Tree Only Removal	\$34 per inch
Stump Only Removal	\$14 per inch
Crew Rental*	\$90 per person/per hour
Emergency Crew Rental*	\$120 per person/per hour
Emergency Crew Rental* (Double Overtime/Sunday/Holiday**)	\$160 per person/per hour

\* Crew Rental rates apply only for extraordinary as-needed services (e.g., difficult access, pruning beyond International Society of Arboriculture standards, etc.).

\*\* Double Overtime applies to any employee who works over 12 hours in a day and in excess of 8 hours worked on the seventh consecutive day. Holidays are New Year’s Day, Martin Luther King, Jr. Day, Presidents Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Eve, and Christmas Day.

The rates set forth in Table 1-1 and Table 1-2 are “all inclusive”. CITY shall not provide separate or supplemental compensation to CONSULTANT.

**EXHIBIT "C"**  
**INSURANCE**

A. Insurance Requirements. CONSULTANT shall provide and maintain insurance, acceptable to the City Manager of CITY or his or her designee or City Attorney, in full force and effect throughout the term of this AGREEMENT, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. CONSULTANT shall provide the following scope and limits of insurance:

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

(1) Insurance Services Office form Commercial General Liability coverage (Occurrence Form CG 0001).

(2) Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of CITY.

(3) Workers' Compensation insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the CONSULTANT and all risks to such persons under this AGREEMENT.

2. Minimum Limits of Insurance. CONSULTANT shall maintain limits of insurance no less than:

(1) General Liability: \$1,000,000 per occurrence for all covered losses and no less than \$2,000,000 general aggregate for bodily injury, personal injury and property damage.

(2) Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation and Employer's Liability: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

B. Other Provisions. Insurance policies required by this AGREEMENT shall contain the following provisions:

1. All Policies. Each insurance policy required by this AGREEMENT shall be endorsed and state that the coverage shall not be suspended, voided, cancelled by the insurer

## ITEM 6.7

or either party to this AGREEMENT, reduced in coverage or in limits except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to the City Manager of CITY or his or her designee.

### 2. General Liability and Automobile Liability Coverages.

(1) CITY, and its respective elected and appointed officers, officials, and employees and volunteers are to be covered as additional insureds as respects: liability arising out of activities CONSULTANT performs; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT; or automobiles owned, leased, hired or borrowed by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, and their respective elected and appointed officers, officials, or employees.

(2) CONSULTANT's insurance coverage shall be primary insurance with respect to CITY, and its respective elected and appointed, its officers, officials, employees and volunteers. Any insurance or self insurance maintained by CITY, and its respective elected and appointed officers, officials, employees or volunteers, shall apply in excess of, and not contribute with, CONSULTANT's insurance.

(3) CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(4) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, and its respective elected and appointed officers, officials, employees or volunteers.

3. Workers' Compensation and Employer's Liability Coverage. Unless the City Manager of CITY or his or her designee otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against CITY, and its respective elected and appointed officers, officials, employees and agents for losses arising from work performed by CONSULTANT.

C. Other Requirements. CONSULTANT agrees to deposit with CITY, at or before the effective date of this contract, certificates of insurance necessary to satisfy CITY that the insurance provisions of this contract have been complied with. The City Attorney may require that CONSULTANT furnish CITY with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. CITY reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

1. CONSULTANT shall furnish certificates and endorsements from each subcontractor identical to those CONSULTANT provides.

2. Any deductibles or self-insured retentions must be declared to and

## ITEM 6.7

approved by CITY. At the option of CITY, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY or its respective elected or appointed officers, officials, employees and volunteers or the CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.

3. The procuring of such required policy or policies of insurance shall not be construed to limit CONSULTANT's liability hereunder nor to fulfill the indemnification provisions and requirements of this AGREEMENT.

6.8

**DRAINAGE IMPROVEMENT PROJECT  
(MOULTON PARKWAY AT SANTA MARIA  
AVENUE) *(NO REPORT)***

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6.9

**PAVEMENT MANAGEMENT PLAN PROJECT  
(WESTBOUND EL TORO ROAD BETWEEN  
AVENIDA SEVILLA AND PASEO DE  
VALENCIA) (NO REPORT)**

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**6.10**  
**GENERAL PLAN ANNUAL REPORT**

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**City of Laguna Woods**

**General Plan Annual Report**  
**2017**

**Planning & Environmental Services Department**



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**February 2018**

**CITY COUNCIL**

Carol Moore  
Mayor

Cynthia Conners  
Mayor Pro Tem

Noel Hatch  
Councilmember

Shari L. Horne  
Councilmember

Joe Rainey  
Councilmember

**CITY MANAGER**

Christopher Macon

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## 1. Introduction

California Government Code Section 65300 requires that each city adopt a General Plan to guide the long-term physical development of the City. The General Plan consists of seven elements addressing land use, housing, circulation, open space, conservation, safety, and noise. Future physical development of the City of Laguna Woods, as well as the formulation of municipal programs and services needed to support such development, will be guided through policies, objectives, and implementation measures set forth in each general plan element. Initially adopted in October 2002, the Laguna Woods General Plan provides the foundation for the City to function as a distinct and unique community. The policies, programs, and other measures discussed in this document serve as a blueprint for the future. Primary among the General Plan's objectives is the development of a self-sustaining community that provides for goods, services, housing, employment, and recreational opportunities.

California Government Code Section 65400 mandates that certain cities and all 58 counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research ("OPR"), and the California Housing and Community Development ("HCD") Department. This report has been prepared to summarize the status of the Laguna Woods General Plan and the progress made in its implementation in 2017. Significant policies, programs, and other measures that were developed or adopted over the reporting period are included in this document provide concrete examples of the City's progress towards implementation. Also included in this document are figures, tables, and information requested by HCD. Prepared in accordance with State law, the HCD-requested items illustrate the City's progress towards meeting its share of regional housing needs (see Chapter 5, Regional Housing Needs Assessment Allocation).

The preparation of this document is not only a statutory measure developed to comply with State law. The General Plan Annual Report provides a systematic look at the City's progress in meeting its General Plan goals. This process serves as a valuable tool for staff to gain perspective on the effectiveness of General Plan implementation measures, as well as areas that might require a different approach. Lastly, the results of this document will serve as a guide for decision makers (e.g., City Council) in prioritizing future policy development, resource allocations, programs, services, and projects.

## 2. Background

Laguna Woods occupies approximately three square miles of land in Orange County, California and is bordered by the cities of Aliso Viejo, Irvine, Laguna Beach, and Laguna Hills, as well as unincorporated and undeveloped open space owned by the County of Orange and the City of Laguna Beach. Transportation routes near Laguna Woods include the Interstate 5 Freeway ("I-5"), and State Routes 73 ("SR-73") and 133 ("SR-133"). Portions of SR-73 and SR-133 are operated as toll roads by the Transportation Corridor Agency.

Laguna Woods is predominantly built out. Nonetheless, the status of properties, both developed and undeveloped, could change and there is potential for infill development of unused or underutilized properties that are currently designated for commercial, residential, or community facilities land uses.

The California Department of Finance (“DOF”) estimates that Laguna Woods’ population was 16,319 as of January 1, 2017. That figure represents a decrease of 0.06% as compared to DOF’s previous estimate of 16,329 as of January 1, 2016. DOF estimates incorporate United States Census counts, the most recent of which found that Laguna Woods’ population was 16,192. The population is known to experience seasonal variation, adding as many as 1,500 residents throughout the year to the base number counted during the United States Census. For example, the 2000 United States Census counted 17,794 residents with essentially the same number of housing units as existed in 2010.

### 3. General Plan Adoption and Amendments

Preparation of the Laguna Woods General Plan began with a series of community workshops held in early 2001. Perspectives and issues presented by members of the community set the course for the new General Plan. The General Plan Coordinating Committee, appointed by the City Council, considered each draft-component of the new General Plan and provided input at monthly meetings from February 2001 through June 2002. The Community Services Committee provided input on the draft document at public meetings in March and August 2002. In September 2002, the Planning Advisory Committee recommended that the City Council certify the Environmental Impact Report prepared in conjunction with the General Plan and adopt the draft General Plan. The City Council held a public hearing, certified the Environmental Impact Report, and adopted the General Plan on October 16, 2002. The General Plan Housing Element was subsequently certified by HCD on April 7, 2003.

The City adopted one General Plan amendment in 2017. A brief summary of the General Plan amendments adopted since the initial adoption is included in the following table:

<b>SUMMARY OF LAGUNA WOODS GENERAL PLAN AMENDMENTS</b>		
<b>Date</b>	<b>Action</b>	<b>Description</b>
October 2005	General Plan Amendment (GPA 05-01)	General Plan Amendment to change a property from Commercial to High Density Residential
July 2007	General Plan Amendment (GPA 07-01)	General Plan Amendment for the annexation of 170 acres of land for Open Space
January 2009	General Plan Housing Element Update	Housing Element Update
December 2010	General Plan Land Use Element and Map Amendment	General Plan Amendment incorporating new “Residential Community” and “Community Facilities” land use designation, and reflecting a private community name change from “Leisure World” to “Laguna Woods Village.”
June 2013	General Plan Circulation Element Update	Addition of a road definition and updates to ensure consistency with the Master Plan of Arterial Highways (“MPAH”)
February 2014	General Plan Housing Element Update	Housing Element Update (streamlined option)
April 2014	General Plan Safety Element Update	Comprehensive update of the Safety Element

SUMMARY OF LAGUNA WOODS GENERAL PLAN AMENDMENTS (continued from page 2)		
Date	Action	Description
July 2015	General Plan Conservation Element Update	Comprehensive update of the Conservation Element
July 2015	General Plan Amendment (GPA 15-19)	General Plan Amendment to change the land use designation for eight parcels from “Urban Activities Center” to “Open Space”
August 2017	General Plan Land Use Element Amendment (GPA/ZC-1169)	General Plan Amendment related to Urban Activities Center (“UAC”) properties, including changes in land use designations for six parcels and deletion of the UAC land use designation

A comprehensive update of the General Plan is currently underway. In addition to addressing emerging issues and community priorities, the General Plan will be updated to ensure compliance with State law and revise implementing policy frameworks (goals, policy objectives, and implementation actions). As a result of recent updates to the conservation and safety elements, this project will primarily focus on the circulation (mobility), housing, land use, noise, and open space elements. A 25-year planning horizon will allow for a long-term approach to critical issues.

#### 4. Significant Projects and Programs

The City Council is the City’s legislative body. The City Council serves as the Planning Commission for land use decisions and conducts extensive community outreach targeting residents, businesses, nonprofit organizations, and others to gain input on proposed projects, services, and programs.

The purpose of this section is to highlight a sampling of significant projects, services, and programs in 2017 that were instrumental to the implementation of the General Plan.

**City Hall Services:** Laguna Woods City Hall hosts a branch of the County of Orange’s public library system. With hours from 10 a.m. to 4:30 p.m., Monday through Friday, residents can request books and other library resources located in other branches and have them shipped to City Hall’s branch for check-out. The branch continues to provide kiosks with networked computers for library cardholders at no charge. The branch also offers a one-on-one eBook assistance service. In addition to library services, City Hall offers notary services, hosts community events (e.g., informative workshops), and provides meeting space for the SCORE Association and local district staff for state and federal legislators that represent Laguna Woods, including U.S. Representative Walters, State Senator Moorlach, and Assembly Member Harper.

**Senior Mobility Program:** The Senior Mobility Program subsidizes the cost of taxi travel for Laguna Woods residents who are at least 60 years of age to anywhere in Orange County, except John Wayne Airport. Subsidized travel is also available to the Long Beach Veterans Hospital. Made possible, in part, by the support of the Orange County Transportation Authority (“OCTA”) and Orange County’s Measure M2 half-cent sales tax, the Senior Mobility Program promotes lifelong mobility through the provision

of affordable, senior-oriented transportation services. Core elements include general travel vouchers, non-emergency medical transportation, and Irvine Station travel vouchers.

**Household Hazardous Waste, Bulky Item, and Sharps Collection Programs:** Residents are able to participate in an array of free recycling and waste disposal programs, including a door-to-door household hazardous waste program; an in-home bulky item collection program; a curbside bulky item collection program; and, a sharps collection program. In addition, several collection events are held throughout the year, including goods exchanges and document shredding events.

**General Plan Amendments, Zoning Code Amendments and Zone Changes Project:** In 2017 after approving an application from the Golden Rain Foundation, the City made general plan amendments, zoning code amendments and zone changes for Urban Activities Center (“UAC”) properties. The project pertained to six parcels, all of which are owned and maintained by the Golden Rain Foundation. The amendments were intended to better align existing land uses with land use designations. The project included changing the land use designation for five parcels from UAC to Residential Community (“RC”) and one parcel from portions Open Space (“OS”) and UAC to entirely OS. The zoning code amendment consisted of deleting the UAC district and establishing a new Residential Community – Maintenance (“RC-MT”) district, which was established for the continued development and preservation of specialized maintenance and operational support facilities that provide services to the base RC zoning district, and prohibit incompatible uses. The project also included six zone changes: five from the UAC district to RC with a RC-MT zoning overlay district and one from Open Space-Recreation (“OS-R”) and portions UAC to entirely OS-R.

**Highlights Dashboard (ATTACHED AS EXHIBIT “A”):** The City seeks to create “*A City that is... healthy and safe, high in quality of life, environmentally conscious, economically prosperous, fiscally responsible, and professionally and efficiently served.*” While by no means exhaustive, the figures presented on the Highlights Dashboard are indicators of service level accomplishments during the 2017 calendar year. Highlights from the City’s most recent annual financial report are also included.

## 5. Regional Housing Needs Assessment Allocation

In accordance with State law, the Southern California Association of Governments (“SCAG”) prepared a Regional Housing Needs Assessment (“RHNA”) quantifying the need for housing in each jurisdiction in the SCAG region between 2014 and 2021. The RHNA provides estimates of existing and future housing needs for each municipality and regional government. State law requires local governments to implement the RHNA by providing concrete measures to meet local affordable housing allocations.

The RHNA existing housing need is determined from information about current residents, including the number of low-income families paying more than 30% of their income for housing. Future need is based on projected growth in the number of households and the number of dwelling units required to maintain a target vacancy rate. State laws requiring that new, affordable housing not be concentrated in existing low income neighborhoods also guide the geographic distribution of dwelling units in the RHNA. The RHNA can include replacement housing, as well as new construction. The City’s RHNA allocation for new construction units by income category is indicated in the following table:

<b>TOTAL CONSTRUCTION NEED BY INCOME FOR PLANNING PERIOD 2014-21</b>				
<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
1	1	0	0	2
50%	50%	0%	0%	100%

Source: Southern California Association of Governments

The City’s RHNA allocation was significantly reduced from 134 units to two units in the most recent cycle. The City is in the process of meeting its affordable housing allocation for the period of 2014 to 2021. No new dwelling units were proposed or constructed, and no dwelling units were permanently lost during this reporting period. In rare cases, occupancy of existing units has been restricted on a temporary basis due to fire or other construction deficiencies. In no case have those dwelling units been lost or become uninhabitable once repairs were completed.

## 6. Implementation of General Plan Elements

To assess the progress toward full implementation of the General Plan, the following table provides a detailed look at each of the goals, objectives, and implementation measures contained in the General Plan. Each implementation measure is assigned one of the following designations pertaining to status:

- Implemented;
- Ongoing;
- Partially Implemented;
- Started;
- Not Yet Implemented; or
- Abandoned.

Brief comments regarding implementation measures are also provided. The comments are not intended to be comprehensive, but provide examples of City efforts in implementing individual objectives.

For more information, please contact the Planning & Environmental Services Department.

LAND USE ELEMENT	Implementation Status
<p><b>Objective I:</b> Promote land uses that accommodate the diverse needs of City of Laguna Woods residents.</p>	
<p><b>Policy I.A:</b> Facilitate development of a variety of housing types that appeal to a broad spectrum of prospective new residents.</p>	
<p>I.A.1 Accommodate rezoning of properties consistent with Residential designations shown on the General Plan Land Use Map and with Housing Element goals for new dwelling unit construction.</p>	<p><b>Implemented:</b> In 2010, the Land Use Element was amended to describe and account for “Residential Community” and “Community Facilities” land use designations. Additionally, the City Council adopted Chapter 13.23 of the Laguna Woods Municipal Code, establishing emergency and transitional housing shelter regulations, which became effective in 2011.</p>
<p>I.A.2 Approve rezoning of Open Space land to non-residential use consistent with the General Plan Land Use Map only after sufficient land is zoned for Residential use consistent with Housing Element goals for new dwelling unit construction.</p>	<p><b>Implemented:</b> The City is in compliance with its Housing Element with sufficient property designated and zoned as residential to meet its RHNA allocation.</p>
<p>I.A.3 Adopt a Zoning Ordinance provision requiring that replacement, redevelopment, and/or relocation of any Leisure World [Laguna Woods Village] Clubhouse facility will not result in a net loss of land area reserved and maintained for recreational uses.</p>	<p><b>Implemented:</b> Section 13.08.030(e) of the Laguna Woods Municipal Code, adopted April 16, 2003.</p>
<p><b>Policy I.B:</b> Actively participate with property owners and their representatives to expand the range of retail goods and services.</p>	
<p>I.B.1 Prepare a City marketing brochure to supplement broker and property owner offerings to prospective commercial tenants and prospective residents.</p>	<p><b>Ongoing:</b> The City continues to develop and maintain an array of marketing materials. The City’s website was redesigned in 2015 and now provides an improved platform for marketing to both prospective commercial tenants and prospective residents.</p>
<p>I.B.2 Adopt Zoning Ordinance procedures for site-specific parking studies reflecting demand based on existing or proposed commercial tenant mix.</p>	<p><b>Implemented:</b> Section 13.18.070 of the Laguna Woods Municipal Code, adopted April 16, 2003.</p>
<p>I.B.3 Accommodate requests of property owners for zone changes consistent with land use designations on the General Plan Land Use Map.</p>	<p><b>Ongoing:</b> See “Summary of Laguna Woods General Plan Amendments” on page 2 of this document.</p>

<p><b>Objective II:</b></p> <p>Enhance the value and desirability of properties.</p>	
<p><b>Policy II.A:</b> Develop a strategy for promoting excellence in property maintenance and building design.</p>	
<p>II.A.1 Adopt Zoning Ordinance standards for design review that include architectural guidelines for new and renovated commercial projects.</p>	<p><b>Ongoing:</b> The Laguna Woods Municipal Code was adopted April 16, 2003. The City’s development standards continue to evolve to respond to changes in land use.</p>
<p>II.A.2 Include noise, view, light and glare, and traffic generation considerations in developing buffer zone requirements in the Zoning Ordinance to ensure compatibility of non-residential development with nearby residential uses.</p>	<p><b>Implemented:</b> Chapter 13.16 of the Laguna Woods Municipal Code, adopted April 16, 2003.</p>
<p>II.A.3 Continue to implement the scenic highway provisions of the Zoning Ordinance.</p>	<p><b>Ongoing:</b> There are no scenic highways located in Laguna Woods.</p>
<p>II.A.4 Continue to include maintenance and periodic upgrading of landscaped medians in the City’s annual budget.</p>	<p><b>Ongoing:</b> Maintenance and periodic upgrading of landscaped medians are a part of the City’s current operating budget. In 2015, the City began work on design documents for the Moulton Parkway Water Efficient Median Project. In 2016, the City Council approved a planting and material palette for the project. In 2017, the project went through a bidding process and was constructed.</p>
<p>II.A.5 Continue the current Code Enforcement program including inspection and compliance provisions associated with the City’s Stormwater Program.</p>	<p><b>Ongoing:</b> Code enforcement activities, including water quality enforcement, are ongoing.</p>
<p>II.A.6 Adopt a Zoning Ordinance provision requiring preparation of a Specific Plan for the “Urban Activities Center” designated on the Land Use Plan prior to approval of development on any of the subject parcels and including performance and development standards consistent with Section II.C.2, <i>Specific Plan Concept</i>.</p>	<p><b>Abandoned:</b> In 2017, the City amended the Land Use Element of the City’s General Plan to delete the Urban Activities Center land use designation, including the related narrative and implementation measure II.A.6. All properties formerly designated as Urban Activities Center have been re-designated and re-zoned.</p>

<p>II.A.7 Incorporate stormwater design considerations or Standard Urban Stormwater Mitigation Plans (SUSMP's) and the implementation of Best Management Practices (BMP's), to the maximum extent practicable, in new development and significant redevelopment projects to improve water quality and ensure compliance with the City Local Implementation Plan (LIP).</p>	<p><b>Ongoing:</b> New projects are reviewed for compliance with the City's Local Implementation Plan and Water Quality Ordinance, adopted January 2003 and revised in 2010. Specific design considerations that address stormwater pollution mitigation plans and BMPs are included as part of applicable development reviews. In 2010, the City modified several ordinances related to water quality, including trash and debris, grading, and water quality. Those modifications were made to ensure continued compliance with state law and reduce water pollution.</p>
<p><b>Policy II.B:</b> Monitor land use decisions and legislation of other units of government that may affect the quality and value of properties in the City of Laguna Woods.</p>	
<p>II.B.1 Actively participate as a City in area-wide and regional forums in opposing a commercial airport at the former Marine Corps Air Station at El Toro.</p>	<p><b>Implemented:</b> A commercial airport is no longer a potential or proposed use for the former Marine Corps Air Station at El Toro.</p>
<p>II.B.2 Monitor legislative updates provided by the California League of Cities.</p>	<p><b>Ongoing:</b> The City continues to monitor legislative updates provided by the League of California Cities.</p>
<p>II.B.3 Work with nearby cities and special districts on issues of mutual benefit or interest.</p>	<p><b>Ongoing:</b> The City has partnered with the cities of Laguna Hills, Aliso Viejo, and Laguna Beach on several road improvement projects and traffic issues, and continues to work with the El Toro Water District on wastewater, water conservation, and stormwater issues. In 2016 and 2017, the City worked with nearby cities on several joint projects, including the Dairy Fork Constructed Wetland Project and traffic signal synchronization projects on El Toro Road and Moulton Parkway. In 2017, the City continued to work with nearby cities and the California Department of Transportation ("Caltrans") on the El Toro Road and Moulton Parkway traffic signal synchronization projects.</p>
<p><b>Objective III:</b> Promote innovation in design and development of properties that reflects the unique needs of the City of Laguna Woods market.</p>	

<p><b>Policy III.A:</b> Identify opportunities in new construction and re-use projects for optimizing accessibility for people with special needs.</p>	
<p>III.A.1 Consider adopting zoning and subdivision requirements for connecting sidewalks and multi-purpose trails between new and existing commercial, institutional and residential destinations.</p>	<p><b>Not Yet Implemented:</b> The City has constructed multimodal trails linking existing commercial, institutional, and residential destinations. Requirements have not been adopted as part of zoning and subdivision codes.</p>
<p>III.A.2 Consider adopting Zoning Ordinance standards for alternative modes of transportation in commercial, institutional, and multiple family residential developments.</p>	<p><b>Partially Implemented:</b> Section 13.18.090 of the Laguna Woods Municipal Code, “Transportation Demand Management,” includes provisions for alternative modes of transportation. Section 13.18.030 of the Laguna Woods Municipal Code, adopted December 18, 2013.</p>
<p><b>Objective IV:</b> Maintain and enhance revenues to the City.</p>	
<p><b>Policy IV.A:</b> Consider the fiscal impacts of land use decisions.</p>	
<p>IV.A.1 Require applicants for new uses, to be defined by project size or type, to submit fiscal impact analyses including projected revenues to the City and costs of municipal services.</p>	<p><b>Ongoing:</b> A fiscal analysis is part of the standard review process for significant land use projects.</p>

HOUSING ELEMENT	Implementation Status
<p><b>Objective 1:</b> Maintain and improve residential neighborhoods and support quality housing for all residents.</p>	
<p><b>Policy 1.A:</b> Work towards full implementation of the 2006-2014 Housing Element objectives, policies, and programs in the Housing element</p>	
<p>Program 1.A.1 Provide a progress report on the 2014-2021 Housing Element programs and quantified objectives as part of the annual General Plan status reports to the State.</p>	<p><b>Ongoing:</b> This is the City’s normal practice.</p>
<p><b>Policy 1.B:</b> Promote, encourage, and facilitate efforts to preserve the City’s housing stock.</p>	
<p>Program 1.B.1 Continue to promote on-going building maintenance activities. To promote building maintenance, the City will:</p> <ul style="list-style-type: none"> <li>• Identify available funds for building maintenance activities and energy efficiency upgrades.</li> <li>• Disseminate public information on available housing programs, such as the energy efficient equipment retrofit program (CDBG) at public counters and the City’s website.</li> <li>• Assist property owners and property managers in their efforts to identify and mitigate housing maintenance issues.</li> </ul>	<p><b>Ongoing:</b> In 2010, the City obtained a California Energy Commission grant using federal funds to retrofit City Hall with dual-pane, low-E windows and energy efficient lighting and heating, ventilation, and air conditioning equipment. The project modeled energy efficiency retrofits to property owners and property managers.</p> <p>Through June 2017, the City offered a CDBG-funded Residential Energy Efficiency Improvement Program.</p> <p>The City provides resources and assistance, daily, regarding housing maintenance, at the building counter and via building inspections.</p>
<p><b>Objective 2:</b> Promote and encourage the development of housing opportunities to accommodate current and projected housing need.</p>	
<p><b>Policy 2.A:</b> Promote construction of units consistent with the new construction needs identified in the Regional Housing Needs Assessment (RHNA).</p>	
<p>Program 2.A.1 Work with property owners in the development of Specific Plans to guide the development of Urban Activities Center parcels to include residential development.</p>	<p><b>Abandoned:</b> In 2017, the City amended the Land Use Element of the City’s General Plan to delete the Urban Activities Center land use designation. All properties formerly designated as Urban Activities Center have been re-designated and re-zoned.</p>

<p>Program 2.A.2 Work with commercial property owners to establish residential/commercial mixed use development standards for the City’s Commercial land use district.</p>	<p><b>Not yet Implemented:</b> Sufficient housing opportunities to accommodate the City’s RHNA allocation exist without the establishment of mixed use development standards.</p>
<p><b>Policy 2.B:</b> Mitigate governmental constraints to the accommodation of special needs residents.</p>	
<p>Program 2.B.1 Participate in the County of Orange Consolidated Plan program and in the Continuum of Care to provide housing for special needs populations, particularly extremely and very low income persons. Participation will include assigning a representative to participate in meetings and events sponsored by these programs. In addition, the Resource Guide for Orange County Homeless and other publications that support the program goals will be distributed from City Hall.</p>	<p><b>Ongoing:</b> The City participated in the development of the County of Orange’s Consolidated Plan for the years 2010 to 2015, and 2015 to 2019. In 2015, the City hosted one of the County of Orange’s Consolidated Plan Community Workshops at City Hall. Various homeless resources, including County of Orange-produced resources, are available at City Hall.</p>
<p>Program 2.B.2 Revise the Laguna Woods Zoning Ordinance to identify zones that will allow the development of transitional housing facilitate transitional housing and supportive housing developments that serve extremely and very low income households, consistent with Government Code Section 65583(c)(1). Because transitional and supportive housing can be configured in different ways – either as regular multi-family housing or as group quarters the Zoning Ordinance amendment will ensure that transitional and supportive housing that function as a residential use will be treated as residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone.</p>	<p><b>Implemented:</b> Chapter 13.23 of the Laguna Woods Municipal Code, adopted in 2011.</p>
<p>Program 2.B.3 Review and revise the Laguna Woods Zoning Ordinance to provide for emergency homeless shelters that serve extremely and very low income households as a by-right use and develop objective standards to regulate emergency shelters as provided for under Government Code Section 65583(a)(4). Evaluate the Neighborhood Commercial (NC), Community Commercial (CC), Highway Commercial (HC) or Urban Activities (UAC) zones for inclusion of emergency homeless shelters as a by-right use.</p>	<p><b>Implemented:</b> Chapter 13.23 of the Laguna Woods Municipal Code, adopted in 2011.</p> <p>In 2017, the City amended the Land Use Element of the City’s General Plan to delete the Urban Activities Center land use designation.</p>

<p><b>Objective 3:</b></p> <p>Encourage and facilitate the development of affordable housing opportunities for all economic segments of the community, especially for extremely- and low-income residents.</p>	
<p><b>Policy 3.A:</b> Recognize the City’s leadership role in the maintenance, preservation, improvement, and development of affordable housing.</p>	
<p>Program 3.A.1 Encourage and facilitate the development of affordable housing by:</p> <ul style="list-style-type: none"> <li>• Supporting non-profit organizations that address housing issues.</li> <li>• Serving as an intermediary between non-profit organizations and interested residential developers.</li> <li>• Assisting in application preparation and other efforts to secure funding sources for development of housing for extremely low-, very low-, low- and moderate-income residents.</li> <li>• Making available regional and local housing program information to residents, and assisting residents in contacting housing assistance organizations.</li> <li>• Informing interested developers about the range of housing allowed in areas outside of Laguna Woods Village, including housing for families.</li> <li>• Informing interested developers about the State density bonus program incentives available for development of affordable housing program.</li> <li>• Programming incentives available for development of affordable housing.</li> </ul>	<p><b>Ongoing:</b> The City encourages the provision of affordable housing in accordance with state guidelines, provided that such housing does not create a specific, adverse impact upon the public health or safety. Resources, information, and assistance for developers and other interested parties are available from City Hall. As of 2017, 17 specifically-designated affordable housing units are located in Laguna Woods. In 2017, the City received no applications for new affordable housing developments.</p>
<p>Program 3.A.2 Continue to encourage and facilitate the use of the City’s density bonus provisions to provide affordable housing opportunities. Revise the density bonus provisions in the City’s Municipal Code to be consistent with State density bonus law.</p>	<p><b>Ongoing:</b> Section 13.26.040 of the Laguna Woods Municipal Code, adopted on April 17, 2013. An update of density bonus regulations to ensure consistency with State density bonus law is planned for early 2018.</p>

