

- c) Up to two persons representing businesses or organizations with a physical location in the City or that provide regular and ongoing services to residents of the City, appointed by a majority vote of the City Council of the City at a duly noticed public meeting thereof.

6.3. No person serving on the Board of Directors shall at any time be an interested person. An interested person is (i) any person being compensated by this Corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reimbursement paid to a Director for reasonable and necessary expenses incurred on behalf of this Corporation or (ii) any brother, sister, mother, father, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any such person. Violations of the provisions of this Section 6.3 shall not affect the validity or enforceability of any transaction entered into by this Corporation.

6.4. A vacancy on the Board of Directors shall occur in the event of:

- a) The expiration of a Director's term (if applicable); or
- b) The resignation of a Director, when made in writing to the Board of Directors, Chair of the Board, Chief Executive Officer, or Secretary; or
- c) The cessation of a Director to meet the minimum residency or occupational standards set forth in Section 6.2 of these Bylaws; or
- d) The death of a Director; or
- e) The declaration by resolution, approved by a majority vote of the Board of Directors at a duly noticed public meeting thereof, of a vacancy in the office of a Director who has been (i) convicted of a felony, (ii) declared of unsound mind by a court order, or (iii) found by final order or judgment of any court to have breached a duty under federal or state law including, but not limited to, the California Nonprofit Public Benefit Corporation Law; or
- f) The removal of a Director, with or without cause, by a two-thirds majority vote of the City Council of City at a duly noticed public meeting thereof.

6.5. A vacancy on the Board of Directors shall be filled in the manner prescribed in Section 6.2 of these Bylaws for regular appointment of such Director, provided that such vacancies shall be filled as they occur. No reduction in the number of

Directors shall have the effect of removing any Director prior to the expiration of his or her term of office.

7. Actions of the Board of Directors of Corporation

7.1. The Board of Directors shall meet a minimum of once a year at the principal office of this Corporation or at such other location within the City selected by the Board of Directors in accordance with Section 2.1 of these Bylaws.

7.2. All meetings of the Board of Directors and standing committees thereof shall comply with the noticing and other requirements of the Ralph M. Brown Act.

7.3. A majority of Directors shall constitute a quorum to conduct business, except to adjourn. The majority of the quorum present at a duly noticed public meeting may take action and such action shall be an act of the Board of Directors, subject to the more stringent provisions of this Corporation's articles of incorporation and the California Nonprofit Corporation Law, including, without limitation, those provisions relating to (i) approval of contracts or transactions in which a Director has a direct or indirect material financial interest, (ii) appointment of committees, and (iii) indemnification of Directors. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of one or more Directors from the meeting, provided that actions are approved by at least a majority or two-third majority of the required quorum for that meeting, as may be required by these Bylaws. A majority of the Directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place. Notice of the time and place of holding an adjourned meeting shall be given in accordance with the Ralph M. Brown Act.

7.4. This Corporation shall not compensate Directors for their services, but may reimburse Directors for their reasonable and necessary expenses incurred on behalf of this Corporation, in accordance with such rules, standards, and procedures as may be established by a majority vote of the Board of Directors at a duly noticed public meeting.

7.5. Subject to the provisions of the California Nonprofit Corporation Law and any limitations in the articles of incorporation and these Bylaws, the business and affairs of this Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors; provided, however, that in order to preserve the nonprofit status of this Corporation, neither the Board of Directors nor any member thereof shall do any act, or authorize or suffer the doing of any act by an officer of this Corporation, on behalf of this Corporation, which is

inconsistent with the articles of incorporation, these Bylaws or the purpose of this Corporation. Any such act or acts shall be null and void.

8. Officers of Corporation

8.1. The officers of this Corporation shall be a Chair of the Board, Vice Chair of the Board, Chief Executive Officer, Chief Financial Officer, and Secretary. The offices of Chair of the Board and Vice Chair of the Board shall be filled by Directors. The Board of Directors may create other offices by resolution, with such other titles and such other duties as it determines and deems advisable. Any number of offices may be held by the same person, except that no person serving as the Secretary or the Chief Financial Officer may serve concurrently as the Chair of the Board.

8.2. The Chair of the Board shall be appointed by a majority vote of the Board of Directors at a duly noticed public meeting. The Chair of the Board shall preside over Board of Directors meetings, attest to the Board of Directors' approval of meeting minutes, and have such other powers and perform such other duties as the Board of Directors or these Bylaws may require.

8.3. The Vice Chair of the Board shall be appointed by a majority vote of the Board of Directors at a duly noticed public meeting. The Vice Chair of the Board shall serve as the Chair of the Board in his or her absence and have such other powers and perform such other duties as the Board of Directors or these Bylaws may require.

8.4. The Chief Executive Officer shall be the City Manager of the City or his or her designee. The Chief Executive Officer shall serve as the general manager of this Corporation and shall supervise and direct all administrative activities and affairs, in accordance with policies established and direction provided by a majority vote of the Board of Directors at a duly noticed public meeting. The Chief Executive Officer may support this Corporation in all manners except making direct fundraising appeals of or to third-parties.

8.5. The Chief Financial Officer shall be the City Treasurer of the City or his or her designee. The Chief Financial Officer shall supervise and direct all financial activities and affairs of this Corporation, in accordance with policies established and direction provided by a majority vote of the Board of Directors at a duly noticed public meeting. The Chief Financial Officer shall report to the Chief Executive Officer and may support this Corporation in all manners except making direct fundraising appeals of or to third-parties.

- a) The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of this Corporation. The books of account shall be open to inspection by any Director at all reasonable times.
- b) The Chief Financial Officer shall prepare and file, or cause to be prepared and filed, such financial statements and reports as are required by law, by these Bylaws, or by the Board of Directors. The Chief Financial Officer shall send or cause to be given to the Directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the Board of Directors.
 - 1) An annual report shall be prepared in conformity with the requirements of Sections 6321 and 6322 of the California Nonprofit Corporation Law, or any successor statutes. The annual report shall be sent to each Director of this Corporation, and such other persons as are designated by the Board of Directors, no later than 120 days after the close of the fiscal year.
- c) The Chief Financial Officer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of this Corporation with such depositories as the Board of Directors may designate.
- d) The Chief Financial Officer shall disburse and invest, or cause to be disbursed or invested, this Corporation's funds as the Board of Directors may order.
- e) The Chief Financial Officer render to the Board of Directors or any officer of this Corporation, or cause to be rendered, when requested, a timely account of all transactions as Chief Financial Officer and of the financial condition of this Corporation
- f) The Chief Financial Officer shall have such other powers and perform such other duties as the Board of Directors or these Bylaws may require.

8.6. The Secretary shall be the City Clerk of the City or his or her designee. The Secretary shall be responsible for certain corporate functions. The Secretary shall report to the Chief Executive Officer and may support this Corporation in all manners except making direct fundraising appeals of or to third-parties.

- a) The Secretary shall keep, or cause to be kept, at the principal office of this Corporation for public inspection (i) a book of all minutes of meetings and resolutions of the Board of Directors and standing committees of the Board of Directors, (ii) a copy of this Corporation's articles of incorporation, (iii) a

copy of these Bylaws, (iv) this Corporation's annual state and federal financial statements and reports, and (v) the seal of this Corporation, if any.

- b) The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors and of standing committees of the Board of Directors that the Ralph M. Brown Act or these Bylaws requires to be given.
- c) The Secretary shall have such other powers and perform such other duties as the Board of Directors or these Bylaws may require.

8.7. Any officer shall have the ability to call a meeting of the Board of Directors, subject to noticing and other requirements set forth in the Ralph M. Brown Act.

8.8. A vacancy in the office of Chair of the Board or Vice Chair of the Board shall occur in the event of:

- a) The expiration of an officer's term (if applicable); or
- b) The resignation of an officer, when made in writing to the Board of Directors, Chair of the Board (Vice Chair of the Board only), Chief Executive Officer, or Secretary; or
- c) The death of an officer; or
- d) The declaration by resolution, approved by a majority vote of the Board of Directors at a duly noticed public meeting thereof, of a vacancy in an office of this Corporation for an officer who has been (i) convicted of a felony, (ii) declared of unsound mind by a court order, or (iii) found by final order or judgment of any court to have breached a duty under federal or state law including, but not limited to, the California Nonprofit Public Benefit Corporation Law; or
- e) The removal of an officer, with or without cause, by a majority vote of the Board of Directors at a duly noticed public meeting thereof.

8.9. A vacancy in the office of Chair of the Board or Vice Chair of the Board shall be filled in the manner prescribed in these Bylaws for regular appointment of such office, provided that such vacancies shall be filled as they occur.

9. Members of Corporation

9.1. This Corporation shall have no “members” as that term is defined by Section 5056 of the California Corporation Code and shall be governed solely by its Board of Directors. In accordance with Section 5310(b) of the California Corporation Code, any action that would otherwise require approval by a majority of all members shall only require approval of the Board of Directors. There shall be no meetings of members as such. The persons constituting the Board of Directors may, at any given time and from time to time, act in their capacity as members pursuant to this Section 9.1, at meetings of the Board of Directors.

9.2. This Corporation may refer to individuals or entities associated with it as “members” even though those individuals or entities are not voting members. No such reference to “members” shall constitute any individual or entity a member within the meaning of Section 5056 of the California Corporation Code.

10. Fiscal Year

10.1. The fiscal year of this Corporation shall commence on July 1 and conclude on the immediately following June 30.

11. Budgets

11.1. Prior to the commencement of each fiscal year, the Board of Directors shall adopt a budget setting forth the estimated operating, capital, and other expenditures required in connection with, and the estimated receipts from, the activities of this Corporation for such fiscal year; provided, however, that during its first fiscal year, the Board of Directors shall adopt a budget for that initial year within four months of the first meeting of the Board of Directors. Budgets shall require approval of either a majority of the Board of Directors, inclusive of all members of the City Council of City serving thereon, or a two-third majority of the Board of Directors, at a duly noticed public meeting thereof.

11.2. No expenditure may be made or obligation incurred which, when added to any other expenditure for the fiscal year of this Corporation, exceeds the adopted budget for that fiscal year by more than \$5,000.00 or any line item specified in the adopted budget by more than five percent (5%), without the prior approval of a majority of the Board of Directors, inclusive of all members of the City Council of City serving thereon, or a two-third majority of the Board of Directors, at a duly noticed public meeting thereof.

12. Deposits

12.1. All funds of this Corporation shall be deposited from time-to-time to the credit of this Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

13. Payments and Instruments

13.1. Except as otherwise provided by law, these Bylaws or a resolution, written policy, or minute order of the Board of Directors, checks, drafts, promissory notes, orders for the payment of money, and any other evidence of indebtedness of this Corporation shall be signed by the Chair of the Board and countersigned by the Chief Executive Officer or Chief Financial Officer.

13.2. Except as otherwise provided by law or these Bylaws, the Board of Directors may authorize any officer or agent of this Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of this Corporation. Such authority shall be made in writing and may be general or confined to specific instances. Unless authorized, no Director, officer, agent, or other person shall have any power or authority to bind this Corporation by any contract or engagement or to pledge its credit or render it liable monetarily for any purpose or in any amount.

14. Dedication of Assets

14.1. The property of this Corporation is irrevocably dedicated to public and charitable purposes and no part of the net income or assets of this Corporation shall ever inure to the benefit of any Director, officer, or member thereof, or to the benefit of any private person, provided however that this Corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Section 3 of these Bylaws. Upon the dissolution or “winding up” of this Corporation, its assets (other than trust funds) remaining after payment, or provision for payment, of all debts and liabilities of this Corporation shall be distributed to (i) the City, provided that it is then an organization described in Section 170(c)(1) of the Code or the corresponding provision of any future United States internal revenue law, to be used for public purposes, and/or (ii) one or more nonprofit corporations organized and operated for the benefit of the residents of the City, such corporation or corporations to be selected by the Board of Directors, subject to approval of the City Council of the City. Such nonprofit corporation(s) must be exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding provision of any future

United States internal revenue law, and be organized and operate exclusively for charitable, scientific, literary, and/or educational purposes.

15. Use of City Logo and City Titles

15.1. The City's logo shall not be used in fundraising materials or collateral without prior written authorization of the City Council of City. The City titles of any member of the City Council of City or the City titles of any member of City staff shall not be used in fundraising materials or collateral.

16. Non-Discrimination

16.1. Neither this Corporation, nor any Director or officer in the performance of his or her duties, shall discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition, sexual orientation or marital status.

17. Application of Conflict of Interest Laws

17.1. Notwithstanding any other provision of these Bylaws, this Corporation shall comply with the Political Reform Act of 1976, California Government Code Section 81000, *et seq.* This Corporation shall operate as if it is an "agency" and each Director and officer shall operate as if he or she is a "designated employee" as defined in the Political Reform Act. Each Director and officer shall comply with the conflict of interest reporting and disqualification requirements of the Political Reform Act. The Board of Directors shall adopt, periodically review, and if necessary, amend, a "conflict of interest code" as such term is defined in the Political Reform Act.

17.2. Directors who are also members of the City Council of City shall comply with the provisions of California Government Code Section 1090, *et seq.* and this Corporation shall operate as if it is a "body" of which the applicable Director is a member. No Director shall be financially interested in any contract made by him or her in his or her official capacity as a Director or made by this Corporation. Nor shall any Director be a purchaser at any sale or vendors at any purchase made by him or her in his or her official capacity as a Director or made by the Board of Directors. The prohibitions in this Section 17.2 shall be interpreted in the same manner as the prohibitions contained in California Government Code Section 1090, *et seq.* Every contract made in violation of this Section 17.2 by a Director may be avoided at the instance of any party except the Director interested therein.

18. Compliance with California Public Records Act

18.1. This Corporation shall comply with the provisions of the California Public Records Act, California Government Code Section 6250 *et seq.* This Corporation shall operate as if it is a “Local Agency” as that term is used in the California Public Records Act, and as such, shall be subject to all obligations and exemptions under the California Public Records Act.

19. Indemnification of Directors, Officers, Employees, and Agents

19.1. To the fullest extent permitted by law, this Corporation shall indemnify any present or former Director, officer, employee, or other “agent” of this Corporation, as that term is defined in Section 5238 of the California Nonprofit Corporation Law, against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any “proceeding,” as that term is used in Section 5238 of the California Nonprofit Corporation Law, and including an action by or in the right of this Corporation, by reason of the fact that the person is or was a person described in that section. “Expenses,” as used in these Bylaws, shall have the same meaning as in Section 5238(a) of the California Nonprofit Corporation Law.

19.2. On written request to the Board of Directors by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Nonprofit Corporation Law, the Board of Directors shall promptly determine under Section 5238(e) of the California Nonprofit Corporation Law whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the Board of Directors shall authorize indemnification. If the Board of Directors cannot authorize indemnification because the number of Directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of Directors who are not parties to that proceeding, application shall be made by this Corporation or the agent or the attorney or other person rendering a defense to the agent to the court in which the proceeding is or was pending for a determination, whether or not the application by the agent, attorney, or other person is opposed by this Corporation.

19.3. To the fullest extent permitted by law and except as otherwise determined by the Board of Directors in a specific instance, expenses incurred by a person seeking indemnification under Sections 19.1 and 19.2 of these Bylaws in defending any proceeding covered by those sections shall be advanced by this Corporation before final disposition of the proceeding, on receipt by this Corporation of an undertaking

by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by this Corporation for those expenses.

19.4. The Board of Directors shall have the power, but not the obligation, to purchase and maintain insurance in accordance with Section 5238(i) of the California Nonprofit Corporation Law and to the full extent permitted by law on behalf of its Directors, officers, employees, or other “agent” of this Corporation, as that term is defined in Section 5238 of the California Nonprofit Corporation Law, against any liability asserted against or incurred by any Director, officer, employee, or agent in such capacity or arising out of the Director’s, officer’s, employee’s, or agent’s status as such.

20. Construction and Definition of Bylaws

20.1. Unless the context requires otherwise, the general provisions, rules of construction, and definitions set forth in the California Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, and the term “person” includes both a legal entity and a natural person, and vice versa for all references.

21. Amendment of Bylaws

21.1. No amendment of these Bylaws shall be valid unless adopted by a two-thirds majority vote of the Board of Directors at a duly noticed public meeting thereof and then ratified by the City Council of the City at a duly noticed public meeting thereof.

22. Certificate of Secretary

22.1. A certificate of the Secretary shall be affixed to the original, or most recent amended version of the Bylaws, such Certificate to be in the following form:

I, *[Secretary’s Name]*, certify that I am the duly appointed and acting Secretary of the Laguna Woods Civic Support Fund, a California Nonprofit Public Benefit Corporation, that the Bylaws attached hereto, consisting of *[Number of Pages]* pages, are the bylaws of this Corporation as adopted by the Board of Directors on *[Date]* and ratified by the City Council of the City on *[Date]*, and that they have not been amended or modified since such adoption and ratification.

Executed on *[Date]* at Laguna Woods, California.

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7.1

**CONDITIONAL USE PERMIT CUP-1162 TO
ALLOW FOR THE ESTABLISHMENT OF AN
INDOOR ARCHERY RANGE AT 24232 CALLE
ARAGON, LAGUNA WOODS, CA 92637**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: February 15, 2017 Regular Meeting

SUBJECT: Conditional Use Permit CUP-1162 to allow for the establishment of an indoor archery range at 24232 Calle Aragon, Laguna Woods, CA 92637

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, APPROVING A CONDITIONAL USE PERMIT CUP-1162 TO ALLOW FOR THE ESTABLISHMENT OF AN INDOOR

ARCHERY RANGE AT 24232 CALLE ARAGON, LAGUNA WOODS,
CA 92637

Background

The City has received a conditional use permit application from the Laguna Woods Archery Club (Applicant), to allow for the establishment of an indoor archery range at the address listed below. The Golden Rain Foundation of Laguna Woods is the property owner and has approved the application.

Project Location: 24232 Calle Aragon
Laguna Woods, CA 92637

Surrounding land uses are listed in Table 1.

A vicinity map is included as Attachment B.

Table 1: Surrounding Land Uses

General Location	General Plan Land Use Designation	Land Use
North	Residential Community	Laguna Woods Village residences
South	Residential Community / High Density Residential	Laguna Woods Village residences / San Sebastian apartments
East	Commercial	Valencia Center
West	Residential Community	Laguna Woods Village residences

The project location is within an existing residential community, known as Laguna Woods Village, which is zoned as Residential Commercial (RC). If approved, the archery range would be established in Building B of Clubhouse 1.

Section 13.26.220 of the Laguna Woods Municipal Code contains regulations related to the establishment of archery ranges. Issuance of a conditional use permit is required prior to any such establishment.

Discussion

At today's meeting, the City Council will conduct a public hearing regarding the Laguna Woods Archery Club's application for a conditional use permit to allow for the establishment of an indoor archery range at 24232 Calle Aragon, Laguna Woods, CA 92637, after which approval will be considered.

The proposed archery range would be located on property owned by the Golden Rain Foundation of Laguna Woods and operated by the Laguna Woods Archery Club. The Laguna Woods Archery Club was formed in 2013 and is a member of USA Archery, which is recognized by the U.S. Olympic Committee as the national governing body for the Olympic sport of archery.

The proposed resolution approving the conditional use permit includes conditions of approval, which would regulate archery activities in a manner consistent with the purpose and intent of Section 13.26.220 of the Laguna Woods Municipal Code. The rights of the City and Chief of Police to require additional security or safety measures, if warranted, would be reserved.

Environmental Review

This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) guidelines.

Fiscal Impact

The City's expenses associated with processing this project are recovered through planning services fees.

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

Attachments: A – Proposed Resolution
 Exhibit A – Proposed Conditions of Approval
 B – Vicinity Map

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RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT CUP-1162 TO ALLOW FOR THE ESTABLISHMENT OF AN INDOOR ARCHERY RANGE AT 24232 CALLE ARAGON, LAGUNA WOODS, CA 92637

WHEREAS, on February 15, 2017, the City Council of the City of Laguna Woods, after giving notice thereof as required by law, held a public hearing concerning the requested conditional use permit to allow for the establishment of an indoor archery range at 24232 Calle Aragon in the Residential Community District (RC); and

WHEREAS, the City Council has carefully considered all pertinent testimony, as well as all information contained in the agenda report prepared for this application, as presented at the public hearing; and

WHEREAS, staff has reviewed the environmental form submitted by the applicant in accordance with the City’s procedures. Based upon the information received and staff’s assessment of the information, the project has been determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution; and

WHEREAS, the City Council makes the following findings subject to the conditions of approval:

1. The proposed use and project is consistent with the City of Laguna Woods General Plan.

The proposed use is consistent with the Residential Community (RC) land use designation of the City’s General Plan. Additionally, Objective I of the General Plan Land Use Element is to promote land uses that accommodate the diverse needs of residents. The proposal would allow the establishment of an indoor archery range in order to provide residents of Laguna Woods Village with a new recreational activity.

2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code.

The proposed use is permitted within the Residential Community District (RC) of the City's Zoning Code contingent upon receiving a conditional use permit.

3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act (CEQA).

Based upon the information received from the applicant and staff's assessment of the information, the proposed project has been determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

The proposed use would be part of an existing recreational area, presently known as Clubhouse 1, which houses compatible residential community uses primarily serving residents of Laguna Woods Village. The proposal to allow the establishment of an indoor archery range shall have no adverse effect upon abutting properties. Neighboring properties to the north and west are residential community uses. To the south, there are residential community and high density residential uses. To the east, there are commercial uses. Therefore, staff has included conditions of approval to ensure that appropriate measures are taken to minimize possible impacts to the surrounding area.

5. The approval of the permit application will not result in conditions or circumstances contrary to the public health, safety and the general welfare.

With the approval of the conditional use permit, conditions of approval have been added, which would regulate archery activities and reserve the rights of the City and Chief of Police to require additional security or safety measures, if warranted. Such conditions would assist in protecting the general public from any potential risk or danger.

6. The approval of the permit application is in compliance with all City-required CC regulations.

The proposal to establish an indoor archery range has been evaluated against all City regulations through the conditional use permit process and is deemed in compliance, subject to the conditions of approval.

