

# CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting  
Wednesday, July 19, 2023  
2:00 p.m.

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

Cynthia Conners  
Mayor

Noel Hatch  
Mayor Pro Tem

Shari L. Horne  
Councilmember



Annie McCary  
Councilmember

Carol Moore  
Councilmember

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

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

**Public Comments:** The City offers four options for public comments:

1. Make public comments in-person
2. Submit public comments in writing
3. Make public comments by telephone
4. Make public comments by computer (Zoom)

For more information, please refer to page three of this agenda.

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

REGULAR MEETING SCHEDULE

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

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AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website ([www.cityoflagunawoods.org](http://www.cityoflagunawoods.org)); and, at other locations designated by Resolution No. 17-30, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City’s website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

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FOR ADDITIONAL INFORMATION

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AFFIDAVIT OF POSTING

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

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

/s/ Yolie Trippy  
YOLIE TRIPPY, CMC, City Clerk

7/14/23  
Date

## **OPTIONS FOR PUBLIC COMMENTS**

**1. Make public comments in-person.** Members of the public wishing to make in-person public comments are asked, but not required, to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. If you do not wish to submit a speaker card, or wish to remain anonymous, you may indicate your desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

**2. Submit public comments in writing.** Written public comments may be submitted via email ([cityhall@cityoflagunawoods.org](mailto:cityhall@cityoflagunawoods.org)) or delivered to Laguna Woods City Hall (24264 El Toro Road, Laguna Woods, CA 92637), provided that they are received by the City prior to 2:00 p.m. on the day of the meeting. Written public comments may be read or summarized to the City Council at the meeting, and parties submitting written public comments are advised that their email addresses and any information submitted may be disclosed or become a matter of public record. No party should expect privacy of such information.

**3. Make public comments by telephone.** Dial (669) 444-9171. When prompted enter the following meeting ID: 880 2755 6592 followed by pound (#) and the following meeting passcode: 011439 followed by pound (#). When an item you wish to comment on is discussed, press \*9 on your telephone to raise your hand. When it is your turn, you will be unmuted and able to speak. Please note that your telephone number will be visible to the City. No party should expect privacy of such information.

**4. Make public comments by computer (Zoom).**

- Visit [www.zoom.us](http://www.zoom.us)
- Click on “Join” toward the top right of the webpage
- Enter the following meeting ID: 880 2755 6592
- Open the Zoom application following the on-screen prompts
- Enter the following meeting password: 011439
- Enter a name and email address as required by Zoom

When an item you wish to comment on is discussed, click on “Raise Hand.” When it is your turn, you will be unmuted and able to speak. Please note that information you enter into Zoom will be visible to the City. No party should expect privacy of such information.

## **I. CALL TO ORDER**

### 1.1 Call to Order

Introductory Note: Members of the public wishing to address the City Council on items appearing on this agenda are advised to indicate their interest in doing so at the time an item is considered by notifying City staff if present in-person, pressing \*9 on their telephone if participating by telephone, or clicking on “Raise Hand” if participating by computer via Zoom. Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

### 1.2 Emergency Circumstances and Just Cause Teleconferencing

*Recommendation:* Receive and act upon disclosures and requests from members of the City Council related to teleconferencing pursuant to California Assembly Bill 2449 (2021-2022).

## **II. ROLL CALL**

## **III. PLEDGE OF ALLEGIANCE**

## **IV. PRESENTATIONS AND CEREMONIAL MATTERS**

### 4.1 City Hall/Public Library Project Update

*Recommendation:* Receive and file.

## **V. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

About Public Comments on Non-Agenda Items: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. To indicate interest, please notify City staff if present in-person, press \*9 on your telephone if participating by telephone, or click on “Raise Hand” if participating by computer via Zoom. Pursuant to state law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

## **VI. CONSENT CALENDAR**

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

### 6.1 City Council Minutes

*Recommendation:* Approve the City Council meeting minutes for the adjourned regular meeting on May 31, 2023, the special meeting on June 14, 2023, the regular meeting on June 21, 2023, and the adjourned regular meeting on June 28, 2023.

6.2 City Treasurer's Report

*Recommendation:* Receive and file the City Treasurer's Report for the month of June 2023.

6.3 Warrant Register

*Recommendation:* Approve the warrant register dated July 19, 2023 in the amount of \$758,053.58.

6.4 Fiscal Years 2023-25 Budget Adjustments

*Recommendation:* Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADJUSTING THE ASSIGNED RESERVE BALANCES FOR THE PAID LEAVE CONTINGENCY RESERVE AND THE GENERAL FUND CONTINGENCY RESERVE FOR FISCAL YEAR 2023-24

6.5 Fiscal Years 2023-34 Capital Improvement Program

*Recommendation:* Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A STATEMENT OF THE TRANSPORTATION-RELATED PROJECTS AND MEASURE M2 (OC GO) BUDGETS INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2023-24 THROUGH 2029-30, IN CONFORMANCE WITH MEASURE M2 (OC GO) REQUIREMENTS

6.6 Americans with Disabilities Act (ADA) Pedestrian Accessibility

Improvement Project: Phase 6 and 6(B)

*Recommendation:*

1. Approve the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” design plans and specifications as prepared by the project engineer.

AND

2. Approve a notice of exemption for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) and authorize the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

AND

3. Award a contract agreement to Kalban, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)”, in the amount of \$241,100.00, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

6.7 City Hall Electric Vehicle Charging Infrastructure Project

*Recommendation:*

1. Approve final record plans and specifications reflecting completion of the “City Hall Electric Vehicle Charging Infrastructure Project” as prepared by the project engineer.

AND

2. Accept project completion of the contract agreement with Smart City Electric Group for the “City Hall Electric Vehicle Charging Infrastructure Project”.

AND

3. Release contract retention in the amount of \$1,585.00 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

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

## **VII. PUBLIC HEARINGS**

### 7.1 Cannabis Retail Sales Business Regulations

*Recommendation:*

If the City Council wishes to proceed with adopting regulations that would permit cannabis retail sales businesses:

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 – titled:

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, 13.18.070, AND 13.26.025 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO ESTABLISH A REGULATORY FRAMEWORK FOR CANNABIS STOREFRONT RETAILERS, SET THE CANNABIS BUSINESS TAX RATE FOR CANNABIS STOREFRONT RETAILERS, AND CLARIFY THE NATURE OF PROHIBITED CANNABIS BUSINESSES AND EXISTING REGULATIONS PERTAINING TO TOBACCO AND TOBACCO CIGARETTE SALES; AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

## 7.2 Zoning Code Amendments

### *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 – titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.14 AND SECTIONS 13.04.020, 13.08.010, 13.13.020, 13.15.011, 13.15.015, 13.15.016, 13.15.017, 13.15.020, 13.23.030, AND 13.26.070 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

## **VIII. CITY COUNCIL BUSINESS**

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

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

- 9.1 Coastal Greenbelt Authority  
Councilmember McCary, First Alternate: Councilmember Horne, Second Alternate: Mayor Connors
- 9.2 Orange County Fire Authority  
Mayor Pro Tem Hatch
- 9.3 Orange County Library Advisory Board  
Councilmember Moore; Alternate: Councilmember McCary
- 9.4 Orange County Mosquito and Vector Control District  
Councilmember Horne
- 9.5 San Joaquin Hills Transportation Corridor Agency  
Mayor Connors; Alternate: Mayor Pro Tem Hatch

9.6 South Orange County Watershed Management Area  
Councilmember Moore; Alternate: Councilmember Horne

9.7 Liaisons to Community Bridge Builders  
Councilmember Horne and Councilmember McCary

9.8 Other Comments and Reports

## **X. CLOSED SESSION**

Prior to convening in closed session, the City Council will hear public comments on items appearing on the closed session agenda.

10.1 The City Council will meet in closed session under the authority of California Government Code Section 54956.9(d)(4) and (e)(1) to confer with and receive advice from its legal counsel regarding the potential initiation of litigation in one case.

10.2 The City Council will meet in closed session under the authority of California Government Code Section 54957(b)(1) to consider the following: Public Employee Performance Evaluation – City Manager.

## **XI. CLOSED SESSION REPORT**

## **XII. ADJOURNMENT**

Next Regular Meeting:

Wednesday, August 16, 2023 at 2 p.m.

Laguna Woods City Hall

24264 El Toro Road, Laguna Woods, California 92637

**4.1**  
**CITY HALL/PUBLIC LIBRARY UPDATE**  
***(NO REPORT)***

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**6.0**  
**CONSENT CALENDAR SUMMARY**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** July 19, 2023 Regular Meeting  
**SUBJECT:** Consent Calendar Summary

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### **Recommendation**

Approve all proposed actions on the July 19, 2023 Consent Calendar by single motion and City Council action.

### **Background**

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

### **Summary**

The July 19, 2023 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the adjourned regular meeting on May 31, 2023 (Attachment A), the special meeting on June 14, 2023 (Attachment B), the regular meeting on June 21, 2023 (Attachment C), and the adjourned regular meeting on June 28, 2023 (Attachment D).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of June 2023.
- 6.3 Approval of the warrant register dated July 19, 2023 in the amount of

\$758,053.58. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.

- 6.4 Adoption of a resolution adjusting the assigned reserve balances for the Paid Leave Contingency Reserve and the General Fund Contingency Reserve for Fiscal Year 2023-24. The proposed resolution would adjust two of the three assigned reserve balances for Fiscal Year 2023-24, in accordance with Administrative Policy 2.9 (Budgeting, Reserves, and Reporting). While two assigned reserve balances would change, the total of all three assigned reserve balances would remain \$3,600,300.
- 6.5 Adoption of a resolution adopting a statement of the transportation-related projects and Measure M2 (OC Go) budgets included in the Capital Improvement Program for Fiscal Years 2023-24 through 2029-30, in conformance with Measure M2 (OC Go) requirements. The proposed resolution would satisfy an Orange County Transportation Authority (“OCTA”) requirement that the City adopt a statement of the transportation-related projects and Measure M2 (OC Go) budgets included in the first seven years of its 11-year Capital Improvement Program in the format generated by the OCTA’s OCFundtracker database, no later than July 31, 2023. The proposed resolution is consistent with the Fiscal Years 2023-34 Capital Improvement Program.
- 6.6 [1] Approval of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” design plans and specifications as prepared by the project engineer.

AND

[2] Approval of a notice of exemption for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) and authorization for the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

AND

[3] Award of a contract agreement to Kalban, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility



Improvement Project: Phase 6 and 6(B)”, in the amount of \$241,100.00, plus authorized change orders not to exceed 10% of the base amount; and authorization for the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

An agenda report is included with additional information.

- 6.7 [1] Approval of final record plans and specifications reflecting completion of the “City Hall Electric Vehicle Charging Infrastructure Project” as prepared by the project engineer (available for review at City Hall).

AND

[2] Acceptance of project completion of the contract agreement with Smart City Electric Group for the “City Hall Electric Vehicle Charging Infrastructure Project”.

AND

[3] Release of contract retention in the amount of \$1,585.00 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

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

The “City Hall Electric Vehicle Charging Infrastructure Project” is included in the Fiscal Years 2023-34 Capital Improvement Program. Construction is now complete with the opening of the new electric vehicle charging station contingent on completion of the City Hall/Public Library Project and the City Council’s adoption of an electric vehicle charging fee schedule.

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

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
ADJOURNED REGULAR MEETING  
May 31, 2023  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

1.1 Call to Order

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

1.2 Emergency Circumstances and Just Cause Teleconferencing – N/A

**II. ROLL CALL**

COUNCILMEMBER:           PRESENT:   Horne, McCary, Moore, Hatch, Connors  
                                  ABSENT:   -

All councilmembers participated in-person at the meeting location.

STAFF PRESENT:           City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

**III. PLEDGE OF ALLEGIANCE**

Councilmember McCary led the pledge of allegiance.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 Drowning Prevention Awareness Period – May-August 2023

Mayor Pro Tem Hatch introduced the item and shared two videos provided by the Orange County Fire Authority regarding drowning prevention.

Councilmembers discussed the item.

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

4.2 City Hall/Public Library Project Update

City Manager Macon provided an update.

**V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – None**

**VI. CONSENT CALENDAR**

City Manager Macon responded to a question from Councilmember Moore.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.3.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on April 19, 2023.

6.2 Community Development Block Grant (CDBG) and Other United States Housing and Urban Development Programs

Approved amendment six to the cooperation agreement with the County of Orange related to participation in the Urban County Community Development Block Grant (CDBG) Program and other United States Department of Housing and Urban Development programs, and authorized the Mayor to execute the amendment subject to approval as to form by the City Attorney.

6.3 Measure M2 (OC Go) Eligibility

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) (OC GO) PROGRAM

**VII. PUBLIC HEARINGS – None**

**VIII. CITY COUNCIL BUSINESS**

8.1 Senior Mobility Program

City Manager Macon made a presentation.

Kathryn Freshley, resident, spoke in support of the recommendation and asked a question regarding transportation to St. Joseph's Hospital in Orange.

City Manager Macon responded to Ms. Freshley’s comments.