<p>Program 3.A.3 Encourage residents to apply, when available, for the Section 8 rental assistance program (through County of Orange Housing Authority) for extremely and very low-income rental households. Inform local rental property owners and eligible residents of Section 8 assistance and Section 8 waitlist openings through flyers and the City’s website. Provide technical assistance during the application process to interested residents. While the City endeavors to maintain the current level of assistance through the Section 8 (72 vouchers) program, the City has no jurisdiction over the funding and operation of the Section 8 voucher program.</p>	<p><b>Ongoing:</b> The City receives information and application forms for Section 8 housing through the County of Orange and makes them available to residents at City Hall.</p>
<p>Program 3.A.4 Continue to use CDBG funds to fund projects that improve and maintain the quality of the City’s housing stock and residential infrastructure. While the City endeavors to maintain the current level of assistance through the CDBG program, the City has no jurisdiction over the funding and operation of CDBG program.</p>	<p><b>Ongoing:</b> Through June 2017, the City offered a CDBG-funded Residential Energy Efficiency Improvement Program. Uncertainty surrounding the future availability of CDBG funds, as well as the impact of increasing compliance requirements and law enforcement costs on City resources, resulted in the end of the program. Staff is evaluating other potential, future uses of CDBG housing rehabilitation funds.</p>
<p>Program 3.A.5 The City has received no complaints regarding any discriminatory actions and will continue to enforce all fair housing law. The City Manager is responsible for addressing and/or referring fair housing complaints and questions to the Fair Housing Council of Orange and/or HUD. The City will provide information on fair housing rights and responsibilities, and seek to remedy known acts of discrimination within the community. The City will disseminate fair housing information at City Hall and throughout Laguna Woods in a variety of community places.</p>	<p><b>Ongoing:</b> Fair housing assistance, resources, and information is available at City Hall, through the City’s code enforcement operation, and upon request.</p>
<p>Program 3.A.6 Review city processes and procedures as they pertain the establishment of new housing, including market rate and all forms of affordable housing to remove undue constraints which hinder the development of new housing opportunities.</p>	<p><b>Not yet Implemented:</b> This program is being addressed as a part of the City’s current General Plan Comprehensive Update Project.</p>

<p>Program 3.A.7 Research potential funding sources (grants, loans, and other funds) which can be used towards the planning and development of affordable housing.</p>	<p><b>Ongoing:</b> City staff continues to explore sources of funding to assist with affordable housing development.</p>
<p><b>Objective 4:</b> Facilitate housing, transportation and physical accommodations to aid persons with disabilities.</p>	
<p><b>Policy 4.A:</b> Maintain zoning/development standards that guide development of affordable housing near public transportation, and promote project designs that are accessible and accommodating to the disabled.</p>	
<p>Program 4.A.1 Partner with property owners to identify and accomplish the retrofit of dwelling units and common facilities for handicapped accessibility. The City will participate at board meetings of the housing mutuals and the Golden Rain Foundation, the principal property owner in the City, to encourage retrofitting.</p>	<p><b>Not yet Implemented:</b> While City officials often meet with the representatives of major property owners, a mutual approach to promoting retrofitting within the community is yet to be developed.</p>

CIRCULATION ELEMENT	Implementation Status
<p><b>Objective I:</b></p> <p>Improve and expand transportation options within the City and to destinations outside the City.</p>	
<p><b>Policy I.A:</b> Maintain and enhance an integrated vehicular circulation network to accommodate local needs and land uses.</p>	
<p>I.A.1 Monitor arterial roadways and intersections within the City with the goal of maintaining Level of Service (LOS) D on roadway segments and at intersections.</p>	<p><b>Ongoing:</b> The City reviews intersection performance as part of its regular engineering function and as a part of CEQA project review for the City and surrounding jurisdictions.</p>
<p>I.A.2 The City shall develop a Traffic Impact Analysis Procedures Manual to guide the conduct of traffic studies. The Manual shall define procedures for analyzing proposed development traffic impacts on roadways both within and outside the City, for determining appropriate and effective mitigation measures, and for establishing procedures ensuring that new development pays at least its fair and proportionate share of required mitigation measures. The Manual shall identify the types and sizes of projects requiring a traffic impact analysis, and a process for preparing the analysis, including analysis methodologies, and development of significance criteria consistent with level of service performance criteria identified in the Circulation Element. The Manual shall also identify procedures for analyzing land development within the Urban Activities Center to ensure that overall trip generation totals identified in the General Plan are not exceeded, and that General Plan roadway standards continue to be met. The Manual shall include methods to ensure consistency with the requirements of the County of Orange Congestion Management Plan and the Growth Management Plan.</p>	<p><b>Ongoing:</b> In 2010, the City began the drafting of a City Traffic Impact Analysis Procedures Manual. The City continues to conduct both project specific and regional analysis to better understand roadway segments in the community. Under the current program, traffic analysis is conducted at a project level as part of environmental review.</p> <p>In 2017, the City amended the Land Use Element of the City’s General Plan to delete the Urban Activities Center land use designation.</p>
<p>I.A.3 Define on-site and off-site circulation infrastructure improvements necessary to mitigate impacts of new development.</p>	<p><b>Ongoing:</b> A thorough review of circulation impacts for new developments is a part of project and environmental review processes.</p>

<p>I.A.4 Work with the Orange County Transportation Authority (OCTA) and the County of Orange in phased implementation of Master Plan of Arterial Highways to meet the particular needs of the City.</p>	<p><b>Ongoing:</b> The City continues to comply with implementation of the Master Plan of Arterial Highways (“MPAH”). The Circulation Element was updated in 2013 to ensure compliance with the MPAH by removing a portion of Santa Maria Avenue in Laguna Woods, a portion of Ridge Route Drive in Laguna Hills, and a portion of Bake Parkway in Irvine, and adding a portion of Santa Vittoria Drive in Laguna Hills.</p>
<p><b>Policy I.B:</b> Develop strong working relationships with management and staff of the Orange County Transportation Authority (OCTA), Laguna Woods Village Transportation, South County Senior Services, and other appropriate agencies to highlight the transit needs of the City of Laguna Woods residents, including the special needs of seniors, and to enhance and coordinate transit services in the City.</p>	
<p>I.B.1 Support the provision of safe and efficient intercity and intracity public transportation for residents and workers in the City of Laguna Woods.</p>	<p><b>Ongoing:</b> The City works with the Orange County Transportation Authority (OCTA) and Laguna Woods Village to maximize the safety and efficacy of both public and private transit, including joint use of public bus stops.</p>
<p>I.B.2 Encourage the use of public transportation.</p>	<p><b>Ongoing:</b> The City provides information about how to obtain general or detailed information about public and private bus transit, City-subsidized taxi services, and other transportation available in and around Laguna Woods. The Laguna Woods Branch of the OC Public Library has networked computers at City Hall that can be used to access online maps and guides.</p>
<p>I.B.3 Explore funding sources for the operation, maintenance and improvement of local transit services, including bus shelter and transfer point amenities.</p>	<p><b>Ongoing:</b> In 2017, the City continued work on two multi-city traffic signal synchronization projects for which it is serving as the lead agency. Both projects are funded, in part, with competitive Measure M2 grants.</p>
<p>I.B.4 Increase staff involvement in oversight of fixed route bus and paratransit services.</p>	<p><b>Ongoing:</b> The principal avenue for the involvement described in this implementation action is through the City’s participation in the Orange County Transportation Authority’s (OCTA) Technical Steering Committee and Technical Advisory Committee.</p>

<p>I.B.5 Work with the Orange County Transportation Authority (OCTA) and Laguna Woods Village Transportation to coordinate bus service schedules to minimize wait time for fixed route service.</p>	<p><b>Ongoing:</b> Buses operated by Laguna Woods Village Transportation have full access to OCTA bus stops to facilitate transfers from local to regional routes. City staff serves as the liaison between the organizations.</p>
<p>I.B.6 Promote future service extensions to popular destinations outside the City.</p>	<p><b>Ongoing:</b> The City continues to promote service extensions through alternative transportation options such as the Senior Mobility Program (see page 3 of this document). The program includes reduced fares for trips to the Irvine Station, where residents can transfer to services offered by Amtrak, Metrolink, the Orange County Transportation Authority (OCTA), and the City of Irvine.</p>
<p>I.B.7 Promote driver sensitivity training that extends to operation of wheelchair lifts and tie-downs, bus stop announcements, and understanding the needs of individuals with mobility impairments.</p>	<p><b>Ongoing:</b> The Orange County Transportation Authority (OCTA) and Laguna Woods Village both provide driver sensitivity training sessions for their bus drivers.</p>
<p>I.B.8 Provide fixed route bus information in a format easily readable by seniors.</p>	<p><b>Ongoing:</b> Fixed route bus information is available at City Hall.</p>
<p>I.B.9 Arrange training programs to provide on-site assistance to Laguna Woods’ residents to familiarize them with OCTA and Laguna Woods Village ridership options and traveling tips.</p>	<p><b>Ongoing:</b> One-on-one assistance to familiarize residents with ridership options and provide traveling tips is available at City Hall. The City also participates in Laguna Woods Village’s New Resident Orientations and Transportation Awareness Day, during which transportation questions are answered.</p>
<p>I.B.10 Require the dedication and improvement of rights-of-way for bus turnouts as a condition of development approval, when appropriate.</p>	<p><b>Ongoing:</b> In 2017, there were no new project approvals which required the addition of right-of-way improvements for bus turnouts.</p>
<p>I.B.11 Encourage maintenance of deep discounts for seniors using OCTA bus services and adoption of other inducements to use fixed route services, such as restaurant and merchant coupons.</p>	<p><b>Ongoing:</b> The City works with the Orange County Transportation Authority (OCTA) on a regular basis to encourage affordability of services for seniors and Laguna Woods residents, generally.</p>

<p>I.B.12 Continually review the network of transit services to determine and encourage adoption of methods to increase ridership and respond to changing demands of the community.</p>	<p><b>Ongoing:</b> Several City Councilmembers serve on multi-agency organizations (e.g., Southern California Association of Governments, Orange County Council of Governments) that work on regional transportation development.</p>
<p>I.B.13 Support the efforts of appropriate agencies to provide additional local and express bus services to the City of Laguna Woods, such as intercity rail station feeder service.</p>	<p><b>Ongoing:</b> In 2008 and 2009, the City conducted the Laguna Woods Go Local Study and Transportation Needs Assessment Update. A component of the project was to evaluate potential services to improve access to regional rail systems. The City advocates for public transit development on a continual basis.</p>
<p>I.B.14 Provide opportunities for residents to give input on current and future fixed route and para-transit services.</p>	<p><b>Ongoing:</b> Opportunities for public input are provided and noticed when transportation-related issues are considered by the City Council or subregional groups that meet at City Hall.</p>
<p><b>Policy I.C:</b> Coordinate the efforts of all transit service providers to plan for and implement a package of improved services for residents and workers.</p>	
<p>I.C.1 Coordinate with and support transit service providers as appropriate in developing and implementing plans for improving transportation services, coordination, and marketing.</p>	<p><b>Ongoing:</b> The City periodically conducts transportation needs assessments. These assessments occurred in 2001 and 2008-2009.</p>
<p>I.C.2 Provide input for development of service schedules that minimizes wait time for transfers between Laguna Woods Village Transportation and OCTA fixed route bus services.</p>	<p><b>Ongoing:</b> Staff regularly monitors and, when necessary, submits comments regarding proposed new or changed transit and paratransit services, including changes to Orange County Transportation Authority (OCTA) bus routes and ACCESS paratransit service.</p>
<p>I.C.3 Continue to implement a bus shelter program with comfortable and convenient amenities.</p>	<p><b>Ongoing:</b> The City has awarded a bus shelter franchise agreement that provides for the maintenance and upkeep of bus shelters and related amenities, including benches, trash containers, and covered shelters. In 2016, the City negotiated and approved a 10-year extension of the franchise agreement. In 2017, the City initiated the installation of two new benches and the addition of a new coat of paint to existing street furniture.</p>
<p><b>Policy I.D:</b> Explore opportunities to contract for new transit services based upon the needs of the community.</p>	

<p>I.D.1 Update the transit service needs of City of Laguna Woods residents on a regular basis to determine new destinations and changes in service demands.</p>	<p><b>Ongoing:</b> The City periodically conducts transportation needs assessments. Assessments occurred in 2001 and 2008-09. The City continues to refine its Senior Mobility Program (see page 3 of this document). In 2016, new voucher options were added for the non-emergency medical transportation component of the program.</p>
<p>I.D.2 Devise transit services to meet changing community service needs.</p>	<p><b>Ongoing:</b> The City continues to refine its Senior Mobility Program (see page 3 of this document). In 2016, new voucher options were added for the non-emergency medical transportation component of the program.</p>
<p>I.D.3 Implement new services, as appropriate, based upon budget and operation considerations.</p>	<p><b>Ongoing:</b> The City continues to improve existing services and implement new services, as needed and as resources allow.</p>
<p><b>Objective II:</b> Provide innovative alternatives for maintaining independence and mobility of residents.</p>	
<p><b>Policy II.A:</b> Consider implementation of local demand response and shuttle service.</p>	
<p>II.A.1 Implement a demand responsive taxi voucher service to serve all residents.</p>	<p><b>Implemented:</b> The City offers a Senior Mobility Program (see page 3 of this document).</p>
<p>II.A.2 Explore the feasibility of establishing a City operated or contracted shuttle service using rotating destinations and routes.</p>	<p><b>Implemented:</b> The OCTA conducted a study in 2010, in cooperation with the cities of Laguna Woods, Laguna Hills and Lake Forest, to assess the potential cost and ridership of shuttle service to the Irvine Transportation Center and a circulator to shopping centers along El Toro Road in the three cities. Staff worked with OCTA staff in the evaluation process and coordinated with other cities to determine the feasibility and potential benefits of both of these services. OCTA determined that significant contributions would be needed from Laguna Woods and adjacent cities for the ongoing operation of any services to train stations and/or local shopping centers. Neither the City nor (it is our understanding) the adjacent cities currently have funds available for such contributions.</p>

<p>II.A.3 Accommodate and support innovative vehicles and services that meet the transit needs of the community while reducing air pollution and fossil fuel energy consumption as practicable.</p>	<p><b>Ongoing:</b> The City works with residential and commercial property owners to encourage use of the City’s multimodal trail system, including golf carts which are primarily powered by electric batteries. The most recent multimodal trail expansion occurred in 2015.</p>
<p><b>Policy II.B:</b> Help residents understand transit services and options.</p>	
<p>II.B.1 Work with transportation service providers to develop clear, readable transit maps and guides.</p>	<p><b>Ongoing:</b> The City provides information about how to obtain general or detailed information about public and private bus transit, City-subsidized taxi services, and other transportation available in and around Laguna Woods. The Laguna Woods Branch of the OC Public Library has networked computers at City Hall that can be used to access online maps and guides. The City’s website was redesigned in 2015 and now provides an improved platform for making transportation information more directly available to residents.</p>
<p>II.B.2 Publish improved transit rider information maps and guides.</p>	<p><b>Implemented:</b> The City provides information about how to obtain general or detailed information about public and private bus transit, City-subsidized taxi services, and other transportation available in and around Laguna Woods. The Laguna Woods Branch of the OC Public Library has networked computers at City Hall that can be used to access online maps and guides. The City’s website was redesigned in 2015 and now provides an improved platform for making transportation information more directly available to residents.</p>
<p>II.B.3 Post City transit maps at bus stops and transfer points throughout the City to help people travel throughout the County.</p>	<p><b>Not Yet Implemented:</b> A map for use at bus stops and transfer points has yet to be developed.</p>

<p>II.B.4 Distribute transit maps and guides throughout the City.</p>	<p><b>Implemented:</b> The City provides information about how to obtain general or detailed information about public and private bus transit, City-subsidized taxi services, and other transportation available in and around Laguna Woods. The Laguna Woods Branch of the OC Public Library has networked computers at City Hall that can be used to access online maps and guides. The City’s website was redesigned in 2015 and now provides an improved platform for making transportation information more directly available to residents. In 2017, the City participated in Laguna Woods Village’s Transportation Awareness Day. Transit maps and guides, as well as information on the City’s Senior Mobility Program, was distributed.</p>
<p>II.B.5 Develop a Travel Training Program providing orientation on available transportation services and options.</p>	<p><b>Not Yet Implemented:</b> While a standalone Travel Training Program has not yet been developed, the City does provide transportation information at Laguna Woods Village’s New Resident Orientations and one-on-one, on request. In 2017, the City participated in Laguna Woods Village’s Transportation Awareness Day. Transit maps and guides, as well as information on the City’s Senior Mobility Program, was distributed.</p>
<p>II.B.6 Develop a Rider Information Hotline and Referral System that provides personalized, step-by-step instructions in the use of fixed route bus, train, demand response and other transportation services.</p>	<p><b>Not Yet Implemented:</b> Transit information is available by contacting City Hall. The City has coordinated with OCTA to improve its telephone and online information related to use of local and regional transportation services.</p>
<p><b>Objective III:</b> Maintain and improve existing circulation infrastructure.</p>	
<p><b>Policy III.A:</b> Provide and maintain a bicycle circulation system that connects to adjacent jurisdictions consistent with the regional bicycle network.</p>	

<p>III.A.1 Provide Class II on-street bicycle lanes on arterial roadways consistent with the County of Orange Commuter Bicycle Plan.</p>	<p><b>Ongoing:</b> The Moulton Smart Street project, Segment 3, Phase I, was completed in 2011 and includes Class II bike trails consistent with the County of Orange Commuter Bicycle Plan. Phase II of the Moulton Smart Street project was completed in 2015 and also includes Class II bike trails consistent with the County of Orange Commuter Bicycle Plan.</p>
<p>III.A.2 Investigate the feasibility of including a Class I bicycle path as part of a multi-purpose trail along the south side of El Toro Road between Calle Sonora and Paseo de Valencia.</p>	<p><b>Implemented:</b> A Class I bicycle path was included as part of the multimodal trail along portions of El Toro Road, Moulton Parkway, and Santa Maria Avenue.</p>
<p><b>Policy III.B:</b> Accommodate the unique needs of residents in the design and construction of pedestrian facilities.</p>	
<p>III.B.1 Construct sidewalks of adequate width along El Toro Road between Moulton Parkway and Paseo de Valencia, possibly as part of a multi-purpose trail, and along Moulton Parkway between El Toro Road and Calle Aragon.</p>	<p><b>Implemented:</b> An approximately 14-foot wide multimodal trail (10 feet wide near intersections) was constructed on El Toro Road from just east of Moulton Parkway to Paseo de Valencia. This trail is part of the City’s extensive multimodal trail system, which added segments on El Toro Road and Moulton Parkway in 2014, and on Moulton Parkway in 2015.</p>
<p>III.B.2 Determine the feasibility of providing secured, direct pedestrian and alternative vehicle access between residential communities and commercial and institutional uses.</p>	<p><b>Ongoing:</b> The City has established official golf cart crossings, completed a multimodal trail system to support alternative vehicle, bicycle and pedestrian movement throughout the City, and facilitated use of alternative vehicle movement between the Laguna Woods Village residential community and surrounding commercial or institutional land uses. In 2011, staff worked with a local church and a Willow Tree Center tenant to provide additional Americans with Disabilities (ADA) access to City sidewalks and nearby bus stops.</p>
<p>III.B.3 Maintain adequate time intervals for the pedestrian crosswalk phase at signalized street intersections.</p>	<p><b>Implemented:</b> The City has installed count-down pedestrian signals at all signalized intersections and maintained crosswalk timing to ensure safe pedestrian crossings.</p>

<p>III.B.4 Consider enhancements for crosswalks such as easy to operate crosswalk buttons, audio warning indicators, and curb cuts at key signalized street intersections near commercial areas and Leisure World (Laguna Woods Village) gates.</p>	<p><b>Ongoing:</b> The City has installed count-down pedestrian signals and touch-buttons at all signalized intersections, audio warning equipment at two signalized intersections, and modified curb ramps, as needed.</p>
<p><b>Policy III.C: Maintain and enhance infrastructure to promote alternative vehicle access where feasible.</b></p>	
<p>III.C.1 Determine the feasibility of including alternative vehicle access to a multi-purpose trail along the south side of El Toro Road between Calle Sonora and Paseo de Valencia.</p>	<p><b>Partially Implemented:</b> The City has established official golf cart crossings, constructed a multimodal trail system to support alternative vehicle, bicycle and pedestrian movement throughout the City, and facilitated use of alternative vehicle movement between the Laguna Woods Village residential community and surrounding commercial or institutional land uses. Several sections of the multimodal trail system are located along El Toro Road.</p>
<p>III.C.2 Investigate the feasibility of developing secure, direct access points for alternative vehicles between residential communities and commercial and institutional uses.</p>	<p><b>Ongoing:</b> The City has established official golf cart crossings, completed a multimodal trail system to support alternative vehicle, bicycle and pedestrian movement throughout the City, and facilitated use of alternative vehicle movement between the Laguna Woods Village residential community and surrounding commercial or institutional land uses.</p>
<p>III.C.3 Work with the City of Laguna Hills to determine the feasibility of providing off-street alternative vehicles connections to the Laguna Hills Mall and Saddleback Medical Center.</p>	<p><b>Not Yet Implemented:</b> In years past, City officials have met with representatives from the City of Laguna Hills to discuss the potential for golf cart crossings between Laguna Hills Mall, Saddleback Medical Center and nearby residential areas. The City of Laguna Hills discussed this matter, again, in 2017. Concerns on the part of the City of Laguna Hills related to liability and safety have prevented this project from moving forward. Low-speed vehicles, or what are more commonly called “golf cars,” can legally travel on sections of El Toro Road, from Avenida Sevilla to Paseo de Valencia and beyond, and cross Paseo de Valencia at intersections south of El Toro Road to gain access to these locations.</p>

<p>III.C.4 Provide alternative vehicles parking areas at key commercial locations, churches, and main transit stops, where feasible.</p>	<p><b>Partially Implemented:</b> Standards for alternative vehicles are included in the Section 13.18.080 of the Laguna Woods Municipal Code. Golf cart parking areas are currently provided at City Hall, the Valencia Center, and Laguna Woods Village facilities.</p>
<p>III.C.5 Consider adopting zoning and subdivision requirements for connecting alternative vehicle trails between new and existing commercial, institutional, and residential destinations.</p>	<p><b>Not Yet Implemented:</b> While the City has standards that promote and protect sidewalks and traditional pedestrian trails, standards have not been adopted mandating the inclusion of alternative vehicle trails. The City’s multimodal trail system, in conjunction with use of private streets and pathways, provide access for residents to a significant portion of commercial and institutional destinations in Laguna Woods.</p>
<p>III.C.6 Consider adopting zoning ordinance standards for accommodating alternative vehicles in commercial, institutional, and multiple family residential developments.</p>	<p><b>Partially Implemented:</b> Section 13.18.080 of the Laguna Woods Municipal Code.</p>
<p><b>Objective IV:</b></p> <p>Identify potential impacts on the City of Laguna Woods of land use and transportation decisions of other governmental entities.</p>	
<p><b>Policy IV.A:</b> Coordinate with neighboring jurisdictions and with agencies responsible for projects affecting the City of Laguna Woods.</p>	
<p>IV.A.1 Participate with the County of Orange, the Orange County Transportation Authority (OCTA), Transportation Corridor Agencies, and the Southern California Association of Governments to represent the City’s position and to facilitate implementation of an integrated circulation system that meets the needs of the City of Laguna Woods.</p>	<p><b>Ongoing:</b> Staff submits input, as necessary, regarding proposed new or changed transit and paratransit services, including changes to Orange County Transportation Authority (OCTA) bus routes and ACCESS paratransit service. City representatives also participate in meetings and provide input to the County of Orange and through memberships on the Orange County Council of Governments, Transportation Corridor Agency, Southern California Association of Governments (SCAG), and League of California Cities.</p>

<p>IV.A.2 Monitor local development activity and transportation improvements in adjacent jurisdictions as well as regional transportation projects to determine benefits and impacts to the City.</p>	<p><b>Ongoing:</b> Representatives from the City regularly meet with and/or provide input to surrounding local and regional governments to ensure that development activity in nearby jurisdictions does not negatively impact infrastructure or the quality of life of residents of Laguna Woods.</p>
<p>IV.A.3 Continue working with the El Toro Reuse Planning Authority in supporting development of the former Marine Corps Air Station that is compatible with the land use objectives of the City.</p>	<p><b>Implemented:</b> A commercial airport is no longer a potential or proposed use for the former Marine Corps Air Station at El Toro.</p>

CONSERVATION ELEMENT	Implementation Status
<p><b>Goal CO-1:</b> Improve air quality.</p>	
<p><b>Objective CO-1.1:</b> Adopt and enforce regulations promoting air resource goals.</p>	
<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to the protection of sensitive receptors, fugitive dust control near sensitive receptors, and the location of new sensitive receptors away from primary pollutant emission sources.</li> <li>• Regulations pertaining to new and significant redevelopment project requirements for the accommodation and promotion of mobility alternatives to fossil fueled vehicles.</li> <li>• Regulations pertaining to mitigation of the urban heat island effect.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<p><b>Objective CO-1.2:</b> Implement and support programs that reduce mobile source emissions.</p>	

<p>A. Collaborate with the Orange County Transportation Authority (OCTA) and other demand-responsive mass transportation service providers to improve services and increase ridership.</p>	<p><b>Ongoing:</b> The City works with the Orange County Transportation Authority (OCTA) and its own Senior Mobility Program transportation services provider to improve services and increase ridership.</p>
<p>B. Construct and maintain a multi-modal trail system that facilitates movement throughout the city by pedestrians, cyclists, golf carts, and zero and low emission forms of transportation.</p>	<p><b>Ongoing:</b> The City has established official golf cart crossings, completed a multimodal trail system to support alternative vehicle, bicycle and pedestrian movement throughout the City, and facilitated use of alternative vehicle movement between the Laguna Woods Village residential community and surrounding commercial or institutional land uses. In 2015, the City expanded the multimodal trail system to include new segments on Moulton Parkway.</p>
<p>C. Synchronize traffic signals, both locally and regionally, to improve the flow of vehicular traffic.</p>	<p><b>Ongoing:</b> In 2017, the City continued work on two multi-city traffic signal synchronization projects for which it is serving as the lead agency. Both projects are funded, in part, with competitive Measure M2 awards.</p>

*See also “Greenhouse Gas Emissions” priority issue for related considerations.*

**Goal CO-2:**

Preserve and enhance the environment to support biological resources.