7. The Archery Range is designed and will be operated in a manner that minimizes all reasonably anticipated risk from the conduct of archery to surrounding persons, animals, and property.

With the approval of the conditional use permit, conditions of approval have been added, which would regulate archery activities and reserve the rights of the City and Chief of Police to require additional security or safety measures, if warranted. Such conditions would assist in protecting the general public from any potential risk or danger. The archery range would be located inside of an enclosed building that will be signed, attended by at least one trained person at all times, and operated in a manner that limits unintentional entry and clearly differentiates between those involved and those not engaged in archery. Live targets are expressly prohibited. The property owner has given its approval on the application for the proposed use.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council approves Conditional Use Permit CUP-1162 subject to the conditions of approval found in Exhibit A.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution.

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

SHARI L. HORNE, 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. 17-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 2017, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

Exhibit A to Resolution No. 17-XX

Conditions of Approval for Conditional Use Permit CUP-1162

1. The proposed project shall be constructed, developed, used, operated, and permanently maintained in accordance with the terms of the application, plans, drawing, and conditions imposed in the resolution of approval.
2. The Applicant(s)/Owner(s) shall comply with all of the requirements of Resolution No. 17-XX, adopted as part of Conditional Use Permit CUP-1162.
3. The Applicant(s)/Owner(s) shall comply with all requirements of the City of Laguna Woods Municipal Code, as it pertains to this application, and such requirements shall be made a condition of permit approval.
4. For the purpose of this CUP-1162, the permitted activity of “archery” means “the practice of using a bow to discharge an arrow at a target within an established archery range for recreational purposes. This definition excludes the practice of archery for hunting, or discharge of an arrow in any manner intended or reasonably likely to intentionally harm or harass any person or animal, or to create any damage to persons or property.”
5. For the purpose of this CUP-1162, the permitted use of a “bow” means “a device made of a strip of wood, metal, or other flexible material with a cord that connects two ends so as to hold the strip bent in an arc under tension, and used to propel an arrow on the string by notching the arrow on the string and drawing it back against the tension so that upon release it is propelled through the air. This definition excludes crossbows.”
6. The archery range shall be clearly signed as an archery range and located entirely indoors within an enclosed building. Outdoor archery is prohibited.
7. All entrances to the archery range shall be secured or monitored to prevent unintentional entry by the general public.
8. Archery shall only occur at clearly identified archery stations, toward a clearly identified target, situated in a manner that is not in the reasonably

ITEM 7.1 – Exhibit A to Attachment A

anticipated path of travel for arrows from any other archery station or toward any other archery station or person.

9. No person shall be permitted to retrieve arrows or otherwise enter an area in front of any archery station unless, and only for so long as, all active archery on the archery range has ceased, and all arrows have been removed from any bows on the archery range.
10. Spectators and persons not actively engaged in archery at an archery station or archery range shall be confined to a clearly identified viewing area behind the archery stations.
11. The archery range shall display a clear and legible list of rules at each entrance and at each archery station to promote the safe conduct of archery and lawful use of the archery range. Rules shall also be immediately available, on-site, on standard 8½ by 11-inch paper, for distribution to any person upon request.
12. At all times during the operation of the archery range, the range shall be attended by at least one person designated in writing by the owner or manager of the archery range as responsible for archery and archery range safety, including but not limited to, enforcement of archery range rules, compliance with the terms and conditions of the authorizing conditional use permit, and compliance with any other applicable ordinances, statutes regulations, policies, or land use approvals. The owner or manager of the archery range shall be responsible for training, and assuring the qualifications for, attendants consistent with the standard of care for professional archery ranges.
13. The archery range shall not use live or moving targets. All targeted areas of targets used shall be designed in such a way as to be reasonably expected to stop the flight of an arrow upon impact, and no part shall be designed to be removed, fall away, or otherwise detach from the target upon impact by an arrow.
14. Persons transporting arrows to or from the archery range shall keep and maintain all arrows in a fully enclosed case, bag, or other device (e.g., quiver) separate from any bow, whether or not on or within the premises of the archery range.

ITEM 7.1 – Exhibit A to Attachment A

15. Alcoholic beverages and controlled substances shall not be sold, stored, distributed, or consumed at archery ranges, and no person obviously under the effect of any alcohol, medication, or other type of substance affecting balance, coordination, or judgment shall be permitted to enter or remain in the archery range.
16. No person under the age of 18 shall be allowed at an archery range unless accompanied at all times by a parent, legal guardian, or other responsible adult.
17. Graffiti on the property shall be removed at the Applicant(s)/Owner(s)' expense within 24 hours.
18. City staff, or their authorized representatives, shall have the right to enter the archery range during operating hours for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with the criteria set forth herein.
19. Based on increased calls for service, incidence of archery-related injury or property damage, or input from the surrounding businesses or residents, the City Manager or the Chief of Police may require, at their discretion, the Applicant(s)/Owner(s) to provide additional security or safety measures on the premises. The City Manager may set this permit for a public hearing at any time to consider modification of any condition or revocation of the permit if non-compliance with the conditions of approval is identified.
20. This approval may be modified or revoked by the City Council, after applicable notice and public hearing procedures have been satisfied, should it be determined that the conditions under which the archery range has been operated or maintained is detrimental to the public health, safety or welfare, or materially injurious to property or animals in the vicinity, or if the archery range is operated or maintained so as to constitute a public nuisance, or if the archery range is operated or maintained in violation of any of the conditions of approval set forth herein, or for any other reason permitted by law.
21. In accordance with policies adopted by the City, the Applicant(s)/Owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigation/inspections that result in a finding of violation of any applicable laws and/or conditions of approval.

ITEM 7.1 – Exhibit A to Attachment A

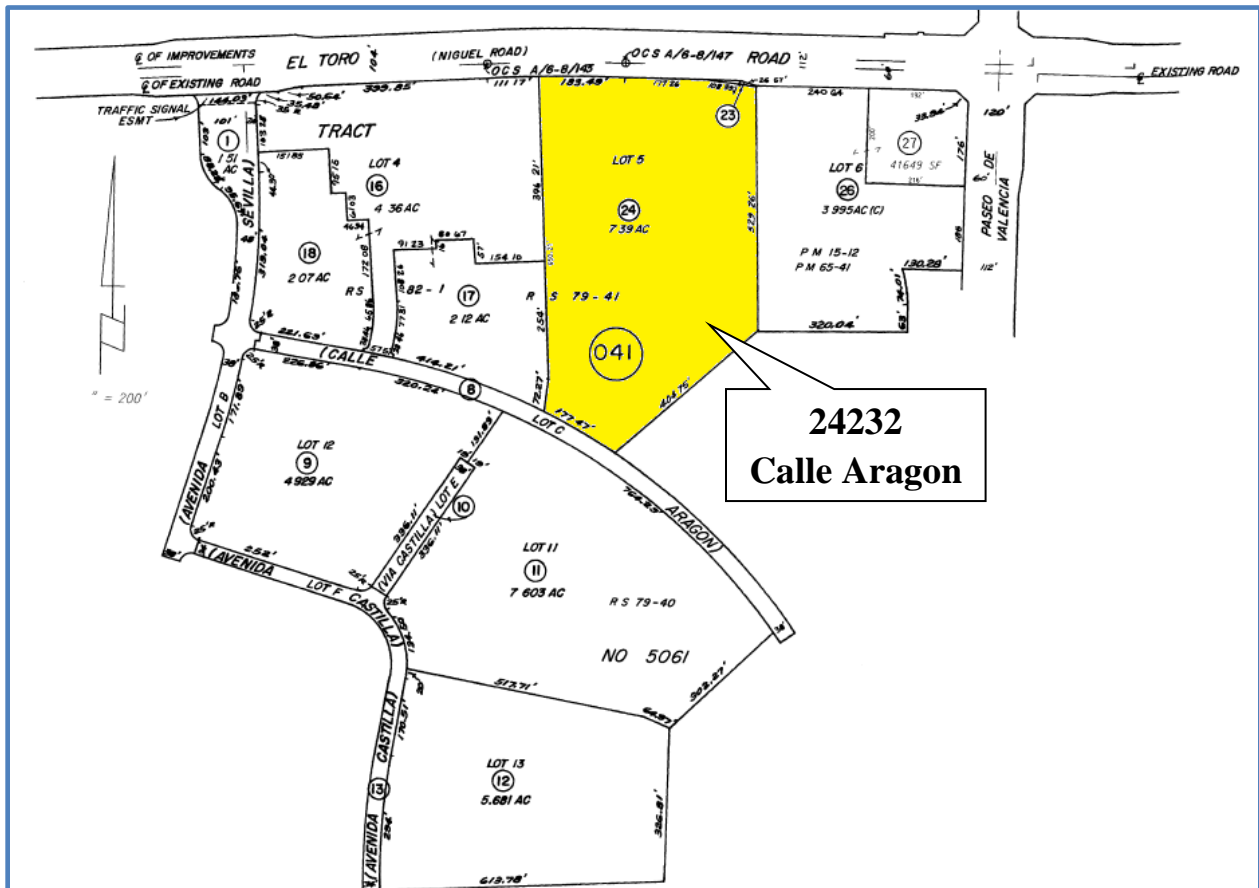
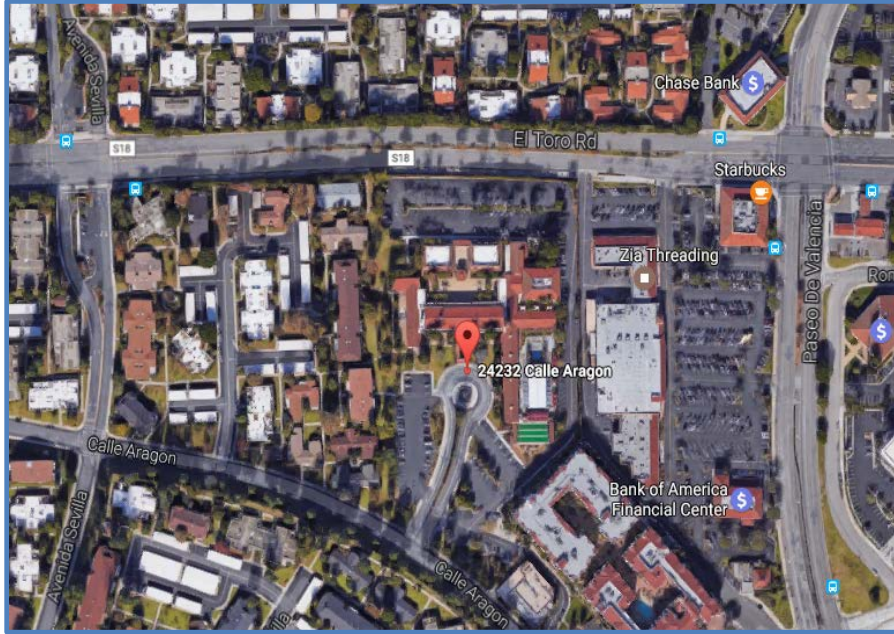
22. Termination: Upon approval, the permit shall become null and void 180 days after such time the approved use at the approved location ceases to be operated as noted by lapse of City business license or date noted by City official with proper site verification of abandonment or discontinuance; the City Manager may refer such decision to the City Council. This permit shall be deemed immediately terminated should the approved location be occupied by a use not in accord with this approval.

23. The Applicant(s)/Owner(s), or successor in interest, shall agree, as a condition of issuance of this permit, at its sole expense, defend (with counsel of the City's choosing), indemnify, and hold harmless the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers from any claim, action, or proceeding against the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The Applicant(s)/Owner(s) shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The Applicant(s)/Owner(s) may its sole discretion participate in the defense or any such action under this condition.

Vicinity Map

24232 Calle Aragon, Laguna Woods, CA 92637

Project Area



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7.2
BUILDING, PLANNING, AND
ENCROACHMENT PERMIT FEES

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: February 15, 2017 Regular Meeting
SUBJECT: Building, Planning, and Encroachment Permit 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 OR MODIFIED BUILDING AND PLANNING SERVICES FEES, AND ENCROACHMENT PERMIT FEES

Background

ClearSource Financial, under contract with the City, recently completed a study of the “nexus” between the City’s fees and the reasonable costs of providing building and planning services, as well as encroachment permitting (Attachment A). That study is a part of the City’s annual evaluation of the adequacy and rationality of its fees, including its reasonable costs of providing services.

The Building, Planning, and Encroachment Permit Fee Study includes calculations of how fees would need to be established in order to recover the City’s reasonable costs of providing services. State law prohibits the City from charging more than its reasonable costs. While the City may charge less than its reasonable costs, the practical implication of doing so is that subsidies would then be borne by taxpayers as the City covers its costs with property tax, sales tax, or other revenues that could otherwise be used to fund and maintain other programs, projects, and services.

Concurrent with the preparation of the Building, Planning, and Encroachment Permit Fee Study, a Central Services Cost Allocation Study was prepared to (1) estimate the share of citywide overhead costs eligible for recovery from fees and (2) calculate a citywide indirect cost rate. The outcomes of that study have been incorporated into the Building, Planning, and Encroachment Permit Fee Study.

Discussion

At today’s meeting, the City Council will conduct a public hearing regarding the proposed Building, Planning, and Encroachment Permit Fee Schedule (Attachment B), after which adoption will be considered. In accordance with State law, any new and increased or modified fees could take effect no less than 60 days from the date of adoption. Staff recommends an effective date of April 17, 2017.

In addition to being attached to this report, the proposed Building, Planning, and Encroachment Permit Fee Schedule, including a list of all proposed fees, and the accompanying Building, Planning, and Encroachment Permit Fee Study, have been publically available at Laguna Woods City Hall and on the City’s website at www.cityoflagunawoods.org since February 2, 2017. The Central Services Cost Allocation Study has also been publically available at Laguna Woods City Hall.

Due to the City’s current moratorium on medical marijuana dispensaries, neither of the medical marijuana dispensary-related regulatory permit fees were evaluated as a part of the Building, Planning, and Encroachment Permit Fee Study.

Environmental Review

The adoption of building, planning, and encroachment permit fees is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15273 of the CEQA Guidelines.

Fiscal Impact

The proposed Building, Planning, and Encroachment Permit Fee Schedule would modify cost recovery for most fees to 100% and would include both fee increases and fee reductions. In accordance with State law, revenue from fees would offset only the City's reasonable costs of providing services.

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

- Attachments: A – Building, Planning, and Encroachment Permit Fee Study
B – Proposed Resolution
Exhibit A – Proposed Building, Planning, and Encroachment Permit Fee Schedule

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City of Laguna Woods
Building, Planning, and Encroachment Permit Fee Study

- February 2017 -



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Executive Summary

Background

The City of Laguna Woods conducts periodic examinations of the various user and regulatory fees it collects. Routinely examining the costs of providing fee related services and making deliberate decisions about the recovery of costs and fee modifications helps cities maintain fiscal sustainability and respond to the changing needs of citizens, changes in regulations, and changes in local and regional economies.

The current study examines the City's costs of providing building, planning, and encroachment permit fee-related services. The outcomes and recommendations of the study are intended to comply with applicable federal, state, and local laws including providing confirmation that the proposed fees (charges) recommended as a result of this study are not a tax as defined in Article 13C of the California Constitution and that the proposed fees are no more than necessary to cover the reasonable costs of the City's activities and services addressed in the fees. Additionally, this report is intended to show that the manner in which the costs are allocated to a payor bear a fair and reasonable relationship to the payor's burdens on, or benefits received from the activities and services provided by the City of Laguna Woods.

The primary goals of this study were to:

- Identify the full cost of providing building, planning, and encroachment fee-related services
- Calculate fully-burdened hourly rates for fee-related service providers
- Determine current cost recovery levels
- Examine existing fee calculation methodologies and modify, if necessary, to more closely align calculation methodology to the cost of services being provided
- Provide a sample fee schedule that illustrates fees assuming full or targeted cost recovery levels
- Estimate anticipated revenue impacts of modifying fees to reflect full or targeted cost recovery
- Deliver an updated schedule of fees after Council review and adoption of any fee modifications

Key Findings

- **Building**
 - 81 individual building fee categories were examined as part of this study.
 - Permit processing times were recalibrated for many services based on feedback received from City staff and building contract personnel.
 - The cost of service for 49 fee categories remains unchanged (minor adjustments are due to rounding)
 - The cost of service for 26 fee categories increased slightly due to modified service time estimates
 - The cost of service for 6 fee categories decreased slightly due to reduced service time estimates

- The cost of service study calculated a \$138 fully-burdened hourly rate for fee-related building services. The prior study also calculated a \$138 fully-burdened hourly rate.
- Proposed cost recovery is 100% for the majority of services examined.

- **Planning**
 - Roughly 25 individual planning fee categories were examined as part of this study.
 - Minor fee reductions are proposed for the majority of fees. The proposed fee reductions assume most in-house planning fee-related services will be led by a City Management Analyst. The Management Analyst position is a lower cost position than the Assistant City Manager position that previously led the City's in-house planning fee-related service efforts.
 - The City's proposed fees are intended to recover 100% of the cost of service (exception for Appeal Fee. The Appeal fee is set to recover roughly 25% of the cost of service).
 - The cost of service study calculated a \$142 fully-burdened hourly rate for fee-related planning services. The prior study calculated a \$150 fully-burdened hourly rate. The sample fee schedule provided in the Appendix of this report illustrates fee changes assuming recovery of 100% of the estimated cost of service.
 - A new fee is proposed for requests for new street addresses or modifications of an existing address.

- **Encroachment Permit Fees**
 - Each year, the City typically issues between 25 and 35 encroachment permits. For most of these permits, the City currently collects an initial deposit and charges against the deposit for any encroachment permit-related costs. While this method ensures the City recovers its costs, it makes it difficult for applicants to forecast fees and requires the City to manage many deposits.
 - This study developed a sample fee structure intended to reduce the use of deposits, while creating fixed fee categories that correspond to the nature of encroachment requests likely to occur in the City of Laguna Woods.
 - The sample fee structure was developed with an overarching goal of fee equity, meaning less complex projects and/or projects with a shorter duration, result in lower encroachment permit fees than more complex projects and/or projects with a longer duration.
 - The City's proposed fees are intended to recover 100% of the cost of service.
 - The cost of service study calculated a \$165 fully-burdened hourly rate for fee-related encroachment-permit services.

Recommendations

The fees included as part of this study are set at the direction of the City Council. Consequently, the City Council may adopt fees and modify them at a future date as costs of service change, city policies or goals change, project volumes change, service recipient feedback is received, and annual revenue impact of fees is confirmed.

If the City decides to adopt modified fees it should:

- **Ensure that City staff begin fee collections using updated fee schedules** once the adopted fees are effective.
- **Actively monitor and bill for deposit-based fees** - Fees for highly variable services are often set to recover the estimated full cost of service, using an hourly billing methodology and collection of an initial deposit. In order to recover the targeted amounts expected from these fees, the City should be diligent about tracking time for deposit-based projects and requesting additional amounts for projects with costs exceeding those collected via the initial deposit.
- **Periodically Review and Adjust Fees and Calculation Methodologies** – As part of this study, several changes were made to fee calculation methodologies. These changes were made in an effort to more closely align fees to the services provided. The city should continue its proactive efforts to refine fee structures to reflect the review and permitting services provided by the city. Additionally, the fee schedule allows for hourly billing of projects that fall outside the scope of those considered when developing the fee schedule. Also, if fees for services are unintentionally omitted from the adopted fee schedule, they should be added to the fee schedule as part of a future update.
- **Monitor feedback and permit statistics** - Monitor permit and application volumes and homeowner/contractor feedback to determine if fee modifications are resulting in any unanticipated changes in project frequency and to increase the level of detail available for revenue forecasting.

Additionally, the City may consider the following:

- **Adjust fees on an annual basis using inflationary index** - In order to maintain pace with regional cost inflation, the City should consider adjusting its fees on an annual basis. The all-urban Consumer Price Index for Los Angeles, Riverside, and Orange County is a readily available inflationary index that may be used for adjusting fees (alternative indices are available).
- **Conduct future fee studies on a regular basis** – In order to avoid situations where cost recovery levels fall below full or targeted levels, the City should consider conducting future fee studies whenever operations change significantly or, at a minimum, every two fiscal years.

Legislative Guidance

The objectives of the study, the methodology used to complete the study, and the proposed fees were significantly influenced by Article 13C of the California Constitution and Section 66014 of the California Government Code.

Article 13C states that the local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity. Additionally, Article 13C identifies the following as items that are *not* defined as taxes:

- 1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
- 2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
- 3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.
- 4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.
- 5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law.
- 6) A charge imposed as a condition of property development.
- 7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

Section 66014(a) of the California Government Code includes the following, “Notwithstanding any other provision of law, when a local agency charges fees for zoning variances; zoning changes; use permits; building inspections; building permits; ...the processing of maps under the provisions of the Subdivision Map Act...; or planning services...; those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.”

Study Methodology

This study calculated the estimated reasonable cost of providing various building, planning, and encroachment permit fee-related services. Generally, the estimated reasonable cost of providing the fee-related services and activities examined in this study can be calculated as the product of the composite fully-burdened hourly labor rate of the in-house staff or contract service personnel responsible for providing services and the estimated labor time required to process a typical request for service (see illustration below).

$$\text{Hourly rate} * \text{Labor hours} = \text{Cost of service}$$

The composite fully-burdened hourly rates calculated in this study are based on the estimated annual hours spent providing fee related services, and estimated labor, services and supplies, and citywide overhead expenditures:

- Estimated annual hours spent providing fee related services were developed based on responses received from multiple interviews and targeted questionnaires.
- Labor expenditures for in-house personnel were based on forecasts of Fiscal Year 2016/17 salary and benefits expenditures.
- Contract service personnel related costs were based on the rates outlined in the consultant agreements established for various building, planning, and engineering services.
- All other services and supplies expenditures were based on Fiscal Year 2016/17 budgeted expenditures.

Estimated labor times were developed based on responses received from multiple interviews and targeted questionnaires of the staff primarily responsible for the provision of services examined in the study, along with an extensive review of actual permits issued during previous years.