Councilmember Horne left the meeting at 2:55 p.m. and returned at 2:58 p.m.

Councilmembers discussed the item and staff responded to questions.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to approve, in concept, a new iteration of the Senior Mobility Program for Fiscal Years 2023-25 that operates on a two-year cycle, eliminates the use of vouchers, allows residents to travel to and from John Wayne Airport, eliminates the annual enrollment fee, and revises resident costs to \$0 (trips to or from Laguna Woods City Hall/Public Library or Irvine Station), \$5 (trips up to 10 miles), \$10 (trips greater than 10 miles), \$15 (trips to or from VA Long Beach), and \$20 (trips to or from John Wayne Airport).

## 8.2 Employee Compensation and Benefits

City Manager Macon made a presentation.

Councilmembers discussed the item.

City Manager Macon made comments.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried on a 4-0-1 vote with Councilmember Moore abstaining due to being opposed, to adopt a resolution titled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA WOODS, CALIFORNIA, REPEALING  
RESOLUTION NO. 22-57, AND ESTABLISHING A  
COMPENSATION SCHEDULE AND BENEFITS FOR CITY  
EMPLOYEES**

## 8.3 Fiscal Years 2023-25 Budget and Work Plan & Fiscal Years 2023-34 Capital Improvement Program Development

City Manager Macon made a presentation regarding drafts of chapters 1.0 and 2.0 of the Fiscal Years 2023-25 Budget & Work Plan, as well as significant work plan items.

Mayor Conners left the meeting at 3:16 p.m. and returned at 3:20 p.m.

Kathryn Freshley, resident, commented on building permitting operations, the drafts of chapters 1.0 and 2.0, and the City’s amount and use of reserves.

Councilmember Moore and City Manager Macon responded to Ms. Freshley’s comments.

Councilmembers discussed the item and staff responded to questions.

Councilmembers expressed no objection to staff preparing the next regular engineering and traffic survey earlier than required, if possible.

8.4 City Council Meeting Schedule

City Manager Macon made comments.

Councilmember Horne requested that ceremonial items be moved to the end of meetings due to the length of meetings.

Councilmembers briefly responded to Councilmember Horne’s comments.

Councilmember Moore left the meeting at 4:08 p.m. and returned at 4:10 p.m.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote with Councilmember Moore absent, to schedule an adjourned regular meeting of the City Council for June 28, 2023 at 2:00 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

**IX. CITY COUNCIL REPORTS AND COMMENTS**

9.1 Coastal Greenbelt Authority

Councilmember McCary provided a report last month.

9.2 Orange County Fire Authority

Mayor Pro Tem Hatch provided a report and responded to a question from Councilmember Moore. He shared a video from the recent Best & Bravest Awards Dinner regarding a swift water rescue in Laguna Hills.

9.3 Orange County Library Advisory Board

Councilmember Moore provided a report and responded to a question from Mayor Pro Tem Hatch.

Mayor Conners made comments.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency



Mayor Connors provided a report and responded to a question from Mayor Pro Tem Hatch.

9.6 South Orange County Watershed Management Area

Councilmember Moore stated that she would provide a report at a future meeting.

9.7 Liaisons to Community Bridge Builders

Councilmember McCary provided a report.

Mayor Connors made comments.

9.8 Other Comments and Reports

Mayor Connors reported on her recent attendance at the opening of a new passport office in Laguna Hills.

**X. CLOSED SESSION – None**

**XI. CLOSED SESSION REPORT – None**

**XII. ADJOURNMENT**

The meeting was adjourned at 4:27 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, June 21, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: July 19, 2023

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CYNTHIA S. CONNERS, Mayor

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
June 14, 2023  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

1.1 Call to Order

Mayor Conners called the Special Meeting of the City Council of the City of Laguna Woods to order at 2:01 p.m.

1.2 Emergency Circumstances and Just Cause Teleconferencing

Mayor Pro Tem Hatch stated that he is participating remotely due to having COVID-19 and that no one is present in the room with him.

**II. ROLL CALL**

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

Mayor Pro Tem Hatch participated via teleconference. All other councilmembers participated in-person at the meeting locations.

STAFF PRESENT:           City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

**III. PLEDGE OF ALLEGIANCE**

Larry Delira, Laguna Woods Rainbow Club, led the pledge of allegiance.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 Elder Abuse Awareness Month – June 2023

City Clerk Trippy read the proclamation.

Councilmembers made comments.

Moved by Councilmember Horne, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, to approve the proclamation. This vote was conducted by roll call.

4.2 Gun Violence Awareness Month – June 2023

Captain Cruz Alday, Chief of Police Services, made comments.

Councilmembers made comments.

City Clerk Trippy read the proclamation.

Sarah Weaver, member of the public, made comments.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to approve the proclamation. This vote was conducted by roll call.

4.3 Pride Month – June 2023

City Clerk Trippy read the proclamation.

Councilmembers made comments.

There was a motion by Councilmember Horne and a second by Councilmember Moore to approve the proclamation.

Councilmember Moore suggested changing the language in the fourth recital of the proclamation from “reflect on the ways that we can all come together” to “reflect on the ways that we all come together.”

In response to a question from Mayor Conners, members of the audience signaled support for Councilmember Moore’s suggested change.

Councilmember Horne and Councilmember Moore agreed to amend their motion and second to reflect Councilmember Moore’s suggested change.

Larry Delira, Laguna Woods Rainbow Club, made comments.

Moved by Councilmember Horne, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, to approve the proclamation with the amended language. This vote was conducted by roll call.

Mayor Conners called for a brief recess.

The meeting was called back to order at 2:36 p.m.

4.4 City Hall/Public Library Project Update

City Manager Macon provided an update and answered related questions.

Councilmembers made comments.

**V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – None**

**VI. CONSENT CALENDAR**

Moved by Councilmember Horne, seconded by Councilmember McCary and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.4. This vote was conducted by roll call.

Councilmember Moore made comments regarding the landscape on Santa Maria Avenue.

City Manager Macon briefly responded to Councilmember Moore’s comments.

An unidentified member of the public thanked the City Council for plantings along Laguna Woods Village Gate 9 toward the market, and the landscaping along Moulton Parkway.

6.1 Animal Control and Shelter Services

1. Waived the conflict of interest arising from Rutan & Tucker, LLP providing city attorney services for both the cities of Laguna Beach and Laguna Woods, as pertains to the approval of an agreement between both cities for animal control and shelter services, and direct the City Manager to provide written notice of such waiver to the City Attorney.

AND

2. Approved an agreement with the City of Laguna Beach for animal control and shelter services and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.2 Building Plan Review and Certified Access Specialist (CASp) Services

Approved an extension of the agreement with Bureau Veritas North America for building plan review and Certified Access Specialist (CASp) services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.3 Landscape Maintenance Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approved an extension and amendment of the agreement with BrightView Landscape Services for landscape maintenance services and authorized the City Manager to execute the extension and amendment, subject to approval as to form by the City Attorney.

6.4 Senior Mobility Program

1. Adopted a new agency service plan for the Senior Mobility Program, describing its goal, core purpose, objectives, trip eligibility, operations, fare structure, funding, and various program requirements in a format required by the Orange County Transportation Authority's Senior Mobility Program guidelines.

AND

2. Waived the Senior Mobility Program's annual enrollment fee of \$10 per person for Fiscal Years 2023-25.

**VII. CITY COUNCIL BUSINESS**

7.1 Interstate 5/El Toro Road Interchange Project

City Manager Macon introduced the item.

Niall Barrett, Program Manager, and Fernando Chavarria, Community Relations Officer, Orange County Transportation Authority, made a presentation.

Councilmembers discussed the item and Mr. Barrett and Mr. Chavarria responded to questions.

Kathryn Freshley, resident, expressed concern regarding some of the land that would need to be acquired to complete the project.

An unidentified member of the public asked if the area near Farmer Boys would still be an on-ramp.

An unidentified member of the public expressed concern with the current construction in the same area as the project.

Mr. Barrett briefly responded to comments received from the public.

Councilmembers discussed the item and Mr. Barrett and Mr. Chavarria responded to questions.

City Manager Macon made comments.

7.2 Fiscal Years 2023-25 Budget and Work Plan & Fiscal Years 2023-34 Capital Improvement Program Development

City Manager Macon commented on the budget, work plan, and capital improvement program development process and significant work plan items.

**VIII. ADJOURNMENT**

The meeting was adjourned at 3:45 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, June 21, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: July 19, 2023

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CYNTHIA S. CONNERS, Mayor

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
June 21, 2023  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

1.1 Call to Order

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

1.2 Emergency Circumstances and Just Cause Teleconferencing – N/A

**II. ROLL CALL**

COUNCILMEMBER:           PRESENT:   Horne, McCary, Moore, Hatch, Connors  
                                  ABSENT:   -

All councilmembers participated in-person at the meeting location.

STAFF PRESENT:           City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

**III. PLEDGE OF ALLEGIANCE**

Councilmember McCary led the pledge of allegiance.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 City Hall/Public Library Project Update

City Manager Macon provided an update.

**V. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Bill O’Dowd, resident, expressed concerns regarding noise and traffic on El Toro Road.

Councilmember Moore briefly responded to Mr. O’Dowd’s comments.

**VI. CONSENT CALENDAR**

Mayor Pro Tem Hatch commented on his health.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.6.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on May 17, 2023.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of May 2023.

6.3 Warrant Register

Approved the warrant register dated June 21, 2023 in the amount of \$552,625.97.

6.4 Planning Services

1. Approved an agreement with 4LEAF, Inc. for planning services and authorized the City Manager to execute the agreement subject to approval as to form by the City Attorney.

AND

2. Approved an agreement with LSA Associates, Inc. for planning services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.5 Senior Mobility Program Transportation Services

Approved an agreement with Cabco Yellow, Inc. doing business as California Yellow Cab for senior mobility program transportation services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.6 Water Quality (Stormwater) Services

Approved an agreement with John L. Hunter and Associates, Inc. for water quality (stormwater) services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

**VII. PUBLIC HEARINGS**

7.1 Conditional Use Permit CUP-2023-0002 to allow for the establishment of an

administrative/professional office within an existing 3,272 square foot unit in an existing building, at 24310 Moulton Parkway, Suite C-2, Laguna Woods, CA 92637

City Manager Macon made a presentation.

Mayor Connors opened the public hearing.

John Sanchez, Alignment Healthcare, provided information on the project and responded to City Council questions.

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

Mayor Connors made comments.

Moved by Councilmember McCary, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-2023-0002 TO ALLOW FOR THE ESTABLISHMENT OF AN ADMINISTRATIVE/PROFESSIONAL OFFICE WITHIN AN EXISTING 3,272 SQUARE FOOT UNIT IN AN EXISTING BUILDING, AT 24310 MOULTON PARKWAY, SUITE C-2, LAGUNA WOODS, CA 92637, AND DETERMINING AND CERTIFYING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

- 7.2 Sign Program SP-2023-0003 to allow for various signage at 23562 Moulton Parkway, Laguna Woods, CA 92637

City Manager Macon made a presentation.

Mayor Connors opened the public hearing.

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

Councilmembers discussed the item.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING SIGN PROGRAM SP-2023-0003 TO ALLOW FOR VARIOUS SIGNAGE AT 23562 MOULTON

PARKWAY, LAGUNA WOODS, CA 92637, AND DETERMINING AND CERTIFYING THAT THE SIGN PROGRAM IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15311 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

7.3 Building, Planning, Encroachment, and Grading Permit Fees

City Manager Macon and Terry Madsen, ClearSource Financial Consulting, made a presentation.

Mayor Conners opened the public hearing.

Mark Nussbaum, resident, expressed concern regarding the cost of building permit fees, including for a project he recently undertook, and asked if there is an effort to ensure that there is no redundancy between fees charged by the City and homeowners' associations.

City Manager Macon briefly responded to Mr. Nussbaum's comments.

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

Councilmembers discussed the item and staff and staff responded to questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to adopt a resolution titled:

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 AND GRADING PERMIT FEES; AND DETERMINING AND CERTIFYING THAT THIS ACTION IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

Councilmember Moore made comments.

**VIII. CITY COUNCIL BUSINESS**

8.1 Cannabis Retail Sales Business Regulations

The following written public comments were received prior to the meeting and provided to the City Council; they are included in the meeting record.