**Objective CO-2.1:** Adopt and enforce regulations promoting biological resource goals.

<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to the long-term maintenance of biological resource areas as open space areas with limitations on activities with the potential to adversely impact ecologically valuable vegetative communities or sensitive wildlife communities.</li> <li>• Regulations pertaining to the minimization of the removal of ecologically valuable vegetative communities for new and significant redevelopment projects.</li> <li>• Regulations pertaining to the prohibition of invasive plant species.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis. See S-2.2(A) for additional commentary on the status of regulations pertaining to the prohibition of invasive plant species.</p>
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**Objective CO-2.2: Protect and improve sustainable vegetative and wildlife habitats.**

<p>A. Manage the City’s urban forest and landscaping in a changing climate through development and implementation of an Urban Forestry Management and Landscape Master Plan.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p>B. Ensure that new and significant redevelopment projects within urbanized areas minimize the presence of areas conducive to mammalian predator habitat as practical.</p>	<p><b>Not yet Implemented:</b> There have been no new or significant redevelopment projects affecting habitat since the Conservation Element was amended to include this implementation action in 2016.</p>
<p>C. Coordinate with the Orange County Flood Control District/OC Flood to manage Aliso Creek-related flood issues in a manner that maintains as natural a physical condition as practical.</p>	<p><b>Ongoing:</b> The City works with Aliso Creek stakeholders in the administration of its National Pollutant Discharge Elimination System (NPDES) permits and in complying with Aliso Creek’s 13225 Directive.</p>
<p>D. Support the maintenance and operation of the Dairy Fork Constructed Wetland.</p>	<p><b>Implemented:</b> In 2017, the Dairy Fork Constructed Wetland Project was completed.</p>

*See also “Water Resources” priority issue for related considerations.*

**Objective CO-2.3: Support ecologically-minded use of the Laguna Coast Wilderness Park.**

<p>A. Collaborate with the Coastal Greenbelt Authority and other agencies and organizations with responsibilities related to the Laguna Coast Wilderness Park to ensure that it is managed and operated in a manner that is sensitive to the presence of biological resources.</p>	<p><b>Ongoing:</b> City Councilmembers represent the City on the board of the Coastal Greenbelt Authority.</p>
<p><b>Objective CO-2.4:</b> Promote connectivity between regional and sub-regional open space areas.</p>	
<p>A. Participate in and support efforts by federal, state, and local agencies and organizations to establish and maintain regional and sub-regional wildlife corridors.</p>	<p><b>Ongoing:</b> Wildlife corridor issues are a matter of current attention for the Coastal Greenbelt Authority. See CO-2.3(A).</p>
<p>B. Collaborate with OC Watersheds, Laguna Woods Village, and other agencies and organizations with responsibilities related to Aliso Creek to ensure that open water and riparian areas are maintained as habitat suitable to facilitate regional and sub-regional wildlife movement.</p>	<p><b>Ongoing:</b> The City works with Aliso Creek stakeholders in the administration of its National Pollutant Discharge Elimination System (NPDES) permits and in complying with Aliso Creek’s 13225 Directive.</p>
<p><b>GOAL CO-3:</b> Preserve cultural resources.</p>	
<p><b>Objective CO-3.1:</b> Identify and protect archeological, paleontological, and historical resources.</p>	
<p>A. Formalize local cultural resource preservation activities by implementing components of the National Park Service’s Certified Local Government (CLG) Program.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p><b>Goal CO-4:</b> Increase energy resource independence.</p>	
<p><b>Objective CO-4.1:</b> Maintain energy reliability and affordability through conservation, efficiency, and independence.</p>	
<p>A. Develop a protocol for monitoring electricity use.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>

<p>B. Streamline development and permitting standards and programs to encourage renewable energy technologies and energy efficiency improvements.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p>C. Join one or more Property Assessed Clean Energy (PACE) programs.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. Staff is exploring concerns raised in other jurisdictions regarding the fiscal impacts of PACE programs.</p>
<p><b>Objective CO-4.2:</b> Demonstrate sustainable energy resource leadership.</p>	
<p>A. Develop and implement municipal renewable energy technology and energy efficiency improvement projects.</p>	<p><b>Not yet Implemented:</b> In 2016, the City partnered with Southern California Edison to replace 170 public street light fixtures with new light-emitting diode (LED) fixtures.</p>
<p>B. Provide and facilitate energy-related public education opportunities.</p>	<p><b>Ongoing:</b> Energy-related public information is available at City Hall and upon request. The Building Services Division is also available to provide energy code compliance support.</p>
<p><b>Goal CO-5:</b> Balance land resource utilization with environmental concerns.</p>	
<p><b>Objective CO-5.1:</b> Adopt and enforce regulations promoting land resource goals.</p>	
<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to mineral, oil, natural gas, and subsurface resource extraction operations with the potential to adversely impact the environment.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<p><b>Goal CO-6:</b> Increase water resource independence.</p>	
<p><b>Objective CO-6.1:</b> Adopt and enforce regulations promoting water resource goals.</p>	

<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>Regulations pertaining to the minimization of water use in landscape improvements, as well as for new and significant redevelopment projects.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<p><b>Objective CO-6.2:</b> Maintain water reliability and affordability through conservation, efficiency, and independence.</p>	
<p>A. Promote the retrofit of structures and irrigation systems with individual water meters through collaboration with other agencies and the pursuit of incentivizing measures.</p>	<p><b>Ongoing:</b> The City has frequently expressed its support for individual water meters as a means of empowering residents to conserve. The City paid for the cost of connecting approximately half of its parkway and median irrigation systems to the new recycled water distribution network constructed by the El Toro Water District as part of a phased program to provide recycled water throughout its service area, including all areas of Laguna Woods with separate irrigation meters.</p>
<p>B. Join one or more Property Assessed Clean Energy (PACE) programs.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. Staff is exploring concerns raised in other jurisdictions regarding the fiscal impacts of PACE programs.</p>
<p><b>Objective CO-6.3:</b> Demonstrate sustainable water resource leadership.</p>	
<p>A. Manage the City’s urban forest and landscaping in a changing climate through development and implementation of an Urban Forestry Management and Landscape Master Plan.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p>B. Develop and implement municipal water efficiency improvement projects.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p>C. Provide and facilitate water-related public education opportunities.</p>	<p><b>Ongoing:</b> Water-related public information is available at City Hall and upon request.</p>
<p><b>Goal CO-7:</b> Improve receiving water quality.</p>	

<b>Objective CO-7.1: Adopt and enforce regulations promoting water resource goals.</b>	
<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to the attainment of goals, targets, and standards established by National Pollutant Discharge Elimination System (NPDES) permits.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<b>Objective CO-7.2: Demonstrate sustainable water resource leadership.</b>	
<p>A. Ensure that municipal landscaping operations employ weed and pest management practices that minimize the application of herbicides and pesticides.</p>	<p><b>Ongoing:</b> In 2017, the City continued landscape maintenance services that addressed this implementation action.</p>
<p>B. Expand the use of structural best management practices in municipal infrastructure projects, including permeable pavement and low impact development where feasible.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>
<p>C. Develop and implement municipal water quality improvement projects.</p>	<p><b>Ongoing:</b> The City continues to explore avenues to contribute to municipal water improvements such as the contribution to the Dairy Fork Constructed Wetland Project, which was completed in 2017.</p>
<p>D. Support the maintenance and operation of the Dairy Fork Constructed Wetland Project.</p>	<p><b>Implemented:</b> In 2017, the Dairy Fork Constructed Wetland Project was completed.</p>
<p>E. Provide and facilitate water-related public education opportunities.</p>	<p><b>Ongoing:</b> Water-related public information is available at City Hall and upon request.</p>
<p><b>Goal CO-8:</b> Reduce local greenhouse gas emissions.</p>	
<b>Objective CO-8.1: Control sources of greenhouse gas emissions.</b>	
<p>A. Develop and implement a Climate Action Plan that is aligned with federal and state standards and includes long-term strategies for reducing greenhouse gas emissions across all sectors.</p>	<p><b>Not yet Implemented:</b> The Conservation Element was amended to include this implementation action in 2015. It has not yet been implemented.</p>

<b>Objective CO-8.2: Demonstrate climate change leadership.</b>	
A. Ensure that municipal solid waste handling services employ collection practices that minimize vehicle miles traveled and the consumption of fossil fuels.	<b>Implemented:</b> In 2015, the City awarded a new franchise agreement that includes requirements related to route efficiency and vehicle miles traveled.
B. Incorporate climate adaptation into long-range planning documents.	<b>Ongoing:</b> This implementation action is being implemented as outlined in the Climate Adaptation Plan.
<p><i>See also the following priority issues for related considerations: Air Resources – particularly, reduction of mobile source emissions; Energy Resources – particularly, increase of local energy generation; Land Resources – particularly, mitigation of adverse activity impacts; and, Water Resources – particularly, increase of local water production</i></p>	
<b>Goal CO-9:</b>	
Divert two-third of local waste from landfills.	
<b>Objective CO-9.1: Adopt and enforce regulations promoting waste and recycling goals.</b>	
<p>A. Adopt, review, update, and enforce regulations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to the landfill diversion of construction and demolition waste.</li> <li>• Regulations pertaining to limitations on the use of products lacking biodegradability.</li> </ul>	<b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.
<b>Objective CO-9.2: Expand opportunities for recycling and reuse of waste.</b>	
A. Simplify recycling opportunities through public education, special collections, and equipment designed with the needs and demographics of local residents and businesses in mind.	<b>Ongoing:</b> In 2015, the City awarded a new franchise agreement that includes requirements related to multilingual labeling and container accessibility. In 2016, the City awarded a new agreement for household hazardous waste collection services that includes a new home-generated sharps waste collection service at City Hall.

<p>B. Develop and implement municipal waste and recycling programs, including an organic waste diversion program and programs that convert solid waste to energy or other products.</p>	<p><b>Ongoing:</b> In 2015, the City awarded a new franchise agreement that includes requirements related to organics recycling programs. The new franchisee operates a biodigestion facility that the City's organics waste is transported to for conversion to energy.</p>
<p><b>Objective CO-9.3:</b> Demonstrate waste and recycling leadership.</p>	
<p>A. Ensure that municipal purchasing considers recycled and recyclable products as practical.</p>	<p><b>Implemented:</b> Administrative Policy 2.5, adopted in March 2002. In 2017, the City continued to work on updated purchasing standards, which are expected to further address this implementation action.</p>

OPEN SPACE ELEMENT	Implementation Status
<p><b>Objective I:</b> Provide access to recreational opportunities for the unique population of the City of Laguna Woods.</p>	
<p><b>Policy I.A:</b> As part of the annual budget adoption process, identify City funding and staffing available for recreation programs.</p>	
<p>I.A.1 Work with staff of each of the residential communities in the City of Laguna Woods to develop programs for pooling resources to meet recreational needs of residents.</p>	<p><b>Ongoing:</b> The City has adopted a policy permitting use of City facilities for private and recreational events. The City also has relationships with residential communities to allow for use of private facilities.</p>
<p>I.A.2 Coordinate with surrounding cities, the County of Orange, and with public and private Not-for-Profit organizations to expand affordable recreation and cultural opportunities for residents.</p>	<p><b>Ongoing:</b> The City’s Senior Mobility Program subsidizes transportation to recreation and cultural destinations throughout Orange County, thereby effectively increasing affordability for residents reliant on third-party transportation.</p>
<p>I.A.3 Organize annual City events to bring people together as residents of the City of Laguna Woods.</p>	<p><b>Ongoing:</b> In 2017, City Hall hosted 48 community events, including, but limited to creative workshops, personal health seminars, a genealogy forum, small business development sessions, and shredding and recycling events.</p>
<p><b>Objective II.</b> Include recreation and open space needs of the community in planning for development of currently undeveloped properties.</p>	
<p><b>Policy II.A.</b> Actively pursue opportunities for additional local and regional public open space appropriate to the needs of the community.</p>	
<p>II.A.1 Consider adopting a parkland dedication ordinance and in-lieu fee ordinance applicable to new commercial development, and to new residential development not subject to the City’s Quimby Act Ordinance.</p>	<p><b>Implemented:</b> Ordinance 05-01 was adopted in January 2005 and a park fee resolution was adopted in February 2005. Funds collected from the developer of the San Sebastian residential community were used to partially fund Ridge Route Linear Park and City Centre Park.</p>
<p>I.A.2 Actively support the development of a regional park and cultural and recreation facilities at the former Marine Corps Air Station – El Toro.</p>	<p><b>Ongoing:</b> The City of Irvine’s Great Park Corporation is pursuing the development of a regional park, including a cultural terrace, at the former Marine Corps Air Station – El Toro.</p>

<p>II.A.3 Identify the long-term need for municipal facilities including those for recreation uses.</p>	<p><b>Ongoing:</b> The City’s facilities currently consist of City Hall, Ridge Route Linear Park/“A Place for Paws” Dog Park (2009), City Centre Park (2011), and Woods End Wilderness Preserve, which was leased to OC Parks to become part of the Laguna Coast Wilderness Park in 2011. In 2017, the City Council authorized a Dog Park Relocation Project. City Hall is also in need of improvement to meet current and long-term needs.</p>
<p>II.A.4 Work with the Laguna Canyon Foundation to include the Laguna Laurel and “Rossmoor Partners” properties as part of the Laguna Coast Wilderness Park.</p>	<p><b>Implemented:</b> The City acquired the former Rossmoor Partners property and developed it into Woods End Wilderness Preserve. Woods End Wilderness Preserve was leased to become part of Laguna Coast Wilderness Park in 2011.</p>
<p>II.A.5 Adopt Zoning Ordinance provisions to protect and preserve the wildlife habitats on portions of the 45-acre Southern California Edison right-of-way, on the 23-acre property between Via Campo Verde and the Aliso Viejo golf course, and on the 10-acre Woods End Nature Reserve property at El Toro Road at the terminus of Aliso Creek Road.</p>	<p><b>Partially Implemented:</b> In 2015, the 23-acre property was designated and zoned as Open Space and Open Space – Recreation, respectively. The 45-acre property and the 10.6-acre property were designated and zoned as Open Space and Open Space – Passive, respectively, in 2003.</p>
<p>II.A.6 Adopt Zoning Ordinance definitions for permissible uses in Open Space zones.</p>	<p><b>Ongoing:</b> The Laguna Woods Municipal Code was adopted April 16, 2003. In 2015, the Laguna Woods Municipal Code was amended to add “community garden/garden center” as a prohibited use in the Open Space – Passive district and a permitted use in the Open Space – Recreation district.</p>
<p>II.A.7 Adopt Zoning Ordinance provisions requiring that replacement, redevelopment, and/or relocation of any Leisure World [Laguna Woods Village] Clubhouse facility not result in a net loss of land area reserved and maintained for recreational uses.</p>	<p><b>Implemented:</b> Section 13.08.030(e) of the Laguna Woods Municipal Code, adopted on April 16, 2003.</p>
<p>II.A.8 Encourage the inclusion of unpaved open space areas and recreational amenities within new developments, both public and private.</p>	<p><b>Ongoing:</b> New projects are reviewed for compliance with the City’s Local Implementation Plan and Water Quality Ordinance. The inclusion of unpaved open space areas and recreational amenities is considered a standard best management practice for reducing site runoff.</p>

<p>II.A.9 Encourage the creation, acquisition and protection of open space lands (environmentally sensitive areas, riparian corridors, wetlands, and buffer zones, etc.) that have a benefit for habitat, recreation, water quality, and the environment.</p>	<p><b>Ongoing:</b> The City’s purchase of property for Woods End Wilderness Park, and the Laguna Laurel annexation, are examples of this policy.</p>
<p>II.A.10 Encourage use of stormwater management principles and the location of compatible water quality treatment control projects on open space lands.</p>	<p><b>Ongoing:</b> New projects are reviewed for compliance with the City’s Local Implementation Plan and Water Quality Ordinance.</p>

NOISE ELEMENT	Implementation Status
<p><b>Objective I:</b></p> <p>Protect, to the extent feasible, sensitive noise receptors from the detrimental effects of excessive noise.</p>	
<p><b>Policy I.A:</b> Use noise mitigation measures to reduce the impact from transportation noise sources.</p>	
<p>I.A.1 Request the inclusion of sound walls, earthen berms, or other acoustical barriers as part of any Caltrans, OCTA or City roadway project, where transportation noise exceeds acceptable standards.</p>	<p><b>Ongoing:</b> Noise impacts and associated mitigation measures are a part of the CEQA review for roadway projects.</p>
<p>I.A.2 Participate in the planning and environmental review process for any road widening or road extensions to ensure that appropriate noise mitigation measures are included in the design of the project.</p>	<p><b>Ongoing:</b> The City participates in the review of regional projects that affect Laguna Woods. An example of this is the Moulton Smart Street Project, Segment 3, Phase I, for which the City Council approved construction sound restrictions in 2010. The City also considers noise impacts for roadway projects during CEQA reviews. In 2014, the City provided comments to the City of Laguna Hills concerning noise impacts of a proposed expansion of Paseo De Valencia.</p>
<p>I.A.3 Investigate funding opportunities to reduce transportation noise impacts on residential areas that are presently exposed to noise levels exceeding the City’s noise standards.</p>	<p><b>Ongoing:</b> The City actively investigates grant and other funding opportunities.</p>
<p>I.A.4 Request added enforcement of the State’s Vehicle Code Noise Standards by the Sheriff’s Department.</p>	<p><b>Ongoing:</b> Directed enforcement by the Orange County Sheriff’s Department (OCSD) is requested on an as-needed basis.</p>
<p>I.A.5 Minimize risks and noise impacts resulting from aircraft operations by opposing reuse of MCAS—El Toro for commercial or general aviation air operations and participating in and monitoring the planning process for reuse at MCAS—El Toro.</p>	<p><b>Implemented:</b> An airport is no longer a potential or proposed use for the former Marine Corps Air Station at El Toro.</p>
<p><b>Objective II:</b></p> <p>Recognize the potential effects of noise early in the land use planning process to minimize or avoid detrimental impacts.</p>	
<p><b>Policy II.B:</b> Incorporate noise considerations into land use planning decisions.</p>	

<p>II.B.1 Review proposed projects to ensure noise/land use compatibility (Table N-1) with the projected noise environment as a guide for future planning and development.</p>	<p><b>Ongoing:</b> Projects and their related noise issues are reviewed as part of CEQA and development review processes. Table N-1 serves as a guide for assessing potential noise impacts and the need for mitigation measures. Additional noise studies may be required depending on potential impact to existing or proposed land uses.</p>
<p>II.B.2 Utilize planning guidelines that establish acceptable noise standards for various land uses throughout the City, as indicated in Table N-2.</p>	<p><b>Ongoing:</b> Table N-2 serves as a tool to assess potential noise impacts and the need for mitigation measures. Additional noise studies may be required depending on potential impact to existing or proposed land uses.</p>
<p>II.B.3 Require new residential developments located in proximity to existing roadways and commercial operations to control residential interior noise levels as a condition of approval through mitigation measures such as double-paned windows, noise walls and barriers, etc.</p>	<p><b>Ongoing:</b> The standard conditions of approval for new residential projects require an acoustical report that demonstrates that new residential units meet City interior and exterior noise standards and are sound attenuated against present and projected noise levels, including roadway, aircraft, helicopter, and other noise sources.</p>
<p>II.B.4 Design mixed-use structures to prevent transfer of noise from commercial to residential uses.</p>	<p><b>Not Yet Implemented:</b> The City has yet to receive an application for a mixed-use project.</p>
<p>II.B.5 Require new commercial operations located in proximity to existing or proposed residential areas to incorporate noise mitigation into the project’s design.</p>	<p><b>Ongoing:</b> Noise mitigation is part of standard project conditioning and CEQA review.</p>
<p><b>Objective III:</b> Control non-transportation noise to avoid exposure to excessive noise levels.</p>	
<p><b>Policy III.C:</b> Utilize measures to regulate non-transportation noise impacts.</p>	
<p>III.C.1 Adopt and enforce a Noise Ordinance for the City of Laguna Woods.</p>	<p><b>Ongoing:</b> Chapter 7.08 of the Laguna Woods Municipal Code.</p>
<p>III.C.2 Enforce restrictions on permitted hours of construction activity included in the Noise Ordinance.</p>	<p><b>Ongoing:</b> The City enforces construction noise restrictions through its code enforcement program. In addition, restrictions on hours of construction may be included as conditions of approval in the land use entitlement process for discretionary permits.</p>

III.C.3 Develop standardized conditions at the project level for the containment of construction noise (e.g., on-site vehicle speeds and vehicle equipment).

**Implemented:** The City incorporates construction noise restrictions as CEQA mitigation measures or as conditions of approval for individual development projects, as necessary.

SAFETY ELEMENT	Implementation Status
<p><b>Goal S-1:</b> Protect residents, businesses, and government functions from fire hazards.</p>	
<p><b>Objective S-1.1:</b> Adopt and enforce regulations pertaining to new and existing structures.</p>	
<p>A. Adopt, review, update, and enforce fire-related regulations, including:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to building standards.</li> <li>• Regulations pertaining to the maintenance of defensible spaces for wildfires.</li> <li>• Regulations pertaining to minimum road widths for fire response.</li> <li>• Regulations pertaining to peak load water supply for fire response.</li> <li>• Regulations pertaining to habitat protection and resource conservation.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<p><b>Objective S-1.2:</b> Implement resource and property protection and improvement projects.</p>	
<p>A. Maintain defensible space for wildfires throughout City-owned wildland areas.</p>	<p><b>Ongoing:</b> City-owned wildland areas are inspected annually for defensible space impacts.</p>
<p>B. Maintain the following information for residents and businesses:</p> <ul style="list-style-type: none"> <li>• Brush clearance criteria for each fire hazard severity zone.</li> <li>• An inventory of properties within each fire hazard severity zone.</li> <li>• Public education information related to wildland-urban interface areas.</li> </ul>	<p><b>Partially Implemented:</b> The City has completed an inventory of properties within each fire hazard severity zone and is in the process of educating the public about wildland-urban interface issues. Brush clearance criteria is not yet implemented.</p>

<p>C. Develop a Community Wildfire Protection Plan that:</p> <ul style="list-style-type: none"> <li>• Identifies, maps, and assesses housing units potentially at risk.</li> <li>• Considers occupancy standards and access plans for fire hazard areas.</li> <li>• Addresses post-fire safety, recovery, and maintenance concerns.</li> <li>• Identifies mitigation strategies to reduce potential risks.</li> <li>• Complies with the Healthy Forests Restoration Act of 2003 (P.L. 109-148).</li> </ul>	<p><b>Not yet Implemented:</b> The Safety Element was amended to include this implementation action in 2014. It has not yet been implemented.</p>
<p><b>Objective S-1.3:</b> Provide the highest level of fire services as are available and fiscally feasible.</p>	
<p><i>See “Emergency Readiness” priority issue.</i></p>	
<p><b>Goal S-2:</b> Protect residents, businesses, and government functions from flood hazards.</p>	
<p><b>Objective S-2.1:</b> Adopt and enforce regulations pertaining to new and existing structures.</p>	
<p>B. Adopt, review, update, and enforce flood-related regulations, including:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to building standards.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis. In 2015, the City participated in a Community Assistance Visit with the Federal Emergency Management Agency (FEMA) that included review of floodplain regulations.</p>
<p><b>Objective S-2.2:</b> Implement resource and property protection and improvement projects.</p>	
<p>A. Adopt and enforce regulations prohibiting invasive plant species within the city.</p>	<p><b>Partially Implemented:</b> In 2015, the City encountered regulatory challenges related to completion of this implementation action. The proposed regulations have been partially drafted.</p>
<p>B. Identify flood mitigation projects for inclusion in the City’s Capital Improvement Program.</p>	<p><b>Ongoing:</b> The City considers capital improvement projects on an annual basis. In 2017, no flood mitigation projects were identified.</p>

<p>C. Collaborate with other governmental agencies on flood issues related to Aliso Creek.</p>	<p><b>Ongoing:</b> The City works with Aliso Creek stakeholders in the administration of its National Pollutant Discharge Elimination System (NPDES) permits and in complying with Aliso Creek’s 13225 Directive.</p>
<p><b>Objective S-2.3:</b> Participate in the National Flood Insurance Program (NFIP).</p>	
<p>A. Comply with NFIP regulations.</p>	<p><b>Ongoing:</b> The City is presently in compliance with NFIP regulations. In 2015, the City participated in a Community Assistance Visit with the Federal Emergency Management Agency (FEMA) to substantiate and improve its compliance.</p>
<p>B. Collaborate with other governmental agencies on NFIP improvements.</p>	<p><b>Ongoing:</b> In 2015, the City participated in a Community Assistance Visit with the Federal Emergency Management Agency (FEMA) to substantiate and improve its compliance.</p>
<p><b>GOAL S-3:</b> Protect residents, businesses, and government functions from geologic and seismic hazards.</p>	
<p><b>Objective S-3.1:</b> Adopt and enforce regulations pertaining to new and existing structures.</p>	
<p>A. Review, update, and enforce geologic/seismic-related regulations, including:</p> <ul style="list-style-type: none"> <li>• Regulations pertaining to building standards.</li> <li>• Regulations requiring certification of seismic studies by an engineering geologist.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis.</p>
<p><b>Goal S-4:</b> Protect residents, businesses, and government functions from human-caused and other hazards.</p>	
<p><b>Objective S-4.1:</b> Implement resource and property protection and improvement projects.</p>	
<p>A. Develop, implement, and support plans, projects, and programs that reduce energy use and meet critical energy supply needs during emergencies.</p>	<p><b>Ongoing:</b> In 2014, the City adopted a Climate Adaptation Plan, which addresses energy issues. In 2015, the City adopted a comprehensive update of the Conservation Element, which speaks more specifically to energy issues.</p>

<p>B. Develop, implement, and support plans, projects, and programs that reduce water use and augment local water supplies.</p>	<p><b>Ongoing:</b> In 2014, the City adopted a Climate Adaptation Plan, which addresses water issues. In 2015, the City adopted a comprehensive update of the Conservation Element, which speaks more specifically to water issues.</p>
<p><b>Objective S-4.2:</b> Provide opportunities for local hazard relief and intervention.</p>	
<p>A. Designate a cooling center for use during extreme heat events and energy shortages.</p>	<p><b>Implemented:</b> City Hall has been designated as a cooling center.</p>
<p>B. Designate a point of dispensing to deliver emergency prophylaxis during public health crises.</p>	<p><b>Implemented:</b> St. Nicholas Catholic Church has been designated as a point of dispensing.</p>
<p><b>Objective S-4.3:</b> Collaborate with federal, state, and local agencies regarding human-caused and other hazards to increase resiliency throughout the city.</p>	
<p>A. Participate in and support efforts by federal, state, and local agencies and organizations to decrease air pollution emissions occurring within the South Coast Air Basin.</p>	<p><b>Ongoing:</b> This implementation action is implemented on an as-needed basis.</p>
<p>B. Collaborate with electrical and natural gas utility providers to ensure appropriate scheduling and advance communication of planned local power outages.</p>	<p><b>Ongoing:</b> The City continuously collaborates with Southern California Edison on various electrical system work.</p>
<p><b>Goal S-5:</b> Ensure that residents, businesses, and government functions are ready for emergencies.</p>	
<p><b>Objective S-5.1:</b> Adopt and enforce regulations pertaining to emergency readiness.</p>	
<p>A. Adopt, review, update, and enforce emergency readiness-related regulations, including:</p> <ul style="list-style-type: none"> <li>• Regulations requiring emergency backup generators for new and redeveloped fuel stations and cellular telephone towers.</li> </ul>	<p><b>Ongoing:</b> The City periodically reviews and makes corresponding updates to its regulations. Adopted regulations are enforced on a continual basis. In 2016, the City worked on regulations requiring emergency backup generators. In 2017, the City Council adopted regulations requiring emergency backup generators for certain cellular telephone tower projects.</p>
<p><b>Objective S-5.2:</b> Increase local understanding and awareness of hazard conditions and the importance of emergency preparedness.</p>	

<p>A. Develop and implement volunteer and community education programs and projects.</p>	<p><b>Ongoing:</b> The City continues to support a Radio Amateur Civil Emergency Service (RACES) group.</p>
<p>B. Maintain the following information for residents and businesses:</p> <ul style="list-style-type: none"> <li>• Information regarding local hazard conditions.</li> <li>• Specific-hazard prevention and safety information.</li> <li>• Information regarding local safety-related resources.</li> <li>• Guidance to facilitate personal preparedness.</li> </ul>	<p><b>Implemented:</b> This information is available at City Hall and on request.</p>
<p><b>Objective S-5.3:</b> Increase and maintain the security, reliability, continuity, and functionality of critical City facilities.</p>	
<p>A. Retrofit critical City facilities for seismic safety.</p>	<p><b>Partially Implemented:</b> The City is considering various improvements related to City Hall, which are likely to address seismic safety.</p>
<p>B. Improve emergency power backup capabilities for critical City facilities.</p>	<p><b>Partially Implemented:</b> The City has completed design work for the installation of an emergency backup generator for City Hall.</p>
<p>C. Design and construct a permanent Emergency Operations Center.</p>	<p><b>Not yet Implemented:</b> The Safety Element was amended to include this implementation action in 2014. It has not yet been implemented.</p>
<p><b>Objective S-5.4:</b> Implement rapid, reliable, and redundant communications systems for City use.</p>	
<p>A. Operate a mass notification system for rapid communication during emergencies.</p>	<p><b>Ongoing:</b> The City participates in the countywide AlertOC mass notification system.</p>
<p>B. Increase emergency communications capabilities between internal and external coordination points (e.g., reception centers, shelters, points of dispensing, and key service providers).</p>	<p><b>Not yet Implemented:</b> The Safety Element was amended to include this implementation action in 2014. It has not yet been implemented.</p>

<p>C. Participate in the Orange County Countywide Coordinated Communications System (CCCS) to ensure interoperability for public safety and general government agencies.</p>	<p><b>Ongoing:</b> The City participates in the CCCS. In 2015, the City purchased “next generation” radio equipment for its police services.</p>
<p><b>Objective S-5.5:</b> Provide for continuity of the City’s “day-to-day” operations.</p>	
<p>A. Develop and implement a Continuity of Operations Plan.</p>	<p><b>Not yet Implemented:</b> The Safety Element was amended to include this implementation action in 2014. It has not yet been implemented.</p>
<p><b>Objective S-5.6:</b> Build the City’s internal emergency services-related capabilities.</p>	
<p>A. Train staff in emergency services functions.</p>	<p><b>Ongoing:</b> The City has initiated development of a formal emergency services training program.</p>
<p>B. Develop and implement systems to access and manage critical information during emergencies.</p>	<p><b>Ongoing:</b> The City is continuing to improve remote access capabilities for employees to both main servers and software applications.</p>
<p>C. Develop and implement emergency plans pertinent to local hazard conditions.</p>	<p><b>Ongoing:</b> In 2014, the City completed a Wildland-Urban Interface Area Evacuation Annex for its Emergency Operations Plan.</p>
<p><b>Objective S-5.7:</b> Develop relationships between the City and private and nonprofit entities.</p>	
<p>A. Develop memoranda of understanding for emergency resources and provisions (e.g., reception centers, shelters, points of dispensing, supplies, and equipment).</p>	<p><b>Not yet Implemented:</b> The Safety Element was amended to include this implementation action in 2014. It has not yet been implemented.</p>
<p><b>Objective S-5.8:</b> Provide the highest levels of public safety services as are available and fiscally feasible.</p>	
<p>A. Review fire response times to ensure that they meet or exceed industry standards.</p>	<p><b>Ongoing:</b> The City reviews compliance with industry standards on an annual basis.</p>
<p>B. Review police services response times to ensure that they meet or exceed industry standards.</p>	<p><b>Ongoing:</b> The City reviews compliance with industry standards on an annual basis.</p>
<p>C. Promote coordinated efforts with local, state, and federal agencies to increase public safety.</p>	<p><b>Ongoing:</b> This implementation action is implemented on an as-needed basis.</p>

<b>Goal S-6:</b> Improve community safety and reduce opportunities for criminal activity.	
<b>Objective S-6.1:</b> Provide the highest level of police services as are available and fiscally feasible.	
<i>See “Emergency Readiness” priority issue.</i>	
<b>Objective S-6.2:</b> Leverage the City’s development review process to reduce opportunities for criminal activity.	
A. Ensure that new development, redevelopment, and City projects consider Crime Prevention through Environmental Design (CPTED) concepts during the planning and design phase.	<b>Partially Implemented:</b> In 2014, the City began working on local CPTED standards.