Once cost of service levels are identified, the City may use this information to inform targeted cost recovery from fees. Fees set at the cost of service target full cost recovery. Fees set at any amount less than the cost of service target less than full cost recovery.

$$\text{Proposed fee} \div \text{Cost of service} = \text{Targeted Cost Recovery}$$

General Findings

Building Fees

The Planning and Environmental Services Department provides permitting, plan check, and inspection services for all new construction, alterations, and additions throughout Laguna Woods, enforcing the provisions of the California Building Standards Code. Additionally the Department serves as a primary building code resource to contractors, architects, engineers, developers, business owners, and property owners in Laguna Woods.

- 81 individual building fee categories were examined as part of this study.
- Permit processing times were recalibrated for many services based on feedback received from City staff and building contract personnel.
 - The cost of service for 49 fee categories remains unchanged (minor adjustments are due to rounding)
 - The cost of service for 26 fee categories increased slightly due to modified service time estimates
 - The cost of service for 6 fee categories decreased slightly due to reduced service time estimates
- The cost of service study calculated a \$138 fully-burdened hourly rate for fee-related building services. The prior study also calculated a \$138 fully-burdened hourly rate.
- Proposed cost recovery is 100% for the majority of services examined.

Planning Fees

The Planning and Environmental Services Department leads the City's current and long-range planning efforts, including processing and review of applications for development within the City of Laguna Woods. Additionally the Department serves as a primary planning and zoning resource to contractors, architects, engineers, developers, business owners, and property owners in Laguna Woods.

Roughly 25 individual planning fee categories were examined as part of this study. Significant findings from the cost of service analysis include:

- Minor fee reductions are proposed for the majority of fees. The proposed fee reductions assume the majority of in-house planning fee-related services will be led by a City Management Analyst. The Management Analyst position is a lower cost position than the Assistant City Manager position that previously led the City's in-house planning fee-related service efforts. The cost of service study calculated a \$142 fully-burdened hourly rate for fee-related planning services. The prior fee study calculated a \$150 fully-burdened hourly rate.
- The City's proposed fees are intended to recover 100% of the cost of service (exception for Appeal Fee. The Appeal fee is set to recover roughly 25% of the cost of service).

Encroachment Permit Fees

Each year, the City typically issues between 25 and 35 encroachment permits for activities occurring within the City right-of-way. The primary applicants for encroachment permits in the City of Laguna Woods include utility and telecommunications companies such as Southern California Edison, AT&T, and regional water districts. Additionally, requests for encroachments may be received from landscaping companies, environmental engineering companies, and other businesses and contractors.

For most of these permits, the City currently collects an initial deposit and charges against the deposit for any encroachment permit-related costs. While this method ensures the City recovers its costs, it makes it difficult for applicants to forecast fees and requires the City to manage many deposits.

This study developed a sample fee structure intended to reduce the use of deposits, while creating fixed fee categories that correspond to the nature of encroachment requests likely to occur in the City of Laguna Woods. The findings are based on numerous discussions with the City Engineer and a review of common encroachment requests received by the City. Additionally the sample fee structure is developed with an overarching goal of fee equity, meaning less complex projects and/or projects with a shorter duration, result in lower encroachment permit fees than more complex projects and/or projects with a longer duration. A comparison of the current fee structure and the fee structure developed as part of this study is summarized in the following tables.

Categorization of Encroachment Requests Categories (“Minor” or “Major” Encroachment)

Typical Characteristics of Minor Projects	Examples of Minor Projects
<ul style="list-style-type: none">• Non-ground disturbing activities• Project duration is typically three days or less• Projects require only minor traffic control, if any. Traffic control is removed daily.	<ul style="list-style-type: none">• Landscape projects along parkway (e.g. trimming)• Temporary staging for a project outside the public right-of-way• Events that require closure of traffic lanes (e.g. marathon or walk)• Utility projects that do not require excavation, such as inspection of manholes, vaults, etc.• Replacement of a damaged street pole
Typical Characteristics of Major Projects	Examples of Major Projects
<ul style="list-style-type: none">• Projects that disturb the pavement, sidewalk or the surface ground• Projects that last longer than three days and/or require permanent traffic control for the duration of the project	<ul style="list-style-type: none">• Projects requiring excavation, such as installing a manhole or modifying the structure of a vault• Projects that require trenching within the public right-of-way (e.g. projects requiring re-pavement or re-installation of sidewalk panels, etc.

Comparison of Current Fee Structure and Fee Structure Developed as Part of this Study

Current Fee Structure	Advantages	Disadvantages
Bill per hour with variable initial deposit depending on project characteristics	<ul style="list-style-type: none"> • Allows for full recovery of costs 	<ul style="list-style-type: none"> • Increases difficulty for applicants to forecast fees • Requires significant city staff time to manage deposits • Increases difficulty to alter cost recovery targets for varying project types
Fee Structure from Study	Advantages	Disadvantages
Significant use of fixed fee categories based on project type. Reduced use of deposits.	<ul style="list-style-type: none"> • Fees tailored to projects likely to occur in Laguna Woods • Fixed fees allow applicants to forecast their fees • Allow City staff to consistently apply fee schedule • Reduced time associated with deposit management 	<ul style="list-style-type: none"> • Fixed fees are based on typical project types, consequently, fees may result in over/under-recovery for projects that require effort different from that assumed in the fee calculation

Anticipated Revenue Impact of Fee Structure Modifications

The City’s current deposit-based fee structure is intended to recover the full cost of encroachment permitting services and activities. The sample fee structure developed as part of this study is based on the assumption that the City will continue to target full cost recovery for encroachment permit fees. If the City continues this practice, the revenue impact of any fee schedule modification is anticipated to be immaterial.

Appendix

The appendix provides detailed analytical findings from the study, including the amount of cost, or estimated cost, required to provide the services for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues. For any fees targeted to recover less than 100% of the estimated reasonable cost of service, it is anticipated that General Fund revenues of the City would fund the difference between the targeted recovery level and 100% recovery of the estimated cost of service. These amounts are identified in the Working Version of the Schedules of Building, Planning, and Encroachment Permit Fees. Additionally, the appendix includes a sample, for illustrative purposes, of the Master Schedules of Building, Planning, and Encroachment Permit Fees assuming full or targeted cost recovery levels.

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Calculation of Fully-Burdened Hourly Rates

Calculation of Fully-Burdened Hourly Rate

Building

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Planning & Environmental Services (Building) - Allocation of Annual Labor Effort [a]

Position	Bldg Official	Bldg Insp'ctr Shift I-1	Bldg Insp'ctr Shift I-2	Bldg Insp'ctr Shift I-3	P'rmt Technician	Permit Assistant	Add'l Contract Svcs [b]	Total
Allocation to Building	100%	100%	100%	100%	100%	100%	100%	
Calculation of Productive Hours								
Annual Hours - Standard	832	2,080	1,664	416	2,080	2,080	100	9,252
Less: Annual Leave	-	-	-	-	-	-	-	-
Productive Hours	832	2,080	1,664	416	2,080	2,080	100	9,252
Indirect Activities and Services								
General Administration and Mgmt	158	390	312	78	390	390	-	1,718
Certification and Training	-	-	-	-	-	-	-	-
Code, Policies, and Procedures Update	42	-	-	-	-	-	-	42
Code Enforcement and Compliance	42	-	-	-	-	-	-	42
Permit Processing and Support	-	-	-	-	-	1,125	-	1,125
Public Information and Assistance	83	-	-	-	195	195	-	473
Total Indirect Activities and Services Work Hours	324	390	312	78	585	1,710	-	3,399
Direct Hours	508	1,690	1,352	338	1,495	370	100	5,853
Salary	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Contract Services	\$ 65,545	\$ 147,056	\$ 117,645	\$ 29,411	\$ 136,552	\$ 66,175	\$ 12,500	\$ 574,884
Total	\$ 65,545	\$ 147,056	\$ 117,645	\$ 29,411	\$ 136,552	\$ 66,175	\$ 12,500	\$ 574,884
Indirect Activities and Services								
General Administration and Mgmt	19%	19%	19%	19%	19%	19%	0%	18%
Certification and Training	0%	0%	0%	0%	0%	0%	0%	0%
Code, Policies, and Procedures Update	5%	0%	0%	0%	0%	0%	0%	1%
Code Enforcement and Compliance	5%	0%	0%	0%	0%	0%	0%	1%
Permit Processing and Support	0%	0%	0%	0%	0%	54%	0%	6%
Public Information and Assistance	10%	0%	0%	0%	9%	9%	0%	4%
Total Indirect Activities and Services Work Hours	39%	19%	19%	19%	28%	82%	0%	30%
Direct Hours	61%	81%	81%	81%	72%	18%	100%	70%

Notes

[a] Source: Contract services agreements and annual labor allocation feedback provided by Planning and Environmental Services Department and City Management staff.

[b] E.g. CASp, consulting Building Official, engineering.

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Planning & Environmental Services (Building) - Calculation of Fully-Burdened Hourly Rate

Estimated In-House Labor and Contract Services Expenditures [a][b][c]

Description	Total	Notes
Salaries	\$ -	
Benefits	\$ -	
Contract Services	\$ 574,884	
Total - Labor Expenditures	\$ 574,884	

Recurring Non-Labor Expenditures

Description	FY 2016/17 Budget	Adjustment	Subtotal	Notes
Planning & Environmental Services				
<u>General Expenses</u>				
Building Services	\$ 526,900	\$ (526,900)	\$ -	[d]
Building Services, Printing	\$ 1,800	\$ -	\$ 1,800	[e]
Building Services, Publications	\$ 1,000	\$ -	\$ 1,000	[f]
Code Enforcement Services	\$ 40,592	\$ (40,592)	\$ -	[g]
Community Waste Events and Collections	\$ 53,550	\$ (53,550)	\$ -	[g]
Planning Services	\$ 15,000	\$ (15,000)	\$ -	[g]
Non-Operating	\$ -	\$ -	\$ -	[g]
Waste Management Services	\$ 35,000	\$ (35,000)	\$ -	[g]
Water Quality Services	\$ 99,677	\$ (99,677)	\$ -	[g]
<u>Compensation & Benefits</u>				
Salaries, Full-time	\$ 88,712	\$ (88,712)	\$ -	[h]
Community Events	\$ 5,320	\$ (5,320)	\$ -	[h]
Fringe Benefits	\$ 12,000	\$ (12,000)	\$ -	[h]
Payroll Taxes	\$ 6,786	\$ (6,786)	\$ -	[h]
Community Events	\$ 407	\$ (407)	\$ -	[h]
Retirement	\$ 8,406	\$ (8,406)	\$ -	[h]
Community Events	\$ 504	\$ (504)	\$ -	[h]
Long-term Disability	\$ 897	\$ (897)	\$ -	[h]
Subtotal	\$ 896,551	\$ (893,751)	\$ 2,800	

Departmental Overhead

Description	Dept OH Personnel	Bldg Share of Est Dept OH	Total	Notes
Estimated Departmental Overhead	\$ 123,032	30%	\$ 36,910	[i]

City of Laguna Woods
 Study of Building, Planning, and Encroachment Permit Fees
 Planning & Environmental Services (Building) - Calculation of Fully-Burdened Hourly Rate

Citywide Overhead

Description	FY 17/18 C'wide Indirect Rate	Modified Direct Expenditures	Bldg Share of C'wide Overhead	Notes
Estimated Citywide Overhead	32%	\$ 614,594	\$ 196,670	[j][k]

Calculation of Fully-Burdened Hourly Rate

Description	Annual Allocation [a]	Labor	Non-Labor	Dept Overhead	Citywide Overhead	Total	Targeted Recovery from Fees	Amount Recoverable from Fees	Targeted Hourly Rate
General Administration and Mgmt	18%	\$ 105,611	\$ 514	\$ 6,781	\$ 36,130	\$ 149,036	99%	\$ 147,995	\$ 25
Certification and Training	0%	\$ -	\$ -	\$ -	\$ -	\$ -	100%	\$ -	\$ -
Code, Policies, and Procedures Update	1%	\$ 3,277	\$ 16	\$ 210	\$ 1,121	\$ 4,625	100%	\$ 4,625	\$ 1
Code Enforcement and Compliance	1%	\$ 3,277	\$ 16	\$ 210	\$ 1,121	\$ 4,625	0%	\$ -	\$ -
Permit Processing and Support	6%	\$ 35,792	\$ 174	\$ 2,298	\$ 12,245	\$ 50,509	100%	\$ 50,509	\$ 9
Public Information and Assistance	4%	\$ 25,560	\$ 124	\$ 1,641	\$ 8,744	\$ 36,070	100%	\$ 36,070	\$ 6
Direct Hours	70%	\$ 401,367	\$ 1,955	\$ 25,769	\$ 137,309	\$ 566,400	100%	\$ 566,400	\$ 97
Total	100%	\$ 574,884	\$ 2,800	\$ 36,910	\$ 196,670	\$ 811,264	99%	\$ 805,598	\$ 138
								Direct Hours	5,853

Notes

- [a] See worksheet labeled "Planning & Environmental Services (Building) - Allocation of Annual Labor Effort".
- [b] Excludes in-house labor expenses budgeted to this department, since the forecasted expenditures for in-house staff are allocated as part of the departmental overhead costs. Adjustment to avoid double counting.
- [c] The expenditures shown here are reflective of the current contract services costs anticipated to be incurred for Building Official, structural engineering plan review, over the counter plan review, and permit inspection.
- [d] Accounted for in labor and contract services section of the model. Adjustment to avoid double counting.
- [e] For printing of development related forms and job cards.
- [f] For building code books.
- [g] Adjustment to exclude costs not linked to building fee-related services.
- [h] These expenses have been adjusted out to avoid double counting. They are accounted for in the departmental overhead section of this model.
- [i] Amount represents compensation and benefits of the Management Analyst for development programs.
- [j] See Citywide Overhead Cost Allocation Plan for FY 17/18 - Full Cost Version.
- [k] Building share of estimated citywide overhead calculated as follows: citywide indirect cost rate * modified direct expenditures for building fee-related services.

Calculation of Fully-Burdened Hourly Rate

Planning

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Planning & Environmental Services (Planning) - Allocation of Annual Labor Effort [a]

Position	Mgmt. Analyst [a]	Contract Services [b]	Total
Allocation to Planning	60%	100%	
Calculation of Productive Hours			
Annual Hours - Standard	1,248	250	1,498
Less: Annual Leave	72	-	72
Productive Hours	1,176	250	1,426
Indirect Activities and Services			
General Administration and Mgmt	294	-	294
Certification and Training	24	-	24
Code, Policies, and Procedures Update	59	-	59
Code Enforcement and Compliance	12	-	12
Public Information and Assistance	176	-	176
Total Indirect Activities and Services Work Hours	564	-	564
Direct Hours	612	250	862
Salary	\$ 53,227	\$ -	\$ 53,227
Benefits	\$ 16,853	\$ -	\$ 16,853
Contract Services	\$ -	\$ 23,750	\$ 23,750
Total	\$ 70,081	\$ 23,750	\$ 93,831
Indirect Activities and Services			
General Administration and Mgmt	25%	0%	19%
Certification and Training	2%	0%	1%
Code, Policies, and Procedures Update	5%	0%	4%
Code Enforcement and Compliance	1%	0%	1%
Public Information and Assistance	<u>15%</u>	<u>0%</u>	<u>11%</u>
Total Indirect Activities and Services Work Hours	48%	0%	36%
Direct Hours	52%	100%	64%

Notes

* Amounts represent estimated labor effort and costs associated with Planning functional division. Services provided to other functional divisions have been excluded from this analysis in order to avoid recovering non-planning related costs from planning fees. Estimated annual support to the Planning functional division is based on feedback received from City staff.

[a] Source: Annual labor allocation estimates provided by Planning and Environmental Services and City Management staff.

[b] Assumes 250 annual hours for current planning services at \$95 per hour.

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Planning & Environmental Services (Planning) - Calculation of Fully-Burdened Hourly Rate

Estimated In-House Labor and Contract Services Expenditures [a]

Description	Total	Notes
Salaries	\$ 53,227	
Benefits	\$ 16,853	
Contract Services	\$ 23,750	
Total - Labor Expenditures	\$ 93,831	

Recurring Non-Labor Expenditures

Description	FY 2016/17 Budget	Adjustment	Subtotal	Notes
Planning & Environmental Services				
<u>General Expenses</u>				
Building Services	\$ 526,900	\$ (526,900)	\$ -	[b]
Building Services, Printing	\$ 1,800	\$ (1,800)	\$ -	[b]
Building Services, Publications	\$ 1,000	\$ (1,000)	\$ -	[b]
Code Enforcement Services	\$ 40,592	\$ (40,592)	\$ -	[b]
Community Waste Events and Collections	\$ 53,550	\$ (53,550)	\$ -	[b]
Planning Services	\$ 15,000	\$ (15,000)	\$ -	[c]
Non-Operating	\$ -	\$ -	\$ -	[b]
Waste Management Services	\$ 35,000	\$ (35,000)	\$ -	[b]
Water Quality Services	\$ 99,677	\$ (99,677)	\$ -	[b]
<u>Compensation & Benefits</u>				
Salaries, Full-time	\$ 88,712	\$ (88,712)	\$ -	[d]
Community Events	\$ 5,320	\$ (5,320)	\$ -	[d]
Fringe Benefits	\$ 12,000	\$ (12,000)	\$ -	[d]
Payroll Taxes	\$ 6,786	\$ (6,786)	\$ -	[d]
Community Events	\$ 407	\$ (407)	\$ -	[d]
Retirement	\$ 8,406	\$ (8,406)	\$ -	[d]
Community Events	\$ 504	\$ (504)	\$ -	[d]
Long-term Disability	\$ 897	\$ (897)	\$ -	[d]
Subtotal	\$ 896,551	\$ (896,551)	\$ -	

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Planning & Environmental Services (Planning) - Calculation of Fully-Burdened Hourly Rate

Departmental Overhead

Description	Dept OH Personnel	Planning Est. Share of Dept Overhead	Total	Notes
Estimated Departmental Overhead	\$ 123,032	0%	\$ -	[e]

Citywide Overhead

Description	FY 17/18 C'wide Indirect Rate	Modified Direct Expenditures	Plan'g Share of C'wide Overhead	Notes
Estimated Citywide Overhead	32%	\$ 93,831	\$ 30,026	[f][g]

Calculation of Fully-Burdened Hourly Rate

Description	Annual Allocation [a]	Labor	Non-Labor	Dept Overhead	Citywide Overhead	Total	Targeted Recovery from Fees	Amount Recoverable from Fees	Targeted Hourly Rate
General Administration and Mgmt	19%	\$ 17,520	\$ -	\$ -	\$ 5,606	\$ 23,127	99%	\$ 22,914	\$ 27
Certification and Training	1%	\$ 1,402	\$ -	\$ -	\$ 449	\$ 1,850	100%	\$ 1,850	\$ 2
Code, Policies, and Procedures Update	4%	\$ 3,504	\$ -	\$ -	\$ 1,121	\$ 4,625	100%	\$ 4,625	\$ 5
Code Enforcement and Compliance	1%	\$ 701	\$ -	\$ -	\$ 224	\$ 925	0%	\$ -	\$ -
Public Information and Assistance	11%	\$ 10,512	\$ -	\$ -	\$ 3,364	\$ 13,876	100%	\$ 13,876	\$ 16
Direct Hours	64%	\$ 60,192	\$ -	\$ -	\$ 19,261	\$ 79,453	100%	\$ 79,453	\$ 92
Total	100%	\$ 93,831	\$ -	\$ -	\$ 30,026	\$ 123,856	99%	\$ 122,719	\$ 142
								Direct Hours	862

Notes

[a] See worksheet labeled "Planning & Environmental Services (Planning) - Allocation of Annual Labor Effort".

[b] Adjustment to exclude expenditures not linked to current planning fee-related services.

[c] Adjustment to exclude Contract Planning expenditures not related to applicant initiated planning activities.

[d] Accounted for in labor and contract services section of the model. Adjustment to avoid double counting.

[e] The Management Analyst for development programs is currently the primary contact point for current planning services. If additional personnel are added to this division in the future, the Planning division will receive a share of Departmental Overhead.

[f] See Citywide Overhead Cost Allocation Plan for FY 17/18 - Full Cost Version.

[g] Planning share of estimated citywide overhead calculated as follows: citywide indirect cost rate * modified direct expenditures for planning fee-related services.

Calculation of Fully-Burdened Hourly Rate

Encroachment Permits

City of Laguna Woods
 Study of Building, Planning, and Encroachment Permit Fees
 Calculation of Fully-Burdened Hourly Rate

Estimated Contract Services Hourly Rate for Encroachment Permitting

Description	Rate	Unit	Notes
City Engineer/ City Traffic Engineer	\$ 125	per hour	[a]
Total	\$ 125	per hour	

Recurring Non-Labor Expenditures

Description	FY 2016/17 Adopted	Adjustment	Subtotal	Notes
Engineering and Infrastructure Services				
<u>General Expenses</u>				
Engineering Services	\$ 7,500	\$ (7,500)	\$ -	[b]
Landscaping Services	\$ 60,131	\$ (60,131)	\$ -	[b]
Landscaping Services, M2 Maint of Effort	\$ 84,173	\$ (84,173)	\$ -	[b]
Maintenance, Catch Basins	\$ 2,800	\$ (2,800)	\$ -	[b]
<u>Utilities</u>				
Utilities, Street Lights, Residential	\$ 33,696	\$ (33,696)	\$ -	[b]
<u>Compensation & Benefits</u>				
Salaries, Full-time	\$ 36,380	\$ (36,380)	\$ -	[c]
Fringe Benefits	\$ 12,000	\$ (12,000)	\$ -	[c]
Payroll Taxes	\$ 5,566	\$ (5,566)	\$ -	[c]
Retirement	\$ 4,838	\$ (4,838)	\$ -	[c]
Long-term Disability	\$ 897	\$ (897)	\$ -	[c]
Subtotal	\$ 247,981	\$ (247,981)	\$ -	

Citywide Overhead

Description	FY 16/17 C'wide Overhead Rate	Notes
Estimated Citywide Overhead	32%	[d]

Calculation of Fully-Burdened Hourly Rate

Description	Services Hourly Rate	Citywide Overhead Rate	Total
Hourly Rate for Encroachment Permitting	\$ 125	\$ 40	\$ 165

Notes:

[a] Source: Consultant Services Agreement for City Engineering and Traffic Operations Services.