- Ann Beltran, resident, email titled "please pass Cannabis Dispensary ordinance," dated June 19, 2023

## ITEM 6.1 – Attachment C

- Deborah Orrill, resident, email titled “SUPPORT for the Cannabis Dispensary Ordinance in Laguna Woods. – READ BEFORE JUNE 21, 2023,” dated June 19, 2023
- Denise Rapp, resident, email titled “LWV resident,” dated June 19, 2023
- Elizabeth Miller, member of the public, email titled “Cannabis,” dated June 19, 2023
- Gordon Worstell, resident, email titled “Cannabis Dispensary Ordinance,” dated June 19, 2023
- Jonathan Adler, resident, email titled “I wish to speak June 21 on behalf of L.W. Democratic Club in favor of cannabis dispensary ordinance,” dated June 19, 2023
- Joseph Meyer, resident, email titled “Cannabis,” dated June 19, 2023
- Joyce Kordower, resident, email titled “Cannabis Dispensary Ordinance,” dated June 19, 2023
- Laguna Woods Democratic Club by Susan Dearing, President, and Jonathan Adler, Legislative Action Chair, email titled “pro cannabis dispensary ordinance,” dated June 19, 2023
- Maura O’Neill and Michael Harnett, residents, email titled “cannabis dispensary ordinance,” dated June 19, 2023
- Maureen Mehler, resident, email titled “June 21 meeting,” dated June 19, 2023
- Michael Nozaki and Sunya Mandel, residents, email titled “Cannabis Dispensary Ordinance,” dated June 19, 2023
- Ralph and Stevie Magid, residents, email titled “Approval of Dispensary in Laguna Woods,” dated June 19, 2023
- Rochelle Mandel, resident, email titled “Cannabis Dispensary Ordinance,” dated June 19, 2023
- Russell M. Franklin, resident, email titled “Cannabis Dispensary,” dated June 19, 2023
- Sandra Rosencrans, member of the public, email titled “Cannabis Ordinance Act,” dated June 19, 2023
- Selma Bukstein, resident, email titled “Your vote,” dated June 19, 2023
- Unidentified resident, email titled “Please vote for the dispensary,” dated June 19, 2023
- Wendy Levin, resident, email titled “Please Pass The Cannabis Dispensary Ordinance,” dated June 19, 2023
- Gail Lewis, resident, email titled “YES on cannabis Dispensary Ordinance,” dated June 20, 2023
- Diane Gross, resident, email titled “Attn All Council Members,” dated June 20, 2023
- Joseph Rego, resident, email titled “Cannabis Dispensary Ordinance,” dated June 21, 2023
- United Cannabis Business Association by Jonatan Cvetko, Executive Director, email titled “Public Comment Item 8.1 - Cannabis,” dated June 21, 2023 and attached letter titled “RE: Item # 8.1. - Cannabis Retail Sales Business Regulations,” dated June 19, 2023

City Manager Macon made a presentation.

Councilmember Moore left the meeting at 2:55 p.m. and returned at 2:57 p.m.

Councilmembers discussed the item.

Councilmember Horne made a motion to approve recommendation A1 that was seconded by Councilmember McCary.

Maureen Mehler, resident, spoke in support of allowing cannabis storefront retailers.

Chad Wanke, member of the public and part of the Committee to Support Measure T, spoke in support of allowing cannabis storefront retailers, asked how the City would handle multiple applications received for the same location or at the same time, and encouraged the City to explicitly allow cannabis storefront retailers to make deliveries.

Mary Sheets, resident, spoke in support of allowing cannabis storefront retailers.

Jonathan Adler, Laguna Woods Democratic Club, spoke in support of allowing cannabis storefront retailers.

Kandice Hawes, Orange County NORML, spoke in support of allowing cannabis storefront retailers (specifically, recommendation A1) and encouraged the City to form a committee to draft an ordinance, permit cannabis storefront retailers using a merit-based system, and not include a property requirement to apply for commercial cannabis permits. Ms. Hawes also spoke in opposition to requiring cannabis storefront retailers to be the property owner if located in multi-tenant buildings.

Mike Getlin, Nectar Markets, spoke in support of allowing cannabis storefront retailers and of an experienced operator requirement. Mr. Getlin also commented on his belief that the proposal to set the cannabis business tax rate at 10% or \$35.00 per square foot is too high, and that cannabis storefront retailers are unlikely to secure leases in commercially owned property. Mr. Getlin also responded to questions from Mayor Connors and Mayor Pro Tem Hatch.

Jonathan Adler, resident, spoke in support of allowing cannabis storefront retailers.

Councilmember Moore left the meeting at 3:55 p.m. and returned at 3:57 p.m.

Councilmembers discussed the item and staff responded to questions.

Councilmember Moore made a substitute motion, which was seconded by Mayor Pro Tem Hatch, to direct the City Manager to re-agendize a discussion regarding cannabis retail sales/business regulations for the City Council meeting on July 19, 2023, including discussion regarding the public comments made at today's City Council meeting.

At Mayor Conners' request, Captain Cruz Alday, Chief of Police Services, made comments regarding the Orange County Sheriff's Department's (OCSD) position on cannabis storefront retailers. OCSD is opposed to allowing cannabis storefront retailers.

Councilmembers discussed the comments made by Captain Alday.

Councilmembers discussed the item and staff responded to questions.

Councilmember Moore amended her substitute motion, which was seconded by Mayor Pro Tem Hatch, to read as follows: "Direct the City Manager to agendize a public hearing regarding cannabis retail sales business regulations for the City Council meeting on July 19, 2023, including discussion regarding the public comments made at today's City Council meeting."

Moved by Councilmember Moore, seconded by Mayor Pro Tem Hatch, and carried on a 4-0-1 vote with Councilmember McCary abstaining due to not having a clear understanding of the recommendation, to direct the City Manager to agendize a public hearing regarding cannabis retail sales business regulations for the City Council meeting on July 19, 2023, including discussion regarding the public comments made at today's City Council meeting.

Mayor Conners called for a brief recess at 4:32 p.m.

The meeting was called back to order at 4:41 p.m.

8.2 Fiscal Years 2023-25 Budget and Work Plan & Fiscal Years 2023-34 Capital Improvement Program Development

City Manager Macon made a presentation regarding the use of American Rescue Plan Act (ARPA) funds and the status of Coronavirus Response and Relief Supplemental Appropriations Act of 2021 Pavement Management Relief funding.

Mayor Pro Tem Hatch left the meeting at 4:51 p.m. and returned at 4:53 p.m.

Councilmembers discussed the item and staff responded to questions.

**IX. CITY COUNCIL REPORTS AND COMMENTS**

9.1 Coastal Greenbelt Authority

Councilmember McCary stated that there would be a meeting in July 2023.

9.2 Orange County Fire Authority

At Mayor Pro Tem Hatch's request, Division Chief Baryic Hunter, Orange County Fire Authority, made comments regarding the Orange County Fire Authority's current fire

academy graduation.

9.3 Orange County Library Advisory Board

Councilmember Moore stated there has been no meeting since the last meeting.

Item 9.5 followed Item 9.3, and Item 9.4 followed Item 9.7.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Connors provided a report and responded to a question from Mayor Pro Tem Hatch.

9.6 South Orange County Watershed Management Area

Councilmember Moore stated that she would provide a report at a future meeting.

9.7 Liaisons to Community Bridge Builders

Councilmember McCary stated there has been no meeting since the last meeting.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne stated that she did not attend the most recent meeting. She shared a video titled, “One Mosquito Bite Can Change a Life Forever” and made comments.

9.8 Other Comments and Reports – None

**X. CLOSED SESSION – None**

**XI. CLOSED SESSION REPORT – None**

**XII. ADJOURNMENT**

Mayor Connors and Councilmember McCary made comments regarding Juneteenth.

The meeting was adjourned in recognition of Juneteenth at 5:10 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, June 28, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk



Approved: July 19, 2023

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CYNTHIA S. CONNERS, Mayor

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY OF LAGUNA WOODS CITY COUNCIL &  
LAGUNA WOODS CIVIC SUPPORT FUND BOARD OF DIRECTORS  
MINUTES  
MEETING  
June 28, 2023  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

*(City Council & Laguna Woods Civic Support Fund Board of Directors)*

1.1 Call to Order

Mayor Connors called the Adjourned Regular Meeting of the City Council of the City of Laguna Woods and the Special Meeting of the Laguna Woods Civic Support Fund Board of Directors to order at 2:00 p.m.

1.2 Emergency Circumstances and Just Cause Teleconferencing – N/A

**II. ROLL CALL**

*(City Council & Laguna Woods Civic Support Fund Board of Directors)*

COUNCILMEMBER/  
DIRECTOR:

PRESENT: Horne, McCary, Moore, Hatch, Connors

ABSENT: -

All councilmembers/directors participated in-person at the meeting location.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

**III. PLEDGE OF ALLEGIANCE**

*(City Council & Laguna Woods Civic Support Fund Board of Directors)*

City Attorney Patterson led the pledge of allegiance.

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

**V. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*(City Council & Laguna Woods Civic Support Fund Board of Directors)*

City Manager Macon noted that the City Council received a written public comment from Laurel Elting, resident, regarding building permit cost concerns. That correspondence was provided to the City Council and is included in the meeting record.

**VI. CONSENT CALENDAR**

Moved by Councilmember Horne, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.3.

6.1 Traffic Signal, Street Light, and City Hall Lighting Maintenance Services

Approved an agreement with Bear Electrical Solutions, Inc. for traffic signal, street light, and City Hall lighting maintenance services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.2 Measure M2 (OC Go) Eligibility

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M (M2) PROGRAM

6.3 Laguna Woods Civic Support Fund Fiscal Years 2023-25 Budget  
*(Laguna Woods Civic Support Fund Board of Directors)*

In the capacity of the Laguna Woods Civic Support Fund Board of Directors, approved budgets for the Laguna Woods Civic Support Fund for Fiscal Year 2023-24 and Fiscal year 2024-25.

**VII. PUBLIC HEARINGS – None**

**VIII. CITY COUNCIL BUSINESS**

8.1 Fiscal Years 2023-25 Budget and Work Plan & Fiscal Years 2023-34 Capital Improvement Program

City Manager Macon summarized the item.

Councilmembers discussed the item and staff responded to questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to adopt resolutions titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA

WOODS, CALIFORNIA, ADOPTING THE FISCAL YEARS 2023-25 BUDGET AND WORK PLAN FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A NEW 11-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2023-24 THROUGH 2033-34, IN CONFORMANCE WITH MEASURE M2 (OC GO) REQUIREMENTS AND APPLICABLE CITY POLICIES AND DISCRETION

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, IN ACCORDANCE WITH ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

8.2 Road Repair and Accountability Act of 2017 Project List

City Manager Macon summarized the item.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A LIST OF FISCAL YEAR 2023-24 PROJECTS PROPOSED TO RECEIVE FUNDING FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017'S LOCAL STREETS AND ROADS FUNDING PROGRAM (ROAD MAINTENANCE AND REHABILITATION ACCOUNT), AS REQUIRED BY CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 2034(A)(1), AND MAKING RELATED AUTHORIZATIONS

8.3 Employee Positions, Compensation, and Benefits

City Manager Macon summarized the item.

Councilmembers discussed the item and staff responded to questions.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Hatch, and carried unanimously on a 5-0 vote, to:

1. Approve job classifications for the following City employee positions: Conservation Administrator, Development Administrator, and Public Works Administrator.

AND

2. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 23-11, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

Kathryn Freshley, resident, discussed the importance of utilizing City funds for the benefit of residents and examining costs of building permitting in the future.

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

##### 9.1 Coastal Greenbelt Authority

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

##### 9.2 Orange County Fire Authority

Mayor Pro Tem Hatch stated that there had been no meeting since the last meeting and briefly commented on the academy's recent graduation ceremony.

##### 9.3 Orange County Library Advisory Board

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

At Councilmember Moore's request, City Manager Macon provided an update on the construction of the Laguna Woods library.

Councilmembers briefly commented on City Manager Macon's update.

##### 9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

Councilmembers briefly commented on the report.

##### 9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Connors provided a report.

9.6 South Orange County Watershed Management Area

Councilmember Moore made a presentation regarding the Laguna Niguel Crown Valley Project.

9.7 Liaisons to Community Bridge Builders

Councilmember Horne provided a report.