EXHIBIT "A" 2017 HIGHLIGHTS DASHBOARD – PAGE 1



# 2017 HIGHLIGHTS DASHBOARD

The City of Laguna Woods seeks to create “A City that is... healthy and safe, high in quality of life, environmentally conscious, economically prosperous, fiscally responsible, and professionally and efficiently served.” While by no means exhaustive, the figures presented on this dashboard are indicators of the City’s service level accomplishments during the 2017 calendar year. Highlights from the City’s most recent annual financial report are also included.

## A CITY THAT IS...



**Healthy and Safe**

### TOP 50

Laguna Woods was named one of the **Top 50 Safest Cities in California**.



The following agencies provided services under contract, or in coordination, with the City:

### 5,561 Calls for Fire Services

The Orange County Fire Authority responded to 5,561 calls for service.

### 3,550 Calls for Sheriff’s Service

The Orange County Sheriff’s Department responded to 3,550 calls for service.

### 444 Calls for Animal Services

Laguna Beach/Laguna Woods Animal Services responded to 444 calls for service.

**3,021** The City issued 3,021 building permits and conducted more than **6,200** building inspections to ensure that construction meets state and local standards.

The City completed capital projects to refresh street medians, improve roadway pavement, and promote pedestrian accessibility.



### High in Quality of Life

**12,398** The City’s Senior Mobility Program provided 12,398 reduced cost taxi trips totaling **94,804** miles, including **5,048** trips to doctors’ appointments and other non-emergency medical destinations.

**48** City Hall hosted 48 community events, including creative workshops, personal health seminars, a genealogy forum, small business development sessions, and shredding and recycling events.

**15,810** OC Public Libraries’ “mini-branch” library at City Hall checked out 15,810 books, audio books, DVDs, and other materials.

**2,232** City staff notarized 2,232 signatures and acknowledged **129** foreign pensions. Residents received both services free of charge.



### Environmentally Conscious

**18,269** Citywide recycling efforts diverted 18,269 tons (or nearly **69%**) of waste from landfills\*.

**54,475** City-sponsored document shredding events collected 54,475 pounds of paper for recycling and safe disposal, free of charge.

**3,758** Drop-off programs at City Hall collected 3,758 pounds of waste, including **2,375** pounds of batteries, **897** pounds of medicine, and **486** pounds of home-generated sharps.

**10,841** The City’s door-to-door household hazardous waste program collected 10,841 pounds of chemicals, paint, and other materials, free of charge.



### Economically Prosperous

**\$89,561,000**

Laguna Woods businesses generated more than \$89 million in consumer sales\*. The *Orange County Register* described Laguna Woods as a “boom town” for new business openings.

**\$2,795,590,960**

The assessed value of all property in Laguna Woods totaled more than \$2.7 billion, an increase of **6.69%** from the year prior\*.



### Fiscally Responsible &



### Professionally and Efficiently Served

The City **fully funded** the entirety of its California Public Employees’ Retirement System (CalPERS) pension plans, according to then-current actuarial projections.

The City received an **Operating Budget Excellence Award** from the California Society of Municipal Finance Officers for its Fiscal Year 2016-17 Operating Budget.

The City received a **Certificate of Achievement for Excellence in Financial Reporting** for its Comprehensive Annual Financial Report for Fiscal Year 2015-16.

The City provided its services with only **eight and nine-tenths** full-time employees. The City leverages the services of outside agencies to provide efficient, effective, and economical services.

\* Figures reflect the period between July 2016 and June 2017.

EXHIBIT “A” 2017 HIGHLIGHTS DASHBOARD – PAGE 2

CITY OF LAGUNA WOODS

**COMPREHENSIVE ANNUAL FINANCIAL REPORT**

**Highlights for Fiscal Year 2016-17**

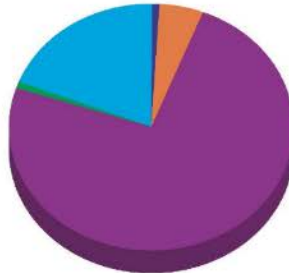


**Fiscally Responsible**

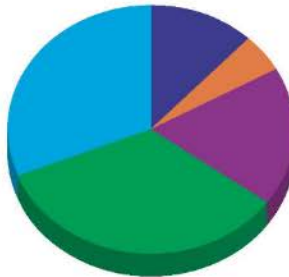
The City’s “all funds” budget for Fiscal Year 2016-17 (July 1, 2016 through June 30, 2017) was approximately \$9.28 million. As of June 30, 2017, the City’s unassigned General Fund balance, which functions as reserves, was equal to 143.73% of the General Fund budget and 117.33% of “all funds” expenditures for Fiscal Year 2016-17.

The City’s annual independent audit resulted in an unmodified opinion that the financial statements for Fiscal Year 2016-17 were fairly presented in conformity with governmental accounting standards.

To promote transparency and accountability, the City prepared a Comprehensive Annual Financial Report with a broader presentation of financial statements than required by law.



“ALL FUNDS” REVENUES	
Community Development	0.47%
Community Services	5.14%
General Government	74.02%
Public Safety	1.54%
Public Works	18.83%



“ALL FUNDS” EXPENDITURES	
Community Development	11.98%
Community Services	5.42%
General Government	18.10%
Public Safety	33.68%
Public Works	30.82%

**DID YOU KNOW ?**

For every dollar of property tax paid, the City receives an average of **only \$0.0088**.

Of the 7.75% local sales tax rate, the City receives **only 1% of tax proceeds**.

**FAST FACTS ABOUT LAGUNA WOODS**



\*2010 US Census

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**6.11**  
**ADMINISTRATIVE POLICY 4.2**  
**(PAID ANNUAL LEAVE)**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICY 4.2 RELATED TO PAID ANNUAL LEAVE

**WHEREAS**, Administrative Policy 4.2 related to paid annual leave was adopted by the City Council on January 16, 2002 and subsequently modified in accordance with Resolution No. 04-21 on November 17, 2004; and

**WHEREAS**, Administrative Policy 4.2 contains information that is outdated and no longer reflects City policies, procedures, and benefits; and

**WHEREAS**, paid time off for City employees is currently addressed as a part of the compensation schedule and benefits for City employees established by Resolution No. 17-18; and

**WHEREAS**, staff has recommended the repeal of Administrative Policy 4.2 in the interest of clarity.

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

**SECTION 1.** The City Council hereby finds and determines that (i) each of the recitals to this Resolution are true and correct, and are adopted herein as findings; (ii) the repeal of Administrative Policy 4.2 will comply with all applicable requirements of State law; (iii) the repeal of Administrative Policy 4.2 will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the repeal of Administrative Policy 4.2 is in the public interest of the City of Laguna Woods; and, (v) the repeal of Administrative Policy 4.2 is 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 it can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of this Resolution 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.

**SECTION 3.** Administrative Policy 4.2 related to paid annual leave, which was adopted by the City Council on January 16, 2002 and subsequently modified in accordance with Resolution No. 04-21 on November 17, 2004, is hereby repealed in its entirety.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this Resolution.

**SECTION 5.** 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 on this XX day of XX 2018.

\_\_\_\_\_  
CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**CITY OF LAGUNA WOODS**

**ADMINISTRATIVE POLICY 4.2  
PAID ANNUAL LEAVE**

4.2.01 PURPOSE

To define the policy for accrual, use and reimbursement of paid annual leave.

4.2.02 GENERAL POLICY

It is the policy of the City of Laguna Woods to provide its employees with paid annual leave to be used for non-work related illness, injury and vacation. Specific annual amounts are established by resolution of the City Council.

4.2.03 AUTHORITY FOR REVIEW AND APPROVAL

The City Manager and or his/her designee is responsible for approving requests for leave and reimbursement in accordance with this policy.

4.2.04 USE OF ANNUAL LEAVE FOR ILLNESS/INJURY

- A. Sick leave is a privilege and not a right. Its purpose is to allow employees the ability to take care of the medical and health needs for themselves and their immediate family.
- B. Employees who are on leave for illness and/or injuries for a period longer than three days may be required to produce a doctor's certificate specifying the nature of the illness or impairment and the expected date of return to work.

4.2.05 USE OF ANNUAL LEAVE FOR VACATION

- A. Vacation leave is a right and employees are encouraged to schedule and use accrued leave for this purpose annually.

- B. Vacation leave must be requested in advance and is subject to review and approval by the employee's immediate supervisor. In general, leave requests that do not exceed leave earned will be granted if they do not create a disruption in city services.

4.2.06 ADVANCE LEAVE

The City Manager may, on a showing of particular need or warrant, advance employees sick and vacation leave in a combination not exceeding 40 hours. Such advances shall be limited and discretionary and shall be granted only when it is anticipated that the employee will be able to return to work for a period of time sufficient to earn the advanced leave.

4.2.07 ACCRUAL OF LEAVE AND PAYMENT

Employees accrue leave each pay period in accordance with amounts established by resolution of the City Council. Leave may be accrued up to a limit of 480 hours. Each January, the City shall pay employees the value of any leave accrued in excess of this amount. Employees shall be compensated for any balance of accrued annual leave at termination.

Adopted by the City Council: January 16, 2002

Modifications made by Resolution 04-21 incorporated on November 17, 2004

**6.12**  
**ADMINISTRATIVE POLICY 1.5**  
**(DOG PARK ADVISORY GROUP)**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING ADMINISTRATIVE POLICY 1.5 PERTAINING TO THE ESTABLISHMENT, APPOINTMENT, RESPONSIBILITIES, ACTIVITIES, AND PROCEDURES OF THE DOG PARK ADVISORY GROUP

**WHEREAS**, the City’s Dog Park Advisory Group policy is contained in Administrative Policy 1.5 and was first adopted by the City Council on November 15, 2017; and

**WHEREAS**, staff has recommended amendments to Administrative Policy 1.5, which are incorporated into the attached Exhibit A to this Resolution; and

**WHEREAS**, if approved, the amendments would remove a requirement that residents must have one or more dogs licensed by Laguna Woods Animal Services at the time of appointment to be eligible to serve on the Dog Park Advisory Group, in order to allow for the appointment of any resident with an interest, willingness, and ability to contribute to the purpose of the Dog Park Advisory Group.

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

**SECTION 1.** That the administrative policy attached hereto as Exhibit A is approved and is a statement of the City’s Dog Park Advisory Group policy. The administrative policy attached hereto as Exhibit A replaces and supersedes all previous Dog Park Advisory Group administrative policies.

**SECTION 2.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2018.

---

CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted  
by the City Council of the City of Laguna Woods at a regular meeting thereof, held  
on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**CITY OF LAGUNA WOODS  
ADMINISTRATIVE POLICY 1.5**

**DOG PARK ADVISORY GROUP**

**1.5.01. Statement of Purpose.**

The City of Laguna Woods recognizes that the collective knowledge and experience of its residents and other stakeholders can benefit the local decision-making process. To facilitate constructive opportunities for public input and engagement, and to promote transparency through an open exchange of information and ideas, the City Council has established a Dog Park Advisory Group.

The Dog Park Advisory Group is responsible for providing citizen advice and oversight on matters pertaining to the operation and maintenance of “A Place for Paws” Dog Park including, but not limited to, rules, regulations, physical conditions, and capital improvement projects. The Dog Park Advisory Group shall be consulted for assistance in identifying desired dog park-related programs, projects, and services as a part of each of the City’s two-year budget and work plan development processes.

**1.5.02. Eligibility Requirements.**

Any resident of Laguna Woods is eligible to serve on the Dog Park Advisory Group. Eligibility requirements shall also include interest, willingness, and ability to contribute to the purpose of the Dog Park Advisory Group.

**1.5.03. Applications.**

Individuals who are interested and eligible to serve on the Dog Park Advisory Group shall file a completed application form with the City Clerk’s Office (Exhibit A to this administrative policy). Application forms filed with the City Clerk’s Office shall be made available to City Councilmembers for purposes of each City Councilmember’s deliberation and independent selection of appointees. Application forms filed with the City Clerk’s Office and all of the information contained thereon, are considered to be public records and are subject to unrestricted public disclosure. Application forms are considered to be public records regardless of whether or not the applicant is ultimately appointed to the Dog Park Advisory Group or whether or not an application form is withdrawn by the applicant or deemed ineligible by the City Clerk’s Office.

**1.5.04. Appointment and Terms.**

Appointments to the Dog Park Advisory Group shall be made as follows:

- A. Each City Councilmember is able to appoint one individual to the Dog Park Advisory Group. Appointments shall be made by City Councilmembers filing original signed and dated notices with the City Clerk’s Office. Appointments shall be considered effective five calendar days following the date of receipt by the City Clerk’s Office and shall continue until one or more of the following occurs:
1. The member resigns. Members of the Dog Park Advisory Group may resign at any time. Resignations shall be made by the member filing an original signed and dated notice, or email notice from the email address on file, with the City Clerk’s Office. Resignations shall be considered effective immediately upon receipt by the City Clerk’s Office and are not revokable. For the purpose of this administrative policy, “resignation” shall also include vacancies due to a member’s passing, being declared mentally incompetent by a court of law, or any of the circumstances listed in Government Code Section 1770.
  2. The regular two-year term of the Dog Park Advisory Group ends. Regardless of the date that a member of the Dog Park Advisory Group was appointed, all Dog Park Advisory Group appointments expire on December 31 of even numbered years. There is no limit to the number of terms for members of the Dog Park Advisory Group.
  3. The City Councilmember who appointed the member to the Dog Park Advisory Group ceases to be a member of the City Council. Members of the Dog Park Advisory Group appointed by a City Councilmember who ceases to be a member of the City Council shall cease to be members of the Dog Park Advisory Group upon the end of the appointing City Councilmember’s term of office.
  4. The member is removed by the City Councilmember who appointed him/her to the Dog Park Advisory Group. Members of the Dog Park Advisory Group serve at the pleasure of the City Councilmember who appointed them and may be removed by the same, with or without cause or notice. Removals shall be made by a City Councilmember filing an original signed and dated notice with the City Clerk’s Office. Removals shall be considered effective

immediately upon receipt by the City Clerk’s Office.

5. The member is removed by the City Council. The City Council reserves the right to remove any member of the Dog Park Advisory Group, with or without cause, following a publically noticed vote with no more than one dissention of the quorum of the City Councilmembers present at the time. Removals shall be considered effective immediately upon the vote. In this case, the name of the member contemplated for removal must be printed on the meeting agenda.
- B. Two members of the Dog Park Advisory Group shall be appointed by a majority vote of the Laguna Woods Village Dog Club Board of Directors (“Board of Directors”). The Board of Directors shall submit an appointment letter to the City Clerk’s Office identifying the name of each appointee, the date of the vote, the names and titles of each member of the Board of Directors, and the vote of each member of the Board of Directors for each appointment. The appointment letter shall be accompanied by a completed application form for each appointee in the format required by this administrative policy. Appointments shall be considered effective five calendar days following the date of receipt of all required materials from the Board of Directors by the City Clerk’s Office and shall continue until one or more of the following occurs:
1. The member resigns. Members of the Dog Park Advisory Group may resign at any time. Resignations shall be made by the member filing an original signed and dated notice, or email notice from the email address on file, with the City Clerk’s Office. Resignations may also be submitted to the Board of Directors to be forwarded to the City Clerk’s Office. Resignations shall be considered effective immediately upon receipt by the City Clerk’s Office and are not revokable. For the purpose of this administrative policy, “resignation” shall also include vacancies due to a member’s passing, being declared mentally incompetant by a court of law, or any of the circumstances listed in Government Code Section 1770.
  2. The member is removed or replaced by the Laguna Woods Village Dog Club Board of Directors. The Board of Directors may remove or replace any member of the Dog Park Advisory Group, with or without cause, following a majority vote. Removals or replacements shall be considered effective five calendar days following the date of receipt of a notification letter from the Board of Directors by the City Clerk’s Office. The Board of Directors is

encouraged to exercise sound judgement and discretion prior to removing or replacing any member of the Dog Park Advisory Group. The Board of Directors is further encouraged to establish an internal process providing for an orderly nomination and appointment process, including the establishment of terms and desired qualifications.

3. The member is removed by the City Council. The City Council reserves the right to remove any member of the Dog Park Advisory Group, with or without cause, following a publically noticed vote with no more than one dissention of the quorum of the City Councilmembers present at the time. Removals shall be considered effective immediately upon the vote. In this case, the name of the member contemplated for removal must be printed on the meeting agenda.

In order to maintain its eligibility to make appointments to the Dog Park Advisory Group, all members of the Laguna Woods Village Dog Club Board of Directors shall execute and file with the City Clerk's Office an acknowledgement of this Administrative Policy and a non-discrimination agreement in form sufficient to the City Manager and City Attorney, within 10 calendar days of their appointment to such position.

#### **1.5.05. Meetings and Conduct.**

- A. Scheduling. The Dog Park Advisory Group shall hold regular meetings at a date, time, and place set by resolution of the City Council. Meetings may be called or cancelled for any lawful reason and by any lawful means consistent with this administrative policy, other City Council direction, and applicable laws.
- B. Noticing and Rules of Conduct. All Dog Park Advisory Group meetings shall be publically noticed and conducted in accordance with the Ralph M. Brown Act and applicable laws. The Dog Park Advisory Group may establish their own rules for conducting meetings, subject to the Ralph M. Brown Act, this administrative policy, other City Council direction, and applicable laws.
- B. Quorum. A majority of the members currently appointed to the Dog Park Advisory Group shall constitute a quorum of the Dog Park Advisory Group's membership. A quorum shall be required for the Dog Park Advisory Group to conduct any business and a majority of a quorum present at any meeting shall be required to carry a motion.

- D. Chair and Vice Chair. The Dog Park Advisory Group shall appoint a chair and vice chair from amongst its membership. The chair, or vice chair in the absence of the chair, shall conduct meetings and attest to meeting minutes. When neither the chair nor the vice chair are present at a meeting, a quorum of members may call the meeting to order and appoint an acting chair for the same purposes.
- E. Agenda Content. Items may be placed on the Dog Park Advisory Group agendas by a majority vote of the City Council or by the City Manager, consistent with this administrative policy and other City Council direction.
- F. Nature of Action. The Dog Park Advisory Group is advisory in nature to both the City Council and City staff. The Dog Park Advisory Group is able to provide input and make recommendations, but may not provide direction to City staff and possess no authority to bind the City to any particular course of action.
- G. Dissent. When the Dog Park Advisory Group submits a recommendation to the City Council or City staff, dissenting members are entitled to have the reason for their dissent fully, fairly, and accurately presented.
- H. Meeting Minutes. City staff shall prepare minutes for Dog Park Advisory Group meetings consisting of a record of the actions taken, presentation of the dissent thereto (if applicable), and public comments received, subject to approval by the Dog Park Advisory Group. The chair, or vice chair or acting chair in his or her absence, shall attest, in writing, to the approval of the meeting minutes and a copy shall be filed with the City Clerk's Office.

#### **1.5.06. Subcommittees.**

The establishment and appointment of a subcommittee or other subsidiary body to the Dog Park Advisory Group shall require prior approval of the City Council and shall comply with any conditions as the City Council may require. In general, the Dog Park Advisory Group are encouraged to carry out its advisory duties at meetings of the Dog Park Advisory Group as a whole, including at special meetings when necessary. All actions or deliberations related to the allocation or award of City grant monies shall be undertaken by the Dog Park Advisory Group as a whole. The City Council will only consider the establishment and appointment of ad hoc subcommittees to act in advisory capacities on discrete, short-term circumstances and matters.

Any subcommittee to the Dog Park Advisory Group may be disbanded or terminated at any time and for any reason by the City Council. The City Council may also impose additional conditions or limitations on any subcommittee.

**1.5.07. Public Statements.**

Neither the Dog Park Advisory Group nor any member thereof shall make a political or other endorsement; statement of position on legislation; financial commitment; or commit or speak in anyway, including but not limited to the issuance of statements, on behalf of the Dog Park Advisory Group or the City, without first obtaining the express consent of the City Council. Nothing in his administrative policy shall be construed, however, to inhibit or forbid political or other speech or activity, in a purely individual capacity, by any member of the Dog Park Advisory Group, so long as such member does not purport to speak for, or as a member of, the Dog Park Advisory Group.

Unless so authorized, Dog Park Advisory Group members who wish to speak on a subject within the purview of the Dog Park Advisory Group may identify themselves as a Dog Park Advisory Group member, but shall state that they do not speak on behalf of the City or the Dog Park Advisory Group, and that the opinion they offer is their own personal opinion.

**1.5.08. Routine City Council Reporting.**

- A. Provision of Meeting Agendas and Minutes (regular). The City Clerk's Office shall provide City Councilmembers with the agendas and minutes for the Dog Park Advisory Group on a regular basis.
- B. Provision of Meeting Agendas and Minutes (annual). The City Clerk's Office shall compile and provide City Councilmembers with the minutes for the Dog Park Advisory Group that occurred during the preceding calendar year no later than January 31 of each year.

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City Council Approval: February XX, 2018



# City of Laguna Woods

## Application Form for Appointment

### Dog Park Advisory Group

Thank you for your interest in serving on the Dog Park Advisory Group!

The Dog Park Advisory Group provides citizen advice and oversight on matters pertaining to the operation and maintenance of “A Place for Paws” Dog Park including, but not limited to, rules, regulations, physical conditions, and capital improvement projects. The Dog Park Advisory Group is also consulted for assistance in identifying desired dog park-related programs, projects, and services as a part of each of the City’s two-year budget and work plan development processes. The Dog Park Advisory Group meets regularly on the second Tuesdays of February, April, June, August, October, and December at 3 p.m.

**This application form and all of the information hereon or attached hereto is considered to be a public record and is subject to unrestricted public disclosure.** Application forms are considered to be public records regardless of whether or not an applicant is ultimately appointed to the Dog Park Advisory Group or whether or not an application form is withdrawn by an applicant or deemed ineligible by the City Clerk’s Office.

Please attach additional pages, if necessary.

For more information on the Dog Park Advisory Group, please contact the City Clerk’s Office at (949) 639-0500. Applications must be mailed or hand delivered to City of Laguna Woods, Attn: City Clerk’s Office, 24264 El Toro Road, Laguna Woods, CA 92637.

### **CONTACT INFORMATION**

First and Last Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

Cellular Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

[CONTINUED ON NEXT PAGE]

**ELIGIBILITY SCREENING**

*A. Are you a resident of Laguna Woods?*

Yes\_\_\_\_\_ No (ineligible)\_\_\_\_\_

*B. Are you interested and able to serve on the Dog Park Advisory Group after having been provided with, read, and understood Administrative Policy 1.5 (Dog Park Advisory Group)?*

Yes\_\_\_\_\_ No (ineligible)\_\_\_\_\_

**RESPONSES TO QUESTIONS**

*1. Do you currently have any dogs licensed by Laguna Woods Animal Services?*

Yes\_\_\_\_\_ No\_\_\_\_\_

*2. How often and for how long have you used “A Place for Paws” Dog Park?*

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*3. Why do you use “A Place for Paws” Dog Park?*

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*4. Why are you interested in serving on the Dog Park Advisory Group?*

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***5. How long have you lived in Laguna Woods and are you a full-time resident?***

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***6. Please describe your educational background, including schools attended and degrees held.***

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***7. Please describe any relevant experience (paid or volunteer), qualifications, and training that you feel you would bring to the Dog Park Advisory Group.***

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***8. “A Place for Paws” Dog Park is regularly used by a diverse group of individuals and their dogs for a variety of reasons. If appointed to serve on the Dog Park Advisory Group, how would you work to effectively understand the needs and desires of dog park users?***

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**ACKNOWLEDGEMENTS**

I, the undersigned, do hereby certify that the information submitted on this application form is true and correct and that I am a resident of Laguna Woods.

I further understand and agree that if I am appointed to the Dog Park Advisory Group, I would serve at the pleasure of either the City Councilmember who appointed me and the City Council as a whole, or the Laguna Woods Village Dog Club Board of Directors and the City Council as a whole, as the case may be, and subject to the Ralph M. Brown Act, Administrative Policy 1.5, and any other applicable laws and policies, as may change from time-to-time.

I further understand and agree that this application form and all of the information hereon or attached hereto is considered to be a public record and is subject to unrestricted public disclosure. This application form will be considered to be a public record regardless of whether or not I am ultimately appointed to the Dog Park Advisory Group or whether or not I withdraw this application form or this application form is deemed ineligible by the City Clerk’s Office.

First and Last Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**7.1**  
**SENIOR MOBILITY PROGRAM FEES**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** February 21, 2018 Regular Meeting  
**SUBJECT:** Senior Mobility Program Fees

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## **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA  
WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED AND  
MODIFIED SENIOR MOBILITY PROGRAM FEES

**Background**

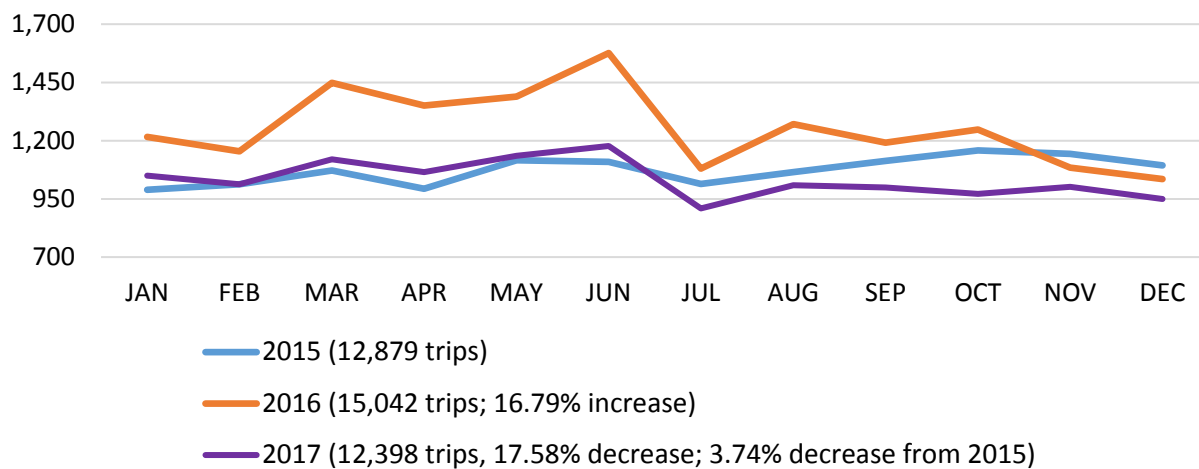
The Senior Mobility Program began in 2002 with initial funding from the Orange County Transportation Authority (“OCTA”). The current program, which continues to receive funding from OCTA, subsidizes the cost of both general travel and non-emergency medical transportation for residents who are at least 60 years of age. All transportation is provided by taxi cabs operated by California Yellow Cab.

General travel vouchers (or, “taxi bucks”) save residents 30% of the cost of taxi trips. Taxi bucks are available in books valued at \$50 (sold for \$35) and \$100 (sold for \$70). Taxi bucks can be used for any trip beginning or ending in Laguna Woods to or from any point in Orange County with the exception of John Wayne Airport.