[b] Adjustment to exclude expenditures not linked to fee-related services and/or adjustment to exclude items already considered in the contract services hourly rate section of this model.

[c] These expenditures are composed of a portion of the budgeted salary and benefits expenditures of the Mgmt. Analyst/Sr. Mgmt. Analyst position. The hourly rate calculation assumes any encroachment permit-related services provided by this position will be treated as direct services at the calculated fully-burdened hourly rate. This assumption avoids duplicate counting of costs for similar work activities. If the department organization changes significantly, the encroachment permit services hourly rate may be recalculated to receive a proportionate share of departmental overhead.

[d] See Citywide Overhead Cost Allocation Plan for FY 17/18 - Full Cost Version.

Calculation of the Costs of Providing Fee Related Services

Calculation of the Costs of Providing Fee Related Services

Building

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Cost of Service Calculation - Building Fees

Fee Description		Cost of Service (Summary)				Cost Recovery Summary				Notes
		Est. Labor Time (Hours)	x	Hourly Rate	= Cost of Service	Current Fee	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery	
1	Water Heater Change Out	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
2	Water Heater Relocation	1.08	x	\$138	= \$149	\$142	95%	\$149	100%	
3	Dishwasher Change Out	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
4	Tub to Tub Insert Only	1.17	x	\$138	= \$161	\$142	89%	\$161	100%	
5	Tub to Tub Tile Back Only	1.58	x	\$138	= \$218	\$200	92%	\$218	100%	
6	Shower to Shower Insert Only	1.17	x	\$138	= \$161	\$142	89%	\$161	100%	
7	Shower to Shower Tile Only	2.00	x	\$138	= \$275	\$257	93%	\$275	100%	
8	Tub to Shower Only	2.00	x	\$138	= \$275	\$257	93%	\$275	100%	
9	Water/Drain Line (Install/Alter/Repair) w/out Structural	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
10	Water/Drain Line (Install/Alter/Repair) with Structural	1.58	x	\$138	= \$218	\$241	111%	\$218	100%	
11	Line Repair (CIPP)/Svc Install - First 30 LF	0.67	x	\$138	= \$92	\$85	93%	\$92	100%	
12	Line Repair (CIPP)/Svc Install - Each Add'l 30 LF	0.42	x	\$138	= \$57	\$57	100%	\$57	100%	
13	New HVAC / HVAC Change Out (Central System) - Residential	1.17	x	\$138	= \$161	\$142	89%	\$161	100%	
14	New HVAC / HVAC Change Out (All Others) - Residential	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
15	Electrical - Fixtures and Receptacles	0.67	x	\$138	= \$92	\$85	93%	\$92	100%	
16	Washer/Dryer Hook Up	0.83	x	\$138	= \$114	\$114	100%	\$114	100%	
17	Electrical Wheelchair Lift	3.25	x	\$138	= \$447	\$418	93%	\$447	100%	
18	Re-Roof (Tile, Single-Ply) - First 1,000 SF	1.03	x	\$138	= \$142	\$142	100%	\$142	100%	
19	Re-Roof (Tile, Single-Ply) - Each Add'l 1,000 SF	0.20	x	\$138	= \$28	\$28	100%	\$28	100%	[a]
20	Re-Roof (All Other) - First 1,000 SF	1.25	x	\$138	= \$172	\$142	83%	\$172	100%	
21	Re-Roof (All Other) - Each Add'l 5,000 SF	0.20	x	\$138	= \$28	\$28	100%	\$28	100%	[a]
22	Fenestration - Skylights/Solartubes (1 Hr. Buildings)	1.17	x	\$138	= \$161	\$184	114%	\$161	100%	
23	Fenestration - Skylights/Solartubes (All Others)	0.88	x	\$138	= \$120	\$114	94%	\$120	100%	
24	Fenestration - Window Retrofit	0.96	x	\$138	= \$132	\$114	86%	\$132	100%	
25	Fenestration - Doors/Windows (One New - Framed)	1.38	x	\$138	= \$189	\$212	112%	\$189	100%	[b]
26	Structural, Drywall	0.92	x	\$138	= \$126	\$126	100%	\$126	100%	
27	Structural, Insulation, Drywall	1.33	x	\$138	= \$184	\$184	100%	\$184	100%	
28	Lath	1.00	x	\$138	= \$138	\$184	133%	\$138	100%	
29	Structural, Insulation, Lath	2.17	x	\$138	= \$298	\$298	100%	\$298	100%	
30	Structural, Insulation, Shear, Lath	3.58	x	\$138	= \$493	\$494	100%	\$493	100%	
31	Framing/Structural - 1 inspection	1.92	x	\$138	= \$264	\$264	100%	\$264	100%	[c]
32	Framing/Structural - 2 inspections	2.33	x	\$138	= \$321	\$321	100%	\$321	100%	[c]
33	Framing/Structural - 3 inspections	2.75	x	\$138	= \$379	\$379	100%	\$379	100%	[c]

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Cost of Service Calculation - Building Fees

Fee Description		Cost of Service (Summary)				Cost Recovery Summary				Notes
		Est. Labor Time (Hours)	x	Hourly Rate	= Cost of Service	Current Fee	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery	
34	Temporary Shade Structure (Commercial)	1.92	x	\$138	= \$264	\$223	84%	\$264	100%	
35	Patio/Balcony Cover/Enclosure - Standard, Open, Pre-Engineered	1.33	x	\$138	= \$184	\$177	96%	\$184	100%	
36	Patio/Balcony Cover/Enclosure - Standard, Enclosed, Pre-Engineered	2.00	x	\$138	= \$275	\$269	98%	\$275	100%	
37	Patio/Balcony Cover/Enclosure - Site Specific Engineering	3.38	x	\$138	= \$465	\$447	96%	\$465	100%	
38	Alteration - Residential (Res.) Kitchen	2.58	x	\$138	= \$356	\$356	100%	\$356	100%	
39	Alteration - Res. Kitchen, plus HVAC OR Fenestration	3.00	x	\$138	= \$413	\$413	100%	\$413	100%	
40	Alteration - Res. Kitchen, plus HVAC AND Fenestration/Other	3.42	x	\$138	= \$470	\$471	100%	\$470	100%	
41	Alteration - Res. Kitchen, plus 1 Bath	3.00	x	\$138	= \$413	\$413	100%	\$413	100%	
42	Alteration - Res. Kitchen, plus 2+ Bath (Includes bathroom splits)	3.42	x	\$138	= \$470	\$471	100%	\$470	100%	
43	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC OR Fenestration/Other	3.42	x	\$138	= \$470	\$471	100%	\$470	100%	
44	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC OR Fenestration/Other	3.83	x	\$138	= \$528	\$528	100%	\$528	100%	
45	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC AND Fenestration/Other	3.83	x	\$138	= \$528	\$528	100%	\$528	100%	
46	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC AND Fenestration/Other	4.25	x	\$138	= \$585	\$585	100%	\$585	100%	
47	Alteration/Remodel - Res. 1 Bath	1.75	x	\$138	= \$241	\$241	100%	\$241	100%	
48	Alteration/Remodel - Res. 2+ Baths (includes bathroom splits)	2.58	x	\$138	= \$356	\$356	100%	\$356	100%	
49	Alteration - Res. 2+ Baths (incl. split), plus HVAC/Other	3.00	x	\$138	= \$413	\$413	100%	\$413	100%	
50	Room Addition	6.00	x	\$138	= \$826	\$827	100%	\$826	100%	
51	Alteration/Remodel w/ Room Addition	8.50	x	\$138	= \$1,170	\$1,171	100%	\$1,170	100%	
52	Sign (Wall) - First	1.17	x	\$138	= \$161	\$154	96%	\$161	100%	
53	Sign (Wall) - Each Add'l	0.08	x	\$138	= \$11	\$11	100%	\$11	100%	
54	Sign (Monument) - First	1.92	x	\$138	= \$264	\$246	93%	\$264	100%	
55	Sign (Monument) - Each Add'l	0.17	x	\$138	= \$23	\$23	100%	\$23	100%	
56	Antenna - Telecommunications	3.67	x	\$138	= \$505	\$475	94%	\$505	100%	
57	Antenna - Equipment Shelter	1.75	x	\$138	= \$241	\$211	88%	\$241	100%	
58	Solar - Residential Systems (Expedited Process)	1.67	x	\$138	= \$229	\$211	92%	\$229	100%	
59	Solar - Residential Systems (All Others)	3.00	x	\$138	= \$413	\$395	96%	\$413	100%	
60	Solar - Commercial Systems	8.50	x	\$138	= \$1,170	\$1,000	85%	\$1,000	85%	[d]
61	Demolition - Residential Interior	1.17	x	\$138	= \$161	\$184	114%	\$161	100%	
62	Demolition - Residential (All Other)	0.67	x	\$138	= \$92	\$85	93%	\$92	100%	[e]
63	Demolition - Non-Residential	2.50	x	\$138	= \$344	\$344	100%	\$344	100%	
64	Certificate of Occupancy - Temporary	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
65	Certificate of Occupancy	1.87	x	\$138	= \$257	\$257	100%	\$257	100%	

City of Laguna Woods

Study of Building, Planning, and Encroachment Permit Fees

Cost of Service Calculation - Building Fees

Fee Description		Cost of Service (Summary)				Cost Recovery Summary				Notes
		Est. Labor Time (Hours)	x	Hourly Rate	= Cost of Service	Current Fee	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery	
66	Miscellaneous/All Other - First Inspection	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
67	Miscellaneous/All Other - Each Add'l Inspection	0.42	x	\$138	= \$57	\$57	100%	\$57	100%	
68	Miscellaneous/All Other - Plan Check (Per Hr)	1.00	x	\$138	= \$138	\$138	100%	\$138	100%	
69	Work Without Permit	1.33	x	\$138	= \$184	\$165	90%	\$184	100%	
70	Re-Inspection - Missed Appointment	0.42	x	\$138	= \$57	\$57	100%	\$57	100%	
71	Additional Inspections	0.62	x	\$138	= \$85	\$85	100%	\$85	100%	
72	Replacement Job Card	0.20	x	\$138	= \$28	\$34	125%	\$28	100%	
73	Cancelled Permit Refund Processing Fee	0.50	x	\$138	= \$69	\$25	36%	\$25	36%	
74	State Energy Form Assistance (Upon Request) (Per Page)	0.25	x	\$138	= \$34	\$4	12%	\$4	12%	
75	Building and Safety Appeal Application	1.00	x	\$138	= \$138	\$138	100%	\$138	100%	
76	Alternate Materials Method Review (Per Hr)	1.00	x	\$138	= \$138	\$138	100%	\$138	100%	
77	Inspection Outside of Normal Business Hours (Per Hr)	1.25	x	\$138	= \$172	\$172	100%	\$172	100%	

Notes

[a] For purposes of calculating re-roof fees, fractional square footages shall be rounded up to the nearest 1,000 SF. For example 1,600 SF shall be rounded to 2,000 SF.

[b] For Installation of multiple doors or windows see Framing/Structural fees.

[c] Examples of items included in this fee include post, beam, beamtail, raftertail, corbel, shearpanel, and truss repair/replacement.

[d] California Government Code Section 66015(b)(1), establishes maximum fees for commercial rooftop solar energy systems. Fees shall not exceed \$1,000 for systems up to 50kW plus \$7 per kilowatt for each kilowatt between 51kW and 250kW, plus \$5 for each kilowatt above 250kW. Fees in excess of these amounts require written findings and resolution or ordinance.

[e] Fee for ceiling scrapes, lead paint removal, floor removal, etc.

City of Laguna Woods

Fee Study

Cost of Service Calculation - Building Fees

(New Construction & Tenant Improvements)

Hourly Rate		\$138	Estimated Labor Hours			Cost of Service					
Occupancy Classification		Threshold SqFt	Plan Check	Permit / Inspection	Total	Plan Check	Plan Check Fee per Add'l 100 SF	Permit / Inspection	Permit / Insp. Fee per Add'l 100 SF	Total	Total Fee Per Add'l 100 SF
1	Shell Building	500	7.50	7.50	15.00	\$1,032	\$24.09	\$1,032	\$44.74	\$2,065	\$68.82
	New Construction	2,000	10.13	12.38	22.50	\$1,394	\$15.49	\$1,703	\$18.93	\$3,097	\$34.41
		5,000	13.50	16.50	30.00	\$1,858	\$9.29	\$2,271	\$11.36	\$4,129	\$20.65
		10,000	16.88	20.63	37.50	\$2,323	\$4.30	\$2,839	\$12.90	\$5,162	\$17.21
		20,000	20.00	30.00	50.00	\$2,753	varies	\$4,129	varies	\$6,882	varies
		> 20,000	varies	varies	varies	varies	varies	varies	varies	varies	varies
2	Accessory/Utility (e.g. Private garage, gatehouse)	100	1.75	3.25	5.00	\$241	\$80.30	\$447	\$149.12	\$688	\$229.42
	New Construction	250	2.63	4.88	7.50	\$361	\$48.18	\$671	\$89.47	\$1,032	\$137.65
		500	3.50	6.50	10.00	\$482	\$24.09	\$895	\$44.74	\$1,376	\$68.82
		1,000	4.38	8.13	12.50	\$602	\$11.24	\$1,118	\$20.88	\$1,721	\$32.12
		2,500	5.60	10.40	16.00	\$771	varies	\$1,432	varies	\$2,202	varies
		> 2,500	varies	varies	varies	varies	varies	varies	varies	varies	varies
3	All Other	500	12.00	12.00	24.00	\$1,652	\$38.54	\$1,652	\$71.58	\$3,304	\$110.12
	New Construction	2,000	16.20	19.80	36.00	\$2,230	\$24.78	\$2,725	\$30.28	\$4,955	\$55.06
		5,000	21.60	26.40	48.00	\$2,973	\$14.87	\$3,634	\$18.17	\$6,607	\$33.04
		10,000	27.00	33.00	60.00	\$3,717	\$6.88	\$4,542	\$20.65	\$8,259	\$27.53
		20,000	32.00	48.00	80.00	\$4,405	varies	\$6,607	varies	\$11,012	varies
		> 20,000	varies	varies	varies	varies	varies	varies	varies	varies	varies
4	Tenant Improvements	250	1.40	2.60	4.00	\$193	\$38.54	\$358	\$71.58	\$551	\$110.12
	New Construction	500	2.10	3.90	6.00	\$289	\$19.27	\$537	\$35.79	\$826	\$55.06
		1,000	2.80	5.20	8.00	\$385	\$6.42	\$716	\$11.93	\$1,101	\$18.35
		2,500	3.50	6.50	10.00	\$482	\$6.26	\$895	\$11.63	\$1,376	\$17.89
		5,000	4.64	8.61	13.25	\$638	varies	\$1,186	varies	\$1,824	varies
		> 5,000	varies	varies	varies	varies	varies	varies	varies	varies	varies

Notes

* Current fees vary based on the estimated calculated value of the project for fee setting purposes.

City of Laguna Woods

Fee Study

Cost of Service Calculation - Building Fees

(New Construction & Tenant Improvements)

Hourly Rate		\$138	Current Fee						Current Cost Recovery				
Occupancy Classification		Threshold SqFt	Plan Check	Plan Check Fee per Add'l 100 SF	Permit / Inspection	Permit / Insp. Fee per Add'l 100 SF	Total	Total Fee Per Add'l 100 SF	Current Fee	Cost of Svc PC & Prmt Base Cost	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery
1	Shell Building	500	\$1,033	\$24.11	\$1,033	\$44.77	\$2,066	\$68.88	\$2,066	\$2,065	100%	\$2,065	100%
	New Construction	2,000	\$1,395	\$15.50	\$1,705	\$18.94	\$3,100	\$34.44	\$3,100	\$3,097	100%	\$3,097	100%
		5,000	\$1,860	\$9.30	\$2,273	\$11.37	\$4,133	\$20.66	\$4,133	\$4,129	100%	\$4,129	100%
		10,000	\$2,325	\$4.30	\$2,841	\$12.91	\$5,166	\$17.22	\$5,166	\$5,162	100%	\$5,162	100%
		20,000	\$2,755	varies	\$4,133	varies	\$6,888	varies	\$6,888	\$6,882	100%	\$6,882	100%
		> 20,000	varies		varies		varies		varies	varies		deposit	
2	Accessory/Utility (e.g. Private garage, gatehouse)	100	\$241	\$80.36	\$448	\$149.24	\$689	\$229.60	\$689	\$688	100%	\$688	100%
		250	\$362	\$48.22	\$672	\$89.54	\$1,033	\$137.76	\$1,033	\$1,032	100%	\$1,032	100%
	New Construction	500	\$482	\$24.11	\$895	\$44.77	\$1,378	\$68.88	\$1,378	\$1,376	100%	\$1,376	100%
		1,000	\$603	\$11.25	\$1,119	\$20.89	\$1,722	\$32.14	\$1,722	\$1,721	100%	\$1,721	100%
		2,500	\$771	varies	\$1,433	varies	\$2,204	varies	\$2,204	\$2,202	100%	\$2,202	100%
		> 2,500	varies		varies		varies		varies	varies		deposit	
3	All Other	500	\$1,653	\$38.57	\$1,653	\$71.63	\$3,306	\$110.21	\$3,306	\$3,304	100%	\$3,304	100%
		2,000	\$2,232	\$24.80	\$2,728	\$30.31	\$4,959	\$55.10	\$4,959	\$4,955	100%	\$4,955	100%
	New Construction	5,000	\$2,976	\$14.88	\$3,637	\$18.18	\$6,612	\$33.06	\$6,612	\$6,607	100%	\$6,607	100%
		10,000	\$3,719	\$6.89	\$4,546	\$20.66	\$8,265	\$27.55	\$8,265	\$8,259	100%	\$8,259	100%
		20,000	\$4,408	varies	\$6,612	varies	\$11,021	varies	\$11,021	\$11,012	100%	\$11,012	100%
		> 20,000	varies		varies		varies		varies	varies		deposit	
4	Tenant Improvements New Construction	250	\$193	\$38.57	\$358	\$71.63	\$551	\$110.21	\$551	\$551	100%	\$551	100%
		500	\$289	\$19.29	\$537	\$35.82	\$827	\$55.10	\$827	\$826	100%	\$826	100%
		1,000	\$386	\$6.43	\$716	\$11.94	\$1,102	\$18.37	\$1,102	\$1,101	100%	\$1,101	100%
		2,500	\$482	\$6.27	\$895	\$11.64	\$1,378	\$17.91	\$1,378	\$1,376	100%	\$1,376	100%
		5,000	\$639	varies	\$1,186	varies	\$1,825	varies	\$1,825	\$1,824	100%	\$1,824	100%
		> 5,000	varies		varies		varies		varies	varies		deposit	

Notes

* Current fees vary based on the estimated calculated value of the project for fee setting purposes.

City of Laguna Woods
 Fee Study
 Cost of Service Calculation - Building Fees
 (New Construction & Tenant Improvements)

Hourly Rate		\$138	Proposed Fee						Proposed Cost Recovery				
Occupancy Classification		Threshold SqFt	Plan Check	Plan Check Fee per Add'l 100 SF	Permit / Inspection	Permit / Insp. Fee per Add'l 100 SF	Total	Total Fee Per Add'l 100 SF	Proposed Fee	Cost of Svc PC & Prmt Base Cost	Proposed Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery
1	Shell Building	500	\$1,032	\$24.09	\$1,032	\$44.74	\$2,065	\$68.82	\$2,065	\$2,065	100%	\$2,065	100%
	New Construction	2,000	\$1,394	\$15.49	\$1,703	\$18.93	\$3,097	\$34.41	\$3,097	\$3,097	100%	\$3,097	100%
		5,000	\$1,858	\$9.29	\$2,271	\$11.36	\$4,129	\$20.65	\$4,129	\$4,129	100%	\$4,129	100%
		10,000	\$2,323	\$4.30	\$2,839	\$12.90	\$5,162	\$17.21	\$5,162	\$5,162	100%	\$5,162	100%
		20,000	\$2,753	varies	\$4,129	varies	\$6,882	varies	\$6,882	\$6,882	100%	\$6,882	100%
		> 20,000	varies		varies		varies		varies	varies		deposit	
2	Accessory/Utility (e.g. Private garage, gatehouse)	100	\$241	\$80.30	\$447	\$149.12	\$688	\$229.42	\$688	\$688	100%	\$688	100%
		250	\$361	\$48.18	\$671	\$89.47	\$1,032	\$137.65	\$1,032	\$1,032	100%	\$1,032	100%
	New Construction	500	\$482	\$24.09	\$895	\$44.74	\$1,376	\$68.82	\$1,376	\$1,376	100%	\$1,376	100%
		1,000	\$602	\$11.24	\$1,118	\$20.88	\$1,721	\$32.12	\$1,721	\$1,721	100%	\$1,721	100%
		2,500	\$771	varies	\$1,432	varies	\$2,202	varies	\$2,202	\$2,202	100%	\$2,202	100%
		> 2,500	varies		varies		varies		varies	varies		deposit	
3	All Other	500	\$1,652	\$38.54	\$1,652	\$71.58	\$3,304	\$110.12	\$3,304	\$3,304	100%	\$3,304	100%
		2,000	\$2,230	\$24.78	\$2,725	\$30.28	\$4,955	\$55.06	\$4,955	\$4,955	100%	\$4,955	100%
	New Construction	5,000	\$2,973	\$14.87	\$3,634	\$18.17	\$6,607	\$33.04	\$6,607	\$6,607	100%	\$6,607	100%
		10,000	\$3,717	\$6.88	\$4,542	\$20.65	\$8,259	\$27.53	\$8,259	\$8,259	100%	\$8,259	100%
		20,000	\$4,405	varies	\$6,607	varies	\$11,012	varies	\$11,012	\$11,012	100%	\$11,012	100%
		> 20,000	varies		varies		varies		varies	varies		deposit	
4	Tenant Improvements New Construction	250	\$193	\$38.54	\$358	\$71.58	\$551	\$110.12	\$551	\$551	100%	\$551	100%
		500	\$289	\$19.27	\$537	\$35.79	\$826	\$55.06	\$826	\$826	100%	\$826	100%
		1,000	\$385	\$6.42	\$716	\$11.93	\$1,101	\$18.35	\$1,101	\$1,101	100%	\$1,101	100%
		2,500	\$482	\$6.26	\$895	\$11.63	\$1,376	\$17.89	\$1,376	\$1,376	100%	\$1,376	100%
		5,000	\$638	varies	\$1,186	varies	\$1,824	varies	\$1,824	\$1,824	100%	\$1,824	100%
		> 5,000	varies		varies		varies		varies	varies		deposit	

Notes

* Current fees vary based on the estimated calculated value of the project for fee setting purposes.