9.8 Other Comments and Reports – None

**X. CLOSED SESSION – None**

**XI. CLOSED SESSION REPORT – None**

**XII. ADJOURNMENT**

*(City Council & Laguna Woods Civic Support Fund Board of Directors)*

The meeting was adjourned at 3:02 p.m. The next regular meeting of the City Council will be at 2:00 p.m. on Wednesday, July 19, 2023 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: July 19, 2023

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CYNTHIA S. CONNERS, Mayor

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

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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**City of Laguna Woods**  
**City Treasurer's Report**  
 For the Month Ended June 30, 2023

ITEM 6.2

**CASH AND INVESTMENTS**

	Beginning Balances As of 5/31/23	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 6/30/23	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
<b>Cash and Cash Equivalents</b>							
Analyzed Checking Account (Note 1)	\$ 964,578	\$ 519,568	\$ (759,172)	\$ -	\$ 724,974	5.01%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ 15,153	\$ 17,306	\$ (19,910)	\$ -	\$ 12,549	0.09%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 19,228	\$ 16,098	\$ (17,306)	\$ -	\$ 18,021	0.12%	
Petty Cash	\$ 1,041	\$ 3,757	\$ (2,020)	\$ -	\$ 2,778	0.02%	
Laguna Woods Civic Support Fund Checking Account	\$ 50,294	\$ 0.20	\$ -	\$ -	\$ 50,294	0.35%	
Total Cash and Cash Equivalents	\$ 1,050,294	\$ 556,729	\$ (798,408)	\$ -	\$ 808,615	5.59%	100.00%
<b>Pooled Money Investment Accounts</b>							
Local Agency Investment Fund (LAIF - fair value) (Notes 2 and 3)	\$ 1,284,271	\$ -	\$ -	\$ -	\$ 1,284,271	8.88%	
Orange County Investment Pool (OCIP - fair value) (Notes 2 and 3)	\$ 7,602,768	\$ 19,510	\$ (189)	\$ -	\$ 7,622,090	52.69%	
Total Pooled Money Investment Accounts	\$ 8,887,039	\$ 19,510	\$ (189)	\$ -	\$ 8,906,361	61.56%	90.00%
<b>Investments - Interest and Income Bearing</b>							
Certificates of Deposit - non-negotiable (fair value) (Note 2)	\$ 4,763,794	\$ -	\$ -	\$ (11,636)	\$ 4,752,157	32.85%	
Total Investments - Interest and Income Bearing	\$ 4,763,794	\$ -	\$ -	\$ (11,636)	\$ 4,752,157	32.85%	90.00%
<b>TOTAL</b>	<b>\$ 14,701,127</b>	<b>\$ 576,239</b>	<b>\$ (798,596)</b>	<b>\$ (11,636)</b>	<b>\$ 14,467,133</b>	<b>100.00%</b>	

**Summary of Total Cash, Cash Equivalents, and Investments:**

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (2,842,452)	\$ 3,567,425	\$ 724,974
Cash Balances, MBS Account	\$ 12,549	\$ -	\$ 12,549
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 18,021	\$ -	\$ 18,021
Petty Cash	\$ 2,778	\$ -	\$ 2,778
LAIF	\$ 1,284,271	\$ -	\$ 1,284,271
OCIP	\$ 7,622,090	\$ -	\$ 7,622,090
Certificates of Deposit	\$ 4,752,157	\$ -	\$ 4,752,157
Laguna Woods Civic Support Fund Checking Account	\$ -	\$ 50,294	\$ 50,294
<b>Totals</b>	<b>\$ 10,849,414</b>	<b>\$ 3,617,720</b>	<b>\$ 14,467,133</b>

(See **NOTES** on Page 4 of 4)



**City of Laguna Woods**  
**City Treasurer's Report**  
**For the Month Ended June 30, 2023**

**CASH AND INVESTMENTS**

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
<b>Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)</b>														
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	243,368	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
02589AA28	2018-9	AMERICAN EXPRESS NATL	60 months	12/04/18	12/04/18	240,000	238,195	240,000	3.550	Semi-Annual	06/04/19	Green***	3.550	12/04/23
33715LCZ1	2018-10	FIRST TECHNOLOGY FED CU MTN VIEW	60 months	12/07/18	12/12/18	245,000	243,153	245,000	3.600	Monthly	01/12/19	Green***	3.600	12/12/23
052392CK1	2022-6	AUSTIN TELCO FED CR	12 months	12/09/22	12/16/22	245,000	244,775	245,000	5.100	Monthly	01/01/23	Green***	5.100	12/18/23
00833AAB6	2022-7	AFFINITY PLUS CR UN	12 months	12/15/22	12/27/22	245,000	244,762	245,000	5.100	Monthly	01/27/23	Green***	5.100	12/27/23
91334AAM5	2023-3	UNITED HERITAGE CR	12 months	03/07/23	03/21/23	200,000	200,004	200,000	5.200	Monthly	03/31/23	Green***	5.200	03/21/24
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	240,308	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
38150VBG3	2022-2	GOLDMAN SACHS BK USA	24 months	05/24/22	06/01/22	245,000	239,392	245,000	2.900	Semi-Annual	12/01/22	Green*	2.900	06/03/24
98138MBA7	2022-8	WORKERS FED CR UN	24 months	12/09/22	12/16/22	245,000	243,270	245,000	4.950	Monthly	01/16/23	Yellow**	4.950	12/16/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	231,101	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGG9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	93,935	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
14042TGG6	2022-1	CAPITAL ONE BK USA NATL ASSN	36 months	05/24/22	05/25/22	245,000	234,749	245,000	3.100	Semi-Annual	11/25/22	Green*	3.100	05/27/25
75102EAP3	2023-6	RAIZ FED CR UN	24 months	05/17/23	05/24/23	245,000	243,334	245,000	5.050	Monthly	06/24/23	Yellow**	5.050	05/27/25
59524LAA4	2023-1	MID CAROLINA CR UN	36 months	03/07/23	03/13/23	200,000	197,908	200,000	4.850	Monthly	04/13/23	Green***	4.850	03/13/26
23204HNV6	2023-4	CUSTOMERS BK	36 months	03/30/23	03/31/23	245,000	242,469	245,000	5.000	Semi-Annual	09/30/23	Green**	5.000	03/31/26
87868YAQ6	2023-7	TECHNOLOGY CR UN	36 months	05/19/23	05/30/23	245,000	242,352	245,000	5.000	Monthly	07/01/23	Green***	5.000	05/29/26
32022RRG4	2022-4	1ST FINL BK USA	48 months	06/15/22	06/24/22	245,000	229,839	245,000	3.150	Monthly	07/24/22	Green*	3.150	06/24/26
2546733P9	2023-5	DISCOVER BK	48 months	03/30/23	04/05/23	245,000	240,526	245,000	4.800	Semi-Annual	10/05/23	Green***	4.800	04/05/27
50625LBN2	2022-3	LAFAYETTE FED CR	60 months	05/24/22	06/15/22	245,000	226,907	245,000	3.250	Monthly	07/15/22	Green***	3.250	06/15/27
14042RUX7	2022-5	CAPITAL ONE NATL ASSN	60 months	10/06/22	10/13/22	245,000	237,493	245,000	4.500	Semi-Annual	04/13/23	Green*	4.500	10/13/27
90355GCE4	2023-2	UBS BANK USA	60 months	03/07/23	03/08/23	200,000	194,316	200,000	4.600	Monthly	04/08/23	Green*	4.600	03/08/28
		Accrued Interest - Month End					18,021							
<b>Total CDs</b>						<b>4,860,000</b>	<b>4,770,178</b>	<b>4,860,000</b>						

(\*) CDs are ranked using the Veribanc Rating System, a two-part color code and star classification system which tests the present standing and future outlook by reviewing an institution's capital strength, asset quality, management ability, earnings sufficiency, liquidity, and sensitivity to market risk. The table below summarizes the Veribanc color rankings. Veribanc star ratings of one to three, with three being best, are used to help review a possible future trend of an institutions health based on metrics from ten prior quarters. A rating of one, two, or three, are not necessarily an indicator of risk or an undesirable investment. The City reviews other rating systems and issuer financials before choosing any investment.

Veribanc Rating System

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

**Government Pooled Money Investment Accounts (PMIA) (Notes 2 and 3)**

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	1,296,392	1,284,271	1,296,392	Note 3	Quarterly	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	7,765,581	7,622,090	7,765,581	Note 3	Monthly	N/A	N/A	N/A	N/A
<b>Total PMIA</b>						<b>9,061,972</b>	<b>8,906,361</b>	<b>9,061,972</b>						

(See NOTES on Page 4 of 4)



**City of Laguna Woods**  
**City Treasurer's Report**

ITEM 6.2

For the Month Ended June 30, 2023

**CASH AND INVESTMENTS**

	<b>Beginning Balances As of 5/31/23</b>	<b>Contributions / (Withdrawals)</b>	<b>Administrative Fees &amp; Investment Expense</b>	<b>Unrealized Gain / (Loss)</b>	<b>Ending Balances As of 6/30/23</b>
<b>Other Post-Employment Benefits (OPEB) Trust</b>					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2) <small>(CERBT holds all assets and administers the OPEB Trust)</small>	\$ 127,967	\$ -	\$ (9)	\$ 2,427	\$ 130,385
<b>Employer Pension Contributions Trust</b>					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2) <small>(CEPPT holds all assets and administers the Employer Pension Contributions Trust)</small>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Other Funds - Held in Trust</b>	<u>\$ 127,967</u>	<u>\$ -</u>	<u>\$ (9)</u>	<u>\$ 2,427</u>	<u>\$ 130,385</u>

(See **NOTES** on Page 4 of 4)



**City of Laguna Woods  
City Treasurer's Report  
For the Month Ended June 30, 2023**

**CASH AND INVESTMENTS**

**Notes:**

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect June 2023 vendor invoicing processed after the date of this report.

Note 2 - During June 2023, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

LAIF / The City made no deposits to or withdrawals from the LAIF account. The balance includes an adjustment in the amount of (\$12,120.51) to reflect the fair market value of the investment at June 30, 2022. The fair market value as of June 30, 2023 is not currently available.

OCIP / The City made no deposits to or withdrawals from the OCIP account. The balance includes an adjustment in the amount of (\$143,491.10) to reflect the fair market value of the investment at June 30, 2022. The fair market value as of June 30, 2023 is not currently available.

Investments / There were no maturities or purchases of investments. Investments were adjusted in the amount of (\$11,636.45) to report balances at fair market value as of June 30, 2023.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net gain of \$2,417.90 in June 2023.

Employer Pension Contributions Trust / In April 2021, the City elected to participate in the CEPPT. The City has not yet made contributions to the CEPPT.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported in June 2023 net of related fees were:

Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$0.00	See Notes	See Notes	July 2023	Total pool interest yield for June 2023 was 3.167% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$19,509.97	March 2023	See Notes	See Notes	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at June 30, 2023 was \$66,958.58. June 30, 2023 interest rate was 3.732% and fees were 0.0%, for a net yield of 3.732%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$17,305.77 and transferred out \$19,909.73 in cash balances to the City's checking account in June 2023. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has \$18,020.51 in accrued interest, not yet vested.

**City Treasurer's Certification**

I, Elizabeth Torres, City Treasurer, do hereby certify:

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

Digitally signed by  
Elizabeth Torres  
Date: 2023.07.13  
12:30:25 -07'00'

Elizabeth Torres, City Treasurer

## **6.3 WARRANT REGISTER**

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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## CITY OF LAGUNA WOODS

## WARRANT REGISTER

July 19, 2023

ITEM 6.2

This Report Covers the Period 6/01/2023 through 6/30/2023

Date	Vendor Name	Description	Amount
<b>Debit</b>	<b>Automatic Bank Debits:</b>		
Debit 06/01/2023	CALPERS - RETIREMENT	Unfunded Accrued Liability / May 2023	116.67
Debit 06/01/2023	CALPERS - RETIREMENT	Unfunded Accrued Liability / May 2023	230.33
Debit 06/02/2023	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / June 2023	472.44
Debit 06/02/2023	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / May 2023	1,774.30
Debit 06/02/2023	AUTHORIZE.NET	Online Credit Card Processing Fees / May 2023	12.00
Debit 06/06/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 05/05/2023	1,727.94
Debit 06/06/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 05/05/2023	3,157.93
Debit 06/07/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 06/02/2023	20,453.07
Debit 06/08/2023	ADP TAX	Payroll Taxes / Pay Period Ended 06/02/2023	9,583.67
Debit 06/08/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 6/02/2023	2,270.00
Debit 06/08/2023	NAVIA BENEFIT SOLUTIONS, INC	125 Cafeteria Plan Administration / May 2023	100.00
Debit 06/09/2023	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 05/05/2023 and 5/19/2023	429.12
Debit 06/12/2023	CALPERS - HEALTH	Employee Benefit Program / June 2023	7,847.63
Debit 06/14/2023	U.S. BANK	Bank Service Charges / May 2023	5.18
Debit 06/15/2023	NAVIA BENEFIT SOLUTIONS, INC	Employee Benefit Program / June 2023	201.26
Debit 06/21/2023	ADP TAX	Payroll Taxes / Pay Period Ended 06/16/2023	9,221.36
Debit 06/21/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 06/16/2023	20,245.41
Debit 06/21/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 05/19/2023	3,157.93
Debit 06/21/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 05/19/2023	1,710.24
Debit 06/22/2023	NAVIA BENEFIT SOLUTIONS, INC	Employee Benefit Program / June 2023	880.75
Debit 06/23/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 6/16/2023	1,520.00
Debit 06/22/2023	NAVIA BENEFIT SOLUTIONS, INC	Employee Benefit Program / June 2023	435.00
Debit 06/29/2023	CALPERS - RETIREMENT	Unfunded Accrued Liability / June 2023	116.67
Debit 06/29/2023	CALPERS - RETIREMENT	Unfunded Accrued Liability / June 2023	230.33
<b>Check Number</b>	<b>Warrants:</b>		
6696 06/01/2023	ACC BUSINESS	City Hall Internet Service / April 2023	608.66
6697 06/01/2023	AT&T	Telephone / 452-0600 / May 2023	2,419.09
6698 06/01/2023	AT&T	Telephone / 458-3487 / May 2023	47.04
6699 06/01/2023	AT&T	Telephone / 639-0500 / May 2023	218.84
6700 06/01/2023	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / May 2023	2,319.12
6701 06/01/2023	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / April 2023	57.50
6702 06/01/2023	LPA, INC.	City Hall Refurbishment & Safety Project: Phase 3	4,500.00
6703 06/01/2023	MARC DONOHUE	Administrative Services / May 2023	300.00
6704 06/01/2023	MARINA LANDSCAPE, INC.	Ridge Route Drive Landscape Project	8,883.52
6705 06/01/2023	MICHAEL BAKER INTERNATIONAL	Planning Services / April 2023	612.00
6706 06/01/2023	PETTY CASH	Increase Petty Cash & Taxi Drawer	1,000.00
6707 06/01/2023	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / April 2023	2,414.02
6708 06/01/2023	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / June 2023	129.57
6709 06/09/2023	360CIVIC	Website Hosting / May 2023	200.00
6710 06/09/2023	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / March & May 2023	33,024.98