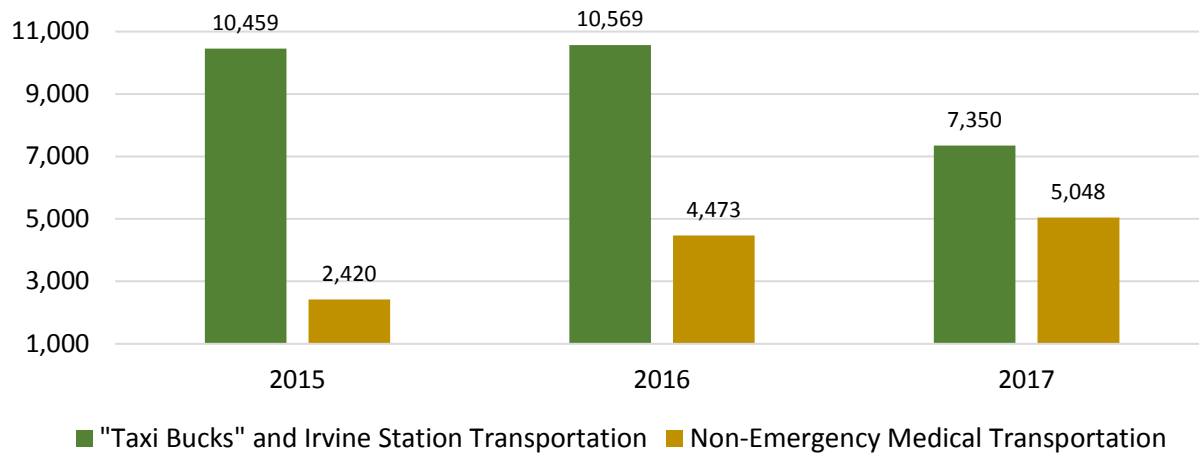
Non-emergency medical transportation (or, “NEMT”) by taxi can be arranged by staff at City Hall at deeply subsidized rates that save residents between 66% and 90%. NEMT travel vouchers are also available for frequently traveled destinations. Service is available for any NEMT trip beginning or ending in Laguna Woods to or from any facility in Orange County or the Long Beach Veterans Hospital. Depending on the length of the trip, resident costs range from \$4 to \$12 one-way.

Special destination travel vouchers are available for taxi trips beginning or ending in Laguna Woods to the Irvine Station (Transportation Center) at a rate that saves residents 50%. For \$10 one-way, residents are able to travel to the Irvine Station to connect with passenger rail and bus services provided by Amtrak, Metrolink, the Orange County Transportation Authority, and others.

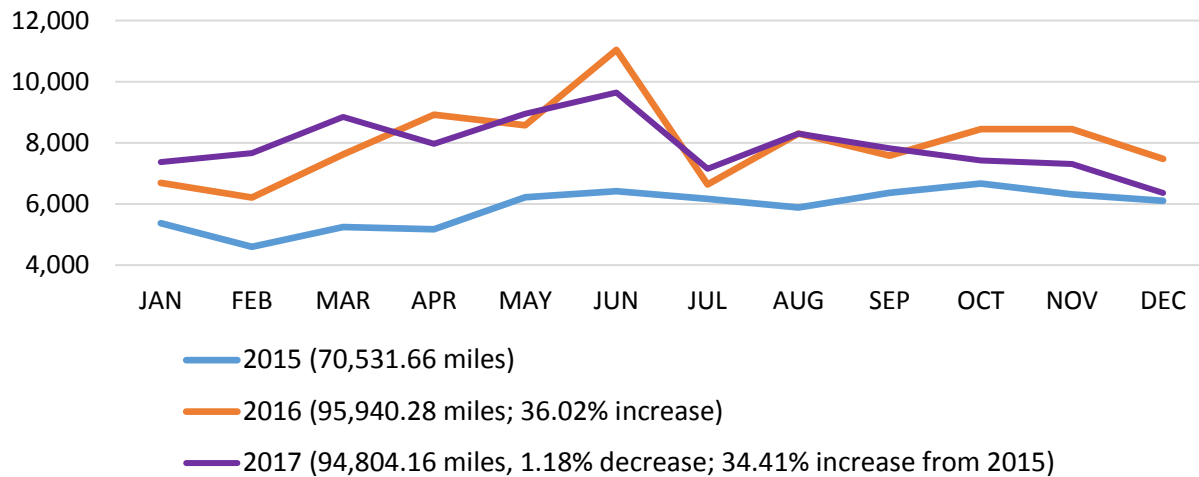
*Chart 1: Total Number of Trips Provided by Month*



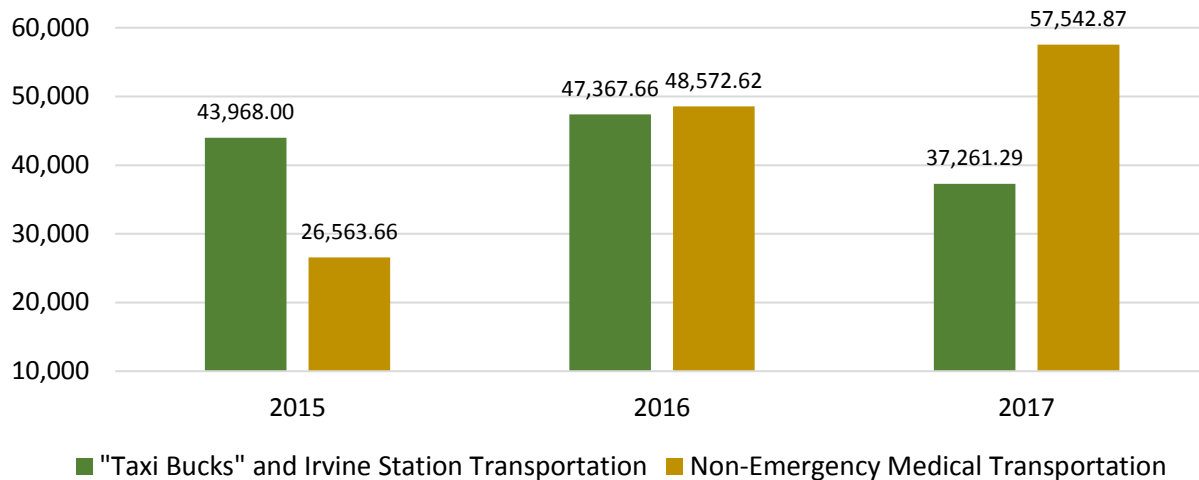
*Chart 2: Total Number of Trips Provided by Type of Transportation*



*Chart 3: Total Miles of Transportation Provided by Month*



*Chart 4: Total Miles of Transportation Provided by Type of Transportation*



*Table 1: Current Costs per Mile of General Travel Transportation (“Taxi Bucks”)*

<b>Number of Miles</b>	<b>Resident’s Cost</b>	<b>City’s Net Cost (Total Cost less Resident’s Cost)</b>
1	\$8.40	\$3.60
2	\$8.40	\$3.60
3	\$8.40	\$3.60
4	\$8.40	\$3.60
5	\$9.80	\$4.20
6	\$11.20	\$4.80
7	\$12.60	\$5.40
8	\$14.70	\$6.30
9	\$16.10	\$6.90
10	\$18.20	\$7.80
11	\$20.30	\$8.70
12	\$21.70	\$9.30
13	\$23.80	\$10.20
14	\$25.20	\$10.80
15	\$27.30	\$11.70
16	\$29.40	\$12.60
17	\$30.80	\$13.20
18	\$32.90	\$14.10
19	\$34.30	\$14.70
20	\$36.40	\$15.60
21	\$38.50	\$16.50
22	\$39.90	\$17.10
23	\$41.30	\$17.70
24	\$43.40	\$18.60
25	\$44.80	\$19.20
26	\$46.90	\$20.10
27	\$49.00	\$21.00
28	\$50.40	\$21.60
29	\$51.80	\$22.20
30	\$53.20	\$22.80
31	\$54.60	\$23.40
32	\$57.40	\$24.60
33	\$58.80	\$25.20
34	\$60.90	\$26.10
35	\$62.30	\$26.70
36	\$64.40	\$27.60
37	\$65.80	\$28.20
38	\$67.90	\$29.10
39	\$69.30	\$29.70
40	\$71.40	\$30.60
41	\$72.80	\$31.20
42	\$74.20	\$31.80
43	\$76.30	\$32.70
44	\$77.70	\$33.30
45	\$79.80	\$34.20
46	\$81.20	\$34.80
47	\$83.30	\$35.70
48	\$84.70	\$36.30
49	\$86.80	\$37.20
50	\$88.20	\$37.80

*Table 2: Current Costs per Mile of Non-Emergency Medical Transportation*

Number of Miles	Resident's Cost	City's Net Cost (Total Cost less Resident's Cost)
1		\$8
2		\$8
3		\$8
4		\$8
5		\$10
6		\$12
7		\$14
8	\$4	\$17
9		\$19
10		\$22
11		\$25
12		\$27
13		\$30
14		\$32
15		\$35
16		\$36
17		\$38
18	\$6	\$41
19		\$43
20		\$46
21		\$47
22		\$49
23	\$8	\$51
24		\$54
25		\$56
26		\$55
27		\$58
28		\$60
29		\$62
30		\$64
31		\$66
32		\$70
33		\$72
34		\$75
35		\$77
36		\$80
37		\$82
38	\$12	\$85
39		\$87
40		\$90
41		\$92
42		\$94
43		\$97
44		\$99
45		\$102
46		\$104
47		\$107
48		\$109
49		\$112
50		\$114

The City's net cost (total cost less resident's cost) per one-way trip to the Irvine Station using an Irvine Station travel voucher is \$10. The resident cost is also \$10.

As of January 31, 2018, a total of 683 residents, representing approximately 4.19% of Laguna Woods' population using the California Department of Finance's January 1, 2017 population estimate, were enrolled in the Senior Mobility Program.

### **Discussion**

At today's meeting, the City Council will conduct a public hearing regarding the proposed Senior Mobility Program fee schedule (Attachment A), after which action will be considered. If the recommendation is approved, the proposed fee schedule would be effective for with transportation purchased for use after June 30, 2018.

The proposed fee schedule continues all existing fees with modifications to:

- **Restructure the non-emergency medical transportation program into three fee-level tiers - \$6 for trips up to 15 miles, \$10 for trips from 16 to 25 miles, and \$16 for trips from 26 to 50 miles.** While this proposed structure would increase costs between \$2 and \$4 per trip, the City's subsidies would remain substantial, as shown in Table 3 below. Despite significant changes in the City's cost of providing transportation, fees for non-emergency medical transportation have not increased since 2005 (13 years).

*Table 3: Proposed Fee-level Tiers and City Subsidies per Trip*

<b>Proposed Fee-level Tier</b>	<b>Proposed City Subsidy per Trip</b>
\$6 for trips up to 15 miles	\$6 to \$33 per trip (or, 50% to 85%)
\$10 for trips from 16 to 25 miles	\$32 to \$54 per trip (or, 76% to 84%)
\$16 for trips from 26 to 50 miles	\$51 to \$110 per trip (or, 76% to 87%)

- **Increase the annual enrollment fee from \$5 to \$10 per person.** The annual enrollment fee is intended to help offset the City's costs to administer the Senior Mobility Program throughout the year (including staff time to enroll residents to participate in the program, arrange transportation, coordinate with California Yellow Cab, and complete required accounting and reporting, as well as printing expenses for "taxi bucks" and travel vouchers). The annual enrollment fee is paid "per person" due to the Orange County Transportation Authority requirement that each person for whom transportation is purchased qualify individually, regardless of household composition.

**Fiscal Impact**

In Fiscal Year 2015-16, the City was successful in securing a five-year extension of Transportation Development Act monies, which are used along with Measure M2 Senior Mobility monies and fees paid by residents when purchasing travel vouchers, to fund Senior Mobility Program transportation and administration costs. The City's General Fund is used to offset unanticipated expenditures (e.g., costs associated with higher than projected demand) and to fund staffing and overhead.

Since the program's inception, the City's cost of providing services has increased significantly due to heightened demand and rises in gasoline prices and driver benefit costs. In recent years, demand (and, cost) have been exacerbated when subsidized transportation services offered by Age Well Senior Services have been temporarily suspended due to a lack of funds. In recognition of the public value provided, the City Council has historically chosen to offer the program without interruption, even when expenditures outpace revenue.

In Fiscal Year 2016-17, expenditures outpaced revenue by \$62,202, which required that deficit amount to be covered by the General Fund.

Beginning with transportation purchased for Fiscal Year 2017-18, the program's fee schedule was modified in an attempt to reach cost neutrality. While the program is still operating at a deficit, staff expects the amount of the deficit to be reduced by approximately two-thirds, due to last fiscal year's fee schedule modifications, for an estimated year-end, required General Fund contribution of \$22,000.

Staff continues to be concerned with the program's operating deficit. Continually increasing law enforcement services costs (due, in large part, to actions of the Orange County Board of Supervisors and the Orange County Sheriff Department), as well as routinely anticipated increases in the cost of doing "day-to-day" business, are compounding pressure on the City's budget. Over time, those pressures are projected to result in insufficient means to support all programs in their current form. If action is not taken to close deficits and proactively moderate expenditure growth, more difficult and impactful decisions are likely to be required in the future.

Staff believes that the proposed fee schedule succeeds in balancing financial realities with a continued focus on maintaining extremely low-cost access to non-emergency medical transportation. After the proposed fee schedule modifications, residents would save between \$6 and \$110 per non-emergency medical trip, for savings of at least 50% and as much as 87%.

The proposed fee schedule is estimated to generate approximately \$15,750 in new revenue. While the additional revenue may not be sufficient to offset all future program costs in excess of Transportation Development Act and Measure M2 Senior Mobility monies, it would help to moderate and reduce potential future impacts on the General Fund, thereby helping to promote the long-term sustainability of the program. Staff's intent would be to monitor and evaluate the program's financial position over the coming calendar year and return to the City Council with further recommendations in 2018, or earlier, if necessary.

### **Environmental Review**

This action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes "government funding mechanisms or other government fiscal activities" from its definition of "project" when they "do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment," as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City, when such charges are intended to (1) meet operating expenses, (2) provide for the purchase of supplies and materials, and (3) meet financial reserve needs and requirements – as is the case with the senior mobility program fees. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Report Prepared With: Margaret Cady, CPA, Administrative Services Director/City Treasurer  
Yolie Trippy, Deputy City Clerk

Attachment: A – Proposed Resolution  
Exhibit A – Proposed Fee Schedule

**RESOLUTION NO. 18-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED AND MODIFIED SENIOR MOBILITY PROGRAM FEES**

**WHEREAS**, pursuant to applicable California law, cities may charge rates or fees that are equal to or less than the reasonably anticipated costs of providing a service, conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws, or as a condition of property development; and

**WHEREAS**, the City’s costs to offer the Senior Mobility Program to eligible residents include taxi transportation services, travel voucher printing, staff time, and related overhead, which are not fully recovered through fees; and

**WHEREAS**, the City Council conducted a duly noticed public hearing at its regular meeting on February 21, 2018 regarding the proposed adoption of new and increased or modified Senior Mobility Program fees; and

**WHEREAS**, public noticing for the aforementioned public hearing included publication in the *Laguna Woods Globe* and posting at the City Hall counter where Senior Mobility Program transportation is available for purchase; and

**WHEREAS**, the fees that are included on the Senior Mobility Program Fee Schedule attached hereto as Exhibit A were made available to the public at and from Laguna Woods City Hall (including posting at the City Hall counter where Senior Mobility Program transportation is available for purchase) beginning on February 8, 2018, as well as on the City’s website, beginning on February 10, 2018; and

**WHEREAS**, after consideration of the information provided by City staff, the City’s costs to provide the Senior Mobility Program, and all public comments and testimony received, the City Council finds that it is in the best interest of the City to adopt new and increase or modify fees for the Senior Mobility Program.

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

**SECTION 1.** The Senior Mobility Program Fee Schedule attached hereto as Exhibit A is hereby adopted to be effective beginning with transportation purchased

for use after June 30, 2018. In adopting such fees, the City Council finds that the amounts of the fees do not exceed the reasonable costs of providing the services for which the fees are charged.

**SECTION 2.** Upon the effective date of the Senior Mobility Program Fee Schedule attached hereto as Exhibit A, all previous Senior Mobility Program fees adopted by the City Council shall be repealed.

**SECTION 3.** After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) (“CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes “government funding mechanisms or other government fiscal activities” from its definition of “project” when they “do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City, when such charges are intended to (1) meet operating expenses, (2) provide for the purchase of supplies and materials, and (3) meet financial reserve needs and requirements – as is the case with the senior mobility program fees. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2018.

---

CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted by  
the City Council of the City of Laguna Woods at a regular meeting thereof, held on  
the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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**CITY OF LAGUNA WOODS  
SENIOR MOBILITY PROGRAM**

Fee Schedule

*Effective for transportation purchased for use after June 30, 2018*

*Offered to Laguna Woods residents who are at least 60 years of age*

<b>General Travel Vouchers (“Taxi Bucks”)</b>	
DESCRIPTION	FEE
Book Valued at \$50*	\$35
Book Valued at \$100*	\$70
Books of Other Values*	70% of dollar value

<b>Irvine Station (Transportation Center) Travel Vouchers</b>	
DESCRIPTION	FEE
One-way Trip*	\$10

<b>Non-Emergency Medical Transportation (“NEMT”)</b>	
DESCRIPTION	FEE
One-way Trip: up to 15 miles*	\$6
One-way Trip: up to 25 miles*	\$10
One-way Trip: over 25 miles*	\$16

<b>Other</b>	
DESCRIPTION	FEE
Annual Enrollment Fee (per person, per fiscal year)**	\$10

\* Refundable/exchangeable through July 31 of the fiscal year following the fiscal year for which transportation was purchased for use. When July 31 falls on a Saturday or Sunday, the refund/exchange period shall extend through the following Monday.

\*\* Non-refundable/non-exchangeable

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**7.2**  
**EMERGENCY SHELTERS, TRANSITIONAL  
HOUSING, AND SUPPORTIVE HOUSING  
REGULATIONS**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** February 21, 2018 Regular Meeting  
**SUBJECT:** Emergency Shelters, Transitional Housing, and Supportive Housing Regulations

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## **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.06.010, 13.08.010, 13.10.020, and 13.13.020, AND CHAPTER 13.23, OF THE LAGUNA

WOODS MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS,  
TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING  
CONSISTENT WITH APPLICABLE STATE LAW, INCLUDING  
CALIFORNIA GOVERNMENT CODE SECTION 65583 ET SEQ.

**Background**

California Government Code Section 65583 *et seq.*, requires every city and county to adopt an ordinance allowing emergency shelters (housing with minimum support services for homeless persons that is limited to occupancy of six months or less) as a permitted use in one or more zoning districts with sufficient capacity. Cities and counties have very limited abilities to regulate emergency shelters, namely instances in which not doing so would create a specific, adverse impact upon the public health or safety. In enacting emergency shelter laws, the California Legislature has held that homelessness is a statewide program and that it is the Legislature's responsibility to "promote strong communities and ensure that housing and residential services are available in all communities" (Senate Bill 2. Cedillo; Local planning. 2007.).

California Government Code Section 65583 *et seq.* requires that transitional housing (rental housing where units are recirculated to other eligible program recipients at a predetermined future point with occupancy of at least six months) and supportive housing (housing with no limit on the length of stay linked to a service that assists the eligible resident in retaining housing, improving health status, and maximizing ability to live and, when possible, work in the community) "shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone."

Sections 13.06.010, 13.08.010, 13.10.020, and 13.13.020, and Chapter 13.23, of the Laguna Woods Municipal Code (Attachment B) contain regulations related to emergency shelters and transitional housing. Those regulations were first adopted in 2011 and have not been amended since.

**Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed emergency shelters, transitional housing, and supportive housing regulations (Attachment A). Staff recommends that the City Council initiate the adoption process for the proposed regulations in order to ensure clarity and compliance with state law.

Significant proposed modifications include, but are not limited to, the following:

- Addition of a new definition for “supportive housing,” and modification of the existing definition for “transitional housing,” to conform with state law.
- Explicit designation of transitional housing and supportive housing as being permitted by right in all residential zoning districts, as required by state law.
- Permitting of emergency shelters by right in both of the community facilities zoning districts and prohibition of the same in the Community Commercial zoning district. Doing so would satisfy the City’s obligation under state law to allow emergency shelters as a permitted use in one or more zoning districts with sufficient capacity.
- Modification of development and operational standards to conform with state law, including the addition of standards explicitly allowed by state law (e.g., size and location of on-site waiting and client intake areas, on-site staffing requirements) and the deletion of standards no longer allowed by state law (e.g., separation requirements from facilities other than emergency shelters).

Please note that the recommended action would permit under certain circumstances, but not require, the development or operation of emergency shelters, transitional housing, and supportive housing. While state law requires the City to establish a regulatory environment that provides certain allowances with respect to those land uses, decisions of what and whether to construct rest with property owners.

If the City Council takes the recommended action at today’s meeting, the proposed ordinance would be agendized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any project that might implicate emergency shelters or transitional housing or supportive housing considerations, any specific environmental effects, apart from those already assessed in the City’s General Plan and Housing Element review, would be speculative. Therefore, the adoption of the proposed 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.

**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. 18-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.06.010, 13.08.010, 13.10.020, and 13.13.020, AND CHAPTER 13.23, OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING CONSISTENT WITH APPLICABLE STATE LAW, INCLUDING CALIFORNIA GOVERNMENT CODE SECTION 65583 ET SEQ.

**WHEREAS**, in 2007, the California Legislature passed Senate Bill 2 (“SB 2”), the “Emergency Shelter Act,” to, in part, clarify and strengthen state law to ensure that zoning encourages and facilitates emergency shelters and limits denials of emergency shelters, transitional housing, and supportive housing under the State of California’s housing element law, California Government Code sections 65580-65589.8; and

**WHEREAS**, pursuant to the changes enacted by SB 2, California Government Code Section 65583 *et seq.*, requires every city and county to adopt an ordinance allowing emergency shelters as a permitted use in one or more zoning districts with sufficient capacity; and

**WHEREAS**, California Government Code Section 65583 *et seq.* requires that emergency shelters “may only be subject to those development and management standards that apply to residential or commercial development within the same zone” and affords limited ability for cities and counties to regulate otherwise; and

**WHEREAS**, California Government Code Section 65583 *et seq.* requires that transitional housing and supportive housing “shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone”; and

**WHEREAS**, emergency shelters, transitional housing, and supportive housing regulations are codified, in part, in sections 13.06.010, 13.08.010, 13.10.020, and 13.13.020, and Chapter 13.23, of the Laguna Woods Municipal Code, with the goal of providing for the development of housing in accordance with California Government Code Section 65583 *et seq.*; and

**WHEREAS**, the City Council desires to comply with state law, and likewise encourage the provision of emergency shelters, transitional housing, and supportive

housing in accordance with state guidelines, provided that such housing does not create a specific, adverse impact upon the public health or safety; and

**WHEREAS**, staff has recommended amendments to the existing emergency shelters, transitional housing, and supportive housing regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would update the regulations in a manner that would help to ensure clarity and compliance with state law; 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 February 21, 2018, 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 it can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any project that might implicate emergency shelters or transitional housing or supportive housing considerations, any specific environmental effects, apart from those already assessed in the City’s General Plan and Housing Element review, would be speculative. 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.

SECTION 3. Sections 13.06.010, 13.08.010, 13.10.020, and 13.13.020, and Chapter 13.23, of the Laguna Woods Municipal Code are 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 2018.

---

CAROL MOORE, Mayor

ATTEST:

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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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A  
CODE AMENDMENTS**

*A new Paragraph (793) (“Supportive housing”) of Subsection (d) (“Specific terms”) of Section 13.06.010 (“Definitions”) of Chapter 13.06 (“Definitions”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is added to read (additions shown with underlining):*

(793) Supportive housing: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. For the purpose of this definition, “target population” shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the California Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

*Paragraph (830) (“Transitional housing shelters”) of Subsection (d) (“Specific terms”) of Section 13.06.010 (“Definitions”) of Chapter 13.06 (“Definitions”) 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~~):*

~~(830) Transitional housing shelters: Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency-development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability to pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.~~ Transitional

housing: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

**Section 13.08.010 (“Intent and permitted uses”) of Chapter 13.08 (“Residential Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining):**

	Districts			
Land Use Types	RMF	RC	RT	Code References
<u>Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	

**Section 13.10.020 (“Table of permitted uses”) of Chapter 13.10 (“Commercial Districts”) 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~~):**

	Districts			
Land Use Types	NC	CC	PA	Code References
<del>Emergency and Transitional Housing</del> Shelters	X	<del>P</del> <u>X</u>	X	13.23

**Section 13.13.020 (“Table of permitted uses”) of Chapter 13.13 (“Community Facilities Districts”) 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~~):**

	Community Facilities		
Land Use Types	Public/Institutional	Private	Code References
Emergency <del>and Transitional Housing</del> <u>Shelters</u>	<u>U</u> <u>P</u>	<u>U</u> <u>P</u>	13.23

*Chapter 13.23 (“Emergency and Transitional Housing Shelters”) 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~~):*

**CHAPTER 13.23. - EMERGENCY ~~AND TRANSITIONAL HOUSING~~ SHELTERS**

**Sec. 13.23.010. - Purpose and intent.**

It is the intent of this chapter to identify the zones and locations where emergency ~~and transitional housing~~ shelters are permitted, and to provide adequate development and operational standards for such uses to ensure that appropriate housing and services for special needs populations are met.

**Sec. 13.23.020. - Permit requirements and exemptions.**

Emergency ~~and transitional housing~~ shelters facilities are permitted by right in the Community Commercial (CC) zoning districts ~~and are allowed in~~ Community ~~Facility~~ Facilities - Public/Institutional (CF-P/I) and Community ~~Facility~~ Facilities - Private (CF-P) zoning districts ~~subject to a Conditional Use Permit.~~

**Sec. 13.23.030. - Development and operational standards.**

Emergency ~~and transitional housing~~ shelters shall comply with all standards provided ~~by~~ in this chapter

(a) *Development standards.*

(1) *Location and separation.* Emergency ~~and transitional housing~~ shelters ~~must shall~~ be situated more than 300 feet from another ~~emergency~~ shelter ~~and more than 1,000 feet from a public park, a public or private K-12 school, an indoor or outdoor recreational facility primarily designed to serve persons under 18 years old or a child care facility (1,000 feet measured from property line to property line).~~

(2) *Physical characteristics.*

- a. The maximum number of beds for ~~emergency and transitional housing shelters~~ ~~emergency shelters~~ shall be 20 unless a larger number is approved through a conditional use permit.
- b. The maximum number of beds does not apply in situations of citywide or statewide designated disasters or catastrophic conditions as determined by the City Council or City Manager.
- c. ~~The facility~~ Emergency shelters shall have adequate private living space, shower and toilet facilities, and secure storage areas for its intended ~~residents~~ clients.
- d. ~~The size of an emergency and transitional housing shelter facility shall be in character with the surrounding neighborhood.~~ All on-site waiting and client intake areas shall be located in the interior of the emergency shelter and shall be of sufficient size to prevent any such activities from occurring in the exterior of the emergency shelter.
- e. ~~The facility shall have at least one room, which has 120-square feet of floor area. Other habitable rooms shall have an area not less than 70 square feet. No more than two persons shall occupy a room used for sleeping purposes.~~

(b) *Operational standards.*

- (1) ~~All intake and screening shall be conducted off-site.~~

~~(21) If a program an emergency shelter includes a drug or alcohol abuse counseling component, appropriate state and/or federal licensing shall be required.~~

~~(32) The program shall provide accommodations appropriate for a minimum stay of 28 days and a maximum stay of 180 days per client/family. Emergency shelters shall limit occupancy by each client to no more than 180 days in a 365-day period.~~

~~(43) The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to public and not for profit social services, housing and employment opportunities. Emergency shelters shall conduct all on-site waiting and client intake activities in the interior of the emergency shelter and prevent any such activities from occurring in the exterior of the emergency shelter.~~

~~(5) The program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision and disbursement.~~

~~(64) The shelter facility provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling, and treatment programs for residents. Emergency shelters shall provide on-site security during all hours of operation, including a minimum of one security guard licensed by the State of California for each 20 clients, unless alternate security arrangements are approved through a conditional use permit.~~

~~(7) Shelter facilities may establish written expectations of residents—behavioral, medical, and religious, etc. Expectations of residents shall be available to each resident at entry to the shelter, and to the public (upon request).~~

~~(8) Shelter facilities shall have infection control policies in accordance with guidelines of the Centers for Disease Control—covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.~~

(95) ~~Emergency and transitional housing shelter facilities~~ Emergency shelters shall provide on-site management ~~and support staff at all times during shelter use.~~ during all hours of operation, including a minimum of one supervisor per emergency shelter and a minimum of one additional attendant for each 20 clients, unless alternate on-site management arrangements are approved through a conditional use permit.

**8.1**

**ROADWAY MODIFICATIONS – EL TORO  
ROAD AT ALISO CREEK ROAD**

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## City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 21, 2018 Regular Meeting

**SUBJECT:** Roadway Modifications – El Toro Road at Aliso Creek Road

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### **Recommendation**

Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING SIGNAGE AND PAVEMENT STRIPING MODIFICATIONS ON EL TORO ROAD IN THE VICINITY OF ALISO CREEK ROAD TO ALLOW ENHANCED VEHICLE TURNING MOVEMENTS ONTO SOUTHBOUND ALISO CREEK ROAD FROM EASTBOUND EL TORO ROAD

### **Background**

In a letter dated January 24, 2018 (Attachment A), the City of Aliso Viejo requested that "... the eastbound travel lanes of El Toro Road be modified to include a shared right-through lane to accommodate the large volume of traffic turning south onto Aliso Creek Road." The subject eastbound travel lanes are located within the City of Laguna Woods' public right-of-way.