Calculation of the Costs of Providing Fee Related Services

Planning

City of Laguna Woods
 Study of Building, Planning, and Encroachment Permit Fees
 Cost of Service Calculation - Planning Fees

Fee Description		Cost of Service (Summary)				Volume and Revenue Statistics						Notes
		Est. Labor Time (Hours)	x	Targeted Hourly Rate	= Cost of Service	Current Fee	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Modified Cost Recovery			
Fixed Fee Services												
1	Community Facilities Yearly Sign Permit	0.50	x	\$142	= \$71	\$74	Flat	104%	\$71	Flat	100%	
2	Film Permit	4.00	x	\$142	= \$568	\$592	Flat	104%	\$568	Flat	100%	[a]
3	Med. Marijuana Dispensary Permit - Renewal					\$1,850	Flat	n/a	\$1,850	Flat		[b]
4	New Address Est. / Address Change Request	2.50	x	\$142	= \$355	n/a	Flat	n/a	\$355	Flat	100%	
5	Notice of Exemption	2.00	x	\$142	= \$284	\$296	Flat	104%	\$284	Flat	100%	[c]
6	Outdoor Seating Permit	2.50	x	\$142	= \$355	\$370	Flat	104%	\$355	Flat	100%	
7	Sign Permit - Part of Sign Program	0.50	x	\$142	= \$71	\$74	Flat	104%	\$71	Flat	100%	
8	Sign Permit - Permanent	2.00	x	\$142	= \$284	\$296	Flat	104%	\$284	Flat	100%	
9	Sign Permit - Temporary	0.50	x	\$142	= \$71	\$74	Flat	104%	\$71	Flat	100%	
10	Special Event Permit	2.00	x	\$142	= \$284	\$296	Flat	104%	\$284	Flat	100%	
11	Temporary Use Permit	4.00	x	\$142	= \$568	\$592	Flat	104%	\$568	Flat	100%	
12	Tree Removal Permit	1.50	x	\$142	= \$213	\$222	Flat	104%	\$213	Flat	100%	
13	Zoning Letter	1.25	x	\$142	= \$178	\$185	Flat	104%	\$178	Flat	100%	
14	Appeal (City Council)	14.50	x	\$142	= \$2,059	\$500	Flat	24%	\$500	Flat	24%	
Deposit-Based Fee Services												
15	Change Plan	16.00	x	\$142	= \$2,272	\$2,000	Deposit	varies	\$2,000	Deposit	100%	
16	Conditional Use Permit	28.75	x	\$142	= \$4,083	\$4,000	Deposit	100%	\$4,000	Deposit	100%	
17	Development Agreement	133.50	x	\$142	= \$18,957	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
18	Environmental Impact Report	varies	x	\$142	= varies	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
19	General Plan Amendment	131.50	x	\$142	= \$18,673	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
20	Zoning Code Amendment	131.50	x	\$142	= \$18,673	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
21	Initial Study/Neg. Dec./Mitigated Neg Dec.	varies	x	\$142	= varies	\$5,000	Deposit	100%	\$5,000	Deposit	100%	
22	Med. Marijuana Dispensary Permit - Initial					\$4,000	Deposit	100%	\$4,000	Deposit		[b]
23	Sign Program	19.00	x	\$142	= \$2,698	\$2,500	Deposit	100%	\$2,500	Deposit	100%	
24	Site Development Permit	28.00	x	\$142	= \$3,976	\$4,000	Deposit	100%	\$4,000	Deposit	100%	
25	Specific Plan	133.50	x	\$142	= \$18,957	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
26	Variance	25.00	x	\$142	= \$3,550	\$3,500	Deposit	100%	\$3,500	Deposit	100%	
27	Zone Change	116.50	x	\$142	= \$16,543	\$10,000	Deposit	100%	\$10,000	Deposit	100%	
28	Other Services Not Identified	varies	x	\$142	= varies	varies	Deposit	100%	varies	Deposit	100%	

- Notes**
- [a] Film permit fee applies for major filming (production)
 - [b] Medical Marijuana Dispensary permit fees were not examined as part of this study due to the City's moratorium on medical marijuana dispensaries.
 - [c] A pass-through of any County filing fees will also be collected from the applicant.

Calculation of the Costs of Providing Fee Related Services

Encroachment Permits

City of Laguna Woods
 Study of Building, Planning, and Encroachment Permit Fees
 Cost of Service Calculation

Fee Description		Cost of Service (Summary)				Current and Proposed Cost Recovery			Notes
		Est. Labor Time (Hours)	x	Fully Burdened Hourly Rate	= Cost of Service	Current Fee	Proposed Fee Assuming Full Cost Recovery	Proposed Cost Recovery	
Minor Projects									
1	Landscape Maintenance	1.50	x	\$165	= \$248	varies	\$248 flat	100%	
2	Temporary Staging	1.50	x	\$165	= \$248	varies	\$248 flat	100%	
3	Traffic Control Only	2.00	x	\$165	= \$330	varies	\$330 flat	100%	
4	Utilities Structure Inspection	2.50	x	\$165	= \$413	varies	\$413 flat	100%	
5	Pole Replacement	2.50	x	\$165	= \$413	varies	\$413 flat	100%	
Major Projects									
6	Major Project								[a]
	a) First Day	4.00	x	\$165	= \$660	varies	\$660 flat	100%	
	b) Each Additional Day	1.50	x	\$165	= \$248	varies	\$248 per day	100%	
7	Projects Greater Than Two Weeks in Duration	varies	x	\$165	= varies	varies	\$3,000 deposit		

Notes

[a] Major Projects include ground disturbing activities, projects lasting longer than three days, or projects that require permanent traffic control for the duration of the project (e.g. excavation, trenching, boring, etc.).

* The City Manager may waive encroachment permit fees for activities associated with City projects or contracts.

Working Version of the Master Fee Schedule

City of Laguna Woods

Working Version of the Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description		Current Fee	Est. Cost of Service	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery [a]	Increase (Decrease) Amount	Modified Cost Recovery	Notes
1	Water Heater Change Out	\$85	\$85	100%	\$85	(\$0)	100%	
2	Water Heater Relocation	\$142	\$149	95%	\$149	\$7	100%	
3	Dishwasher Change Out	\$85	\$85	100%	\$85	(\$0)	100%	
4	Tub to Tub Insert Only	\$142	\$161	89%	\$161	\$18	100%	
5	Tub to Tub Tile Back Only	\$200	\$218	92%	\$218	\$18	100%	
6	Shower to Shower Insert Only	\$142	\$161	89%	\$161	\$18	100%	
7	Shower to Shower Tile Only	\$257	\$275	93%	\$275	\$18	100%	
8	Tub to Shower Only	\$257	\$275	93%	\$275	\$18	100%	
9	Water/Drain Line (Install/Alter/Repair) w/out Structural	\$85	\$85	100%	\$85	(\$0)	100%	
10	Water/Drain Line (Install/Alter/Repair) with Structural	\$241	\$218	111%	\$218	(\$23)	100%	
11	Line Repair (CIPP)/Svc Install - First 30 LF	\$85	\$92	93%	\$92	\$7	100%	
12	Line Repair (CIPP)/Svc Install - Each Add'l 30 LF	\$57	\$57	100%	\$57	(\$0)	100%	
13	New HVAC / HVAC Change Out (Central System) - Residential	\$142	\$161	89%	\$161	\$18	100%	
14	New HVAC / HVAC Change Out (All Others) - Residential	\$85	\$85	100%	\$85	(\$0)	100%	
15	Electrical - Fixtures and Receptacles	\$85	\$92	93%	\$92	\$7	100%	
16	Washer/Dryer Hook Up	\$114	\$114	100%	\$114	(\$0)	100%	
17	Electrical Wheelchair Lift	\$418	\$447	93%	\$447	\$29	100%	
18	Re-Roof (Tile, Single-Ply) - First 1,000 SF	\$142	\$142	100%	\$142	(\$0)	100%	[b]
19	Re-Roof (Tile, Single-Ply) - Each Add'l 1,000 SF	\$28	\$28	100%	\$28	(\$0)	100%	[b]
20	Re-Roof (All Other) - First 1,000 SF	\$142	\$172	83%	\$172	\$30	100%	[b]
21	Re-Roof (All Other) - Each Add'l 5,000 SF	\$28	\$28	100%	\$28	(\$0)	100%	[b]
22	Fenestration - Skylights/Solartubes (1 Hr. Buildings)	\$184	\$161	114%	\$161	(\$23)	100%	
23	Fenestration - Skylights/Solartubes (All Others)	\$114	\$120	94%	\$120	\$7	100%	
24	Fenestration - Window Retrofit	\$114	\$132	86%	\$132	\$18	100%	
25	Fenestration - Doors/Windows (One New - Framed)	\$212	\$189	112%	\$189	(\$23)	100%	[c]
26	Structural, Drywall	\$126	\$126	100%	\$126	(\$0)	100%	
27	Structural, Insulation, Drywall	\$184	\$184	100%	\$184	(\$0)	100%	
28	Lath	\$184	\$138	133%	\$138	(\$46)	100%	
29	Structural, Insulation, Lath	\$298	\$298	100%	\$298	(\$0)	100%	
30	Structural, Insulation, Shear, Lath	\$494	\$493	100%	\$493	(\$0)	100%	
31	Framing/Structural - 1 inspection	\$264	\$264	100%	\$264	(\$0)	100%	[a] [d]
32	Framing/Structural - 2 inspections	\$321	\$321	100%	\$321	(\$0)	100%	[a] [d]
33	Framing/Structural - 3 inspections	\$379	\$379	100%	\$379	(\$0)	100%	[a] [d]
34	Temporary Shade Structure (Commercial)	\$223	\$264	84%	\$264	\$41	100%	
35	Patio/Balcony Cover/Enclosure - Standard, Open, Pre-Engineered	\$177	\$184	96%	\$184	\$7	100%	
36	Patio/Balcony Cover/Enclosure - Standard, Enclosed, Pre-Engineered	\$269	\$275	98%	\$275	\$7	100%	
37	Patio/Balcony Cover/Enclosure - Site Specific Engineering	\$447	\$465	96%	\$465	\$18	100%	
38	Alteration - Residential (Res.) Kitchen	\$356	\$356	100%	\$356	(\$0)	100%	
39	Alteration - Res. Kitchen, plus HVAC OR Fenestration	\$413	\$413	100%	\$413	(\$0)	100%	
40	Alteration - Res. Kitchen, plus HVAC AND Fenestration/Other	\$471	\$470	100%	\$470	(\$0)	100%	
41	Alteration - Res. Kitchen, plus 1 Bath	\$413	\$413	100%	\$413	(\$0)	100%	
42	Alteration - Res. Kitchen, plus 2+ Bath (Includes bathroom splits)	\$471	\$470	100%	\$470	(\$0)	100%	
43	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC OR Fenestration/Other	\$471	\$470	100%	\$470	(\$0)	100%	
44	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC OR Fenestration/Other	\$528	\$528	100%	\$528	(\$0)	100%	
45	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC AND	\$528	\$528	100%	\$528	(\$0)	100%	
46	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC AND	\$585	\$585	100%	\$585	(\$0)	100%	
47	Alteration/Remodel - Res. 1 Bath	\$241	\$241	100%	\$241	(\$0)	100%	
48	Alteration/Remodel - Res. 2+ Baths (includes bathroom splits)	\$356	\$356	100%	\$356	(\$0)	100%	

City of Laguna Woods

Working Version of the Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description		Current Fee	Est. Cost of Service	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery [a]	Increase (Decrease) Amount	Modified Cost Recovery	Notes
49	Alteration - Res. 2+ Baths (incl. split), plus HVAC/Other	\$413	\$413	100%	\$413	(\$0)	100%	
50	Room Addition	\$827	\$826	100%	\$826	(\$1)	100%	
51	Alteration/Remodel w/ Room Addition	\$1,171	\$1,170	100%	\$1,170	(\$1)	100%	
52	Sign (Wall) - First	\$154	\$161	96%	\$161	\$7	100%	
53	Sign (Wall) - Each Add'l	\$11	\$11	100%	\$11	(\$0)	100%	
54	Sign (Monument) - First	\$246	\$264	93%	\$264	\$18	100%	
55	Sign (Monument) - Each Add'l	\$23	\$23	100%	\$23	(\$0)	100%	
56	Antenna - Telecommunications	\$475	\$505	94%	\$505	\$29	100%	
57	Antenna - Equipment Shelter	\$211	\$241	88%	\$241	\$30	100%	
58	Solar - Residential Systems (Expedited Process)	\$211	\$229	92%	\$229	\$18	100%	
59	Solar - Residential Systems (All Others)	\$395	\$413	96%	\$413	\$18	100%	
60	Solar - Commercial Systems	\$1,000	\$1,170	85%	\$1,000	\$0	85%	
61	Demolition - Residential Interior	\$184	\$161	114%	\$161	(\$23)	100%	
62	Demolition - Residential (All Other)	\$85	\$92	93%	\$92	\$7	100%	[e]
63	Demolition - Non-Residential	\$344	\$344	100%	\$344	(\$0)	100%	
64	Certificate of Occupancy - Temporary	\$85	\$85	100%	\$85	(\$0)	100%	
65	Certificate of Occupancy	\$257	\$257	100%	\$257	(\$0)	100%	
66	Miscellaneous/All Other - First Inspection	\$85	\$85	100%	\$85	(\$0)	100%	
67	Miscellaneous/All Other - Each Add'l Inspection	\$57	\$57	100%	\$57	(\$0)	100%	
68	Miscellaneous/All Other - Plan Check (Per Hr)	\$138	\$138	100%	\$138	(\$0)	100%	
69	Work Without Permit	\$165	\$184	90%	\$184	\$18	100%	
70	Re-Inspection - Missed Appointment	\$57	\$57	100%	\$57	(\$0)	100%	
71	Additional Inspections	\$85	\$85	100%	\$85	(\$0)	100%	
72	Replacement Job Card	\$34	\$28	125%	\$28	(\$7)	100%	
73	Cancelled Permit Refund Processing Fee	\$25	\$69	36%	\$25	\$0	36%	
74	State Energy Form Assistance (Upon Request) (Per Page)	\$4	\$34	12%	\$4	\$0	12%	
75	Building and Safety Appeal Application	\$138	\$138	100%	\$138	(\$0)	100%	
76	Alternate Materials Method Review (Per Hr)	\$138	\$138	100%	\$138	(\$0)	100%	
77	Inspection Outside of Normal Business Hours (Per Hr)	\$172	\$172	100%	\$172	(\$0)	100%	

Notes

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The modified fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

[b] For purposes of calculating re-roof fees, fractional square footages shall be rounded up to the nearest 1,000 SF. For example 1,600 SF shall be rounded to 2,000 SF.

[c] For Installation of multiple doors or windows see Framing/Structural fees.

[d] Examples of items included in this fee include post, beam, beamtail, raftertail, corbel, shearpanel, and truss repair/replacement.

[e] Fee for ceiling scrapes, lead paint removal, floor removal, etc.

City of Laguna Woods

Working Version of the Schedule of Building Fees New Construction and Non-Residential Tenant Improvements

Construction Class		SqFt	Current Fee	Est. Cost of Svc	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery [a]	Increase (Decrease) Amount	Modified Cost Recovery
1	Shell Building	500	\$2,066	\$2,065	100%	\$2,065	-\$2	100%
	New Construction	2,000	\$3,100	\$3,097	100%	\$3,097	-\$2	100%
		5,000	\$4,133	\$4,129	100%	\$4,129	-\$3	100%
		10,000	\$5,166	\$5,162	100%	\$5,162	-\$4	100%
		20,000	\$6,888	\$6,882	100%	\$6,882	-\$5	100%
		> 20,000	varies	varies		deposit		
2	Accessory/Utility (e.g. Private garage, gatehouse) New Construction	100	\$689	\$688	100%	\$688	-\$1	100%
		250	\$1,033	\$1,032	100%	\$1,032	-\$1	100%
		500	\$1,378	\$1,376	100%	\$1,376	-\$1	100%
		1,000	\$1,722	\$1,721	100%	\$1,721	-\$1	100%
		2,500	\$2,204	\$2,202	100%	\$2,202	-\$2	100%
		> 2,500	varies	varies		deposit		
3	All Other New Construction	500	\$3,306	\$3,304	100%	\$3,304	-\$3	100%
		2,000	\$4,959	\$4,955	100%	\$4,955	-\$4	100%
		5,000	\$6,612	\$6,607	100%	\$6,607	-\$5	100%
		10,000	\$8,265	\$8,259	100%	\$8,259	-\$6	100%
		20,000	\$11,021	\$11,012	100%	\$11,012	-\$9	100%
		> 20,000	varies	varies		deposit		
4	Tenant Improvements New Construction	250	\$551	\$551	100%	\$551	\$0	100%
		500	\$827	\$826	100%	\$826	-\$1	100%
		1,000	\$1,102	\$1,101	100%	\$1,101	-\$1	100%
		2,500	\$1,378	\$1,376	100%	\$1,376	-\$1	100%
		5,000	\$1,825	\$1,824	100%	\$1,824	-\$1	100%
		> 5,000	varies	varies		deposit		

Notes

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The proposed fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

City of Laguna Woods

Working Version of the Schedule of Planning Fees

Fee Description		Current Fee	Est. Cost of Service	Current Cost Recovery	Modified Fee Assuming Full or Targeted Cost Recovery	Increase (Decrease) Amount	Modified Cost Recovery	Notes
Fixed Fee Services								
1	Community Facilities Yearly Sign Permit	\$74	\$71	104%	\$71	(\$3)	100%	
2	Film Permit	\$592	\$568	104%	\$568	(\$24)	100%	[a]
3	Med. Marijuana Dispensary Permit - Renewal	\$1,850		n/a	\$1,850	\$0		
4	New Address Est. / Address Change Request	n/a	\$355	n/a	\$355		100%	
5	Notice of Exemption	\$296	\$284	104%	\$284	(\$12)	100%	[b]
6	Outdoor Seating Permit	\$370	\$355	104%	\$355	(\$15)	100%	
7	Sign Permit - Part of Sign Program	\$74	\$71	104%	\$71	(\$3)	100%	
8	Sign Permit - Permanent	\$296	\$284	104%	\$284	(\$12)	100%	
9	Sign Permit - Temporary	\$74	\$71	104%	\$71	(\$3)	100%	
10	Special Event Permit	\$296	\$284	104%	\$284	(\$12)	100%	
11	Temporary Use Permit	\$592	\$568	104%	\$568	(\$24)	100%	
12	Tree Removal Permit	\$222	\$213	104%	\$213	(\$9)	100%	
13	Zoning Letter	\$185	\$178	104%	\$178	(\$8)	100%	
14	Appeal (City Council)	\$500	\$2,059	24%	\$500	\$0	24%	

Fee Description		Current Initial Deposit	Est. Cost of Service	Current Cost Recovery	Modified Deposit [c]	Increase (Decrease)	Modified Cost Recovery	Notes
Deposit-Based Fee Services								
15	Change Plan	\$2,000	\$2,272	varies	\$2,000	\$0	100%	
16	Conditional Use Permit	\$4,000	\$4,083	100%	\$4,000	\$0	100%	
17	Development Agreement	\$10,000	\$18,957	100%	\$10,000	\$0	100%	
18	Environmental Impact Report	\$10,000	varies	100%	\$10,000	\$0	100%	
19	General Plan Amendment	\$10,000	\$18,673	100%	\$10,000	\$0	100%	
20	Zoning Code Amendment	\$10,000	\$18,673	100%	\$10,000	\$0	100%	
21	Initial Study/Neg. Dec./Mitigated Neg Dec.	\$5,000	varies	100%	\$5,000	\$0		
22	Med. Marijuana Dispensary Permit - Initial	\$4,000		100%	\$4,000	\$0	100%	
23	Sign Program	\$2,500	\$2,698	100%	\$2,500	\$0	100%	
24	Site Development Permit	\$4,000	\$3,976	100%	\$4,000	\$0	100%	
25	Specific Plan	\$10,000	\$18,957	100%	\$10,000	\$0	100%	
26	Variance	\$3,500	\$3,550	100%	\$3,500	\$0	100%	
27	Zone Change	\$10,000	\$16,543	100%	\$10,000	\$0	100%	
28	Other Services Not Identified	varies	varies	100%	varies			

Notes

[a] Film permit fee applies for major filming (production).

[b] A pass-through of any County filing fees will also be collected from the applicant.

[c] For deposit-based fees, the City intends to recover 100% of the costs of service including the actual costs of any contract service providers and internal City support.

City of Laguna Woods

Working Version of the Schedule of Encroachment Permit Fees

	Fee Description	Current Fee	Est. Cost of Service	Modified Fee Assuming Full Cost Recovery	Unit	Increase (Decrease) Amount	Modified Cost Recovery	Notes
	Minor Projects							
1	Landscape Maintenance	varies	\$248	\$248	flat		100%	
2	Temporary Staging	varies	\$248	\$248	flat		100%	
3	Traffic Control Only	varies	\$330	\$330	flat		100%	
4	Utilities Structure Inspection	varies	\$413	\$413	flat		100%	
5	Pole Replacement	varies	\$413	\$413	flat		100%	
	Major Projects							
6	Major Project							[a]
	a) First Day	varies	\$660	\$660	flat		100%	
	b) Each Additional Day	varies	\$248	\$248	per day		100%	
7	Projects Greater Than Two Weeks in Duration	varies	varies	\$3,000	deposit			

Notes

[a] Major Projects include ground disturbing activities, projects lasting longer than three days, or projects that require permanent traffic control for the duration of the project (e.g. excavation, trenching, boring, etc.).