## CITY OF LAGUNA WOODS

## WARRANT REGISTER

July 19, 2023

ITEM 6.2

This Report Covers the Period 6/01/2023 through 6/30/2023

Date	Vendor Name	Description	Amount	
6711	06/09/2023	CAPTIONING UNLIMITED	Closed Captioning / May 2023	700.00
6712	06/09/2023	CIVIL SOURCE	Engineering Services / March - April 2023	30,377.50
6713	06/09/2023	EL TORO WATER DISTRICT	Water Service / April 2023	2,974.83
6714	06/09/2023	EPIC IO TECHNOLOGIES, INC.	City Hall Internet Service / June 2023	171.45
6715	06/09/2023	IBUILD SPECTRUM INC.	City Hall/Public Library Project	158,606.46
6716	06/09/2023	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / May 2023	975.00
6717	06/09/2023	LPA, INC.	City Hall Refurbishment & Safety Project: Phase 3	3,000.00
6718	06/09/2023	LSA ASSOCIATES, INC.	Planning Services / April 2023	10,902.00
6719	06/09/2023	ORANGE COUNTY REGISTER-NOTICES	Public Notices / May 2023	140.24
6720	06/09/2023	PETTY CASH	Replenish Petty Cash / May 2023	-
6721	06/09/2023	SAFE AND SOUND SECURITY, INC.	Security Camera Purchase & Installation	4,328.79
6722	06/09/2023	STAPLES	Office & Janitorial Supplies	627.81
6723	06/09/2023	SUN TAMERS WINDOW TINTING	City Hall/Public Library Project	6,735.81
6724	06/09/2023	SWEEPING CORPORATION OF AMERICA	Street Sweeping Services / May 2023	4,350.00
6725	06/09/2023	TRIPEPI, SMITH AND ASSOCIATES, INC.	Broadcasting Services / April - May 2023	1,207.50
6726	06/19/2023	ABOUND FOOD CARE	Edible Food Recovery Program Services / May 2023	380.92
6727	06/19/2023	AT&T	White Pages / June 2023	4.28
6728	06/19/2023	AT&T	Telephone / 581-9821 / May 2023	52.87
6729	06/19/2023	AT&T	Telephone / 583-1105 / May 2023	313.73
6730	06/19/2023	BROWN ARMSTRONG ACCOUNTANCY CORPORATION	Audit Services / Fiscal Year 2022-23	6,500.00
6731	06/19/2023	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / January - March 2023	26,817.50
6732	06/19/2023	COUNTY OF ORANGE	Automated Fingerprint ID System / June 2023	613.00
6733	06/19/2023	FHI CONSTRUCTION	Waste Diversion Deposit Refund	500.00
6734	06/19/2023	FHI CONSTRUCTION	Waste Diversion Deposit Refund	250.00
6735	06/19/2023	KONE INC.	City Hall Elevator Maintenance / June 2023	232.31
6736	06/19/2023	LSA ASSOCIATES, INC.	Planning Services / May 2023	3,540.50
6737	06/19/2023	NUVIS	Landscape Architecture Services	775.00
6738	06/19/2023	OMNI ENTERPRISE INC	Janitorial Services / April 2023	1,410.00
6739	06/19/2023	PARK CONSULTING GROUP, INC	Software Consulting Services / May 2023	2,100.00
6740	06/19/2023	PRACTICAL DATA SOLUTIONS	IT Support Services / March 2023	5,392.68
6741	06/19/2023	PV MAINTENANCE INC	Street, City Hall & Park Maintenance Services / May 2023	20,344.12
6742	06/19/2023	S&S COMMUNICATIONS	RACES Equipment	44.80
6743	06/19/2023	SOUTHERN CALIFORNIA EDISON	Electric Services / April - May 2023	6,990.09
6744	06/19/2023	SOUTHERN CALIFORNIA GAS COMPANY	Gas Service - City Hall / May 2023	64.01
6745	06/19/2023	SOUTHERN CALIFORNIA SHREDDING,	Shredding Services / May 2023	500.00
6746	06/19/2023	TYLER TECHNOLOGIES, INC.	EnerGov Software Annual Maintenance Fees / June 2023 - May 2024	4,709.00
6747	06/19/2023	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	1,183.31
6748	06/19/2023	VERIZON WIRELESS	Building iPads Data Plans / April - May 2023	240.06
6749	06/19/2023	WILLDAN ENGINEERING	Code Enforcement Services / May 2023	2,790.00
6750	06/19/2023	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / May 2023	3,623.83
6751	06/19/2023	YOSHIE MCMANUS	Taxi Voucher Refund	440.00
6752	06/19/2023	YUNEX LLC	Traffic Signal Maintenance / May 2023	1,099.00
6753	06/22/2023	CALIFORNIA YELLOW CAB	Taxi Voucher Services / May 2023	824.00
6753	06/22/2023	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / May 2023	653.00

**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**July 19, 2023**

ITEM 6.2

This Report Covers the Period 6/01/2023 through 6/30/2023

Date	Vendor Name	Description	Amount	
6754	06/22/2023	CIVIL SOURCE	Engineering Services / May 2023	11,275.00
6755	06/22/2023	FLEXBOOKER	Annual Software Subscription / Sept 2021 - Sept 2023	1,422.00
6756	06/22/2023	FUSCOE ENGINEERING, INC.	Engineering Services / May 2023	12,126.25
6757	06/22/2023	INTERWEST CONSULTING GROUP	Building Official, Permit Counter & Inspection Services / April - May 2023	130,267.50
6758	06/22/2023	ITERIS, INC	Traffic Engineering / May 2023	4,050.00
6759	06/22/2023	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / May 2023	631.25
6760	06/22/2023	MARC DONOHUE	Administrative Services / June 2023	550.00
6761	06/22/2023	PETTY CASH	Replenish Taxi Petty Cash / June 2023	-
6762	06/22/2023	PRACTICAL DATA SOLUTIONS	IT Support Services / April - May 2023	6,141.48
6763	06/22/2023	RJM DESIGN GROUP	Landscape Architectural Services	1,720.89
6764	06/22/2023	THE LIFETRENDS GROUP,	Office Supplies	106.55
6765	06/22/2023	YUNEX LLC	Traffic Signal Maintenance / May 2023	1,404.00
6766	06/29/2023	ACC BUSINESS	City Hall Internet Service / May 2023	608.66
6767	06/29/2023	ADT COMMERCIAL	Annual Fire Sprinkler Inspection / Calendar Year 2023	358.31
6768	06/29/2023	ALPHA CARD SYSTEM, LLC	Taxi Program Supplies	151.94
6769	06/29/2023	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / June 2023	18,632.43
6770	06/29/2023	GREAT SCOTT TREE SERVICE, INC.	Tree Pruning Services / May - June 2023	53,607.00
6771	06/29/2023	HINDERLITER DE LLAMAS & ASSOCIATES	Sales & Use Tax Consulting / January - June 2023	2,382.83
6772	06/29/2023	NADIA COOK	Mileage Reimbursement / Fiscal Year 2022-23	441.88
6772	06/29/2023	NADIA COOK	Document Recording Fee Reimbursement	108.48
6773	06/29/2023	PETTY CASH	Increase Petty Cash	500.00
6774	06/29/2023	PIPE TEC, INC.	Landscape Services	2,400.00
6775	06/29/2023	PSOMAS	Planning Services / April - June 2023	3,753.75
6776	06/29/2023	RUTAN & TUCKER, LLP	Legal Services / May 2023	10,050.00
6777	06/29/2023	SHELBY ELECTRIC INC.	City Hall Maintenance	325.00
6778	06/29/2023	SMART CITY ELECTRIC GROUP	City Hall Electric Vehicle Charging Infrastructure Project	30,115.00
6779	06/29/2023	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / May 2023	2,325.36
6780	06/29/2023	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 4)	2,321.97
			<b>Total Bank Debits and Warrants:</b>	<b>\$ 757,896.50</b>

**Petty Cash Expenditures Paid Out** (See Note 2)

OC Clerk-Recorder	Document Recording	\$50.00
OC Clerk-Recorder	Document Recording	\$50.00
OC Clerk-Recorder	Document Recording	\$35.00
Melissa Leanza	Mileage Reimbursement	\$22.08
<b>Total Petty Cash:</b>		<b>\$157.08</b>

**TOTAL \$ 758,053.58**

**NOTES:**

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of June 2023, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and McCary.

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
July 19, 2023**

This Report Covers the Period 6/01/2023 through 6/30/2023

Date	Vendor Name	Description	Amount
Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished. The petty cash replenishment on June 22, 2023 was to replenish the overdrawn cash drawers for taxi voucher refunds.			
Note 3 - The table below summarizes credit card expenditures paid via Check #6747 to U.S. Bank totaling \$1,183.31:			
	Jersey Mike's	City Engineer Retirement Luncheon	\$164.00
	Stater Brothers	City Engineer Retirement Luncheon	\$104.42
	American Red Cross	Heroes Award Ceremony (Conners/McCary/Moore)	\$310.88
	USPS	Postage	\$8.13
	Southwest Airlines	Travel for Potential New Fire Station / City Manager	\$419.96
	Adobe	Computer Software	\$143.94
	Zoom	Video Conferencing	\$31.98
		<b>Total Credit Card Reimbursement:</b>	<b><u>\$1,183.31</u></b>
Note 4 - The table below summarizes credit card expenditures paid via Check #6780 to U.S. Bank totaling \$2,321.97:			
	Microsoft	Office 365 Subscription	\$624.50
	Adobe	Computer Software	\$143.94
	Zoom	Video Conferencing	\$31.98
	Constant Contact	Digital Marketing	\$101.88
	GovernmentJobs.com	Job Posting	\$199.00
	Omni - La Costa Resort	CJPIA Risk Management Forum Educational Lodging (Conners/McCary/Moore)	\$1,001.70
	National Notary Association	Membership Dues	\$129.00
	AIM Mail	Notary Expenses	\$89.97
		<b>Total Credit Card Reimbursement:</b>	<b><u>\$2,321.97</u></b>

**Administrative Services Director/City Treasurer's Certification**

I, Elizabeth Torres, Administrative Services Director / City Treasurer, do hereby certify:

- In accordance with California Government Code Section 37202, I hereby certify to the accuracy of the demands on cash summarized within;
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months; and
- That the City is in compliance with California Government Code Section 27108.

Digitally signed by  
Elizabeth Torres  
Date: 2023.07.13  
12:37:43 -07'00'

Elizabeth Torres, Administrative Services Director/City Treasurer

**6.4**  
**FISCAL YEARS 2023-25 BUDGET**  
**ADJUSTMENTS**

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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**RESOLUTION NO. 23-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADJUSTING THE ASSIGNED RESERVE BALANCES FOR THE PAID LEAVE CONTINGENCY RESERVE AND THE GENERAL FUND CONTINGENCY RESERVE FOR FISCAL YEAR 2023-24

**WHEREAS**, the Fiscal Years 2023-25 Budget (“Budget”) was adopted by the City Council on June 28, 2023; and

**WHEREAS**, the Budget includes contingency funds for paid leave, self-insurance, and General Fund purposes; and

**WHEREAS**, in accordance with Administrative Policy 2.9, the Budget was adopted with an overall target for committed and assigned reserves in an amount equal to 50% of the adopted General Fund revenue budget for Fiscal Year 2023-24, less any one-time revenues and non-operating revenues, based on information available as the adoption of the Budget; and

**WHEREAS**, in accordance with Administrative Policy 2.9, the Budget was adopted with an estimate of the assigned reserve balance for the Paid Leave Contingency Reserve for Fiscal Year 2023-24, subject to finalization by City Council action after fiscal-year-end calculations are available; and

**WHEREAS**, fiscal-year-end calculations for the Paid Leave Contingency Reserve are now available and staff has recommended an increase in its assigned reserve balance for Fiscal Year 2023-24, based on actual accrued paid leave balances for City employees as of June 30, 2023; and

**WHEREAS**, in accordance with Administrative Policy 2.9, adjustment of the assigned reserve balance for the Paid Leave Contingency Reserve also affects the assigned reserve balance for the General Fund Contingency Reserve; and

**WHEREAS**, the assigned reserve balance adjustments recommended by staff would increase and finalize the assigned reserve balance for the Paid Leave Contingency Reserve for Fiscal Year 2023-24 by \$2,561 and reduce the assigned reserve balance for the General Fund Contingency Reserve for Fiscal Year 2023-24 by \$2,561, with no change to total committed and assigned reserves for Fiscal Year 2023-24.