Issues identified by the City of Aliso Viejo as being related to the current configuration of the eastbound El Toro Road and Aliso Creek Road intersection include congestion, "unnecessary cut through traffic" on adjacent streets, and "an unsafe condition on El Toro Road as the right turn lane backs up into the through lane and drivers merge into and out of the queue." The January 24, 2018 letter includes related photographs and traffic analysis.

## **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed signage and pavement striping modifications on El Toro Road in the vicinity of Aliso Creek Road to allow enhanced vehicle turning movements onto southbound Aliso Creek Road from eastbound El Toro Road (Attachment B). Staff, including the City Engineer/City Traffic Engineer, recommend that the City Council approve the proposed resolution and plan (Exhibit A to Attachment B) in order to help improve circulation on eastbound El Toro Road.

The recommended action would effectively modify signage and pavement striping on eastbound El Toro Road at Aliso Creek Road to provide for a shared right-through lane in place of an existing through-only lane. The eastbound travel lanes would then be comprised of two through-only lanes, one shared right-through lane, and one right-turn-only lane.

If the City Council takes the recommended action at today's meeting, the proposed modifications are expected to be implemented within 30 days.

## **Environmental Review**

This project has no possibility of having a significant effect on the environment. The project relates to the operation, maintenance, and minor alteration of an existing public street, involving negligible or no expansion of use beyond that which is currently existing. Therefore, the requested modifications are not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15301(c) of Title 14 of the California Code of Regulations. The project also includes the replacement of existing signage and pavement striping at the same location and with substantially the same purpose as is currently existing, and would therefore also be exempt from CEQA under Section 15302 of Title 14 of the California Code of Regulations.

## **Fiscal Impact**

The City's costs associated with implementing the proposed modifications would be reimbursed by the City of Aliso Viejo.

Attachments: A – Letter from the City of Aliso Viejo (dated January 24, 2018)  
B – Proposed Resolution  
Exhibit A – Signing and Striping Plan



MAYOR  
Dave Harrington

MAYOR PRO TEM  
Ross Chun

COUNCIL MEMBER  
Mike Munzing

COUNCIL MEMBER  
William A. Phillips

COUNCIL MEMBER  
Phillip B. Tsunoda

CITY MANAGER  
David A. Doyle

CITY ATTORNEY  
Scott C. Smith

CITY CLERK  
Mitzi Ortiz, MMC

January 24, 2018

Mr. Christopher Macon  
City Manager  
City of Laguna Woods  
24264 El Toro Road  
Laguna Woods, CA 92637

Subject: **El Toro Road Lane Configuration at Aliso Creek Road**

Mr. Macon:

Per our discussions, the City of Aliso Viejo is requesting that the eastbound travel lanes of El Toro Road be modified to include a shared right-through lane to accommodate the large volume of traffic turning south onto Aliso Creek Road.

As you are aware, traffic congestion eastbound from SR-73 to southbound Aliso Creek Road is heavy, particularly during the afternoon peak (see attached photos). This typically results in a right turn backup that could extend up to 0.5 mile. The delay waiting to turn onto Aliso Creek Road creates unnecessary cut through traffic on Humminbird Lane via Bells Vireo, and an unsafe condition on El Toro Road as the right turn lane backs up into the through lane and drivers merge into and out of the queue.

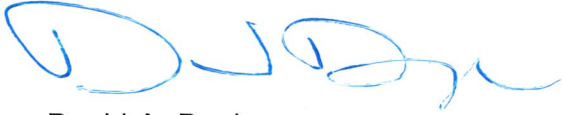
Utilizing traffic data collected during the El Toro Road Signal Synchronization Project, the City evaluated three (3) alternative plans to alleviate this congestion. Based upon the attached Level of Service analysis and traffic simulation models, the City acknowledges that construction of a free right turn could create the most improvement to traffic flow, but this type of project could cost over \$200,000 to complete. It is our opinion that the creation of a shared right-through lane would still greatly improve traffic flow at a cost of less than \$10,000. This work would not require elimination of an eastbound through lane and should not impact traffic continuing eastbound on El Toro Road. It is also noted that should this improvement cause any unforeseen issues, it could be easily removed.

## ITEM 8.1 - Attachment A

The City of Aliso Viejo agrees to coordinate, manage and fully fund the cost of this project, which is anticipated to include striping removal, striping installation, and modification to existing traffic signage.

We thank you for your support of this project. If you have any questions, please contact me at 949-425-2513.

Sincerely,



David A. Doyle  
City Manager

Attachments: Photos  
Level of Service Analysis



**TABLE 1**  
**El Toro Road at Aliso Creek Road Alternative Right-Turn Mitigation**

Lane Geometry Alternative	Traffic Control <sup>3</sup>	Intersection Approach Lane(s) <sup>1</sup>									HCM Methodology Delay - LOS		ICU Methodology V/C - LOS	
		Northbound			Southbound			Westbound			AM	PM	AM	PM
		L	T	R	L	T	R	L	T	R				
Existing Condition	TS	0.0	3.0	1>	1.0	3.0	0.0	2.0	0.0	1.0	27.5 - C	<b>74.2 - E</b>	0.785 - C	<b>1.061 - F</b>
Existing With Mitigation - Proposed Free Right-Turn	TS	0.0	3.0	<b>1&gt;&gt;</b>	1.0	3.0	0.0	2.0	0.0	1.0	30.5 - C	36.4 - D	0.663 - B	0.718 - C
Existing With Mitigation - Proposed Through/Right-Turn	TS	0.0	2.5	<b>1.5&gt;</b>	1.0	3.0	0.0	2.0	0.0	1.0	24.4 - C	<b>33.4 - C</b>	0.739 - C	<b>0.821 - D</b>
Existing With Mitigation - Proposed Dual Right-Turn	TS	0.0	2.0	<b>2&gt;</b>	1.0	3.0	0.0	2.0	0.0	1.0	24.0 - C	31.1 - C	0.695 - B	0.778 - C

<sup>1</sup> When a right turn lane is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.

L = Left; T = Through; R = Right; 1! = Left/Thru/Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Deficiency; Bold & Underline = Improvements; \* = Defacto Right Turn

<sup>2</sup> Analysis Software: Synchro Version 10.0. Highway Capacity Manual 2010 (HCM)

<sup>3</sup> TS = Traffic Signal

**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING SIGNAGE AND PAVEMENT STRIPING MODIFICATIONS ON EL TORO ROAD IN THE VICINITY OF ALISO CREEK ROAD TO ALLOW ENHANCED VEHICLE TURNING MOVEMENTS ONTO SOUTHBOUND ALISO CREEK ROAD FROM EASTBOUND EL TORO ROAD

**WHEREAS**, the eastbound travel lanes on El Toro Road at Aliso Creek Road are located within the City of Laguna Woods’ public right-of-way; and

**WHEREAS**, the City of Aliso Viejo, in a letter dated January 24, 2018, requested that “... the eastbound travel lanes of El Toro Road be modified to include a shared right-through lane to accommodate the large volume of traffic turning south onto Aliso Creek Road” (“Requested Modifications”); and

**WHEREAS**, issues identified by the City of Aliso Viejo as being related to the current configuration of the eastbound El Toro Road and Aliso Creek Road intersection include congestion, “unnecessary cut through traffic” on adjacent streets, and “an unsafe condition on El Toro Road as the right turn lane backs up into the through lane and drivers merge into and out of the queue”; and

**WHEREAS**, the City of Aliso Viejo has prepared level of service analyses and traffic simulation models for three alternative configurations of the El Toro Road and Aliso Creek Road intersection to address the aforementioned issues, and after evaluation, has chosen to pursue the Requested Modifications; and

**WHEREAS**, after reviewing the Requested Modifications, including the City of Aliso Viejo’s rationale and accompanying analysis, the City of Laguna Woods’ City Engineer/City Traffic Engineer has recommended that the City Council approve the Requested Modifications as shown in the plan attached hereto as Exhibit A, to help improve circulation on eastbound El Toro Road; and

**WHEREAS**, the City of Laguna Woods’ costs associated with implementing the Requested Modifications will be reimbursed by the City of Aliso Viejo.

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

**SECTION 1.** The City Council hereby finds and determines that (i) each of the recitals to this Resolution are true and correct, and are adopted herein as findings; (ii) the Requested Modifications will comply with all applicable requirements of State law; (iii) the Requested Modifications will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Requested Modifications are in the public interest of the City of Laguna Woods; and, (v) the Requested Modifications 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 it can be seen with certainty that this project has no possibility of having a significant effect on the environment. The project relates to the operation, maintenance, and minor alteration of an existing public street, involving negligible or no expansion of use beyond that which is currently existing. Therefore, the Requested Modifications are not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations. The project also includes the replacement of existing signage and pavement striping at the same location and with substantially the same purpose as is currently existing, and would therefore also be exempt from CEQA under Section 15302 of Title 14 of the California Code of Regulations.

**SECTION 3.** The plan attached hereto as Exhibit A is hereby approved and found to be reasonable, based upon the traffic engineering and analyses provided by the City of Aliso Viejo and as recommended by the City Engineer/City Traffic Engineer. City staff is hereby authorized to implement and/or cause the same to be implemented.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this Resolution.

**SECTION 5.** 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 on this XX day of XX 2018.

---

CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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 **Resolution No. 18-XX** was duly adopted  
by the City Council of the City of Laguna Woods at a regular meeting thereof, held  
on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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**GENERAL NOTES:**

1. ALL WORK SHALL CONFORM TO THE CURRENT CITY OF LAGUNA WOODS STANDARD PLANS AND THE SPECIAL PROVISIONS FOR THIS PROJECT. TRAFFIC STRIPES, PAVEMENT LEGENDS AND RAISED PAVEMENT MARKERS SHALL CONFORM TO THE LATEST EDITION OF CALIFORNIA MUTCD, CALTRANS STANDARD PLANS, AND STANDARD SPECIFICATIONS LATEST EDITION.
2. ALL STRIPING AND PAVEMENT MARKINGS SHALL BE REFLECTIVE AND THERMOPLASTIC.
3. ALL CONFLICTING LINES, EXISTING CURB PAINT, AND MARKINGS SHALL BE REMOVED BY WET SANDBLASTING OR OTHER APPROVED METHOD PRIOR TO INSTALLATION OF NEW STRIPING. ALL CONFLICTING RAISED PAVEMENT MARKERS SHALL BE REMOVED.
4. STRIPING SHALL BE CAT-TRACKED AND APPROVED BY THE CITY TRAFFIC ENGINEER PRIOR TO FINAL INSTALLATION.
5. ALL NEW SIGNS SHALL BE DIAMOND GRADE.
6. EXISTING IMPROVEMENTS OUTSIDE THE LIMITS OF WORK DAMAGED BY CONTRACTOR OPERATIONS SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
7. PAVEMENT DAMAGED DUE TO REMOVAL OF MARKERS OR STRIPING SHALL BE REPAIRED TO THE SATISFACTION OF THE CITY TRAFFIC ENGINEER.

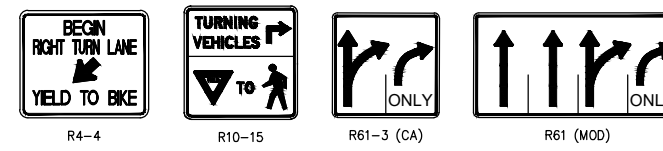
**CONSTRUCTION NOTES:**

1. INSTALL NEW SIGN AS SHOWN ON EXISTING POST OR POLE.
2. REMOVE EXISTING SIGN AS SHOWN.
3. INSTALL NEW SIGN AND POST AS SHOWN.
4. INSTALL PAVEMENT MARKING PER CALTRANS STANDARD PLAN A26A.
5. INSTALL DETAIL 40 PER CALTRANS STANDARD PLAN A20D.

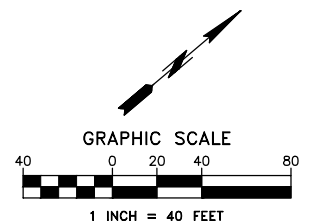
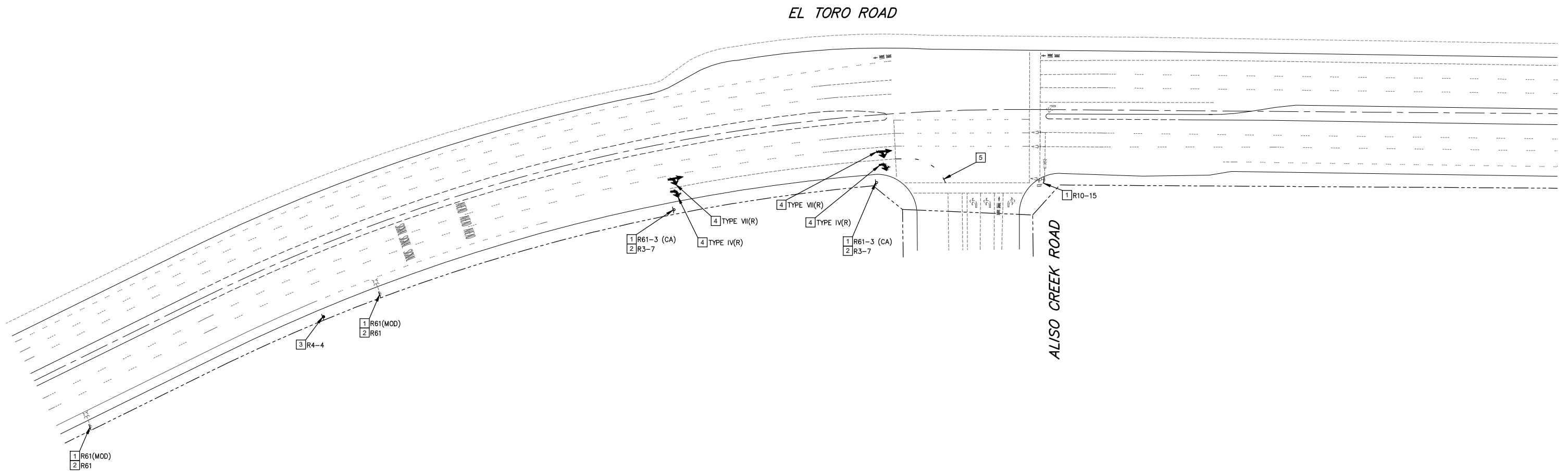
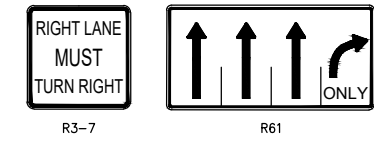
**LEGEND:**

- ◆ PROPOSED SIGN POST AND SIGN
- ◻ EXISTING SIGN POST AND SIGN

**NEW SIGN DETAIL**



**REMOVED SIGN DETAIL**



**NOT FOR CONSTRUCTION**

PLANS PREPARED BY: <b>iteris</b> <small>1700 Carnegie Avenue, Suite 100                  Santa Ana, CA 92705-0051                  Phone: (949) 270-9480                  Fax: (949) 270-9481</small>		REVIEWED:		APPROVAL BY:	<b>SIGNING AND STRIPING PLAN                  EL TORO ROAD AT                  ALISO CREEK ROAD</b>  CITY OF LAGUNA WOODS ENGINEERING AND INFRASTRUCTURE SERVICES	SHEET 1 OF 1
		DESIGNED: AMI    DRAWN: AMI CHECKED:            DATE:            NO.            DATE            DESCRIPTION OF REVISIONS		M. AKRAM HINDIYEH, RCE 28510 CITY ENGINEER  DATE: _____		

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8.2

**MOBILE SOURCE AIR POLLUTION REDUCTION  
REVIEW COMMITTEE'S (MSRC) CLEAN  
TRANSPORTATION FUNDING™ 2017 LOCAL  
GOVERNMENT PARTNERSHIP PROGRAM**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 21, 2018 Regular Meeting

**SUBJECT:** Mobile Source Air Pollution Reduction Review Committee's (MSRC) Clean Transportation Funding™ 2017 Local Government Partnership Program

---

### **Recommendation**

1. Acknowledge receipt of the Mobile Source Air Pollution Reduction Review Committee (MSRC)-supplied presentation from City staff.

AND

2. Authorize the City Manager to submit an application to the MSRC for \$50,000 in funding from the Clean Transportation Funding™ 2017 Local Government Partnership Program for up to 75% of purchase and/or installation costs of Electric Vehicle Charging Infrastructure (EVSE) at a publicly accessible location at or in the vicinity of City Hall, generally consisting of two charging stations (City Hall EVSE Project).

AND

3. Allocate \$50,000 of the City's Mobile Source Reduction Fund unassigned fund balance to provide supplemental funding, and the 25% required match for funding received from the MSRC's Clean Transportation Funding™ 2017 Local Government Partnership Program, for the City Hall EVSE Project.

## **Background**

The Mobile Source Air Pollution Reduction Review Committee's ("MSRC") Clean Transportation Funding™ 2017 Local Government Partnership Program is intended to fund clean air projects to "jumpstart" implementation of the South Coast Air Quality Management District's ("SCAQMD") 2016 Air Quality Management Plan. A pre-determined amount of funding, based on population, has been reserved for all cities and counties in the South Coast Region that participate in the Assembly Bill 2766 Subvention Fund Program.

As a city with a population of less than 50,000, the City is able to apply for \$50,000 in funding for one or more of the following projects:

- Qualified Vehicle Purchases, Leases, and Repowers
- Electric Vehicle Charging Infrastructure ("EVSE") Installation
- Alternative Fuel Refueling Infrastructure New Construction or Expansion
- Traffic Signal Coordination and Synchronization Projects
- Bicycle Active Transportation Projects
- First Mile/Last Mile Strategies

For EVSE installation projects, funding may be used for (1) up to 50% of the total EVSE cost for private access EVSE, which is for the dedicated use of the proposing entities, and (2) up to 75% of the cost of publicly accessible EVSE.

The MSRC is requesting that all projects be designed such that they can be fully implemented within 60 months (five years) of contract execution.

The City's Fiscal Years 2017-19 Budget & Work Plan includes a significant work plan item related to evaluating the feasibility of installing and maintaining EVSE at City Hall in order to support the expanded use of alternatively fueled vehicles.

## **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on the actions required to obtain \$50,000 in funding from the Clean Transportation Funding™ 2017 Local Government Partnership Program to support the purchase and/or installation of Electric Vehicle Charging Infrastructure ("EVSE") at a publicly accessible location at or in the vicinity of City Hall. It is anticipated that the EVSE would consist of two charging stations.

If the City Council takes the recommended action at today's meeting, staff would submit an application to the MSRC for the requested funding and, if awarded, prepare a corresponding capital improvement project for consideration of inclusion in the forthcoming Fiscal Years 2018-25 Capital Improvement Program.

### **Environmental Review**

At this point, the only discretionary action being requested is to apply for funding. Until the funding picture is clearer, any assessment of environmental effects of the contemplated EVSE installation would be speculative. Environmental review would be conducted once design details are available and prior to the onset of any physical construction. Therefore, the adoption of the proposed 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. In addition, to the extent that the EVSE installation would occur at City Hall, they would constitute exterior alterations relating to electrical conveyances, and would therefore fit within the categorical exemption of Section 15301(a) of Title 14 of the California Code of Regulations, or Section 15332 relating to infill development, and would therefore be exempt from CEQA.

### **Fiscal Impact**

If awarded, the \$50,000 from the MSRC's Clean Transportation Funding™ 2017 Local Government Partnership Program would be paired with \$50,000 from the City's Mobile Source Reduction Fund unassigned balance to complete the project. The Mobile Source Reduction Fund contains an accumulation of monies paid to the City through the Assembly Bill 2766 Subvention Fund Program (a state funding source for cities and counties to meet requirements of federal and state Clean Air Acts, and for implementation of motor vehicle emission reduction measures in the SCAQMD's Air Quality Management Plan) and currently has an unassigned balance of approximately \$141,585. Additional funding may be required based on as-of-yet-unknown design conditions and/or the results of competitive bidding. The figures provided in this agenda report are preliminary estimates only.

Attachment: A – MSRC-supplied Presentation



## LOCAL GOVERNMENT PARTNERSHIP PROGRAM

A Funding Opportunity to Improve Air Quality  
in Your Community

## Mobile Source Air Pollution Reduction Review Committee, aka “The MSRC”

- The MSRC was Established by the California Legislature in 1990
- Sole Mission is to Invest Funds to Reduce Air Pollution Generated by Mobile Sources (i.e., cars, trucks, buses, etc.)
  - ⇒ *Funds Generated by Surcharge on Motor Vehicle Registrations*
- The MSRC Works Closely with the South Coast Air Quality Management District; However, the MSRC is NOT a Regulatory Agency
  - ⇒ *The MSRC Invests in Clean Air Projects that Support SCAQMD Objectives & Priorities*

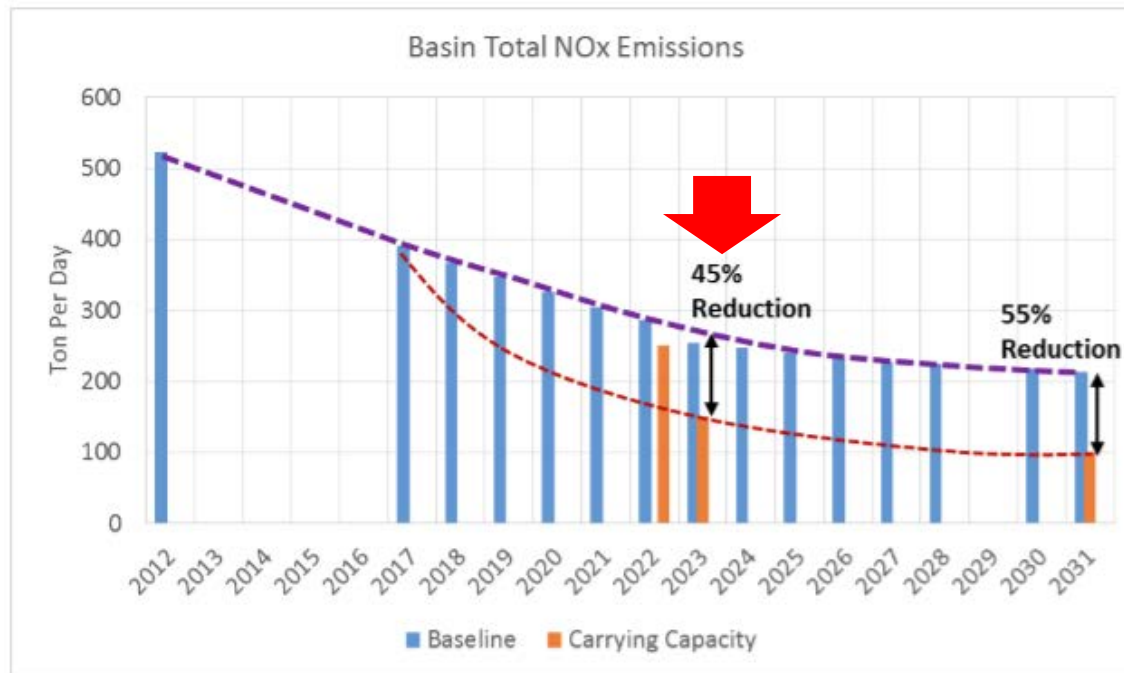
# SIGNIFICANT AIR QUALITY CHALLENGES IN OUR REGION...

Standard	Concentration	Classification	Latest Attainment Year
2008 8-hour Ozone	75 ppb	Extreme	2031
2012 Annual PM2.5	12 µg/m <sup>3</sup>	Moderate Serious	2021 2025
2006 24-hour PM2.5	35 µg/m <sup>3</sup>	Serious	2019
1997 8-hour Ozone	80 ppb	Extreme	2023
1979 1-hour Ozone	120 ppb	Extreme	2022

## ■ ACCORDING TO THE SOUTH COAST AQMD...

- South Coast Region is EXTREME NON-ATTAINMENT for OZONE
- Ozone Causes RESPIRATORY AILMENTS and is a Primary Component of **SMOG**

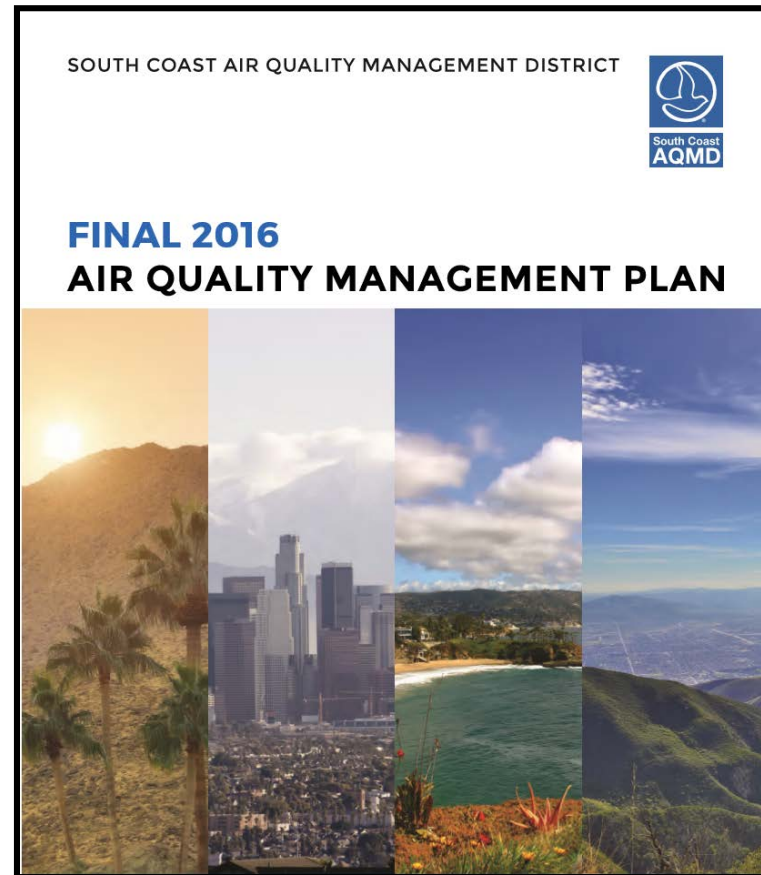
# MANDATORY AIR POLLUTION REDUCTIONS ARE NEEDED NOW...



- **NO<sub>x</sub>** is a Precursor to Ozone (SMOG) Formation...
- *From Today's Levels – NO<sub>x</sub> Emissions Need to be Reduced 45% by 2023 – That's Only a Few Years Away...*

# HOW DO WE REDUCE NO<sub>x</sub> EMISSIONS BY 45%?

By Implementing the  
Clean Air Measures  
Outlined in the South Coast  
AQMD's 2016 Air Quality  
Management Plan



- **The AQMP is the Roadmap for How to Meet Our Mandated Clean Air Obligations**

# THE MSRC IS PARTNERING WITH THE SOUTH COAST AQMD AND WANTS TO PARTNER WITH YOU...

...To Implement High Priority AQMP Strategies

- ✓ AQMP includes Traditional Regulatory Measures & Incentive-based Strategies
- ✓ Incentive-Based Programs will Accelerate the Introduction of Key AQMP Technologies including Zero & Near-Zero Emission Vehicles

**The MSRC Has Reserved Incentive Funding for Your Jurisdiction under the Local Government Partnership Program**

**This is a great opportunity to receive funding to implement projects your jurisdiction needs to be part of our clean air future**

**Participation is 100% voluntary**

**Funding is already reserved for your jurisdiction**

**Please ask your staff to work with the MSRC to develop projects that jumpstart implementation of the AQMP & help improve air quality for all residents**

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**8.3**  
**CONSTRUCTION AND DEMOLITION**  
**MATERIALS MANAGEMENT REGULATIONS**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 21, 2018 Regular Meeting

**SUBJECT:** Construction and Demolition Materials Management 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 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

### **Background**

The Fiscal Years 2017-19 Budget & Work Plan includes the following significant work plan item:

- **Construction and Demolition Materials Management Regulations Update** – Review and update the City’s construction and demolition materials management regulations in order to streamline the permitting process and ensure compliance with state law.

Chapter 4.24 of the Laguna Woods Municipal Code (Attachment B) contains regulations related to construction and demolition materials management for projects for which a building, demolition, grading, or other similar permit is required by the City. Those regulations were last amended in 2012.

The 2016 California Green Building Standards Code (“2016 CALGreen Code”) generally requires construction projects to divert a minimum of 65% of the non-hazardous construction and demolition waste generated from landfills. Previous iterations of state law contained a diversion requirement of 50%.

On January 17, 2018, 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 4.24.020 of the Laguna Woods Municipal Code related to construction and demolition materials management.

### **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed construction and demolition materials management regulations (Attachment A). Staff recommends that the City Council adopt the proposed regulations in order to update the diversion requirement for covered projects from 50% to 65%, as required by the 2016 CALGreen Code. Doing so would help to ensure clarity and compliance with state law.

While the requirements of the 2016 CALGreen Code apply regardless of whether they have been explicitly codified in the Laguna Woods Municipal Code, and the City has previously adopted the 2016 CALGreen Code, the proposed regulations would nevertheless add clarity to the existing construction and demolition materials management regulations by making the 65% diversion requirement for covered projects explicit in Chapter 4.24 of the Laguna Woods Municipal Code.

While staff’s recommendation would update construction and demolition materials management regulations, the scope of the update envisioned by the significant work plan item contained in the Fiscal Years 2017-19 Budget & Work Plan is broader and anticipated to be presented for City Council consideration later this fiscal year.