* The City Manager may waive encroachment permit fees for activities associated with City projects or contracts.

Master Fee Schedule

City of Laguna Woods

Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description		[a] Fee Assuming Full or Targeted Cost Recovery	Notes
1	Water Heater Change Out	\$85	
2	Water Heater Relocation	\$149	
3	Dishwasher Change Out	\$85	
4	Tub to Tub Insert Only	\$161	
5	Tub to Tub Tile Back Only	\$218	
6	Shower to Shower Insert Only	\$161	
7	Shower to Shower Tile Only	\$275	
8	Tub to Shower Only	\$275	
9	Water/Drain Line (Install/Alter/Repair) w/out Structural	\$85	
10	Water/Drain Line (Install/Alter/Repair) with Structural	\$218	
11	Line Repair (CIPP)/Svc Install - First 30 LF	\$92	
12	Line Repair (CIPP)/Svc Install - Each Add'l 30 LF	\$57	
13	New HVAC / HVAC Change Out (Central System) - Residential	\$161	
14	New HVAC / HVAC Change Out (All Others) - Residential	\$85	
15	Electrical - Fixtures and Receptacles	\$92	
16	Washer/Dryer Hook Up	\$114	
17	Electrical Wheelchair Lift	\$447	
18	Re-Roof (Tile, Single-Ply) - First 1,000 SF	\$142	[b]
19	Re-Roof (Tile, Single-Ply) - Each Add'l 1,000 SF	\$28	[b]
20	Re-Roof (All Other) - First 1,000 SF	\$172	[b]
21	Re-Roof (All Other) - Each Add'l 5,000 SF	\$28	[b]
22	Fenestration - Skylights/Solartubes (1 Hr. Buildings)	\$161	
23	Fenestration - Skylights/Solartubes (All Others)	\$120	
24	Fenestration - Window Retrofit	\$132	
25	Fenestration - Doors/Windows (One New - Framed)	\$189	[c]
26	Structural, Drywall	\$126	
27	Structural, Insulation, Drywall	\$184	
28	Lath	\$138	
29	Structural, Insulation, Lath	\$298	
30	Structural, Insulation, Shear, Lath	\$493	
31	Framing/Structural - 1 inspection	\$264	[d]
32	Framing/Structural - 2 inspections	\$321	[d]
33	Framing/Structural - 3 inspections	\$379	[d]
34	Temporary Shade Structure (Commercial)	\$264	
35	Patio/Balcony Cover/Enclosure - Standard, Open, Pre-Engineered	\$184	
36	Patio/Balcony Cover/Enclosure - Standard, Enclosed, Pre-Engineered	\$275	
37	Patio/Balcony Cover/Enclosure - Site Specific Engineering	\$465	
38	Alteration - Residential (Res.) Kitchen	\$356	

City of Laguna Woods

Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description		[a] Fee Assuming Full or Targeted Cost Recovery	Notes
39	Alteration - Res. Kitchen, plus HVAC OR Fenestration	\$413	
40	Alteration - Res. Kitchen, plus HVAC AND Fenestration/Other	\$470	
41	Alteration - Res. Kitchen, plus 1 Bath	\$413	
42	Alteration - Res. Kitchen, plus 2+ Bath (Includes bathroom splits)	\$470	
43	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC OR Fenestration/Other	\$470	
44	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC OR Fenestration/Other	\$528	
45	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC AND Fenestration/Other	\$528	
46	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC AND Fenestration/Other	\$585	
47	Alteration/Remodel - Res. 1 Bath	\$241	
48	Alteration/Remodel - Res. 2+ Baths (includes bathroom splits)	\$356	
49	Alteration - Res. 2+ Baths (incl. split), plus HVAC/Other	\$413	
50	Room Addition	\$826	
51	Alteration/Remodel w/ Room Addition	\$1,170	
52	Sign (Wall) - First	\$161	
53	Sign (Wall) - Each Add'l	\$11	
54	Sign (Monument) - First	\$264	
55	Sign (Monument) - Each Add'l	\$23	
56	Antenna - Telecommunications	\$505	
57	Antenna - Equipment Shelter	\$241	
58	Solar - Residential Systems (Expedited Process)	\$229	
59	Solar - Residential Systems (All Others)	\$413	
60	Solar - Commercial Systems	\$1,000	
61	Demolition - Residential Interior	\$161	
62	Demolition - Residential (All Other)	\$92	[e]
63	Demolition - Non-Residential	\$344	
64	Certificate of Occupancy - Temporary	\$85	
65	Certificate of Occupancy	\$257	
66	Miscellaneous/All Other - First Inspection	\$85	
67	Miscellaneous/All Other - Each Add'l Inspection	\$57	
68	Miscellaneous/All Other - Plan Check (Per Hr)	\$138	
69	Work Without Permit	\$184	
70	Re-Inspection - Missed Appointment	\$57	
71	Additional Inspections	\$85	
72	Replacement Job Card	\$28	
73	Cancelled Permit Refund Processing Fee	\$25	
74	State Energy Form Assistance (Upon Request) (Per Page)	\$4	
75	Building and Safety Appeal Application	\$138	
76	Alternate Materials Method Review (Per Hr)	\$138	
77	Inspection Outside of Normal Business Hours (Per Hr)	\$172	

City of Laguna Woods

Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description	[a] Fee Assuming Full or Targeted Cost Recovery	Notes
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Notes

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The proposed fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

[b] For purposes of calculating re-roof fees, fractional square footages shall be rounded up to the nearest 1,000 SF. For example 1,600 SF shall be rounded to 2,000 SF.

[c] For Installation of multiple doors or windows see Framing/Structural fees.

[d] Examples of items included in this fee include post, beam, beamtail, raftertail, corbel, shearpanel, and truss repair/replacement.

[e] Fee for ceiling scrapes, lead paint removal, floor removal, etc.

City of Laguna Woods

Schedule of Building Fees - New Construction and Non-Residential Tenant Improvements

Description	Project Size Threshold	Plan Check [a]		Permit [a]		Total [a]	
		Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF	Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF	Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF
1 Shell Building New Construction	500	\$1,032	\$24.09	\$1,032	\$44.74	\$2,065	\$68.82
	2,000	\$1,394	\$15.49	\$1,703	\$18.93	\$3,097	\$34.41
	5,000	\$1,858	\$9.29	\$2,271	\$11.36	\$4,129	\$20.65
	10,000	\$2,323	\$4.30	\$2,839	\$12.90	\$5,162	\$17.21
	20,000	\$2,753	varies	\$4,129	varies	\$6,882	varies
	> 20,000	varies		varies		varies	
2 Accessory/Utility (e.g. Private garage, gatehouse) New Construction	100	\$241	\$80.30	\$447	\$149.12	\$688	\$229.42
	250	\$361	\$48.18	\$671	\$89.47	\$1,032	\$137.65
	500	\$482	\$24.09	\$895	\$44.74	\$1,376	\$68.82
	1,000	\$602	\$11.24	\$1,118	\$20.88	\$1,721	\$32.12
	2,500	\$771	varies	\$1,432	varies	\$2,202	varies
	> 2,500	varies		varies		varies	
3 All Other New Construction	500	\$1,652	\$38.54	\$1,652	\$71.58	\$3,304	\$110.12
	2,000	\$2,230	\$24.78	\$2,725	\$30.28	\$4,955	\$55.06
	5,000	\$2,973	\$14.87	\$3,634	\$18.17	\$6,607	\$33.04
	10,000	\$3,717	\$6.88	\$4,542	\$20.65	\$8,259	\$27.53
	20,000	\$4,405	varies	\$6,607	varies	\$11,012	varies
	> 20,000	varies		varies		varies	
4 Tenant Improvements New Construction	250	\$193	\$38.54	\$358	\$71.58	\$551	\$110.12
	500	\$289	\$19.27	\$537	\$35.79	\$826	\$55.06
	1,000	\$385	\$6.42	\$716	\$11.93	\$1,101	\$18.35
	2,500	\$482	\$6.26	\$895	\$11.63	\$1,376	\$17.89
	5,000	\$638	varies	\$1,186	varies	\$1,824	varies
	> 5,000	varies		varies		varies	

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The proposed fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

City of Laguna Woods

Schedule of Building Fees

Fee Description		Fee *	Notes
	Strong Motion Instrumentation Program (SMIP)		[a]
	Fee Calculation		
1	Residential (1-3 Story)	\$0.50 or valuation x 0.00013	
2	Commercial or Residential (4+ Story)	\$0.50 or valuation x 0.00028	
	Building Standards Administration Special Revolving Fund (SB 1473) Fee Calculation		[b]
3	Valuation:		
	a) \$1 - \$25,000	\$1	
	b) \$25,001 - \$50,000	\$2	
	c) \$50,001 - \$75,000	\$3	
	d) \$75,001 - \$100,000	\$4	
	e) Every \$25,000 or fraction thereof above \$100,000	Add \$1	

Notes

[a] Source: California Public Resources Code Section 2705

[b] Source: California Health and Safety Code Section 18931.6

* Project valuation shall be determined by project amount submitted by permit applicant, or most current International Code Council (ICC) published Building Valuation Table as published in the Building Safety Journal, or by RS Means Square Foot Costs Manual, where ICC data is not available.

City of Laguna Woods

Schedule of Planning Fees

Fee Description		Fee Assuming Full or Targeted Cost Recovery	Notes
Fixed Fee Services			
1	Community Facilities Yearly Sign Permit	\$71	
2	Film Permit	\$568	[a]
3	Med. Marijuana Dispensary Permit - Renewal	\$1,850	
4	New Address Est. / Address Change Request	\$355	
5	Notice of Exemption	\$284	[b]
6	Outdoor Seating Permit	\$355	
7	Sign Permit - Part of Sign Program	\$71	
8	Sign Permit - Permanent	\$284	
9	Sign Permit - Temporary	\$71	
10	Special Event Permit	\$284	
11	Temporary Use Permit	\$568	
12	Tree Removal Permit	\$213	
13	Zoning Letter	\$178	
14	Appeal (City Council)	\$500	

Fee Description		Initial Deposit	Notes
Deposit-Based Fee Services			
15	Change Plan	\$2,000	[c]
16	Conditional Use Permit	\$4,000	
17	Development Agreement	\$10,000	
18	Environmental Impact Report	\$10,000	
19	General Plan Amendment	\$10,000	
20	Zoning Code Amendment	\$10,000	
21	Initial Study/Neg. Dec./Mitigated Neg Dec.	\$5,000	
22	Med. Marijuana Dispensary Permit - Initial	\$4,000	
23	Sign Program	\$2,500	
24	Site Development Permit	\$4,000	
25	Specific Plan	\$10,000	
26	Variance	\$3,500	
27	Zone Change	\$10,000	
28	Other Services Not Identified	varies	

Notes

[a] Film permit fee applies for major filming (production).

[b] A pass-through of any County filing fees will also be collected from the applicant.

[c] For deposit-based fees, the City intends to recover 100% of the costs of service including the actual costs of any contract service providers and internal City support.

City of Laguna Woods

Schedule of Encroachment Permit Fees

Fee Description		Fee Assuming Full Cost Recovery	Unit	Notes
Minor Projects				
1	Landscape Maintenance	\$248	flat	
2	Temporary Staging	\$248	flat	
3	Traffic Control Only	\$330	flat	
4	Utilities Structure Inspection	\$413	flat	
5	Pole Replacement	\$413	flat	
Major Projects				
6	Major Project			[a]
	a) First Day	\$660	flat	
	b) Each Additional Day	\$248	per day	
7	Projects Greater Than Two Weeks in Duration	\$3,000	deposit	

For service requests, which have no fees listed in this Master Fee Schedule, the City Manager or his/her designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity.

Fee Description		Fee	Unit	Notes
8	City Engineer	\$165	per hour	
9	Other Staff/Outside Service Providers	100%	of actual costs, plus admin rate	

Notes

[a] Major Projects include ground disturbing activities, projects lasting longer than three days, or projects that require permanent traffic control for the duration of the project (e.g. excavation, trenching, boring, etc.).

* The City Manager may waive encroachment permit fees for activities associated with City projects or contracts.

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RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED OR MODIFIED BUILDING AND PLANNING SERVICES FEES, AND ENCROACHMENT PERMIT 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 the service, conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws, or as a condition of property development; and

WHEREAS, the City of Laguna Woods retained a qualified consultant to prepare a Building, Planning, and Encroachment Permit Fee Study and Central Services Cost Allocation Study upon which to base fee calculations. Both studies are now complete, and such studies were presented to the City Council and public at the regular meeting on February 15, 2017; and

WHEREAS, the City Council conducted a duly noticed public hearing at its regular meeting on February 15, 2017 regarding the proposed adoption of new and increased or modified building, planning, and encroachment permit fees; and

WHEREAS, public noticing for the aforementioned public hearing included publication in the *Laguna Woods Globe*, posting at City Hall, and transmittal to those requesting such notification pursuant to Government Code Section 66016; and

WHEREAS, the building, planning, and encroachment permit fee schedule attached hereto as Exhibit A, the Building, Planning, and Encroachment Permit Fee Study, and the Central Services Cost Allocation Study were made available to the public at or from Laguna Woods City Hall and on the City's website beginning on February 2, 2017; and

WHEREAS, after consideration of the information provided by City staff, the information contained in the Building, Planning, and Encroachment Permit Fee Study and the Central Services Cost Allocation Study, 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 building and planning services, and encroachment permitting.

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

SECTION 1. The building, planning, and encroachment permit fee schedule attached hereto as Exhibit A is hereby adopted to be effective beginning on April 17, 2017. In adopting such fees, the City Council finds that the amount of the fees do not exceed the reasonable cost of providing the services for which the fees are charged, and relies in part on the Building, Planning, and Encroachment Permit Fee Study and the Central Services Cost Allocation Study in making such findings.

SECTION 2. Upon the effective date of the building, planning, and encroachment permit fee schedule attached hereto as Exhibit A, all previous building, planning, and encroachment permit fees adopted by resolution of the City Council shall be repealed.

SECTION 3. The action set forth in this resolution is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15273 of the CEQA Guidelines.

SECTION 4. This resolution is not intended to and does not address the potential establishment, location, or operation of medical marijuana dispensaries within the city limits of Laguna Woods. Adoption of this resolution shall not terminate or otherwise impact the moratorium to suspend the allowance of medical marijuana dispensaries, and any establishment, location, or operation of any such facility, in order to undertake further investigation and study various issues relating to the potential siting and operation of a medical marijuana dispensary within the city limits of Laguna Woods established and extended by Ordinances No. 15-03, 15-05 and 16-02.

SECTION 5. The Deputy City Clerk shall certify to the adoption of this resolution.

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

SHARI L. HORNE, 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. 17-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 2017, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

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City of Laguna Woods			
Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items			
Fee Description		[a] Fee Assuming Full or Targeted Cost Recovery	Notes
1	Water Heater Change Out	\$85	
2	Water Heater Relocation	\$149	
3	Dishwasher Change Out	\$85	
4	Tub to Tub Insert Only	\$161	
5	Tub to Tub Tile Back Only	\$218	
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7	Shower to Shower Tile Only	\$275	
8	Tub to Shower Only	\$275	
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11	Line Repair (CIPP)/Svc Install - First 30 LF	\$92	
12	Line Repair (CIPP)/Svc Install - Each Add'l 30 LF	\$57	
13	New HVAC / HVAC Change Out (Central System) - Residential	\$161	
14	New HVAC / HVAC Change Out (All Others) - Residential	\$85	
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17	Electrical Wheelchair Lift	\$447	
18	Re-Roof (Tile, Single-Ply) - First 1,000 SF	\$142	[b]
19	Re-Roof (Tile, Single-Ply) - Each Add'l 1,000 SF	\$28	[b]
20	Re-Roof (All Other) - First 1,000 SF	\$172	[b]
21	Re-Roof (All Other) - Each Add'l 5,000 SF	\$28	[b]
22	Fenestration - Skylights/Solartubes (1 Hr. Buildings)	\$161	
23	Fenestration - Skylights/Solartubes (All Others)	\$120	
24	Fenestration - Window Retrofit	\$132	
25	Fenestration - Doors/Windows (One New - Framed)	\$189	[c]
26	Structural, Drywall	\$126	
27	Structural, Insulation, Drywall	\$184	
28	Lath	\$138	
29	Structural, Insulation, Lath	\$298	
30	Structural, Insulation, Shear, Lath	\$493	
31	Framing/Structural - 1 inspection	\$264	[d]
32	Framing/Structural - 2 inspections	\$321	[d]
33	Framing/Structural - 3 inspections	\$379	[d]
34	Temporary Shade Structure (Commercial)	\$264	
35	Patio/Balcony Cover/Enclosure - Standard, Open, Pre-Engineered	\$184	
36	Patio/Balcony Cover/Enclosure - Standard, Enclosed, Pre-Engineered	\$275	
37	Patio/Balcony Cover/Enclosure - Site Specific Engineering	\$465	
38	Alteration - Residential (Res.) Kitchen	\$356	

City of Laguna Woods

Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description		[a] Fee Assuming Full or Targeted Cost Recovery	Notes
39	Alteration - Res. Kitchen, plus HVAC OR Fenestration	\$413	
40	Alteration - Res. Kitchen, plus HVAC AND Fenestration/Other	\$470	
41	Alteration - Res. Kitchen, plus 1 Bath	\$413	
42	Alteration - Res. Kitchen, plus 2+ Bath (Includes bathroom splits)	\$470	
43	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC OR Fenestration/Other	\$470	
44	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC OR Fenestration/Other	\$528	
45	Alteration - Res. Kitchen, plus 1 Bath, plus HVAC AND Fenestration/Other	\$528	
46	Alteration - Res. Kitchen, plus 2+ Bath, plus HVAC AND Fenestration/Other	\$585	
47	Alteration/Remodel - Res. 1 Bath	\$241	
48	Alteration/Remodel - Res. 2+ Baths (includes bathroom splits)	\$356	
49	Alteration - Res. 2+ Baths (incl. split), plus HVAC/Other	\$413	
50	Room Addition	\$826	
51	Alteration/Remodel w/ Room Addition	\$1,170	
52	Sign (Wall) - First	\$161	
53	Sign (Wall) - Each Add'l	\$11	
54	Sign (Monument) - First	\$264	
55	Sign (Monument) - Each Add'l	\$23	
56	Antenna - Telecommunications	\$505	
57	Antenna - Equipment Shelter	\$241	
58	Solar - Residential Systems (Expedited Process)	\$229	
59	Solar - Residential Systems (All Others)	\$413	
60	Solar - Commercial Systems	\$1,000	
61	Demolition - Residential Interior	\$161	
62	Demolition - Residential (All Other)	\$92	[e]
63	Demolition - Non-Residential	\$344	
64	Certificate of Occupancy - Temporary	\$85	
65	Certificate of Occupancy	\$257	
66	Miscellaneous/All Other - First Inspection	\$85	
67	Miscellaneous/All Other - Each Add'l Inspection	\$57	
68	Miscellaneous/All Other - Plan Check (Per Hr)	\$138	
69	Work Without Permit	\$184	
70	Re-Inspection - Missed Appointment	\$57	
71	Additional Inspections	\$85	
72	Replacement Job Card	\$28	
73	Cancelled Permit Refund Processing Fee	\$25	
74	State Energy Form Assistance (Upon Request) (Per Page)	\$4	
75	Building and Safety Appeal Application	\$138	
76	Alternate Materials Method Review (Per Hr)	\$138	
77	Inspection Outside of Normal Business Hours (Per Hr)	\$172	

City of Laguna Woods

Schedule of Building Fees - Mechanical, Electrical, Plumbing, and Miscellaneous Items

Fee Description	[a] Fee Assuming Full or Targeted Cost Recovery	Notes
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Notes

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The proposed fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

[b] For purposes of calculating re-roof fees, fractional square footages shall be rounded up to the nearest 1,000 SF. For example 1,600 SF shall be rounded to 2,000 SF.

[c] For Installation of multiple doors or windows see Framing/Structural fees.

[d] Examples of items included in this fee include post, beam, beamtail, raftertail, corbel, shearpanel, and truss repair/replacement.

[e] Fee for ceiling scrapes, lead paint removal, floor removal, etc.

City of Laguna Woods

Schedule of Building Fees - New Construction and Non-Residential Tenant Improvements

Description	Project Size Threshold	Plan Check [a]		Permit [a]		Total [a]	
		Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF	Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF	Base Fee Assuming Full or Targeted Cost	Fee Per Add'l 100 SF
1 Shell Building New Construction	500	\$1,032	\$24.09	\$1,032	\$44.74	\$2,065	\$68.82
	2,000	\$1,394	\$15.49	\$1,703	\$18.93	\$3,097	\$34.41
	5,000	\$1,858	\$9.29	\$2,271	\$11.36	\$4,129	\$20.65
	10,000	\$2,323	\$4.30	\$2,839	\$12.90	\$5,162	\$17.21
	20,000	\$2,753	varies	\$4,129	varies	\$6,882	varies
	> 20,000	varies		varies		varies	
2 Accessory/Utility (e.g. Private garage, gatehouse) New Construction	100	\$241	\$80.30	\$447	\$149.12	\$688	\$229.42
	250	\$361	\$48.18	\$671	\$89.47	\$1,032	\$137.65
	500	\$482	\$24.09	\$895	\$44.74	\$1,376	\$68.82
	1,000	\$602	\$11.24	\$1,118	\$20.88	\$1,721	\$32.12
	2,500	\$771	varies	\$1,432	varies	\$2,202	varies
	> 2,500	varies		varies		varies	
3 All Other New Construction	500	\$1,652	\$38.54	\$1,652	\$71.58	\$3,304	\$110.12
	2,000	\$2,230	\$24.78	\$2,725	\$30.28	\$4,955	\$55.06
	5,000	\$2,973	\$14.87	\$3,634	\$18.17	\$6,607	\$33.04
	10,000	\$3,717	\$6.88	\$4,542	\$20.65	\$8,259	\$27.53
	20,000	\$4,405	varies	\$6,607	varies	\$11,012	varies
	> 20,000	varies		varies		varies	
4 Tenant Improvements New Construction	250	\$193	\$38.54	\$358	\$71.58	\$551	\$110.12
	500	\$289	\$19.27	\$537	\$35.79	\$826	\$55.06
	1,000	\$385	\$6.42	\$716	\$11.93	\$1,101	\$18.35
	2,500	\$482	\$6.26	\$895	\$11.63	\$1,376	\$17.89
	5,000	\$638	varies	\$1,186	varies	\$1,824	varies
	> 5,000	varies		varies		varies	

[a] The City uses specialized service providers to process certain plan review and inspection activities. These specialized services include, but are not limited to, structural engineering review services and specialized inspection services. The proposed fees are intended to reflect the estimated costs of all typical plan review and inspection services. However, for projects requiring the use of outside service providers, or projects that are more complex than typical, the City will collect fees that represent the actual costs incurred by the City.