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

**SECTION 1.** Section 3 of Resolution No. 23-16 is hereby amended, in its entirety, to read as follows:

The General Fund assigned reserves authorized are:

	<i>Fiscal Year 2023-24</i>	<i>Fiscal Year 2024-25</i>
Paid Leave Contingency Reserve	\$122,607	\$120,046
Self-Insurance Contingency Reserve	\$50,000	\$50,000
General Fund Contingency Reserve	\$3,427,693	\$3,514,154
<b>TOTAL</b>	<b>\$3,600,300</b>	<b>\$3,684,200</b>

Assigned reserves shall be maintained, administered, and expended in accordance with Administrative Policy 2.9.

**SECTION 2.** The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2023.

\_\_\_\_\_  
CYNTHIA S. CONNERS, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk



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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 23-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 2023, by the following vote:

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

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YOLIE TRIPPY, CMC, City Clerk

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**6.5**  
**FISCAL YEARS 2023-34 CAPITAL  
IMPROVEMENT PROGRAM**

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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**RESOLUTION NO. 23-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A STATEMENT OF THE TRANSPORTATION-RELATED PROJECTS AND MEASURE M2 (OC GO) BUDGETS INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2023-24 THROUGH 2029-30, IN CONFORMANCE WITH MEASURE M2 (OC GO) REQUIREMENTS

**WHEREAS**, the City of Laguna Woods (“City”) seeks to maintain its eligibility to receive apportionments of Measure M2 (OC Go) sales tax revenues that can be used to fund transportation-related projects and programs; and

**WHEREAS**, a prerequisite of such eligibility for the City is the annual filing of a Measure M2 (OC Go) eligibility package for review and approval by the Orange County Transportation Authority (“OCTA”); and

**WHEREAS**, a required component of the Measure M2 (OC Go) eligibility package is an adopted seven-year Capital Improvement Program that includes, at a minimum, all programs and projects which are needed to meet and maintain adopted levels of service and performance standards, in addition to all projects and programs proposed to receive Measure M2 (OC Go) funding; and

**WHEREAS**, the Capital Improvement Program, for the purpose of Measure M2 (OC Go) eligibility, is recognized as a program and project finance and planning tool to assist the City in the long-term development and funding of transportation-related programs and projects, and not a budget commitment beyond the fiscal year(s) for which budgets have been adopted by the City Council; and

**WHEREAS**, the City updates the Capital Improvement Program annually to include adjustments to funding and project schedules; and

**WHEREAS**, the City has identified the development and adoption of an 11-year Capital Improvement Program that includes both transportation and non-transportation-related programs and projects as a prudent action to assist with long-term financial planning; and

**WHEREAS**, on June 28, 2023, the City Council adopted an 11-Year Capital Improvement Program for Fiscal Years 2023-24 through 2033-34; and

**WHEREAS**, the OCTA requires that the City Council adopt a statement of the transportation-related projects and Measure M2 (OC Go) budgets included in the first seven years of the City’s 11-year Capital Improvement Program in the format generated by the OCTA’s OCFundtracker database, no later than July 31, 2023.

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

**SECTION 1.** The OCFundtracker database-generated statement of the transportation-related projects and Measure M2 (OC Go) budgets included in the City’s Capital Improvement Program for fiscal years 2023-24 through 2029-30 is adopted in conformance with Measure M2 (OC Go) requirements, as attached hereto as Exhibit A and incorporated herein by reference. Exhibit A replaces and supersedes all previous OCFundtracker database-generated statements of the transportation-related projects and Measure M2 (OC Go) budgets included in the City’s Capital Improvement Program for fiscal years 2023-24 through 2029-30 adopted by the City Council for all or a portion of fiscal years 2023-24 through 2029-30.

**SECTION 2.** The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2023.

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CYNTHIA S. CONNERS, Mayor

ATTEST:

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YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 23-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 2023, by the following vote:

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

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YOLIE TRIPPY, CMC, City Clerk

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## Orange County Transportation Authority FY 2023/24 - FY 2029/30 Capital Improvement Program

<b>TIP ID</b> CP-12271		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	Americans with Disabilities (ADA) Pedestrian Accessibility Improvements Project: Phase 13							
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>							
<b>Type of Work Description:</b> Pedestrian - Installation of ADA access ramps	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.							
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>
City Wide	2030	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$184,481
<b>Project Notes</b>	<b>Totals: \$0 \$0 \$150,000 \$0 \$150,000 \$184,481</b>							
Last Revised: 23-00 - Submitted							<b>Total Programmed: \$150,000</b>	

<b>TIP ID</b> CP-11776		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project Phase 12							
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>							
<b>Type of Work Description:</b> Pedestrian - Reconstruction or rehabilitation of sidewalk	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.							
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>
City Wide	2029	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$179,108
<b>Project Notes</b>	<b>Totals: \$0 \$0 \$150,000 \$0 \$150,000 \$179,108</b>							
Last Revised: 23-00 - Submitted							<b>Total Programmed: \$150,000</b>	

<b>TIP ID</b> CP-10560		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project Phase 6 & 6(B)							
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>							
<b>Type of Work Description:</b> Pedestrian - Reconstruction or rehabilitation of sidewalk	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.							
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>
Moulton Parkway & City Wide	<b>Totals: \$0 \$0 \$0 \$0 \$0 \$0</b>							
<b>Project Notes</b>	This project is a carry-over for FY2023/24. Funds programmed in prior year(s).							
Last Revised: 23-00 - Submitted							<b>Total Programmed: \$0</b>	

<b>TIP ID</b> CP-11465		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of									
<b>Local Project Number:</b>	<b>Project Title</b>										
<b>Additional Project IDs:</b>	Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 10										
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>										
<b>Type of Work Description:</b> Pedestrian - Reconstruction or rehabilitation of sidewalk	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.										
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>			
Various locations City Wide	2027	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$168,826			
<b>Project Notes</b>			<b>Totals:</b>			<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$168,826</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed:</b> \$150,000			

<b>TIP ID</b> CP-11775		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of									
<b>Local Project Number:</b>	<b>Project Title</b>										
<b>Additional Project IDs:</b>	Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 11										
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>										
<b>Type of Work Description:</b> Pedestrian - Reconstruction or rehabilitation of sidewalk	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.										
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>			
City Wide	2028	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$173,891			
<b>Project Notes</b>			<b>Totals:</b>			<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$173,891</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed:</b> \$150,000			

<b>TIP ID</b> CP-10561		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of									
<b>Local Project Number:</b>	<b>Project Title</b>										
<b>Additional Project IDs:</b>	Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7										
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>										
<b>Type of Work Description:</b> Pedestrian - Installation of ADA access ramps	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.										
<b>Limits</b>	<u>FISCAL YEAR</u>	<u>FUND TYPE</u>	<u>ENG</u>	<u>ROW</u>	<u>CON/IMP</u>	<u>O&amp;M</u>	<u>TOTAL</u>	<u>TOTAL ESCALATED</u>			
El Toro & Moulton & City Wide	2024	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$154,500			
<b>Project Notes</b>			<b>Totals:</b>			<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$154,500</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed:</b> \$150,000			

<b>TIP ID</b> CP-10563		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	Americans with Disability Act (ADA) Pedestrian Accessibility Improvement Project: Phase 8							
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>							
<b>Type of Work Description:</b> Pedestrian - Installation of ADA access ramps	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.							
<b>Limits</b>	<u><b>FISCAL YEAR</b></u>	<u><b>FUND TYPE</b></u>	<u><b>ENG</b></u>	<u><b>ROW</b></u>	<u><b>CON/IMP</b></u>	<u><b>O&amp;M</b></u>	<u><b>TOTAL</b></u>	<u><b>TOTAL ESCALATED</b></u>
El Toro & City Wide	2025	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$159,135
<b>Project Notes</b>	<b>Totals: \$0 \$0 \$150,000 \$0 \$150,000 \$159,135</b>							
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$150,000</b>

<b>TIP ID</b> CP-10564		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	Americans with Disability Act (ADA) Pedestrian Accessibility Improvement Project: Phase 9							
<b>Type of Work:</b> Pedestrian	<b>Project Description</b>							
<b>Type of Work Description:</b> Pedestrian - Reconstruction or rehabilitation of sidewalk	Improvement of pedestrian paths-of-travel, including sidewalk improvements to eliminate gaps, lifts and uneven surfaces; reconstruction of curb ramps and driveways; replacement of detectable warning surfaces and obtaining any required easements.							
<b>Limits</b>	<u><b>FISCAL YEAR</b></u>	<u><b>FUND TYPE</b></u>	<u><b>ENG</b></u>	<u><b>ROW</b></u>	<u><b>CON/IMP</b></u>	<u><b>O&amp;M</b></u>	<u><b>TOTAL</b></u>	<u><b>TOTAL ESCALATED</b></u>
Various Locations City Wide	2026	Community Development Block Grant	\$0	\$0	\$150,000	\$0	\$150,000	\$163,909
<b>Project Notes</b>	<b>Totals: \$0 \$0 \$150,000 \$0 \$150,000 \$163,909</b>							
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$150,000</b>

<b>TIP ID</b> CP-12272		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>	<b>Project Title</b>							
<b>Additional Project IDs:</b>	PAVEMENT MANAGEMENT PLAN PROJECT (Westbound El Toro Road Between Moulton Parkway and Calle Sonora)							
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>							
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.							
<b>Limits</b>	<u><b>FISCAL YEAR</b></u>	<u><b>FUND TYPE</b></u>	<u><b>ENG</b></u>	<u><b>ROW</b></u>	<u><b>CON/IMP</b></u>	<u><b>O&amp;M</b></u>	<u><b>TOTAL</b></u>	<u><b>TOTAL ESCALATED</b></u>
Westbound El Toro Road between Moulton Parkway and Calle Sonora	2030	Local Streets and Roads apportionments	\$0	\$0	\$421,551	\$0	\$421,551	\$518,455
<b>Project Notes</b>	<b>Totals: \$0 \$0 \$421,551 \$0 \$421,551 \$518,455</b>							
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$421,551</b>

<b>TIP ID</b> CP-12011		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Pavement Management Plan Project (Eastbound El Toro Road between Canyon Wren and Calle Sonora)									
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>									
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
Eastbound El Toro Road between Canyon Wren & Calle Sonora	2028	Local Streets and Roads apportionments	\$0	\$0	\$279,766	\$0	\$279,766	\$324,325		
<b>Project Notes</b>										
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$279,766</b>	<b>\$0</b>	<b>\$279,766</b>	<b>\$324,325</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$279,766</b>		

<b>TIP ID</b> CP-10554		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Pavement Management Plan Project (Northbound Moulton Parkway between City Limits and Calle Cortez)									
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>									
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
Moulton Northbound between City Limits & Calle Cortez	2026	Local Streets and Roads apportionments	\$0	\$0	\$405,799	\$0	\$405,799	\$443,428		
<b>Project Notes</b>										
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$405,799</b>	<b>\$0</b>	<b>\$405,799</b>	<b>\$443,428</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$405,799</b>		

<b>TIP ID</b> CP-11464		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Pavement Management Plan Project (Westbound El Toro Road between Calle Corta and City Limits)									
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>									
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
El Toro Road Westbound between Calle Corta and City Limits	2027	Local Streets and Roads apportionments	\$0	\$0	\$335,818	\$0	\$335,818	\$377,966		
<b>Project Notes</b>										
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$335,818</b>	<b>\$0</b>	<b>\$335,818</b>	<b>\$377,966</b>
Last Revised: 23-00 - Submitted								<b>Total Programmed: \$335,818</b>		

<b>TIP ID</b> CP-11750		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)									
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>									
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
Westbound El Toro Road between Canyon Wren & Tanager	2024	Local Streets and Roads apportionments	\$0	\$0	\$325,821	\$0	\$325,821	\$335,596		
<b>Project Notes</b>										
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$325,821</b>	<b>\$0</b>	<b>\$325,821</b>	<b>\$335,596</b>
<b>Total Programmed:</b> \$325,821										
Last Revised: 23-00 - Submitted										

<b>TIP ID</b> CP-11749		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Pavement Management Plan Project (Westbound El Toro Road between Tanager and Calle Corta)									
<b>Type of Work:</b> Road Maintenance	<b>Project Description</b>									
<b>Type of Work Description:</b> Road Maintenance - Rehabilitation of roadway	Rehabilitation of deteriorated pavement along the specific street sections(s). Reconstruction of curbs, adjustment of utility access holes and water valves to grade, re-establishment of survey monuments, and restriping.									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
Westbound El Toro Road between Tanager and Calle Corta	2025	Local Streets and Roads apportionments	\$0	\$0	\$195,795	\$0	\$195,795	\$207,719		
<b>Project Notes</b>										
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$195,795</b>	<b>\$0</b>	<b>\$195,795</b>	<b>\$207,719</b>
<b>Total Programmed:</b> \$195,795										
Last Revised: 23-00 - Submitted										