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

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed 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 exempt pursuant to Section 15308 of Title 14 of the California Code of Regulations in that the proposed ordinance is intended to assure the protection of the environment and involves procedures for protection of the environment.

**Fiscal Impact**

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

- Attachments: A – Proposed Ordinance  
                  Exhibit A – Code Amendment Text  
          B – Existing Laguna Woods Municipal Code Chapter 4.24 (Construction and Demolition  
              Materials Management)

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**ORDINANCE NO. 18-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT**

**WHEREAS**, construction and demolition materials management regulations are codified, in part, at Chapter 4.24 of the Laguna Woods Municipal Code and Title 24, Part 11 of the California Code of Regulations; and

**WHEREAS**, staff has recommended amendments to the existing construction and demolition materials management regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would update the diversion requirement for covered projects from 50% to 65%, as required by the 2016 California Green Building Standards Code, in a manner that would help to ensure clarity and compliance with state law; and

**WHEREAS**, while the requirements of the 2016 California Green Building Standards Code apply regardless of whether they have been explicitly codified in the Laguna Woods Municipal Code, and the City has previously adopted the 2016 California Green Building Standards Code as stated in Chapter 10.24 of the Laguna Woods Municipal Code, the Code Amendments would nevertheless add clarity to the existing construction and demolition materials management regulations by making the 65% diversion requirement for covered projects explicit in Chapter 4.24 of the Laguna Woods Municipal Code; and

**WHEREAS**, on January 17, 2018, 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 it can be seen with certainty that this project has no possibility of having a significant effect 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 exempt pursuant to Section 15308 of Title 14 of the California Code of Regulations in that this Ordinance is intended to assure the protection of the environment and involves procedures for protection of the environment.

SECTION 3. Section 4.24.020 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 or 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 2018.

\_\_\_\_\_  
CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 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 4.24.020 (“Definitions”) of Chapter 4.24 (“Construction and Demolition Materials Management”) of Title 4 (“Health and Sanitation”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike-through~~):***

**Sec. 4.24.020. - Definitions.**

For the purposes of this chapter the following words and phrases are defined as follows, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined by this section shall have the meanings set forth in Division 30, Part 1, Chapter 2 of the Public Resources Code, §§ 40000 [et seq.] and following and the regulations of the California Department of Resources Recycling and Recovery.

If not defined in the Public Resources Code or the California Department of Resources Recycling and Recovery's regulations, then the definitions found in the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 and following and the regulations implementing RCRA, as they may be amended, shall apply.

(05) *Applicant* shall mean any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply for a City permit to undertake any covered project, as defined below.

(10) *Community Development Director* shall mean the City Manager’s designee and his or her designees.

(15) *Construction and demolition materials* or *C&D materials* shall mean used or commonly discarded materials removed from premises of a covered project during construction, grading, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, grading, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, inert waste (including rock, concrete, brick, sand, soil,

ceramics and cured asphalt), gravel, plaster, gypsum wallboard, aluminum, glass, plastic pipe, roofing material, carpeting, wood, masonry, trees, stumps, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble.

(20) *Construction and demolition diversion security deposit* or *diversion security deposit* shall mean cash or a letter of credit in a form acceptable to the City, submitted to the City pursuant this chapter.

(25) *Construction and demolition materials management plan* or *C&DMMP* shall mean a completed C&DMMP form, approved by the City for the purpose of compliance with this chapter.

(30) *Covered project* shall mean a project for which a building, demolition, grading or other similar permit is required by the City.

(35) *Deconstruction* shall mean a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.

(40) *Divert* or *diversion* shall mean activities which reduce or eliminate the amount of C&D material from disposal in a landfill or transformation facility. See Public Resources Code § 40124.

(45) *Diversion requirement* shall mean the diversion of at least ~~50~~ 65 percent, by weight, of the C&D material, other than inert waste, generated by a covered project by reuse or recycling, and that at least ~~50~~ 65 percent of the inert waste is removed from the solid waste stream and not disposed of in a solid waste landfill, unless the applicant has been granted an exemption pursuant to this chapter. If the applicant has been granted an exemption, the diversion requirement shall be the maximum feasible diversion rate established by the community development director for the project.

ITEM 8.3 – Exhibit A to Attachment A

(50) *Feasible* shall have the meaning ascribed by Public Resources Code § 21061.1.

(55) *Inert waste* shall have the meaning ascribed by Public Resources Code § 41821.3(a)(1).

(60) *Project* shall mean any activity for which a building, demolition, grading or other similar permit is required from the City.

(65) *Recycling* shall have the meaning ascribed by Public Resources Code § 40180.

(70) *Reuse* shall mean further or repeated use of C&D materials or inert waste.

(75) *Salvage* shall mean the controlled removal of C&D materials from a permitted construction or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

(80) *Valuation* shall have the same meaning as defined in Chapter 10.08 (California Building Code) of this Code.

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CHAPTER 4.24. - CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT<sup>[8]</sup>

## Sec. 4.24.010. - Purpose.

The purpose of this chapter is to promote the recycling of construction and demolition waste in order to protect the public health, safety, and welfare and to meet the City's obligations under Assembly Bill 939, Senate Bill 1374, the California Green Building Standards Code, and related diversion requirements of the California Department of Resources Recycling and Recovery.

(Ord. No. 12-05, § 1, 4-18-2012)

## Sec. 4.24.020. - Definitions.

For the purposes of this chapter the following words and phrases are defined as follows, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined by this section shall have the meanings set forth in Division 30, Part 1, Chapter 2 of the Public Resources Code, §§ 40000 [et seq.] and following and the regulations of the California Department of Resources Recycling and Recovery.

If not defined in the Public Resources Code or the California Department of Resources Recycling and Recovery's regulations, then the definitions found in the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 and following and the regulations implementing RCRA, as they may be amended, shall apply.

- (05) *Applicant* shall mean any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply for a City permit to undertake any covered project, as defined below.
- (10) *Community Development Director* shall mean the City Manager's designee and his or her designees.
- (15) *Construction and demolition materials* or *C&D materials* shall mean used or commonly discarded materials removed from premises of a covered project during construction, grading, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, grading, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, inert waste (including rock, concrete, brick, sand, soil, ceramics and cured asphalt), gravel, plaster, gypsum wallboard, aluminum, glass, plastic pipe, roofing material, carpeting, wood, masonry, trees, stumps, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble.
- (20) *Construction and demolition diversion security deposit* or *diversion security deposit* shall mean cash or a letter of credit in a form acceptable to the City, submitted to the City pursuant this chapter.
- (25) *Construction and demolition materials management plan* or *C&DMMP* shall mean a completed C&DMMP form, approved by the City for the purpose of compliance with this chapter.
- (30) *Covered project* shall mean a project for which a building, demolition, grading or other similar permit is required by the City.
- (35) *Deconstruction* shall mean a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
- (40) *Divert* or *diversion* shall mean activities which reduce or eliminate the amount of C&D material from disposal in a landfill or transformation facility. See Public Resources Code § 40124.
- (45) *Diversion requirement* shall mean the diversion of at least 50 percent, by weight, of the C&D material,

**ITEM 8.3 - Attachment B**

other than inert waste, generated by a covered project by reuse or recycling, and that at least 50 percent of the inert waste is removed from the solid waste stream and not disposed of in a solid waste landfill, unless the applicant has been granted an exemption pursuant to this chapter. If the applicant has been granted an exemption, the diversion requirement shall be the maximum feasible diversion rate established by the community development director for the project.

- (50) *Feasible* shall have the meaning ascribed by Public Resources Code § 21061.1.
- (55) *Inert waste* shall have the meaning ascribed by Public Resources Code § 41821.3(a)(1).
- (60) *Project* shall mean any activity for which a building, demolition, grading or other similar permit is required from the City.
- (65) *Recycling* shall have the meaning ascribed by Public Resources Code § 40180.
- (70) *Reuse* shall mean further or repeated use of C&D materials or inert waste.
- (75) *Salvage* shall mean the controlled removal of C&D materials from a permitted construction or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.
- (80) *Valuation* shall have the same meaning as defined in Chapter 10.08 (California Building Code) of this Code.

(Ord. No. 12-05, § 1, 4-18-2012)

#### Sec. 4.24.030. - Covered projects.

All covered projects shall comply with the provisions of this chapter. Compliance with the provisions of this chapter shall be a condition for refund of the project's diversion security deposit.

(Ord. No. 12-05, § 1, 4-18-2012)

#### Sec. 4.24.040. - Exempt projects.

The provisions of this chapter shall not apply to any of the following:

- (1) Work that does not require a building permit, demolition permit, and/or grading permit;
- (2) Projects that are not projected to generate three cubic yards or more of C&D materials; or
- (3) Demolition or construction required to protect public health or safety in an emergency, as defined in Public Resources Code § 21060.3.

(Ord. No. 12-05, § 1, 4-18-2012)

#### Sec. 4.24.050. - C&DMMP required.

Each applicant for a permit for any covered project shall complete and submit to the Community Development Department a C&DMMP on a form approved by the City for this purpose prior to permit issuance. The completed C&DMMP, at a minimum, shall indicate all of the following:

- (1) The estimated weight of C&D materials, itemized as required by City, to be generated;
- (2) The maximum weight of C&D materials projected to be generated by the covered project;
- (3) The estimated weight of residual C&D materials to be transported for disposal in a landfill or transformation facility; and
- (4) The estimated weight of inert waste to be removed from the waste stream and not disposed of in a landfill or transformation facility.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.060. - Diversion security deposits.

Each applicant for a permit for a covered project, except for all City-sponsored projects, shall submit a diversion security deposit with the C&DMMP. The amount of the diversion security deposit shall be as follows:

Amount of C&D Materials Projected to be Generated	Amount of Diversion Security Deposit
<u>3</u> to less than <u>10</u> cubic yards	\$250.00
<u>10</u> to less than 80 cubic yards	\$900.00
80 or more cubic yards	\$2,700.00
25 or more permits expected to be issued to a single applicant in a single calendar year for similar covered projects projected to generate a cumulative total of 400 or more cubic yards	\$7,050.00
Any new building or building demolition, as defined by the City's Building Code	\$100.00 per <u>3</u> cubic yards of C&D materials projected to be generated, up to a maximum of \$50,000.00

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.070. - Approval of C&amp;DMMP.

The Community Development Director shall approve a C&DMMP if all of the following conditions have been met:

- (1) The C&DMMP provides all of the information set forth in Section 4.24.050 of this chapter;
- (2) The C&DMMP indicates that the diversion requirement will be met; and
- (3) The applicant has submitted an appropriate diversion security deposit in compliance with Section 4.24.060 of this chapter.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.080. - Disapproval of C&amp;DMMP.

If the Community Development Director determines that the C&DMMP is incomplete or fails to meet the diversion requirement, the Community Development Director shall notify the applicant and no permits shall be issued until the C&DMMP is approved.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.090. - Application for refund.

Within 180 days after the completion (permit final) of any covered project that requires a diversion security deposit, the applicant may submit to the Community Development Director documentation that the applicant has met the diversion requirement for the project and apply for a refund of the diversion security deposit. This documentation may include any of the following in form sufficient to the City:

- (1) For covered projects that use the City's franchise waste hauler, proof of purchase or delivery of waste containers shall be sufficient to meet the diversion requirement. Weight of materials will not be required;
- (2) Receipts or gate tickets from the vendor or facility which received the C&D materials showing the actual weight of that material and "Laguna Woods" as the city of origin;
- (3) A description of the type and amount of materials used for salvage; or
- (4) Any additional information the Community Development Director determines is relevant to determining the applicant's efforts to comply in good faith with this chapter.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.100. - Weight of construction and demolition material diversion.

Applicants shall make reasonable efforts to ensure that all C&D materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practicable, all C&D materials and inert waste to be removed from the waste stream and not disposed in a landfill or transformation facility or used for salvage shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D materials for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use standardized conversion rates approved by the City for this purpose. All weight-related documentation must indicate "Laguna Woods" as the city of origin.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.110. - Determination of compliance and release of diversion security deposit.

The Community Development Director shall review the information submitted under Section 4.24.090 of this chapter and determine whether the applicant has complied with the C&DMMP, as follows:

- (1) *Full compliance.* If the Community Development Director determines that the applicant has fully complied with the C&DMMP applicable to the project, the Community Development Director shall cause the full diversion security deposit to be released to the applicant.
- (2) *Good faith effort to comply.* If the Community Development Director determines that the applicant has not fully complied with the C&DMMP, the Community Development Director shall determine whether the applicant made a good faith effort to comply with this chapter. In making this determination, the Community Development Director shall consider the availability of markets for the C&D materials

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transported for disposal in a landfill or transformation facility, the size of the project, and the documented efforts of the applicant to divert C&D materials and remove inert waste from the waste stream. If the Community Development Director determines that the applicant has made a good faith effort to comply with this chapter, the Community Development Director shall approve the release of the diversion security deposit, or a portion thereof, to the applicant. Any portion of the diversion security deposit not released to the applicant shall be retained by the City.

- (3) *Noncompliance.* If the Community Development Director determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant failed to submit the documentation required by Section 4.24.090 of this chapter within the required time period, then the diversion security deposit shall be retained by the City.
- (4) *Refund of erroneous payment.* The Community Development Director may authorize the refund of any diversion security deposit which was erroneously paid or collected.
- (5) *Withdrawal of permit application.* The Community Development Director may authorize the refund of any diversion security deposit if the permit application for a covered project is withdrawn or cancelled before any work has begun.
- (6) Diversion security deposits retained by the City may be used only for:
  - a. Payment of diversion security deposit refunds;
  - b. Costs of administration of the program established by this chapter; and
  - c. Cost of programs to encourage and achieve diversion of construction materials from disposal at disposal facilities.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.120. - C&DMMP waivers.

- (a) If an applicant for a covered project experiences or anticipates unique circumstances that the applicant believes make it not feasible to comply with the diversion requirement, the applicant may apply for a waiver. The applicant shall indicate on the C&DMMP the maximum rate of diversion the applicant believes is feasible for each material and the specific circumstances that the applicant believes make it not feasible to comply with the diversion requirement.
- (b) The Community Development Director shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the applicant, the Community Development Director shall determine whether it is possible for the applicant to meet the diversion requirement.
- (c) If the Community Development Director determines that it is not feasible for the applicant to meet the diversion requirement, the Community Development Director shall determine the maximum feasible diversion rate for each material and shall designate this rate on the C&DMMP submitted by the applicant.
- (d) If the Community Development Director determines that it is possible for the applicant to meet the diversion requirement, the Community Development Director shall deny the application for exemption and inform the applicant in writing of the denial and the reasons for the denial. The applicant shall have 30 days after receipt of such notification to resubmit a C&DMMP form in full compliance with this chapter. If the applicant fails to resubmit the C&DMMP, or if the resubmitted C&DMMP does not comply with this chapter, the Community Development Director shall deny the C&DMMP, and the Community Development Department shall not issue a permit for that project.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.130. - Appeal.

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Each applicant shall have the right to appeal any decision made by the Community Development Director to the City Manager or the City Manager's designee. The applicant must file a notice of appeal from the ruling of the Community Development Director with the City Clerk not more than ten business days after the notice of the Community Development Director's decision was mailed to the address provided by the applicant. The notice of appeal shall include all evidence and legal arguments which the applicant wishes the City, and any reviewing court to consider. The decision made by the City Manager, or the City Manager's designee, shall be in writing, stating the legal and factual basis for the decision. The decision shall be final and conclusive.

(Ord. No. 12-05, § 1, 4-18-2012)

**Sec. 4.24.140. - Inspection.**

The Community Development Director shall have the right to enter project sites, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this section and any applicable laws or regulations.

(Ord. No. 12-05, § 1, 4-18-2012)

**Sec. 4.24.150. - Infraction.**

Violation of any provision of this chapter shall constitute an infraction.

(Ord. No. 12-05, § 1, 4-18-2012)

## 8.4 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:** February 21, 2018 Regular Meeting

**SUBJECT:** Wireless Facilities Regulations

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### **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 fiscal year.

On January 17, 2018, 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 regulations in order to correct inadvertent textual errors related to the backup power requirement and minor typographical errors (see pages 12 and 13 of Exhibit A to Attachment A). Doing so would help to ensure clarity and ease of administration.

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. 18-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 correct inadvertent textual errors related to the backup power requirement and minor typographical errors, in a manner that would help to ensure clarity and ease of administration; 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 January 17, 2018, 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 2018.

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CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 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 (formatting changes to italics shown with green underlining, additions shown with blue underlining, and deletions shown with ~~strike through~~):*

**Sec. 13.26.210. - Wireless 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:

ITEM 8.4 – Exhibit A to Attachment A

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;

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~~ Wireless Facility are inoperable, interrupted, or otherwise experiencing shortages.

d. Additional 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 8.4 – 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

ITEM 8.4 – Exhibit A to Attachment A

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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**8.5**  
**RESIDENTIAL DENSITY BONUS STANDARDS**  
**REGULATIONS**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 21, 2018 Regular Meeting

**SUBJECT:** Residential Density Bonus Standards Regulations

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### **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 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

### **Background**

California Government Code Section 65915 *et seq.*, requires every city and county to adopt an ordinance providing density bonuses (the ability to construct more housing units in a particular area than would otherwise be permitted) and other incentives or concessions to persons wishing to develop affordable housing projects and senior housing projects. Cities and counties have very limited abilities to withhold density bonuses, namely instances in which doing so would create a specific, adverse impact upon the public health or safety. In enacting density bonus laws, the California Legislature has held that affordable housing projects and senior housing projects are of public value, but may be financially infeasible without incentives and concessions.

Section 13.26.040 of the Laguna Woods Municipal Code (Attachment B) contains regulations related to residential density bonus standards for housing developments within, or for the donation of land for housing within, the City's jurisdiction, consistent with California Government Code Section 65915 *et seq.* Those regulations were last amended in 2013.

The California Legislature has amended California Government Code Section 65915 *et seq.* several times since the City enacted its existing residential density bonus standards regulations, with the general intent of further encouraging the provision of affordable housing and senior housing, particularly through permit streamlining and expansions of available development incentives and concessions. The City is required to comply with such changes in state law, regardless of the fact that there are no pending applications for new residential developments.

On January 17, 2018, 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 13.26.040 of the Laguna Woods Municipal Code related to residential density bonus standards and other incentives for housing developments within, or for the donation of land for housing within, the City's jurisdiction, consistent with California Government Code Section 65915 *et seq.*

### **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed residential density bonus standards regulations (Attachment A). Staff recommends that the City Council adopt the proposed regulations in order to help to ensure clarity and compliance with state law.

Significant proposed modifications include, but are not limited to, the following:

- *Modifications responsive to Assembly Bill 2222 (Nazarian; Housing density bonuses. 2014.).*
  - Assembly Bill 2222 requires continued affordability for 55 years or longer, as specified, of all very low- and low-income rental units that qualified an applicant for a density bonus.

- Assembly Bill 2222 prohibits an applicant from receiving a density bonus unless the development would, for units subject to certain affordability requirements that were occupied by qualifying persons on the date of application, provide at least the same number of units of equivalent size and/or type, to be made available for rent at affordable housing costs to, and occupied by, persons and families in the same or lower income category as those households in occupancy.
- *Modifications responsive to Assembly Bill 744 (Chau; Planning and zoning: density bonuses. 2015.)*
  - Assembly Bill 744 prohibits the imposition of a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that (1) includes the maximum percentage of low- or very low-income units; (2) is located within one-half mile of a major transit stop; and, (3) includes unobstructed access to the transit stop from the development.
  - Assembly Bill 744 prohibits the imposition of a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, if the development (1) is located within one-half mile of a major transit stop; (2) includes unobstructed access to the transit stop from the development; and, (3) is a for-rent development for individuals that are 62 years of age or older that complies with specified existing laws regarding senior housing or is a special needs development.
  - Assembly Bill 744 requires a subject development that is a for-rent housing development for individuals that are 62 years of age or older or a special needs housing development to have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
  - Assembly Bill 744 authorizes the imposition of a higher vehicular parking ratio based on substantial evidence found in an area-wide or jurisdiction-wide parking study.

- *Modifications responsive to Assembly Bill 1934 (Santiago; Planning and zoning: development bonuses: mixed-use projects. 2016.).*
  - Assembly Bill 1934 expands the application of the Density Bonus Law to a commercial developer who partners with affordable housing developers to construct affordable housing either on a commercial site or at an appropriate off-site location.
- *Modifications responsive to Assembly Bill 2442 (Holden; Density bonuses. 2016.).*
  - Assembly Bill 2442 expands the application of the Density Bonus Law to housing developments where at least 10% of the units are made available for transitional foster youth, disabled veterans, or homeless persons, and rents are restricted at the very low-income level. Such projects are entitled to a 20% density bonus.

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

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any housing development that might implicate density bonus considerations, any specific environmental effects, apart from those already assessed in the City's General Plan and Housing Element review, would be speculative. Therefore, the adoption of the proposed 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.

### **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. 18-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

**WHEREAS**, California Government Code Section 65915 *et seq.*, requires every city and county to adopt an ordinance providing density bonuses and other incentives or concessions to persons wishing to develop affordable housing projects and senior housing projects; and

**WHEREAS**, residential density bonus standards regulations are codified, in part, at Section 13.26.040 of the Laguna Woods Municipal Code, with the goal of providing incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code Section 65915 *et seq.*; and

**WHEREAS**, the California Legislature has amended California Government Code Sections 65915 *et seq.* several times since the City enacted its existing residential density bonus standards regulations; and

**WHEREAS**, the City Council desires to comply with state law, and likewise encourage the provision of affordable housing and senior housing in accordance with state guidelines, provided that such housing does not create a specific, adverse impact upon the public health or safety; and

**WHEREAS**, staff has recommended amendments to the existing residential density bonus standards regulations as set forth in the attached Exhibit A to this Ordinance (the "Code Amendments") which, if adopted, would update the regulations in a manner that would help to ensure clarity and compliance with state law; 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 January 17, 2018, 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 it can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any housing development that might implicate density bonus considerations, any specific environmental effects, apart from those already assessed in the City’s General Plan and Housing Element review, would be speculative. 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.

SECTION 3. Section 13.26.040 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 2018.

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CAROL MOORE, Mayor

ATTEST:

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YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

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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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

---

YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A  
CODE AMENDMENTS**

*Section 13.26.040 (“Residential density bonus standards”) 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. 13.26.040. - Residential density bonus standards.**

(a) *Purpose and intent.* This ~~chapter~~section is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code ~~S~~sections 65915 ~~and through~~ 659178, as amended or superseded. In enacting these provisions, it is the intent of the ~~e~~City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the ~~City’s~~ housing element of the City’s General Plan. Where regulations are not specifically addressed in this section or where there are conflicts between these provisions and the provisions of California Government Code sections 65915 through 65918, the provisions of California Government Code, as they may be amended over time, shall apply.

(b) *Definitions.* For the purpose of this ~~chapter~~section, the following definitions shall apply:

(05) *Affordable housing development* means any housing subsidized by the federal or state government, or any housing development in which at least 20 percent of the housing units are affordable dwelling units.

(10) *Affordable housing development density agreement* means a written agreement between an applicant for a development and the City of Laguna Woods containing specific requirements to ensure the continuing affordability of housing included in the development.

(15) *Affordable housing development plan* means that plan prepared by an applicant for an ~~A~~Affordable ~~H~~Housing ~~D~~Development under this ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.

(20) *Affordable dwelling unit* means a dwelling unit within a residential development project that is reserved for sale or rent and

offered at an affordable housing cost, as defined in California Health and Safety Code ~~S~~sections 50052.5 and 50053 (as amended or superseded), to persons and families of very low, lower, and moderate income.

(25) Child care facility means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

~~(25)~~30) Density bonus means those additional residential units granted which exceed the maximum allowable gross residential density for the development site.

~~(30)~~35) Maximum allowable gross residential density means the maximum number of residential units permitted by this zoning code and the land use element of the ~~e~~City's ~~g~~General ~~p~~Plan at the time of application, excluding the units added by a ~~D~~density ~~B~~bonus.

~~(35)~~40) Median gross household income means the median income level for the City of Laguna Woods, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

~~(40)~~45) Renovation means physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

~~(45)~~50) Residential development means the entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a planned unit development, parcel map, site plan, or subdivision.

(c) *Eligibility for bonus and incentives.* To be eligible for a density bonus and other incentives as provided by this ~~chapter~~section, a proposed residential development project shall:

- (1) Consist of five or more dwelling units; and
- (2) Include one or more of the following within the development:

ITEM 8.5 – Exhibit A to Attachment A

- a. ~~Ten~~ 10 percent of the total dwelling units reserved for lower income households, as defined in California Health and Safety Code Section 50079.5;
- b. Five percent of the total dwelling units reserved for very low income households, as defined in California Health and Safety Code Section 50105;
- c. A senior citizen housing development, as defined in California Civil Code ~~S~~ sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code sections 798.76 or 799.5; or
- d. ~~Ten~~ 10 percent of the total dwelling units in a common interest development, as defined in California Civil Code Section 4100 ~~condominium project or in a planned development as defined in California Civil Code Section 1351(f) and (k), respectively,~~ reserved for persons and families of moderate income, as defined in California Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase; or
- e. 10 percent of the total units of a housing development for transitional foster youth, as defined in California Education Code Section 66025.9, disabled veterans, as defined in California Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
- f. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the commercial developer may be entitled to a development bonus as prescribed in California Government Code Section 65915.7.

(d) *Types of bonuses and incentives allowed:* A residential development project that satisfies all relevant provisions of this ~~chapter~~ section shall be entitled to a density bonus and one or more incentives described below. If the density bonus units cannot be accommodated on a parcel due to strict compliance with the provisions of this ~~title~~ section, the eCity eCouncil shall waive or modify development standards to accommodate the density bonus units and/or grant the incentives to which the development would be entitled pursuant to this ~~chapter~~ section, unless such waiver, modification or incentive would have a specific adverse impact, as defined herein, upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact.

(1) *Minimum density bonus.* The minimum density bonus granted to a residential development project that is eligible for a density bonus pursuant to this ~~chapter~~ section shall be equal to at least:

a. A 20 percent increase in density, when the development meets the requirements of subsection (c)(2) (a); ~~or (b) or e~~ of this section;

b. For housing developments meeting the criteria of subsection (c)(2)(c) of this section, the density bonus shall be 20 percent of the number of senior housing units;

c. For housing developments meeting the criteria of subsection (c)(2)(e) of this section, the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph;

~~bd.~~ A five percent increase in density, when the development meets the requirements of subsection (c)(2)(-d) of this section;

~~ee.~~ A 15 percent increase in density, when an applicant for a residential development project donates land to the eCity in accordance with the requirements of California Government Code Section 65915(g)(1); and (2) of sufficient acreage to permit construction of units affordable to very low income households equal to at least 10 percent of the total dwelling units. Nothing in this ~~chapter~~ section shall be construed to enlarge or diminish the authority of the eCity to require a developer to donate land as a condition of development; or

**df.** The eCity may, in its discretion, grant a density bonus that is proportionately greater than that described in subsections (d)(1) a. through c. of this section for a development that meets the requirements therein, or proportionately lower than that described in subsections (d)(1) a. through c. of this section for a development that does not meet the requirements therein.

(2) *Additional density bonus.* A residential development project that satisfies all relevant provisions of this ~~chapter~~ section and that includes affordable housing units in excess of the base percentage established in subsection (c)(2) of this section shall be entitled to an additional density bonus and one or more incentives described below. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in subsection (c)(2) of this section. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by California Government Code Section 65915(g).

a. *Lower income households.* For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent.

b. *Very low income households.* For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent.

c. *Moderate income households.* For each one percent increase above 10 percent in the percentage of units affordable to moderate income households in a condominium project or a planned development, the density bonus shall increase by one percent.

d. *Donation of Land.* The density bonus shall be increased by one percent for each one percent increase in the donation of land above the minimum 10 percent requirement of subsection (d)(1) ~~ee~~ of this section. Nothing in this ~~chapter~~ section shall be construed to enlarge or diminish the authority of the eCity to

require a developer to donate land as a condition of development.

(3) The ~~D~~ensity ~~B~~onus units shall not be included when determining the total number of dwelling units in the residential development project. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the ~~e~~City be required to grant more than a 35 percent increase over the otherwise maximum allowable residential density under the applicable provisions of this code and the land use element of the City’s General Plan. The density bonus percentages available pursuant to the requirements of this ~~chapter~~-section are shown in the following table:

~~Table 15.58.010~~

*Density Bonus Percentages*

	Qualifying Percentage (of total units)	Minimum Density Bonus (above maximum allowable density)	Increase in Density Bonus (for each 1% over qualifying percentage)
<del>Lower</del>	<del>10%</del>	<del>20%</del>	<del>1.5%</del>
Very Low	5%	20%	2.5%
<u>Lower</u>	<u>10%</u>	<u>20%</u>	<u>1.5%</u>
Moderate <u>(Common Interest Developments)</u>	10%	5%	1%
Senior Citizen	n/a	20%	n/a
<u>Transitional Foster Youth,</u>	<u>n/a</u>	<u>20%</u>	<u>n/a</u>

<a href="#"><u>Disabled Veterans, or Homeless Persons</u></a>			
<a href="#"><u>Donation (Very Low Income Housing)</u></a>	10%	15%	1%

(4) *Incentives—Number.* An eligible residential development project shall receive the incentives described in subsection (d)(5) of this section, as follows:

- a. *Lower income households.* An applicant shall receive:
  - i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for lower income households;
  - ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for lower income households; and
  - iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for lower income households.
- b. *Very low income households.* An applicant shall receive:
  - i. One incentive for a residential development project in which at least five percent of the total dwelling units are reserved for very low income households;
  - ii. Two incentives for a residential development project in which at least 10 percent of the total dwelling units are reserved for very low income households; and
  - iii. Three incentives for a residential development project in which at least 15 percent of the total dwelling units are reserved for very low income households.

c. *Moderate income households in common interest developments*. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development; and
- iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development.