City of Laguna Woods

Schedule of Building Fees

Fee Description		Fee *	Notes
	Strong Motion Instrumentation Program (SMIP)		[a]
	Fee Calculation		
1	Residential (1-3 Story)	\$0.50 or valuation x 0.00013	
2	Commercial or Residential (4+ Story)	\$0.50 or valuation x 0.00028	
	Building Standards Administration Special Revolving Fund (SB 1473) Fee Calculation		[b]
3	Valuation:		
	a) \$1 - \$25,000	\$1	
	b) \$25,001 - \$50,000	\$2	
	c) \$50,001 - \$75,000	\$3	
	d) \$75,001 - \$100,000	\$4	
	e) Every \$25,000 or fraction thereof above \$100,000	Add \$1	

Notes

[a] Source: California Public Resources Code Section 2705

[b] Source: California Health and Safety Code Section 18931.6

* Project valuation shall be determined by project amount submitted by permit applicant, or most current International Code Council (ICC) published Building Valuation Table as published in the Building Safety Journal, or by RS Means Square Foot Costs Manual, where ICC data is not available.

City of Laguna Woods

Schedule of Planning Fees

Fee Description		Fee Assuming Full or Targeted Cost Recovery	Notes
Fixed Fee Services			
1	Community Facilities Yearly Sign Permit	\$71	
2	Film Permit	\$568	[a]
3	Med. Marijuana Dispensary Permit - Renewal	\$1,850	
4	New Address Est. / Address Change Request	\$355	
5	Notice of Exemption	\$284	[b]
6	Outdoor Seating Permit	\$355	
7	Sign Permit - Part of Sign Program	\$71	
8	Sign Permit - Permanent	\$284	
9	Sign Permit - Temporary	\$71	
10	Special Event Permit	\$284	
11	Temporary Use Permit	\$568	
12	Tree Removal Permit	\$213	
13	Zoning Letter	\$178	
14	Appeal (City Council)	\$500	

Fee Description		Initial Deposit	Notes
Deposit-Based Fee Services			
15	Change Plan	\$2,000	[c]
16	Conditional Use Permit	\$4,000	
17	Development Agreement	\$10,000	
18	Environmental Impact Report	\$10,000	
19	General Plan Amendment	\$10,000	
20	Zoning Code Amendment	\$10,000	
21	Initial Study/Neg. Dec./Mitigated Neg Dec.	\$5,000	
22	Med. Marijuana Dispensary Permit - Initial	\$4,000	
23	Sign Program	\$2,500	
24	Site Development Permit	\$4,000	
25	Specific Plan	\$10,000	
26	Variance	\$3,500	
27	Zone Change	\$10,000	
28	Other Services Not Identified	varies	

Notes

[a] Film permit fee applies for major filming (production).

[b] A pass-through of any County filing fees will also be collected from the applicant.

[c] For deposit-based fees, the City intends to recover 100% of the costs of service including the actual costs of any contract service providers and internal City support.

City of Laguna Woods

Schedule of Encroachment Permit Fees

Fee Description		Fee Assuming Full Cost Recovery	Unit	Notes
Minor Projects				
1	Landscape Maintenance	\$248	flat	
2	Temporary Staging	\$248	flat	
3	Traffic Control Only	\$330	flat	
4	Utilities Structure Inspection	\$413	flat	
5	Pole Replacement	\$413	flat	
Major Projects				
6	Major Project			[a]
	a) First Day	\$660	flat	
	b) Each Additional Day	\$248	per day	
7	Projects Greater Than Two Weeks in Duration	\$3,000	deposit	

For service requests, which have no fees listed in this Master Fee Schedule, the City Manager or his/her designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity.

Fee Description		Fee	Unit	Notes
8	City Engineer	\$165	per hour	
9	Other Staff/Outside Service Providers	100%	of actual costs, plus admin rate	

Notes

[a] Major Projects include ground disturbing activities, projects lasting longer than three days, or projects that require permanent traffic control for the duration of the project (e.g. excavation, trenching, boring, etc.).

* The City Manager may waive encroachment permit fees for activities associated with City projects or contracts.

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7.3 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 15, 2017 Regular Meeting
SUBJECT: Wireless Facilities 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, 13.12.020, 13.13.020, 13.24.020, AND 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE

INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

Background

The Fiscal Year 2016-17 Budget & Work Plan includes a significant work plan item to “review and update the City’s wireless communication facility regulations in order to ensure consistency with federal and state laws, regulations, and orders, as well as to promote clarity and administration.”

Section 13.26.210 of the Laguna Woods Municipal Code (Attachment B) contains regulations related to the design and location of wireless communication facilities. Those regulations were adopted in 2003 and have remained unchanged since then.

Since 2003, there have been several changes in federal and state law with the intent of expediting the building of new telecommunications infrastructure, including:

- On February 22, 2012, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 was enacted into law, which changed how certain modifications to wireless facilities must be processed by local agencies.
- Effective May 15, 2015, the Federal Communications Commission (“FCC”) adopted implementing regulations for Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which, among other things, imposed mandatory timeframes for local agencies to process applications for certain modifications to wireless facilities.
- Effective January 1, 2016, California Assembly Bill 57 was approved, which, among other things, adopted mandatory timeframes for local agencies to process applications for new or collocated 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 initiate the adoption process for the proposed regulations in order to ensure consistency with federal and state laws, regulations, and orders; protect local interests; and, promote clarity and administration.

As called for in the Local Hazard Mitigation Plan, the proposed regulations include requirements for new and certain modified ground-mounted wireless facilities to install and maintain an on-site backup generator, or similar on-site energy source,

in order to provide backup power for the wireless facility for a period of not less than 24 continuous hours. Those requirements would help to minimize impacts to individuals in hazard areas during energy shortages.

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

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.

- Attachments: A – Proposed Ordinance
 Exhibit A – Code Amendment Text
 B – Existing Laguna Woods Municipal Code Section 13.26.210 (Wireless
 Communication Facilities)

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ORDINANCE NO. 17-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, 13.12.020, 13.13.020, 13.24.020, AND 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

WHEREAS, the City’s Fiscal Year 2016-17 Budget & Work Plan includes a significant work plan item to “review and update the City’s wireless communication facility regulations in order to ensure consistency with federal and state laws, regulations, and orders, as well as to promote clarity and administration”; and

WHEREAS, the City seeks to ensure that its zoning laws are consistent with the goals, policies, and standards set forth in the City General Plan, federal law, and state law as it relates to the installation and modification of certain wireless facilities within the City; and

WHEREAS, on February 22, 2012, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. § 1455(a) (“Section 6409(a)”) was enacted into law, which changed how certain modifications to wireless facilities must be processed by local agencies; and

WHEREAS, effective May 15, 2015, the Federal Communications Commission (“FCC”) adopted implementing regulations for Section 6409(a), set forth at 47 C.F.R. § 1.40001, which, among other things, imposed mandatory timeframes for local agencies to process applications for certain modifications to wireless facilities; and

WHEREAS, effective January 1, 2016, California Assembly Bill No. 57 (“AB 57”), codified at Gov. Code § 65964.1, was approved, which, among other things, adopted mandatory timeframes for local agencies to process applications for new or collocated wireless facilities; and

WHEREAS, both the federal and state government have passed the aforementioned laws with the intent to expedite the pace of building new telecommunications infrastructure; and

WHEREAS, proposed language and terminology for amendments to the Laguna Woods Municipal Code intended to ensure the City’s procedural and

substantive requirements for wireless facilities are consistent with the above-described recent changes to state and federal law is set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”); and

WHEREAS, the proposed Code Amendments also protect local interests, including siting and locational considerations, as well as requirements related to the provision of on-site backup generators intended to minimize impacts to individuals in hazard areas during energy shortages consistent with Project C of the City’s Local Hazard Mitigation Plan for calendar years 2013-2017; 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 ten days prior to the scheduled City Council public hearing date; and

WHEREAS, on February 15, 2017, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

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

SECTION 2. After reviewing the entire project record, it has been determined with certainty 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. Sections 13.06.010, 13.08.010, 13.10.020, 13.12.020, 13.13.020, 13.24.020, and 13.26.210 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 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

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

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

YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A
CODE AMENDMENTS**

*Paragraphs (530) (“Major facility”) and (555) (“Minor facility”) 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 are repealed in their entirety (deletions shown with **strike through**):*

~~(530) Major facility: A wireless communication facility that is ground-mounted and does not exceed the maximum height of the applicable zoning district in which the major facility is located.~~

~~(555) Minor facility: A wireless communication facility that is either wall-mounted, utility mounted, or roof mounted in such a manner that the entire facility is screened by solid material on four sides, is architecturally-compatible with surrounding land uses and does not exceed the maximum-height of the applicable zoning district in which the minor facility is located.~~

*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** and deletions shown with **strike through**):*

	Districts			
Land Use Types	RMF	RC	RT	Code References
Wireless Communication Facilities	U	U	U	13.26.120
<u>Wireless Facilities</u>	<u>Varies – See Code References</u>			<u>13.26.210</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
Wireless Communication Facilities	U	U	U	13.26.120
<u>Wireless Facilities</u>	<u>Varies – See Code References</u>			<u>13.26.210</u>

Section 13.12.020 (“Table of permitted uses”) of Chapter 13.12 (“Open Space 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	OS-P	OS-R	Code References
Wireless Communication Facilities	U	U	13.26.120
<u>Wireless Facilities</u>	<u>Varies – See Code References</u>		<u>13.26.210</u>

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~~):

	Districts		
Land Use Types	Public/Institutional	Private	Code References
Wireless- Communication- Facilities	U	U	13.26.210
<u>Wireless Facilities</u>	<u>Varies – See Code References</u>		<u>13.26.210</u>

Subsection (a) (“Use permits”) of Section 13.24.020 (“Types of permits”) of Chapter 13.24 (“Discretionary Permits and Procedures”) 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. 13.24.020. - Types of permits.

(a) Use permits.

(1) The purpose of a use permit is to provide for the public review of detailed final plans for a proposed use. Uses which require a use permit are regarded as having a relatively moderate to high potential for adverse impacts on the subject site or surrounding community Due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

(2) Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved use permit.

(3) The following are special use types subject to supplemental regulations as specified in this Code and may require additional findings above those required ~~per Subsection 13.24.110(e)~~ by this Section in consideration of an approval of such uses:

- a. Affordable housing Incentive.
- b. Off-street parking alternative.

- c. Condominium conversion.
- d. Fence/wall height modification.
- e. Wireless facilities.

The existing Section 13.26.210 (“Wireless communication facilities”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is repealed in its entirety and replaced with a new Section 13.26.210 (“Wireless Facilities”) to read as follows:

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:

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

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

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

(7) *Horizontal Protrusion.*

a. No portion of a Wireless Facility may protrude beyond property lines or into any portion of property where such Wireless Facility is not itself permitted (such as in a required setback); provided, however, the Reviewing Authority may approve the location of guy wires in a required setback if the Applicant

demonstrates to the Reviewing Authority's satisfaction that such approval is technically necessary for the operation of the Wireless Facility and otherwise consistent with the requirements set forth in this Section.

b. A utility mounted Wireless Facility shall not protrude horizontally from the side(s) of the structure on which it is mounted by more than eighteen (18) inches; provided however, the Wireless Facility may exceed the protrusion requirement if the Applicant demonstrates to the Reviewing Authority's satisfaction that the extended protrusion is technically necessary for operation of the Facility.

(8) *Location and Siting.*

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

1. Ground mounted Wireless Facilities; and

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

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

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

2. The Reviewing Authority determines that: (i) the Applicant has demonstrated to the Reviewing Authority's satisfaction that a shorter distance between the new and existing Wireless Facilities is technically necessary, (ii) the area served by the new Wireless Facility could not be served by one or more Wireless Facilities that meet the criteria set forth in subsection "1" above, (iii) the selected Site would result in less visual obtrusiveness in the surrounding area, and (iv) the new and existing Wireless Facilities are not located within 500 feet of each other.

c. A ground mounted Wireless Facility:

1. Shall not be located in any required setback;

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

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

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

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

to time. Wireless Facilities on preapproved sites require an Eligible Facilities Request Permit or a Wireless Use Permit, as applicable, and must otherwise comply with the Laguna Woods Municipal Code.

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

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

(9) *Safety and Security.*

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

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

(10) *Backup Power Requirement.*

a. This provision shall only apply to applications for the construction of new ground-mounted Wireless Facilities, or

modification to a preexisting ground-mounted Wireless Facility, that require the issuance of a Wireless Use Permit.

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

c. Other Standards.

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

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

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

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

5. *Limitations on Operation.* In order to control noise and minimize operational impacts, on-site backup generators

and similar on-site energy sources shall only be operated when regular energy systems as provided by the local utility company to the subject automobile service station are inoperable, interrupted, or otherwise experiencing shortages.

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

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

(g) *Types of Permits Required.*

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

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

(h) *Applications; Fees; Deposits.*

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

a. *Use Permit Application Materials.* Any and all materials required for a “Use Permit” under Chapter 13.24 of this Code, including a fully completed and executed form application required by Section 13.24.030(a) of this Code, as may be amended

from time-to-time or replaced by a successor ordinance. Unless otherwise exempt under either federal or state law, if the proposed Wireless Facility is to be located on a City-held easement or right-of-way, on City-owned property, or on a City-owned building or structure, the form application must be signed by an authorized representative of the City. The form application must state what approval is being sought (*i.e.*, a Wireless Use Permit or an Eligible Facility Request Permit).

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

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

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

e. *Plans.* Three (3) full-size construction-ready plans of the proposed Wireless Facility with an exact PDF copy on compact disk, wet stamped by a professional engineer, showing the entire proposed Wireless Facility and any appurtenant structures, including, where applicable, any required on-site backup generator, or similar on-site energy source, in plan and elevation views, all proposed changes in plan and elevation views, and all utility runs

and points of contact. These plans must be drawn at 1" = 20' or a comparable scale and contain all of the following information:

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

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

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

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

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

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

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

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

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

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

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

3. Two (2) color copies of photo simulations of the proposed Wireless Facility from any Historic Resource(s), Park(s), Residence(s), and public right(s)-of-way in the Immediate Vicinity of the Wireless Facility.

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

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

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

i. *Letter of Justification.* A letter of justification accompanied by written documentation that explains and validates the Applicant's efforts to develop the proposed Wireless Facility is in accordance with federal and state law, as well as this Section. The letter of justification shall also include: (i) a description of the technical objectives to be achieved; (ii) an annotated topographical map that identifies the targeted service area to be benefitted; (iii) the estimated number of potentially affected users in the targeted service area; and (iv) full-color signal propagation maps with objective units

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

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

k. *Exemptions.* Applications for an Eligible Facility Request Permit are exempt from the requirements set forth above for "Environmental Analysis", "Letter of Justification" and "Alternative Site Analysis", and subsections (c)(6) and (c)(7) of Section 13.24.030 of this Code (relating to properties within 300 feet of the

site), as amended from time to time or replaced by a successor ordinance.

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

(2) *Filing Fee.*

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

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

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

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

(i) *Application Submittal and Resubmittal Meetings.*

(1) *Pre-Submittal Consultation Meeting.* Before submitting an Application for a Wireless Use Permit for a proposed Wireless Facility in a Protected Location or a public right-of-way, an Applicant shall schedule and attend a pre-submittal consultation meeting with the Director or other designated City staff. For all other Applications, pre-submittal consultation

meetings are strongly encouraged but not required. City staff will endeavor to provide Applicants with a pre-submittal consultation meeting within fifteen (15) working days after receipt of a written request for a meeting.

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

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

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

(j) *Initial Review of Permit Applications.*

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

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

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

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

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

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

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

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

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

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

(k) *Timeframes and Reviewing Authority.*

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

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

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

(l) *Notice and Hearing Requirements.*

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

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

(m) *Required Findings.*

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

a. The proposal involves a structure that was constructed or modified without all regulatory approvals required at the time it was constructed or modified;

b. The proposal Substantially Changes the physical dimensions of the Eligible Support Structure;

c. The proposal entails excavation or deployment outside the Site;

d. The proposal would defeat one or more of the concealment elements of the Eligible Support Structure;

e. The proposal does not comply with one or more conditions of the underlying approval(s) for the Eligible Support Structure and any appurtenant equipment, provided however, this

limitation does not apply if the proposal merely changes the physical dimensions of the Eligible Support Structure in a manner that does not qualify as a “Substantial Change”;

f. The proposal involves the replacement of the entire Eligible Support Structure;

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

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

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

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

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

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

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

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

1. The proposed Wireless Facility is Collocated with an Existing Wireless Facility;
2. The proposed Wireless Facility is attached to an existing structure such as an existing building, communication tower, church steeple or utility; or
3. The proposed Wireless Facility is located in an Unprotected Location.

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

1. No existing buildings or support structures are located within the geographic area proposed to be served by the proposed Wireless Facility;
2. Existing buildings or support structures are not of sufficient height or structural strength to satisfy the proposed Wireless Facility's operational or engineering requirements.
3. The proposed Wireless Facility would create electromagnetic interference with another Wireless Facility on an Existing structure, or the Existing Transmission Equipment on an Existing building or support structure would create interference with the Applicant's proposed Transmission Equipment.
4. The costs, fees, or contractual provisions required by a property owner or by an incumbent wireless service provider in order to Collocate the proposed Wireless Facility on an existing building or structure, or to adapt an existing building or structure for the location of the proposed Wireless Facility, are unreasonable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) *Notice of Decision; Appeals.*

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

other written record available at the same time as the notice of decision is provided.

(2) *Appeals.* Any interested person may appeal a final decision by the Director in accordance with the appeal procedures set forth in Chapter 13.24 of this Code. The appeal must state in plain terms the grounds for the appeal and the facts that support those grounds. The appellant must pay a fee established by a resolution of the City Council at the time the appeal is filed. The City Council shall hear the appeal.

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

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

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

- (1) Increased height or size of the Wireless Facility without proper authorization from the City;
- (2) Additional impairment of the views from surrounding properties;
- (3) Change in the type of antenna or supporting structure;
- (4) Changed color or materials;
- (5) A substantial change in location on the site; and

(6) An effective increase in signal output above or near the maximum permissible exposure (“MPE”) limits imposed by the revised radio frequency emissions guidelines by the FCC.

(t) *Revocation of Permits.* Any Permit issued under this Section may be revoked in accordance with the revocation procedures applicable to “Use Permits,” set forth in Chapter 13.24 of this Code, including Section 13.24.080 as that Section is amended from time to time or replaced by a successor ordinance.

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

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

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

(3) *Removal of abandoned facility or hearing.* The operator of the Wireless Facility and the owner(s) of the Site on which it is located, shall within thirty (30) days after notice of abandonment is given either (a)

remove the Wireless Facility and restore the Site, or (2) provide the Department with written objection to the City's determination of abandonment and request for hearing before the City Council. If a written objection is timely received and a hearing is properly requested, the City shall conduct a hearing, and the procedures for hearings, notices and related fees set forth in Chapter 13.24 of this Code shall apply. At such hearing, the operator and/or owner shall be given the opportunity to provide evidence that the Wireless Facility was in use during the relevant six (6) month period, and that it is presently operational. The operator and/or owner shall also be given the opportunity to rebut or cross examine any evidence provided by the City to the contrary. The City Council shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator written notice of its determination. As part of its determination the City Council may, but is not required to, provide the appealing owner or operator additional time to remove or salvage the abandoned Wireless Facility.

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

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

(6) *City lien on property.* Until the cost of removal, repair, restoration and storage is paid in full, a lien may be placed on the personal property and any real property on which the abandoned Wireless Facility

was located, for the full amount of the cost of removal, repair, restoration and storage. The Director shall cause the lien to be recorded in the Orange County Recorder's Office.

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

Sec. 13.26.210. - Wireless communication facilities.

- (a) *Purpose and intent.* The purpose of these requirements and guidelines is to regulate the location and design of wireless communication facilities as defined herein to facilitate the orderly deployment and development of wireless communications services in the City of Laguna Woods, to ensure the design and location of wireless communications facilities are consistent with policies of the City previously adopted to guide the orderly development of the City of Laguna Woods, to promote the public health, safety, comfort, convenience, quality of life and general welfare of the City's residents, to protect property values and enhance aesthetic appearance of the City by maintaining architectural and structural integrity, and by protecting views from obtrusive and unsightly accessory uses and facilities.
- (1) In adopting and implementing the regulatory provisions of this section, it is the intent of the Laguna Woods City Council to further the objectives specified above, and to create reasonable regulations in conformance with the provisions of the Telecommunication Act of 1996 without unnecessarily burdening the Federal interests in ensuring access to telecommunication services, in promoting fair and effective competition among competing communication service providers, and in eliminating local restrictions and regulations that, with regard to antennas, may preclude reception of an acceptable signal quality or may unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of such antennas.
 - (2) The Laguna Woods City Council has found and determined that these requirements and guidelines for wireless communication facilities are necessary to attain such purposes.
 - (3) These regulations are intended to supersede any applicable provisions of the Laguna Woods Zoning Code pertaining to such antenna structures and appurtenant communication equipment and to establish minimum requirements and flexible guidelines for the governance of wireless communications facilities, taking into consideration the rapid technological advances and the proliferation in use of radio communication services.
- (b) *Applicability.*
- (1) All wireless communication facilities which are erected, located, or modified within the City of Laguna Woods on or following the effective date of this Code shall comply with this section, subject to the categorical exemptions under Paragraph (4) of this section, provided that:
 - a. All facilities for which applications were determined complete by the Planning Department prior to the effective date of this Code shall be exempt from the regulations and guidelines of this section.
 - b. All facilities for which building permits were issued by the City of Laguna Woods prior to the effective date of this Code shall be exempt from the regulations and guidelines of this chapter, unless and until such time as Subsection (b)(1)c of this section applies.
 - c. All facilities for which building permits and any extension thereof have expired shall comply with the provisions of this Code.
 - d.