<b>TIP ID</b> CP-10566		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of								
<b>Local Project Number:</b>	<b>Project Title</b>									
<b>Additional Project IDs:</b>	Street Lighting Maintenance									
<b>Type of Work:</b> Safety	<b>Project Description</b>									
<b>Type of Work Description:</b> Safety - Improve lighting of roadway	Maintaining Street lights within Public Right-of Way									
<b>Limits</b>	<b>FISCAL YEAR</b>	<b>FUND TYPE</b>	<b>ENG</b>	<b>ROW</b>	<b>CON/IMP</b>	<b>O&amp;M</b>	<b>TOTAL</b>	<b>TOTAL ESCALATED</b>		
City Wide	2024	Measure M2 Local Fairshare	\$0	\$0	\$29,832	\$0	\$29,832	\$30,727		
<b>Project Notes</b>	2025	Measure M2 Local Fairshare	\$0	\$0	\$31,026	\$0	\$31,026	\$32,915		
	2026	Measure M2 Local Fairshare	\$0	\$0	\$31,957	\$0	\$31,957	\$34,920		
	2027	Measure M2 Local Fairshare	\$0	\$0	\$32,915	\$0	\$32,915	\$37,046		
	2028	Measure M2 Local Fairshare	\$0	\$0	\$33,903	\$0	\$33,903	\$39,303		
	2029	Measure M2 Local Fairshare	\$0	\$0	\$34,950	\$0	\$34,950	\$41,732		
	2030	Measure M2 Local Fairshare	\$0	\$0	\$35,968	\$0	\$35,968	\$44,236		
			<b>Totals:</b>		<b>\$0</b>	<b>\$0</b>	<b>\$230,551</b>	<b>\$0</b>	<b>\$230,551</b>	<b>\$260,879</b>
<b>Total Programmed:</b> \$230,551										
Last Revised: 23-00 - Submitted										

<b>TIP ID</b> CP-10568		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>		<b>Project Title</b>						
<b>Additional Project IDs:</b>		Traffic Engineering						
<b>Type of Work:</b> Traffic Signals		<b>Project Description</b>						
<b>Type of Work Description:</b> Traffic Signals - Coordinate signals within project limits		Provide Traffic Engineering Services, Monitor Traffic Signals, Timing and Operation						
<b>Limits</b>								
City Wide								
<b>Project Notes</b>								
	<b><u>FISCAL YEAR</u></b>	<b><u>FUND TYPE</u></b>	<b><u>ENG</u></b>	<b><u>ROW</u></b>	<b><u>CON/IMP</u></b>	<b><u>O&amp;M</u></b>	<b><u>TOTAL</u></b>	<b><u>TOTAL ESCALATED</u></b>
	2024	Measure M2 Local Fairshare	\$0	\$0	\$0	\$161,040	\$161,040	\$161,040
	2025	Measure M2 Local Fairshare	\$0	\$0	\$0	\$167,482	\$167,482	\$167,482
	2026	Measure M2 Local Fairshare	\$0	\$0	\$0	\$172,506	\$172,506	\$172,506
	2027	Measure M2 Local Fairshare	\$0	\$0	\$0	\$177,682	\$177,682	\$177,682
	2028	Measure M2 Local Fairshare	\$0	\$0	\$0	\$183,012	\$183,012	\$183,012
	2029	Measure M2 Local Fairshare	\$0	\$0	\$0	\$188,502	\$188,502	\$188,502
	2030	Measure M2 Local Fairshare	\$0	\$0	\$0	\$194,158	\$194,158	\$194,158
<b>Totals:</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,244,382</b>	<b>\$1,244,382</b>	<b>\$1,244,382</b>
Last Revised: 23-00 - Submitted		<b>Total Programmed: \$1,244,382</b>						

<b>TIP ID</b> CP-10572		<b>IMPLEMENTING AGENCY</b> Laguna Woods, City of						
<b>Local Project Number:</b>		<b>Project Title</b>						
<b>Additional Project IDs:</b>		Traffic Signal Maintenance						
<b>Type of Work:</b> Traffic Signals		<b>Project Description</b>						
<b>Type of Work Description:</b> Traffic Signals - Coordinate signals within project limits		Maintain the Traffic Signals						
<b>Limits</b>								
City Wide								
<b>Project Notes</b>								
	<b><u>FISCAL YEAR</u></b>	<b><u>FUND TYPE</u></b>	<b><u>ENG</u></b>	<b><u>ROW</u></b>	<b><u>CON/IMP</u></b>	<b><u>O&amp;M</u></b>	<b><u>TOTAL</u></b>	<b><u>TOTAL ESCALATED</u></b>
	2024	Measure M2 Local Fairshare	\$0	\$0	\$0	\$49,328	\$49,328	\$49,328
	2025	Measure M2 Local Fairshare	\$0	\$0	\$0	\$52,208	\$52,208	\$52,208
	2026	Measure M2 Local Fairshare	\$0	\$0	\$0	\$53,774	\$53,774	\$53,774
	2027	Measure M2 Local Fairshare	\$0	\$0	\$0	\$55,387	\$55,387	\$55,387
	2028	Measure M2 Local Fairshare	\$0	\$0	\$0	\$57,049	\$57,049	\$57,049
	2029	Measure M2 Local Fairshare	\$0	\$0	\$0	\$58,761	\$58,761	\$58,761
	2030	Measure M2 Local Fairshare	\$0	\$0	\$0	\$60,523	\$60,523	\$60,523
<b>Totals:</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$387,030</b>	<b>\$387,030</b>	<b>\$387,030</b>
Last Revised: 23-00 - Submitted		<b>Total Programmed: \$387,030</b>						

**6.6**

**AMERICANS WITH DISABILITIES ACT (ADA)  
PEDESTRIAN ACCESSIBILITY IMPROVEMENT  
PROJECT: PHASE 6 AND 6(B)**

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For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** July 19, 2023 Regular Meeting

**SUBJECT:** Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)

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### **Recommendation**

1. Approve the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” design plans and specifications as prepared by the project engineer.

AND

2. Approve a notice of exemption for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)” finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) and authorize the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

AND

3. Award a contract agreement to Kalban, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)”, in the amount of \$241,100.00, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

## **Background**

The Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B) (“project”) is included in the Fiscal Years 2023-34 Capital Improvement Program. The project consists of, but is not limited to, removing, and constructing concrete curb ramps, sidewalks, and driveways. The work also includes traffic control, adjusting utility manholes and water valves to grade, re-establishing survey monuments, and replacing impacted existing pavement, painted striping, pavement markings, and truncated domes.

## **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on the Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B). Staff recommends that the City Council take the following three actions to allow construction to proceed:

### **Recommendation 1**

Approval of the project design plans and specifications as prepared by the project engineer (NV5 Global, Inc). The design plans and specifications are available for review at or from the City Clerk’s Office, Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Telephone: (949) 639-0500. Email: [cityhall@cityoflagunawoods.org](mailto:cityhall@cityoflagunawoods.org).

### **Recommendation 2**

Approval of a notice of exemption for the project (Attachment A) finding that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) and authorization for the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

### **Recommendation 3**

Award of a contract agreement to Kalban, Inc. for the construction of the project, in the amount of \$241,100.00, plus authorized change orders not to exceed 10% of the base amount; and authorization for the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

Bids to construct the project were solicited from June 20, 2023 through July 10, 2023. Three bids were received (see Table 1). After review, Kalban, Inc. is the lowest cost responsive bidder.

*Table 1: Bids Received*

<b>Bidder</b>	<b>Bid Amount (all schedules)</b>
CT&T Concrete Paving, Inc.	\$475,400.00
Gentry General Engineering	\$331,000.00
Kalban, Inc.	\$241,100.00

It is presently anticipated that construction will be complete within 21 working days of the date the City issues a Notice to Proceed to the selected contractor, and no later than August 31, 2023.

### **Environmental Review**

The project is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, Section 15301. For additional information, refer to the proposed notice of exemption (Attachment A).

### **Fiscal Impact**

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

Attachment: A – Proposed Notice of Exemption

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Recording requested by City of Laguna Woods  
When recorded, mail to City of Laguna Woods,  
24264 El Toro Road, Laguna Woods, CA 92637.  
(949) 639-0500

Exemption Code 6103



**NOTICE OF EXEMPTION**

<b>To:</b> County of Orange Orange County Clerk-Recorder P.O. Box 238 Santa Ana, CA 92701	<b>From:</b> City of Laguna Woods 24264 El Toro Road Laguna Woods, CA 92637 (949) 639-0500
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**Project Title:** Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 6 and 6(B)

**Project Applicant:** City of Laguna Woods  
24264 El Toro Road  
Laguna Woods, CA 92637  
(949) 639-0500

**Project Location – Specific:** The project is located within the City of Laguna Woods’ public right-of-way in the following locations:

- Intersection of Moulton Parkway and Laguna Woods Village gates 12 and 16
- Westbound El Toro Road between Moulton Parkway and the signalized intersection at the Home Depot Center and Town Centre
- Westbound El Toro Road between Aliso Creek Road and West City Limits
- Northbound Moulton Parkway between South City Limits and Calle Aragon
- Existing sidewalks on El Toro Road and Moulton Parkway

**Project Location – City:** Laguna Woods, California **Project Location – County:** Orange

**Description of Nature, Purpose, and Beneficiaries of Project:** The project involves removing, and constructing concrete curb ramps, sidewalks, and driveways. The work also includes traffic control, adjusting utility manholes and water valves to grade, re-establishing survey monuments, and replacing impacted existing pavement, painted striping, pavement markings, and truncated domes.

The improvements are intended to enhance ease of pedestrian travel and promote compliance with the federal Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, and Rehabilitation Act of 1973.

**Name of Public Agency Approving Project:** City of Laguna Woods

**NOTICE OF EXEMPTION  
 AMERICANS WITH DISABILITIES ACT (ADA) PEDESTRIAN ACCESSIBILITY  
 IMPROVEMENT PROJECT: PHASE 6 AND 6(B)  
 CITY OF LAGUNA WOODS**

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**Name of Person or Agency Carrying Out Project:** City of Laguna Woods

**Exempt Status:**

X	Categorical Exemption (Sec. 15301)
	Declared Emergency (Sec. 21080(b)(3); 15269(a))
	Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
	Ministerial (Sec. 21080(b)(1); 15268)
	Statutory Exemption
	Not Subject to CEQA (Sec. 15061(b)(3))

**Reasons Why Project is Exempt:** The project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to California Code of Regulations, Title 14 (the State CEQA Guidelines) Section 15301 (Class 1, Existing Facilities). Section 15301 exempts from environmental review the “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” Subsection (c) of Section 15301 provides the following as non-exclusive examples of types of “existing facilities,” “Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).”

The project consists only of repair, maintenance, and minor alteration work within the City of Laguna Woods’ public right-of-way for existing public streets and arterial highways (El Toro Road and Moulton Parkway). The project does not expand the existing or former use of either El Toro Road or Moulton Parkway.

Based on the scope of work, the project meets the criteria for Class 1 categorical exemption.

**Lead Agency Contact Person:**

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

Rebecca M. Pennington  
 Development Administrator  
 City of Laguna Woods

Date Received for Filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

**6.7**

**CITY HALL ELECTRIC VEHICLE CHARGING  
INFRASTRUCTURE PROJECT  
(NO REPORT)**

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**For additional information on this item,  
please refer to Item 6.0 (Consent Calendar Summary).**

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**7.1**  
**CANNABIS RETAIL SALES BUSINESS**  
**REGULATIONS**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** July 19, 2023 Regular Meeting  
**SUBJECT:** Cannabis Retail Sales Business Regulations

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### **Recommendation**

If the City Council wishes to proceed with adopting regulations that would permit cannabis retail sales businesses:

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 – titled:

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, 13.18.070, AND 13.26.025 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO ESTABLISH A REGULATORY FRAMEWORK FOR CANNABIS STOREFRONT RETAILERS, SET THE CANNABIS BUSINESS TAX RATE FOR CANNABIS STOREFRONT RETAILERS, AND CLARIFY THE NATURE OF PROHIBITED CANNABIS BUSINESSES AND EXISTING REGULATIONS PERTAINING TO TOBACCO AND TOBACCO CIGARETTE SALES; AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

### **Background**

At the regular meeting on January 18, 2023 – acting on a recommendation agendized by Councilmember Horne – the City Council voted unanimously to direct the City Manager to do the following:

1. Draft an ordinance for future consideration by the City Council that would – if adopted by the City Council at a future meeting – authorize the operation of storefront retailer (dispensary) businesses engaged in retail sales of cannabis and/or cannabis products.

AND

2. Draft a resolution for future consideration by the City Council that would – if approved by the City Council at a future meeting – set the rate of the cannabis business tax authorized by Measure T (Ordinance No. 22-01) for storefront retailer (dispensary) businesses at the higher of the following: (a) 10% of gross receipts received or generated for each monthly reporting period, or (b) \$35 per square foot of floor area (annual tax rate) prorated monthly to one-twelfth of the annual tax rate amount.