(5) *Incentives—Description*. A residential development project that is eligible to receive incentives pursuant to subsection (d)(4) of this section shall be entitled to the following incentives in the number specified in subsection (d)(4) of this section:

- a. A reduction in the applicable development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).
- b. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.
- c. Other regulatory incentives or concessions proposed by the applicant or the eCity that would result in identifiable cost reductions.

(6) Nothing in this ~~chapter~~section shall be construed to require the eCity to provide, or limit the eCity's ability to provide, direct financial incentives for housing developments, including the provision of

publicly owned land by the eCity or the waiver of fees and dedication requirements.

(7) *Limitations and Exceptions.*

a. In order to receive incentives as described in subsections (d)(4) and (5) of this section, an applicant must submit a proposal to the eCity requesting the specific incentives that the applicant desires.

b. The eCity shall grant the eligible incentives requested by the applicant pursuant to subsection (d)(7) a. of this section and required pursuant to subsection (d)(4) of this section, unless the eCity makes a written finding, based upon substantial evidence, of either of the following:

i. The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053; or

ii. The incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. As used in this subsection, a “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

c. The City’s granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

d. Nothing in this ~~chapter~~ section shall be interpreted to require the eCity to waive or reduce development standards or to grant an incentive that would have a specific adverse impact upon health, safety or the physical environment for which there

is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the eCity to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

e. The affordable units shall be generally dispersed throughout the residential development project and shall not differ in appearance from the other dwelling units in the project.

(e) *Continued affordability—Equity sharing.*

(1) Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been granted pursuant to this ~~chapter section~~, the developer shall identify the affordable units and shall enter into a written covenant with the eCity to guarantee one or both of the following, as applicable:

a. ~~Lower~~ and very low income households: The ~~lower~~ and very low income units shall continue to be offered and available at an affordable housing cost, as defined in California Health and Safety Code ~~S~~sections 50052.5 and 50053, for a minimum of ~~55~~ 30 years, which ~~55~~ 30-year restriction shall survive the sale or transfer of the units.

b. ~~Moderate income households: The initial occupant of any moderate income unit in a condominium project or a planned development shall be a person or family of moderate income. The moderate income unit shall be offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053.~~ An equity-sharing agreement will be required indicating that upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Upon resale, the eCity shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price of the unit to the person or family ~~of moderate income~~ was less than the fair market value of the unit at the time of initial sale. The eCity shall spend such recaptured funds within ~~five~~ three years for the construction, rehabilitation,

or preservation of affordable housing for very low, low and moderate income persons or families, as described in California Health and Safety Code Section 33334.2(e).

c. The terms and conditions of the covenant required by subsection (e)(1) a. of this section and the equity-sharing agreement required by subsection (e)(1) b. of this section shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsections (e)(1) a. and b. of this section, the covenant or agreement shall include the following provisions:

- i. The eCity shall have a continuing right of first refusal to purchase or lease any or all of the affordable units at the current fair market value; and
- ii. The deeds to the affordable units shall contain a covenant stating that the owner shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sell or rental price of the unit is consistent with the limits established by this ~~chapter~~ section for lower, very low and moderate income persons and families; and
- iii. The eCity shall have the authority to enter into other agreements with the developer or purchasers of the affordable units, as may be necessary to ensure that the lower and very low income units are continuously occupied by persons or families of lower and very low income.

(f) *Child care facilities.*

(1) When an applicant proposes to construct a residential development project described in subsection (c) of this section that includes a child care facility located on the premises of, as part of, or adjacent to the project, the eCity shall grant either of the following:

- a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
- b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility, as determined by the eCity in its discretion.

(2) The City shall require, as a condition of approving the residential development project, that the following occur:

- a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to subsection (Ee) of this section.
- b. Of the children who attend the child care facility, the children of very low, lower and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, lower or moderate income households pursuant to subsection (c)(2) of this section.

(3) Notwithstanding subsections (f)(1) and (2) of this section, the eCity shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(g) *Condominium conversions.*

(1) An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with Sstate law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in the density bonus housing agreement.

(2) For purposes of this ~~S~~subsection, a density bonus means an increase in units of 25 percent over the number of units to be provided within the existing structure or structures proposed for conversion.

(3) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this ~~Chapter-section~~ or Government Code ~~§-Section~~ 65915.

(h) *Processing of bonus request.*

(1) *Permit required.* Residential development projects that include a request for a density bonus and/or incentive pursuant to this ~~chapter-section~~ shall require the approval of a conditional use permit, which shall be approved by the ~~e~~City ~~e~~Council, provided, however, that in no event shall ~~e~~City ~~e~~Council withhold approval of a ~~D~~density ~~B~~bonus to which an ~~A~~affordable ~~H~~housing ~~D~~development is entitled to under ~~S~~state law.

(2) *Initial review of density bonus request.* The director shall notify the applicant whether the application is complete within 30 days of filing the application, in a manner consistent with Government Code Section 65943. The director shall notify the applicant within 90 days of the filing of the conditional use permit application whether the residential development project qualifies for the density bonus and incentives described in this ~~chapter-section~~.

(3) *Criteria to be considered.* Criteria to be considered in analyzing a request for a density bonus shall include whether the applicant has agreed to construct affordable units that meet the requirements of subsection (c) of this section. Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

(4) The applicant shall enter into an agreement with the City or its designee to maintain and enforce the affordable housing component of the housing development.

(5) An application for a density bonus permit will not be processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with other required entitlements, if applicable.

(6) Required documents. All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:

a. A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;

b. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents;

c. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;

d. For parking standard modification requests, that the requirements of subsection (i) of this section are met;

e. The proposed method of ensuring the continued affordability of all low, very low, or moderate units, or senior units, transitional foster youth, disabled veterans, homeless, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by California Government Code Section 65915(c)(1);

f. For the application for a density bonus permit for the donation of land, the application must show the location of the land in addition to including sufficient information to establish that each requirement California Government Code Section 65915(g)(2) has been met;

g. The application for a density bonus permit for a development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project

(California Government Code Section 65915(b)), shall show the location and square footage of the child care facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of California Government Code Section 65915(h)(2)(B).

h. Other relevant information requested by City staff.

i. An application for a density bonus permit shall be accompanied by the fee set by resolution of the City Council.

j. If an application for a density bonus permit requires an unusual amount or specialized type of study or evaluation by City staff, a consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

~~(4)~~ (7) *Findings for approval.* In addition to the findings required for the approval of a conditional use permit, the following additional findings must be made for the approval of a density bonus:

a. The residential development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the City's gGeneral pPlan;

b. The number of dwelling units can be accommodated by existing and planned infrastructure capacities;

c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this ~~chapter~~ section;

d. In the event that the eCity does not grant at least one incentive described in subsection (d)(5) of this section, that additional concessions or incentives are not necessary to provide housing at an affordable housing cost, as defined in California Health and Safety Code Ssections 50052.5 and 50053; and

e. There are sufficient provisions to guarantee that the lower and very low income units will remain affordable in the future.

(i) *Vehicular parking ratio.*

(1) Upon approval of a density bonus application and at the request of the developer, the City ~~shall grant~~ may only require the following maximum parking ~~concessions~~ space requirements, except where noted under subsection (i)(2) of this section:

~~(1)~~ a. *Zero to one bedroom:* one onsite parking space

~~(2)~~ b. *Two to three bedrooms:* two onsite parking spaces

~~(3)~~ c. *Four or more bedrooms:* two and one-half parking spaces

(2) Exceptions. Upon request of the applicant, the following maximum parking standards shall apply, inclusive of disabled and guest parking, to the entire housing development subject to this section, as required by California Government Code Section 65915(p)(2):

a. A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply:

i. The development includes the maximum percentage of low- or very low-income units provided for in subsection (d)(3) of this section.

ii. The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).

iii. There is unobstructed access to the major transit stop from the development. A development shall have

unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

b. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).

iii. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

c. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is for individuals who are 62 years of age or older and which complies with California Civil Code sections 51.2 and 51.3.

iii. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.

d. A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is a special needs housing development, as defined in California Health and Safety Code Section 51312.

iii. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.

(3) If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “on-site parking” may be provided through tandem parking or uncovered parking, but not through on-street parking.

(4) An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to subsection (d) of this section (Government Code Section 65915(p)(3)).

(5) Notwithstanding allowances in subsection (i)(2) of this section, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in subsection (i)(1) of this section, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

**8.6**  
**PURCHASING AND PROCUREMENT**  
**REGULATIONS**

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## City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 21, 2018 Regular Meeting

**SUBJECT:** Purchasing and Procurement Regulations

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### **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 CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

### **Background**

The Fiscal Years 2017-19 Budget & Work Plan includes the following significant work plan item:

- **Purchasing Standards Update** – Review and update the City’s purchasing processes and regulations in order to ensure the efficient, effective, and economical conduct of City business.

The existing purchasing chapter in the Laguna Woods Municipal Code is included as Attachment B. While that chapter has remained unchanged since it was carried over from the County of Orange’s Code of Ordinances at the City’s incorporation in 1999, administrative policies related to environmental purchasing and purchase requisitions were approved by the City Council in 2002 and 2004, respectively.

On January 17, 2018, 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 Chapter 3.06 of the Laguna Woods Municipal Code related to purchasing and procurement by the City. At the meeting on January 17, 2018, the City Council also approved a resolution repealing administrative policies related to environmental purchasing and purchase requisitions as part of a broader update of purchasing and procurement regulations.

### **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed purchasing and procurement regulations (Attachment A). Staff recommends that the City Council adopt the proposed regulations, in order to ensure the efficient, effective, and economical conduct of City business.

The existing and proposed purchasing and procurement regulations are similar in approach in that they seek to promote accountability, compliance with applicable state laws, and environmental considerations. In addition to generally consolidating and clarifying the regulations currently found in multiple documents, significant proposed modifications include, but are not limited to, the following:

- The threshold for purchases that require the City Manager's (or purchasing officer's) approval would be lowered from \$10,000 to \$1,000. Purchases of less than \$1,000 would require the applicable department head's approval.
- Three new purchasing thresholds (less than \$1,000, \$1,000 to \$2,499.99, and \$2,500 to 24,999.99) would be established to add greater specificity to the existing greater or less than \$25,000 purchasing threshold. Related bidding requirements would also be added and modified.
- The policy of purchasing environmentally preferable products and recyclable products, whenever practicable and cost effective, would be codified in the Laguna Woods Municipal Code (as opposed to in an administrative policy).
- A purchasing consideration that takes into account sales tax reimbursements to the City would be added to encourage purchases from vendors located in Laguna Woods, whenever practicable and cost effective.

- Contracts for the performance of the annual independent audit of the City's financial statements would be explicitly required to be competitively bid with all awards approved by the City Council, regardless of value.
- Purchases and procurements through public agency cooperative agreements would be permitted when a cooperative agreement utilized bid procedures substantially similar to those normally utilized by the City.
- Instances in which certain provisions of the purchasing and procurement regulations could be waived, including circumstances in which sole source awards would be permitted, would be specified.
- The scope of the purchasing and procurement regulations would be clarified to identify exemptions and the City Council's ability to waive provisions.
- Purchasing and procurement regulations would be automatically suspended during proclaimed emergencies for the purpose of allowing the Director of Emergency Services to take actions necessary to protect life and property.
- Explicit prohibitions on rebates, kickbacks, and other unlawful consideration, as well as on financial conflicts as proscribed in the California Government Code, would be added to reinforce existing accountability measures.
- The City Manager would be explicitly empowered to establish purchasing and procurement policies and procedures that are consistent with the Laguna Woods Municipal Code. Internal requisition procedures, form requirements, best practices concerning environmentally preferable products and recyclable products, and other matters likely to change over time, would be among the matters anticipated to be addressed administratively.

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

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed ordinance and resolution 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.

**Fiscal Impact**

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

Report Prepared With: Margaret Cady, CPA, Administrative Services Director/City Treasurer

- Attachments: A – Proposed Ordinance  
                  Exhibit A – Code Amendment Text  
              B – Existing Laguna Woods Municipal Code Chapter 3.06 (Purchasing)

**ORDINANCE NO. 18-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

**WHEREAS**, purchasing and procurement regulations are codified at Chapter 3.06 of the Laguna Woods Municipal Code; and

**WHEREAS**, to help ensure the efficient, effective, and economical conduct of City business, staff has recommended amendments to the existing purchasing and procurement regulations, as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”); and

**WHEREAS**, on January 17, 2018, 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 it can be seen with certainty that this project has no possibility of having a significant effect 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.

SECTION 3. Chapter 3.06 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 2018.

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CAROL MOORE, Mayor

ATTEST:

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YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

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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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

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YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A  
CODE AMENDMENTS**

*Chapter 3.06 (“Purchasing”) of Title 3 (“Revenue and Finance”) of the Laguna Woods Municipal Code is repealed in its entirety and replaced with the following:*

**CHAPTER 3.06. - PURCHASING AND PROCUREMENT**

**Sec. 3.06.010. - Purpose and intent.**

The purpose and intent of this chapter is to establish efficient, economical, and accountable policies and procedures related to the purchase of goods and the procurement of services.

**Sec. 3.06.020. - Definitions.**

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

(a) *Department head* shall mean the City Manager or the person who is designated by the City Manager as being responsible for each particular City department.

(b) *Director of Emergency Services* shall mean the person so designated in accordance with Chapter 7.04 of this Code.

(c) *Environmentally preferable products* shall mean products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and/or disposal of the product.

(d) *Maintenance services* shall mean services related to the maintenance of public property that are not subject to the bidding requirements set forth in Section 20162 of the California Public Contracts Code, as may be amended from time to time.

(e) *Professional services* shall mean services provided by any specially trained and experienced person or firm in the areas of accounting,

administration, analysis, architecture, economics, engineering, finance, inspection, law, planning, public safety, radius addressing, surveying, transcription, or other matters involving specialized training or expertise, with the exception of maintenance services.

(f) *Public project* shall have the same meaning as set forth in Section 20161 of the California Public Contracts Code, as may be amended from time to time.

(g) *Purchasing officer* shall mean the person designated by the City Manager for the delegation of the duties and responsibilities imposed by this chapter on the purchasing officer.

(h) *Recycled products* shall mean products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste, industrial scrap, manufacturing waste, and/or other waste that otherwise would not have been utilized.

**Sec. 3.06.030. - Authority and responsibility.**

(a) The authority and responsibility for the purchase of goods and the procurement of services is vested in the City Manager.

(b) The City Manager may designate a person to serve as the purchasing officer and delegate to that person all or a portion of the duties and responsibilities imposed by this chapter on the purchasing officer.

(c) The City Manager may request City Council approval of any purchase of goods or procurement of services, regardless of value.

(d) The City Manager may establish additional purchasing and procurement policies and procedures that are consistent with the provisions of this chapter.

**Sec. 3.06.040. - Purchasing limitations.**

Purchases of goods may be made by the persons designated in this section, subject to compliance with the provisions of this chapter.

- (1) For purchases of less than \$1,000.00, the applicable department head must approve the purchase, subject to purchasing policies and procedures established by the City Manager. It is not required that bids be obtained for such purchases.
- (2) For purchases that are equal to or exceed \$1,000.00 but are less than \$2,500.00, the City Manager or purchasing officer must approve and execute the purchase order or contract for the purchase. It is not required that bids be obtained for such purchases.
- (3) For purchases that are equal to or exceed \$2,500.00 but are less than \$25,000.00, the City Manager or purchasing officer must approve and execute the purchase order or contract for the purchase. Prior to making a purchase, three bids must be obtained.
- (4) For purchases that are equal to or exceed \$25,000.00, the City Council must approve the purchase order or contract for the purchase. Prior to City Council approval, three bids must be obtained. The City Council may authorize that such purchase orders or contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

**Sec. 3.06.050. - Purchasing considerations.**

- (a) *Competitive bidding consideration.* Purchases for which bidding is required shall be made from the lowest cost responsible bidder, consistent with quality (including, but not limited to, performance, durability, and reparability), quantity, delivery, and payment requirements. The lowest cost responsible bidder shall be determined by factors including, but not limited to, cost, ability, qualifications, and willingness to comply with the City's purchasing terms.
- (b) *Environmental purchasing consideration.* City staff shall consider the purchase of environmentally preferable products and recycled products, whenever practicable and cost effective.
- (c) *Local purchasing consideration.* City staff shall consider purchases from vendors located in the city, whenever practicable and cost effective. For purposes of bid comparison, bids submitted by local vendors shall be reduced by one percent for the portion of the purchase upon which the City

would pay sales tax. The one-percent reduction is afforded to local vendors to recognize the sales tax reimbursement to the City on such purchases.

**Sec. 3.06.060. - Public projects.**

(a) Awards for the performance of public projects shall be made in a manner that complies with all applicable requirements of the California Public Contracts Code.

(b) Plans and specifications for public projects shall allow for the use or substitution of environmentally preferable products and recycled products, whenever practicable and cost effective.

**Sec. 3.06.070. - Maintenance and professional services.**

(a) Awards for the performance of maintenance services and professional services shall be made on the basis of the demonstrated competence of the vendor, the vendor's professional qualifications necessary for the satisfactory performance of the services required, the fairness and reasonableness of the cost of the services to the City, the willingness of the vendor to comply with the City's procurement terms, and other factors determined to be relevant, rather than solely on the basis of cost. The provisions set forth in sections 3.06.040 and 3.06.050 of this Code are not applicable to the procurement of services.

(b) Subject to compliance with the provisions of this chapter, the City Manager or purchasing officer may enter into and execute purchase orders or contracts for maintenance services and professional services when the cost of such services is less than \$50,000.00 over the term of the agreement. City Council approval is required for all purchase orders or contracts when the cost of the services is \$50,000.00 or more over the term of the agreement. The City Council may authorize that such purchase orders and contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

(c) Notwithstanding the above provisions of this section, all purchase orders or contracts for maintenance services and professional services for which the estimated cost of services is \$25,000.00 or more over the term of the agreement shall be competitively bid by obtaining at least three bids for providing the required services, evaluating the bids pursuant to the criteria set forth in subsection (a), and making the award based on the best bid.

(d) Notwithstanding the above provisions of this section, all single- or multi-year contracts for the performance of the annual independent audit of the City's financial statements shall be competitively bid by obtaining at least three bids for providing the required services, evaluating the bids pursuant to the criteria set forth in subsection (a), and making the award based on the best bid. Further, the award of all such annual independent audit contracts, regardless of cost, shall be approved by the City Council. The City Council may authorize that such annual independent audit contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

(e) Bid solicitations for maintenance services and professional services shall allow for the use or substitution of environmentally preferable products and recycled products, whenever practicable and cost effective.

**Sec. 3.06.080. - Cooperative agreements.**

The City Council, City Manager, or purchasing officer may approve the purchase of goods or the procurement of services for which the City would normally follow its own bid procedures from a vendor who has been awarded a contract for the purchase of the same goods or the procurement of the same services by another public agency, if said public agency utilized bid procedures substantially similar to those normally utilized by the City. The amount of said purchase or procurement shall be based upon the cost bid for said public agency.

**Sec. 3.06.090. - Bidding rejections and exemptions.**

(a) Except when precluded by applicable law, the City Council, City Manager, or purchasing officer may reject any bid received by the City.

(b) Except when precluded by applicable law, the provisions of this chapter may be waived at the discretion of the City Council.

(c) Except when precluded by applicable law, and provided the purchase of goods is less than \$25,000.00, or the procurement of services is less than \$50,000.00 over the term of the agreement, the provisions set forth in sections 3.06.040, 3.06.050, and 3.06.070(a)(c)(e) of this Code may be waived, at the discretion of the City Manager, when any of the following is applicable:

ITEM 8.6 – Exhibit A to Attachment A

- (1) After a reasonable attempt has been made to obtain the required number of bids, it has been determined that no additional bidders can be located or no additional bidders can be located in a timely manner. This includes, but is not limited to, instances in which competitive bidding yields an insufficient number of satisfactory bids.
  - (2) Due to time sensitivities or other extraordinary conditions, it has been determined that normal bidding requirements would not be in the City's best interest.
  - (3) The purchase or procurement is proprietary or can only be obtained from one vendor. This includes, but is not limited to, purchases where a specific brand name, make, or model is necessary to match existing equipment or facilitate effective maintenance and support.
  - (4) The purchase or procurement is made through a cooperative agreement in accordance with Section 3.06.080 of this Code.
  - (5) The purchase or procurement is or is related to an inter-governmental contract or partnership.
- (d) The following purchases of goods and procurements of services, regardless of value, are exempt from the provisions set forth in sections 3.06.040, 3.06.050, and 3.06.070 of this Code and may be approved by the City Manager or purchasing officer provided that sufficient funds are available in adopted budgets:
- (1) The purchase of professional memberships and trainings.
  - (2) The purchase of or subscription to newspapers and periodicals.
  - (3) The purchase of or subscription to governmental and governmental-related resources and reference materials.
  - (4) The purchase of security and safety alarms and monitors, and the procurement of related services.
  - (5) The procurement of data and website hosting and security services.

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- (6) The procurement of appraisal services.
  - (7) The procurement of election services.
  - (8) The procurement of entertainment services.
  - (9) The procurement of graphic design services.
  - (10) The procurement of legal services, professional and other expert witness services, and special research and investigative services, if the purpose of such services is to provide for assistance or testimony related to an existing or potential administrative or judicial proceeding in which the City is or may become a party.
  - (11) The procurement of utility and television services.
  - (12) The publication of advertisements and legal notices.
  - (13) The payment of fees and charges required by governmental and quasi-governmental agencies.
  - (14) Purchases and procurements that are necessary for the immediate protection of public health, safety, or welfare or public property, or to prevent the immediate interruption of City services related to the same.
- (e) The following purchases and procurements are exempt from the provisions of this chapter, with the exception of sections 3.06.060 and 3.06.110 of this Code:
- (1) Purchases and procurements of and related to employee compensation and benefit programs approved by the City Council.
  - (2) Purchases and procurements of and related to insurance and workers' compensation coverage approved by the City Council.
  - (3) Purchases and procurements of and related to inter-governmental contracts and partnerships approved by the City

Council. This includes, but is not limited to, contracts for animal control and shelter services and law enforcement services.

- (4) Purchases and procurements of and related to franchise agreements awarded by the City Council.
- (5) Purchases, leases, and rentals of real property approved by the City Council.
- (6) Purchases of investment instruments and procurements of banking and investment-related services that are governed by the City's investment policy or other City Council direction.

**Sec. 3.06.100. - Suspension during emergencies.**

Except when prohibited by applicable law, for the effective duration of a proclamation of a local emergency, state of emergency, or state of war emergency, as defined in California Government Code Section 8558, which affects the City, this chapter shall be automatically suspended for the purpose of allowing the Director of Emergency Services to obtain vital services, supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the City for the fair value thereof.

**Sec. 3.06.110. - Prohibited activity.**

- (a) The City's elected and appointed officers, officials, and employees are prohibited from engaging in any unlawful activity related to purchasing and procurement, including, but not limited to, receipt of rebates, kickbacks, or other unlawful consideration.
- (b) The City's elected and appointed officers, officials, and employees are prohibited from participating in a purchasing or procurement process when those persons have a financial interest therein as proscribed in California Government Code sections 1090 et seq. or 87100 et seq.

## ITEM 8.6 - Attachment B

CHAPTER 3.06. - PURCHASING<sup>[3]</sup>

## Sec. 3.06.010. - Duties of Purchasing Agent—General.

The Purchasing Agent shall have the duties and powers prescribed by laws of the State of California relating to county purchasing agents, this chapter and the resolutions of the City Council. He shall be the head of the Purchasing Department of the City and shall appoint such deputies, assistants and other employees therein as shall from time to time be authorized therefor in the current salary ordinance and the personnel provisions of this Code. He shall furnish the City Council such reports and information as said Council may from time to time require and shall establish methods and procedures necessary for the proper functioning of the Purchasing Department function in an efficient and economical manner.

(OCC § 1-4-12)

## Sec. 3.06.020. - Same—Specific.

The Purchasing Agent shall:

- (1) *Purchase material* . Purchase for the City and its offices, and for any special district whose affairs and funds are under the supervision and control of the City Council and for which the City Council is ex officio the governing body, all materials, supplies, furnishings, equipment, livestock and other personal property of whatever kind and nature; and except in cases of emergency as hereinafter provided, no purchase of personal property by any person other than the Purchasing Agent, except as may be otherwise provided by resolution of the City Council, shall be binding upon the City or constitute a lawful charge against any City funds.
- (2) *Rent furnishings and equipment* . Rent for the City and its offices, furnishings, equipment and livestock.
- (3) *Contract for equipment service, lease purchases* . Negotiate and execute in the name of the City all equipment service contracts and lease purchase agreements of personal property.
- (4)

## ITEM 8.6 - Attachment B

*Sell personal property.* Sell or otherwise dispose of any personal property belonging to the City not required for public use, or he may when purchasing property accept advantageous trade-in allowances for such property not further required for public use.

- (5) *Contract generally.* Enter into any contract permitted by law subject to any restrictions which may be set forth in this chapter.
- (6) *Sell or dispose of personal property of any special district.* When specifically authorized by law, sell or dispose of personal property of any special district and pay the proceeds thereof into the treasury of the district, or, if any exchange or trade is made, return the proceeds to the special district.
- (7) *Perform other services.* Perform such other services as the City Council may from time to time by resolution require.
- (8) *Contract for special services.* Enter into contracts for special services in an amount not to exceed \$50,000.00 without first obtaining the approval of the contract by the City Council.

(OCC § 1-4-13)

Sec. 3.06.030. - Repair or construction of City highways.

Any work or improvement of City highways shall be let in accordance with the applicable provisions of the Streets and Highways Code.

(OCC § 1-4-14)

Sec. 3.06.040. - Other governmental agencies.

Unless prohibited by law, other governmental agencies may, with permission of the City Council, avail themselves of the services of the Purchasing Agent subject to the provisions of the laws under which the governmental agency operates.

(OCC § 1-4-16)

Sec. 3.06.050. - Purchase limitations.

## ITEM 8.6 - Attachment B

The Purchasing Agent shall be subject to the dollar limitations on those purchases which are subject to applicable sections of the Government Code, except as in this article otherwise provided.

(OCC § 1-4-22)

Sec. 3.06.060. - Requisition procedure.

All purchases, rentals and contracts shall be made only upon proper written requisitions, the forms of which shall be supplied by the Purchasing Agent to the several offices of the County. No purchase order shall be issued unless approved budget distribution is shown according to the budget procedure established by the Auditor and the Administrative Officer. The head of any City office, department or institution or his duly designated assistant is hereby authorized to draw requisitions for purchases for such office, department or institution in accordance with current budget accounts. Such head may delegate such authority to one or more of his deputies, assistants or employees within the department.

(OCC § 1-4-26)

Sec. 3.06.070. - Purchasing procedure.

- (a) The Purchasing Agent shall award bids to responsible bidders in conformity with standards, specifications, quality and use requirements as the Purchasing Agent may determine in the purchase of personal property, materials, supplies, services, food products and any other articles requisitioned by departments or districts of the City of Laguna Woods.
- (b) The Purchasing Agent shall establish standards of design, quality and interchangeability of furniture, equipment and supplies for offices, courts and other institutions of the City and its districts.

(OCC § 1-4-32)

Sec. 3.06.080. - When competitive bidding not required.

## ITEM 8.6 - Attachment B

Except as otherwise provided by ordinance or general law, the Purchasing Agent may, without notice, advertisement or the securing of competitive bids or quotations, make any purchase of personal property, or do any other thing which he is authorized to do in this article; provided, however, that he shall not purchase any individual capital item costing more than \$25,000.00 without first obtaining the approval thereof by the City Council.

(OCC § 1-4-33)

Sec. 3.06.090. - Posting notices of sales of surplus property.

Notices of sales of surplus personal property shall be posted for not less than five business days preceding the day of sale in the City Hall and in the office of the Purchasing Agent, and in such other public place within the City as the Purchasing Agent may deem advisable.

(OCC § 1-4-34)

Sec. 3.06.100. - Advertising proposed sale of surplus property.

In the disposition of any surplus personal property and upon approval of the City Council, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines and other periodicals as in his judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitation of the order of the City Council approving the advertising, the Purchasing Agent shall decide upon the amount, nature, makeup and content of the advertising.

(OCC § 1-4-35)

**8.7**  
**CITY COUNCIL MEETING SCHEDULE**  
***(NO REPORT)***

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