All facilities constructed or erected prior to the effective date of this Code that are in violation of applicable laws, ordinances, or other regulations shall be considered an illegal nonconforming facility and shall be subject to abatement as a public nuisance.

- (2) The following uses shall be exempt from the provisions of this section until such time as Federal regulations are repealed or amended to eliminate the necessity of the exemption:
 - a. Any antenna structure that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission;
 - b. Any antenna structure that is two meters (78.74 inches) or less in diameter located in a commercial or industrial zone and is designed to transmit or receive radio communication by satellite antenna;
 - c. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service, provided that no part of the antenna structure extends more than 12 feet above the principal building on the same lot.
- (3) The following uses shall be exempt from the provisions of this section, so long as the antenna structure complies with all other zoning requirements:
 - a. Any antenna structure that is designed and used solely to receive UHF, VHF, AM, and FM broadcast signals from licensed radio and television stations.
 - b. Any antenna structure that is designed and used solely in connection with authorized operations of an amateur radio station licensed by the FCC (i.e., a "HAM" radio transmission).
- (c) *Distances.* For the purpose of this section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major facility to the relevant property line at point five feet above ground level.
- (d) Regulations for both major and minor wireless communication facilities.
 - (1) Both major and minor facilities shall be erected, located, operated and maintained at all times in compliance with this section and all applicable laws and regulations of the City, the State of California, and the United States of America.
 - (2) Both major and minor facilities are conditionally permitted in the applicable land use designations subject to the following table:

Land Use Designations	Major	Minor
Nonresidential	CUP	CUP

Residential	Not permitted	CUP
Open Space	Not permitted	CUP

(3) Application requirements and procedures.

a. Both major and minor facilities proposed to be erected, located, operated and maintained at all times shall require a conditional use permit (CUP). Each applicant applying for a CUP shall submit a completed CUP application in accordance with the requirements set forth in this Code, and such additional or different requirements as are made applicable by this section. In addition to the City submittal requirements, a scaled site plan shall be provided to the City which shows illustrating the following information:

1. The proposed location of the wireless telecommunications antenna facility.
2. Elevations of the wireless telecommunication antenna facility with dimensions.
3. The height of any existing or proposed structure(s).
4. Location of any accessory equipment facility.
5. Locations of all guy wires.
6. Location of all aboveground and belowground wiring and connection cables.
7. Location of existing or proposed easements on the property.
8. The height of any panels, microwave dishes, or whip antennas, above ground level.
9. The distance between the antenna facility and any existing or proposed accessory equipment facility.
10. Any other necessary information as may be required by the Community Development Department.

Any application that is improperly submitted or fails to contain all of the information as required by this section shall be deemed incomplete.

- b. Each application shall contain a letter of justification accompanied by written documentation that explains and validates the applicant's efforts to locate the facility in accordance with the screening and site selection guidelines set forth in this section.
- c. Each application shall contain a narrative and map that discloses the exact location and nature of any and all existing facilities that are owned, operated or used by the applicant within the City of Laguna Woods, or within five miles of its geographic borders, as well as any proposed or planned sites that may reasonably be known to the applicant at the time the application is made.
- d.

Each application shall contain a narrative and appropriate maps that disclose the geographic area(s) within the City of Laguna Woods that will be serviced by the proposed facility, the geographic area(s) bordering the City of Laguna Woods, if any, that will be serviced by the proposed facility, the nature of the Service to be provided or purpose of the facility, the reasons, if any, why the applicant cannot locate the facility outside the City of Laguna Woods, and the efforts, if any, that applicant has made to locate the facility outside the City of Laguna Woods.

- e. A radio frequency (RF) report prepared by a qualified RF engineer acceptable to the City to demonstrate that the proposed facility, as well as any collocated facilities, complies with current Federal RF emission standards. This RF report shall also include signal strength exhibits.
 - f. Computerized visual assessments or other exhibits equivalent in a form and manner acceptable to the Community Development Director showing the before and after visual appearances of the proposed facility.
 - g. A preliminary environmental review in accordance with the City submittal requirements, with special emphasis placed upon the nature and extent of visual, public, health, and safety impacts.
 - h. Evidence of any required licenses and approvals to provide wireless services in the City.
 - i. Notwithstanding any permit that may be granted in accordance with this section, the facility shall be erected, located, operated and maintained at all times in compliance with this section and all applicable laws, regulations and requirements of the Building Code, and every other Code and regulation imposed or enforced by the City of Laguna Woods, the State of California, and the United States federal government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.
- (4) General development requirements. The facility shall comply with each of the following requirements:
- a. A facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage.
 - b. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within a building, an enclosure, or underground vault in a manner that complies with the development standards of the zoning district in which such equipment is located. In addition, if equipment is located above ground, it shall be visually compatible with the surrounding buildings and either shrouded by sufficient landscaping to screen the equipment from view, or designed to match the architecture of adjacent buildings. If accessory equipment will be visible from a residential area or an arterial street, the applicant shall provide a solid masonry block wall that will screen the equipment from the residential area or another material that is acceptable to the

Community Development Director. If no recent and/or reasonable architectural theme is present, the Community Development Director may require a particular design that is deemed suitable to the subject location.

- c. The facility's exterior finish shall be comprised of nonreflective material(s) and painted, screened, or camouflaged to blend with surrounding building's or structure's materials and colors.
 - d. All screening used in connection with a wall mounted and/or roof mounted facility shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached.
 - e. Facilities may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.
 - f. The applicant and the property owner if different from the applicant shall consent to future collocation of other facilities on or with the applicant's facility, unless technological requirements preclude that collocation.
- (5) Setback requirements and guidelines. A facility shall be considered an accessory structure. If the facility is located in a residential zone or within 200 feet of a residential use, then the facility shall comply with the setback requirements for such zone. In all other instances, the extent of compliance with the setback requirements for the zone in which the facility is located shall be considered, by the City in connection with the processing of the CUP.
- (6) Screening and site selection guidelines. In addition to the above requirements, the City shall consider the following guidelines in conjunction with the processing of a CUP:
- a. The proposed facility should blend into the surrounding environment or be architecturally integrated into a concealing structure, taking into consideration alternate sites that are available, including collocation.
 - b. The proposed facility should be screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Any such improvements shall be appropriate for and compatible with the site and surrounding area.
 - c. The total size of the proposed facility should be compatible with surrounding and supporting structures.
 - d. If feasible, the location of the proposed facility should conform to the following in order of preference:
 1. Collocated with an existing facility or located at a preapproved location;
 2. Attached to an existing structure such as an existing building, communication tower, church steeple or utility;
 3. Located in an industrial zoning district;
 4. Located in a commercial zoning district;
 - e.

Proximity of the proposed facility to residential structures and to boundaries of residentially zoned districts.

- f. The availability of suitable alternative locations for the facility.
- g. The nature of existing uses on adjacent and nearby properties.
- h. Proposed ingress and egress to the facility.

(e) *Required findings for both major and minor wireless communication facilities.*

- (1) Wireless communications facilities findings. In addition to the required findings for conditional use permits contained in this Code, the following findings are required for every major and minor conditional use permit (CUP) for wireless facilities:
 - a. That the proposed facility will not create any significant blockage to public views and;
 - b. That the proposed facility will be an enhancement to the City due to its ability to provide additional communication capabilities and;
 - c. That the proposed facility will be aesthetically integrated into its surrounding land uses and;
 - d. That the proposed facility will comply with FCC regulations regarding interference with the reception or transmission of other wireless service signals within the City and surrounding community and;
 - e. That the proposed facility will operate in compliance with all other applicable Federal regulations for such facilities, including safety regulations and;
 - f. That the public need for the use of the antenna facility has been documented.
- (2) If the Planning Commission does not approve an application for such conditional use permit, the Planning Commission shall make a written determination supported by findings as required by law.

(f) *Additional regulations for minor facilities.* In addition to the requirements above, the following requirements shall apply to the following types of facilities:

- (1) *Minor facility height requirements.* Notwithstanding any other provision in the Laguna Woods Municipal Code, no minor facility shall exceed the maximum building height for the applicable zoning district. A roof mounted facility may exceed the height of the structure on which it is mounted up to 15 feet for the necessary operation and safety of the facility. Such permit to exceed the height for a minor facility shall not be considered for approval unless:
 - a. The applicant demonstrates to the Community Development Director's satisfaction that exceeding the height limitation is necessary for operation of the facility; or
 - b. The facility is collocated, or contains adequate space suitable for future collocation, and the height in excess of zoning requirements is necessary to the proposed shared use.
- (2) *Utility mounted facilities, vertical extensions.* A utility mounted facility may, if approved by the Planning Commission, exceed the maximum building height limit for the applicable zoning district. The extent that the utility mounted facility exceeds the height of the existing utility pole or structure and the need for such height increase shall be taken into consideration by the City in conjunction

with the processing of the CUP for the utility mounted facility. A utility mounted facility shall not exceed the height of a utility pole or structure by more than four feet of its existing height. Any extension above four feet shall receive Planning Commission approval of a conditional use permit.

(3) *Utility mounted facilities, horizontal extension.* The extent that the utility mounted facility protrudes or extends horizontally from the existing utility pole or structure, and there is a need for such extension, additional considerations shall be taken into account by the City in conjunction with its processing of a CUP for a utility mounted facility. A utility mounted facility may not protrude or extend horizontally more than 18 inches from the existing utility pole or structure unless such utility mounted facility receives Planning Commission approval of a conditional use permit.

(g) *Additional regulations for major facilities.* In addition to the requirements of above, the following requirements shall apply to the following types of facilities:

(1) *Location requirements.*

- a. No portion or extension of a major facility shall protrude beyond property lines or extend into any portion of property where such facility is not itself permitted; provided, however, that the City may approve the location of guy wires in a required setback if such approval is consistent with the guidelines and requirements set forth in this section.
- b. A ground mounted facility 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.
- c. A ground mounted facility shall not be permitted unless the reviewing authority makes the additional finding that, based upon evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed facility. Evidence supporting this finding will be reviewed by the reviewing authority and 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 applicant's facility.
 2. Existing buildings or support structures are not of sufficient height or structural strength to satisfy the applicant's operational or engineering requirements.
 3. The applicant's proposed facility would create electromagnetic interference with another facility on an existing structure, or the existing antenna array on an existing building or support structure would create interference with the applicant's proposed antenna array.
 4. The costs, fees, or contractual provisions required by a property owner, or by an incumbent wireless service provider, in order to collocate a new antenna array on an existing building or structure, or to adapt an existing building or structure for the location of the new antenna array, are unreasonable.
 5. There are other limiting factors that render existing buildings and structures unsuitable for use by the applicant.

d.

If the proposed major facility cannot be collocated, it must be sited at least 1,500 feet from any existing major facility unless the reviewing authority determines that a shorter distance is required for technological reasons, the area served could not be served by one or more minor facilities, and that it would result in less visual obtrusiveness in the surrounding area.

- (2) *Additional design requirements.*
- a. A ground mounted facility shall be secured from access by the general public with a fence of a type or other form or screening approved by either the Community Development Director or the Planning Commission.
 - b. A ground mounted facility shall be covered with a clear anti-graffiti material of a type approved by the Community Development Director. The Community Development Director may grant an exception to this requirement if the applicant demonstrates to the satisfaction of the Community Development Director that there is adequate security around the facility to prevent graffiti.
- (3) *Height requirements.* Notwithstanding any other provision in the Laguna Woods Municipal Code, no major facility shall exceed the maximum building height for the applicable zoning district unless such facility receives Planning Commission approval and considers the following:
- a. The applicant demonstrates to the Community Development Director's satisfaction that exceeding the height limitation is reasonably necessary for operation of the facility; or
 - b. The facility is collocated, or contains adequate space suitable for future collocation, and the excess in height is reasonably necessary to the proposed shared use.
- (4) *Additional screening and site selection guidelines.* The following screening and site selection guidelines shall be considered by the City in conjunction with the processing of a major facility CUP:
- a. A major facility should not be located within 200 feet of any property containing a residential use.
 - b. If technical data require the placement of a major facility to be located within 1,500 feet of an existing major facility, under Section 13.26.210, the new major facility should be located at least 500 feet from the existing major facility.
 - c. A ground mounted facility should be located in close proximity to existing above ground utilities, such as electrical tower or utility poles (not scheduled for removal or undergrounding in the next 18 months), light poles, trees of comparable height, water tanks and other areas where the facility will not detract from the image or appearance of the City.
 - d. A roof mounted 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 Community Development Director.
 - e.

A roof mounted 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 streets, including any pertinent public views from higher elevations.

f. No part of a ground mounted facility should be located in any required setback.

(h) *Public property facilities.*

(1) *Preapproved locations.*

a. The City may approve by resolution, following a duly noticed public hearing, a list of sites which may be located on public property or within the public right-of-way and which are approved for major facilities. Each site shall include a description of permissible development and design characteristics, including but not limited to maximum height requirements. The City shall make said resolution available to all persons upon request. The approved list of locations may be subsequently amended by resolution from time to time.

b. All facilities located on a public property site which is preapproved in accordance with this section following the effective date of this Code must obtain approval of a CUP in accordance with the Laguna Woods Municipal Code, and any additional or different requirements made applicable by this section.

c. All leases of public property that is preapproved in accordance with this section shall be nonexclusive. The operator of a facility located on such public property shall make the supporting structure of the facility available to any other applicant wishing to collocate to the extent technically feasible.

(2) *Requirement for separate lease agreement.* Any lease of City-owned property for the purpose of erecting a wireless communications facility shall require a negotiated lease agreement or other written license granted by the City of Laguna Woods. The existence of a lease agreement or license shall not relieve an applicant of any obligations to obtain appropriate permits or otherwise comply with the Laguna Woods Municipal Code.

(i) *Coordinated antenna plans.*

(1) *Requirements.* Any wireless service provider may apply for Planning Commission approval of a coordinated antenna plan (CAP) by filling a CUP to obtain preapproval for the use of proposed and potential future locations for facilities, subject to the following requirements:

a. The CAP shall specify permissible development and design characteristics for identified future locations, including but not limited to maximum height and size, type of supporting structure, and type of antenna.

b. The CAP shall identify potential future locations by lot and parcel number.

c. Applications for a CAP may be considered by the Planning Commission after holding a noticed public hearing thereon in accordance with this Code.

d.

Following Planning Commission approval of a CAP, each facility that complies with the specifications of the CAP may be approved subject to Community Development Director review and approval in accordance with the requirements set forth and referenced herein. Except for the type of permit, nothing in this section shall relieve the applicant of the obligation to comply with the regulations, requirements, and guidelines as required by this chapter, and the Community Development Director may recommend denial of a CUP, or place conditions upon its approval, notwithstanding prior approval of a CAP.

- e. Any conditions placed on the approval of a CUP for a facility that complies with the CAP shall be consistent with the specifications of the CAP.
 - f. The CAP shall not vest any permanent rights to use the preapproved locations for facilities beyond the date of expiration. Unless extended, the CAP shall expire 24 months following its approval by the Planning Commission regardless of whether any CUP has been granted pursuant to the CAP. The Planning Commission may at its discretion, after written request therefore, extend the term of the CAP for up to twenty four (24) additional months; no CAP shall continue longer than 48 months.
- (2) *Findings.* The Planning Commission shall approve a CAP based upon the following findings:
- a. The intent and purpose of this section, and all its regulations and requirements will be preserved.
 - b. Any future facility complying with the specifications imposed by the CAP will not have a significant adverse impact on the subject site or surrounding community beyond those impacts considered in the approval of the CAP.
 - c. Any future facilities within the specifications of the CAP will be consistent with the General Plan and the uses permitted in the Laguna Woods Zoning Code, subject to subsequent approval of a CUP.
- (3) *Application procedures.* Each applicant for a CAP shall submit the following information:
- a. Written application on a form prescribed by the Community Development Department;
 - b. A map clearly indicating the following information:
 - 1. Lot and parcel dimensions for proposed locations;
 - 2. Location, size, height and use of all existing buildings and structures on the proposed location and abutting properties;
 - 3. Location, height, and description of all existing aboveground utility facilities on the proposed location and abutting properties;
 - 4. Location, size, and dimensions of all existing yards, setbacks, landscape areas, parking, walls, fences, and spaces between structures on the proposed location and abutting properties.
 - 5. Any other information as may be required by the Community Development Department.
 - c.

Letter of justification indicating for each location the proposed maximum height of the facility; the anticipated type of antenna structure; any anticipated accessory equipment to be located on the site; proposed screening materials, if any; and willingness to collocate on the proposed location.

- d. All applicable permit processing fees as established by resolution. An additional permit fee for each proposed facility shall be submitted with each subsequent application for a CUP, and with each request for modification of a permit.
- (4) *Modification procedures.* Subsequent approval of a CUP for a major or minor facility subject to a CAP requires strict compliance with the specifications of the CAP (in addition to any additional conditions of the CUP); provided, however, that the Community Development Director may approve a minor modification of the CAP concurrent with an application for a CUP. For the purposes of this section, a minor modification shall include any adjustment to the approved specifications of the CAP which (a) does not increase the height of the facility by more five percent from the approved maximum height, (b) does not move the location of the facility closer to any approved location, (c) does not move the location of the facility within 200 feet of a residential property or school facility, and (d) does not otherwise significantly increase the adverse impacts upon the subject site or surrounding community.
- (j) *Appeal or review and notices.* Any applicant or the operator and/or owner of a facility may appeal a final decision of the Community Development Director or Planning Commission. All appeals shall be processed in accordance with this Code, including required fees.
- (k) *Reservation of right to review permits.*
- (1) *Changed circumstance.* Any conditional use permit granted or approved pursuant to this section shall be granted or approved by the City and its Planning Commission with the reservation of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following in relation to the approved facility as described and diagrammed in the related site plan: increased height or size of the facility; additional impairment of the views from surrounding properties; change in the type of antenna or supporting structure; changed color or materials; substantial change in location on the site; and 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 Federal Communications Commission.
 - (2) *Additional right to revoke for violation.* The reservation of right to review any permit granted or approved hereunder by the City, its Planning Commission and/or City Council is in addition to, and not in lieu of, the right of the City, its Planning Commission and/or City Council to review and revoke or modify any permit granted or approved hereunder for any violations of the conditions imposed on such permit.
 - (3)

Modification of permit/collocation. Upon review, any changed circumstance as determined by the Community Development Director shall require the application and approval of a modification to the original conditional use permit, provided that any modification to accommodate collocated facilities may be approved administratively without the approval of the Planning Commission.

(l) *Facility removal.*

- (1) *Discontinued use.* The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Community Development Director in writing in the event that use of the 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 facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate such as to be in conformance with applicable Zoning Codes. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued, and shall be performed in accordance with all applicable health and safety requirements. For purposes of this subsection, a discontinued use shall be permanent unless the facility is likely to be operative and used within the immediately following three-month period.
- (2) *Abandonment.* A facility that is inoperative or unused for a period of six continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the facility and the owner(s) of the premises upon which the facility is located. Such notice may be delivered in person, or mailed to the address(es) stated on the facility permit application, and shall be deemed given at the time delivered or placed in the mail. A written notice of the City's determination of abandonment shall be mailed or delivered to the operator of the facility at the address stated in the relevant permit application.
- (3) *Removal of abandoned facility or hearing.* The operator of the facility and the owner(s) of the property on which it is located, shall within 30 days after notice of abandonment is given either (1) remove the facility and restore the premises, or (2) provide the Community Development Department with written objection to the City's determination of abandonment and request for hearing before the Community Development Director. If a written objection is timely received and a hearing is properly requested, the procedures for hearings, notices and related fees set forth in this code shall apply. The operator and/or owner shall be given the opportunity to provide evidence that the facility was in use during the relevant six-month period and that it is presently operational. The operator and/or owner shall be given the opportunity to cross examine any evidence provided by the City to the contrary. The Community Development Director shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator notice of its determination.
- (4) *Removal by City.* The City may remove the abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable code at any time: (1) after 30 days following the notice of abandonment, or (2) following a notice of decision by the Community Development Director, if applicable, subject

to the owner/operator's right of appeal under this Code. The City may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility was located, and all prior operators of the 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 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 facility, and the owners of the premises upon which it is located shall be in violation of this chapter 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 shall be placed on the personal property and any real property on which the abandoned facility was located, for the full amount of the cost of removal, repair, restoration and storage. The Community Development Director shall cause the lien to be recorded in the Orange County Recorder's Office.

(Ord. No. 03-03, § 5(18.60.200), 4-16-2003)

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8.1

**APPOINTMENT OF SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS' 2017
GENERAL ASSEMBLY DELEGATE AND
ALTERNATE DELEGATE**

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: February 15, 2017 Regular Meeting

SUBJECT: Appointment of Southern California Association of Governments' 2017 General Assembly Delegate and Alternate Delegate

Recommendation

Appoint members of the City Council to serve as a delegate and alternate at the Southern California Association of Governments' 2017 General Assembly.

Background

The Southern California Association of Governments (SCAG) will host its annual Regional Conference and General Assembly on May 4 and 5, 2017 in Palm Desert, California. Each year, member cities appoint a delegate and alternate to propose and vote on policy matters on their behalf at the General Assembly.

Discussion

SCAG has requested that the City Council appoint a delegate and alternate for the 2017 General Assembly.

Fiscal Impact

Expenses associated with SCAG's Regional Conference and General Assembly can be accommodated in the City's budget. SCAG offsets a portion of the expenses for each city's delegate, as well as members of SCAG policy committees (Mayor Horne, Mayor Pro Tem Moore, Councilmember Hack), if they choose to attend.

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8.2

**SUPPORT FOR GOLF CART CROSSING-
RELATED STATE LEGISLATION
(AGENDIZED BY MAYOR HORNE)
*(NO REPORT)***

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