At the regular meeting on June 21, 2023, the City Council discussed a draft ordinance and voted 4-0-1 with Councilmember McCary abstaining due to not having a clear understanding of the recommendation, to direct the City Manager to agendize a public hearing regarding cannabis retail sales business regulations for the City Council meeting on July 19, 2023, including discussion regarding the public comments made at the June 21, 2023 City Council meeting.

## **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed amendments of the Laguna Woods Municipal Code establish a regulatory framework for cannabis storefront retailers, set the cannabis business tax rate for cannabis storefront retailers, and clarify the nature of prohibited cannabis businesses and existing regulations pertaining to tobacco and tobacco cigarette sales (Attachment A). A version of the proposed ordinance with redlines identifying changes from the draft included in the June 21, 2023 City Council agenda packet is included as Attachment B.

As staff has previously advised, cannabis (both medical and non-medical) is, and remains, illegal under federal law. While cannabis use has been decriminalized under state law (specifically, and most recently, under California's voter-approved Proposition 64 (2016) (The Adult Use of Marijuana Act) and the Medicinal and Adult Use Cannabis Regulation and Safety Act, the latter an act of the California legislature that substantially revised cannabis laws subsequent to the approval of Proposition 64), cannabis remains classified as a Schedule 1 controlled substance under the federal Controlled Substances Act (21 USC §§ 801 *et seq*). The California Supreme Court has held that bans on cannabis dispensaries are permissible under a city's inherent zoning power, but has, thus far, declined to reach the issue whether permitting such dispensaries would violate the Controlled Substances Act or California Government Code Section 37100<sup>1</sup>.

According to data published by the State of California's Department of Cannabis Control,<sup>2</sup> 39% of cities and counties in California currently allow the retail sale of cannabis. In Orange County, the cities of Costa Mesa, Santa Ana, and Stanton allow retail (storefront) sale of cannabis.

In response to the City Council's direction on January 18, 2023 and feedback on June 21, 2023, staff has drafted the ordinance included as Attachment A. While Measure T (codified at Laguna Woods Municipal Code Chapter 3.18, "Cannabis Business Tax") allows the City Council to set the cannabis business tax rate by

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<sup>1</sup> California Government Code Section 37100, which relates broadly to cities' legislative powers, provides: "The legislative body may pass ordinances not in conflict with the Constitution and laws of the State or the United States."

<sup>2</sup> <https://cannabis.ca.gov/cannabis-laws/where-cannabis-businesses-are-allowed/> [The California Department of Cannabis Control notes that the data on this webpage was updated in February 2023 and is based on information obtained from cities and counties.]

resolution or ordinance, after consideration, staff recommends that if the City Council elects to set a tax rate, that it be set by ordinance for ease of reference alongside other pertinent regulations.

While staff understands that the City Council is weighing numerous policy matters in considering whether to authorize the operation of storefront retailer (dispensary) businesses engaged in retail sales of cannabis and/or cannabis products, staff continues to recommend that the City Council consider doing so only if and when cannabis is reclassified under the Controlled Substances Act.

If the recommended action is taken at today's meeting, staff anticipates scheduling the second reading and consideration of adoption of the proposed ordinance for the City Council's next regular meeting on August 16, 2023.

### Quick Reference

- **Where could cannabis storefront retailers be located?**
  - See subsection (e) on page 17 of Exhibit A to Attachment A.
  - Cannabis storefront retailers would generally be permitted in the “Community Commercial” and “Professional and Administrative Office” zoning districts, provided (i) they are located in standalone buildings (unless the cannabis storefront retailer is also the property owner or meets certain additional requirements, in which case other occupants would be permitted with the exception of the eight uses listed below and occupants that sell, dispense, distribute, or store alcoholic beverages), (ii) when access is taken from public streets, such access is exclusively from public streets within the majority jurisdiction of the City, and (iii) they are located at least 600 feet from parcels with any of the following uses<sup>3</sup>:
    1. Alcoholism or Drug Abuse Recovery or Treatment Facilities
    2. Cannabis Storefront Retailers
    3. Day Care Centers
    4. Emergency Shelters
    5. Permanent Supportive Housing
    6. Public Libraries

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<sup>3</sup> California's Proposition 64/California Business & Professions Code Section 26054(b) prohibits cannabis storefront retailers from being located “...within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, daycare center, or youth center that is in existence at the time the license is issued...”

- 7. Public Recreational Facilities
- 8. Schools

Cannabis storefront retailers would also not be permitted on parcels with existing housing units or parcels identified in the General Plan Housing Element as potential housing sites for very low, low, and/or moderate income housing units. This is intended to promote housing conservation and ensure that sufficient adequate sites remain available at all times to meet remaining unmet housing needs, per California Government Code Section 65863 (“No Net Loss Law”).

- As the zoning district and distance limitations generally summarized in the previous bullet would effectively limit the number of cannabis storefront retailers, staff does not propose to limit cannabis storefront retailers to a specific number. The Laguna Woods Municipal Code does not currently limit any other business type to a specific number.
- Based on staff’s assessment of existing conditions, cannabis storefront retailers would potentially be permitted on the following parcels:

Assessor’s Parcel Number	Current Use
621-211-06 & 621-211-07	Home Depot
621-211-05	Rite Aid
621-211-04	Sabrosada
621-211-03	U.S. Bank
621-091-15	Helm Center
621-091-16	McCormick & Son Mortuary

With a 600 foot separation requirement between cannabis storefront retailers, only one to two of the first five parcels identified in the table above (Home Depot, Rite Aid, Sabrosada, and U.S. Bank) and one of the last two parcels (Helm Center and McCormick & Son Mortuary) would be able to potentially house a cannabis storefront retailer.

- **What operations requirements would be in place?**

Topic	Exhibit A to Attachment A
Alcoholic Beverages	See subsection (f)(1) on page 20
Amplified Sound	See subsection (f)(2) on page 21
Cannabis Consumption and Use	See subsection (f)(3) on page 22
City Regulatory Meetings	See subsection (f)(4) on page 23
Classes, Seminars, and Workshops	See subsection (f)(5) on page 23
Criminal Activity Notifications	See subsection (f)(6) on page 23
Deliveries	See subsection (f)(7) on page 24

<b>Topic</b>	<b>Exhibit A to Attachment A</b>
Design and Development Standards	See subsection (f)(8) on page 24
Drive-Through Facilities	See subsection (f)(9) on page 26
Events	See subsection (f)(10) on page 26
Graffiti	See subsection (f)(11) on page 26
Hours of Operations	See subsection (f)(12) on page 27
Lighting Repair	See subsection (f)(13) on page 27
Live Entertainment and Entertainment Devices	See subsection (f)(14) on page 27
Loitering and Outdoor Queuing	See subsection (f)(15) on page 28
Minors	See subsection (f)(16) on page 29
Odor Control	See subsection (f)(17) on page 30
Outdoor Activities	See subsection (f)(18) on page 31
Overnight Parking	See subsection (f)(19) on page 31
Product Packaging	See subsection (f)(20) on page 32
Security Measures	See subsection (f)(21) on page 33
Tobacco and Tobacco Cigarettes	See subsection (f)(22) on page 36
Visible Products and Promotions	See subsection (f)(23) on page 36
Waste and Recycling – Battery Recycling	See subsection (f)(24) on page 36
Waste and Recycling – Receptacles	See subsection (f)(25) on page 36

- **What would be required to obtain a City commercial cannabis permit?**
  - See subsection (c) on page 9 of Exhibit A to Attachment A.
  - City staff would issue a commercial cannabis permit to cannabis storefront retailers. Commercial cannabis permits would be ministerial in nature and be issued when certain information is provided. If the City Council elects to authorize cannabis storefront retailers, staff recommends leaving decisions regarding to whom property owners enter into lease agreements with to property owners and prospective tenants, as is the case with all other business types in Laguna Woods. Staff has intentionally drafted an objective process for issuing commercial cannabis permits, complemented by a robust set of operations requirements that would apply to all cannabis storefront retailers equally (see previous bullet). Staff does not recommend that the City involve itself in screening applicants for commercial cannabis



permits based on perceived “merit” or any other subjective factor. The City’s permitting requirements would be in addition to the State of California’s licensing requirements, which are generally summarized in an application checklist available at <https://cannabis.ca.gov/wp-content/uploads/sites/2/2023/04/Application-Checklist.pdf>.

- One party would be required to own at least 51% of each cannabis storefront retailer. This is intended to ensure that there is one party clearly in control of each cannabis storefront retailer for the benefit of both the permitting process and any subsequent enforcement action.
  - At least 50% of the owners of each cannabis storefront retailer would be required to own or have owned all or part of a business licensed by the State of California as a cannabis storefront retailer for a period of no less than two years prior to the date of application, during which time the license was not suspended or revoked.
- **What would the cannabis business tax rate be set at?**
    - See subsection (h) on page 38 of Exhibit A to Attachment A.
    - Consistent with the City Council’s direction on January 18, 2023, the cannabis business tax rate would be set at the higher of the following: (a) 10% of gross receipts received or generated for each monthly reporting period, or (b) \$35 per square foot of floor area (annual tax rate) prorated monthly to one-twelfth of the annual tax rate amount. Such a rate is the highest the City Council could presently set under Measure T. The lowest possible cannabis business tax rate is the higher of the following: (a) 4% of gross receipts received or generated for each monthly reporting period, or (b) \$5 per square foot of floor area (annual tax rate) up to a maximum tax rate prorated monthly to one-twelfth of the annual tax rate amount.
    - Due to substantial uncertainty regarding costs associated with the authorization of cannabis storefront retailers, if the City Council elects to authorize cannabis storefront retailers, staff recommends that the tax rate be set at the highest possible under Measure T.
  - **What violations and penalties would exist for non-compliance?**
    - See subsection (i) on page 38 of Exhibit A to Attachment A.
  - **When would the ordinance be effective?**
    - The ordinance would be effective 10 calendar days after the effective date of an annual application and routine inspection fee for cannabis

storefront retailers (this fee is described in subsection (c)(1) on page 9 of Exhibit A to Attachment A). If the City Council adopts an ordinance substantially similar to the proposed ordinance in or about August 2023, staff anticipates being able to present such a fee for the City Council's consideration in September 2023.

### Responses to Public Comments from June 21, 2023

Staff has generally summarized and briefly responded to key points from public comments from the regular City Council meeting on June 21, 2023 that specifically addressed provisions of the draft ordinance.

- *Comment #1: How would the City handle multiple applications received for the same location or at the same time?*
  - Staff has added language to subsection (c)(1) (see page 9 of Exhibit A to Attachment A), which generally provides that applications would be processed sequentially in the order of the date and time received.
- *Comment #2: The ordinance should explicitly allow cannabis storefront retailers to make deliveries.*
  - Staff has added language to subsection (f)(7)a., which would explicitly allow cannabis storefront retailers to make deliveries (see page 24 of Exhibit A to Attachment A).
- *Comment #3: The City should form a committee to draft an ordinance, permit cannabis storefront retailers using a merit-based system, and not include a property requirement to apply for commercial cannabis permits.*
  - This approach is fundamentally different from staff's recommendation and the draft ordinance discussed on June 21, 2023. A merit-based system or regulatory framework that allows businesses to apply for commercial cannabis permits without specifying a location would add considerable subjectivity and complication, as compared to the more objective and property-specific approach recommended by staff.
  - As previously discussed, staff does not recommend that the City involve itself in screening applicants for commercial cannabis permits based on perceived "merit" or any other subjective factor.
- *Comment #4: Cannabis storefront retailers should not be required to be the property owner if located in a multi-tenant building.*

- Staff has added language to subsection (e)(A2) (see page 17 of Exhibit A to Attachment A), which would generally allow cannabis storefront retailers to be located in multi-tenant buildings or on multi-tenant sites for which they are not the property owner if (i) the cannabis storefront retailer does not share a ventilation system with any other tenant, (ii) the property owner enters into an agreement with the City to apply certain operations requirements to all tenants, and (iii) none of the other occupants are the eight uses listed below or sell, dispense, distribute, or store alcoholic beverages.
  1. Alcoholism or Drug Abuse Recovery or Treatment Facilities
  2. Cannabis Storefront Retailers
  3. Day Care Centers
  4. Emergency Shelters
  5. Permanent Supportive Housing
  6. Public Libraries
  7. Public Recreational Facilities
  8. Schools
- *Comment #5: The cannabis business tax rate should be set lower than 10%.*
  - As previously discussed, due to substantial uncertainty regarding costs associated with the authorization of cannabis storefront retailers (most notably, potentially increased law enforcement services costs, which are set by the Orange County Sheriff's Department; as discussed by Chief of Police Services Alday at the June 21, 2023 City Council meeting, the Orange County Sheriff's Department continues to oppose cannabis storefront retailers), if the City Council elects to authorize cannabis storefront retailers, staff recommends that the tax rate be set at the highest possible under Measure T. The City Council would retain the ability to adjust the tax rate in the future.
  - The City Council may set the cannabis business tax rate at an amount less than proposed, provided the tax rate is not set below the higher of 4% of gross receipts or \$5 per square foot.
  - The City Council could also establish a cannabis business tax rate and simultaneously direct the City Manager to agendize reconsideration of that tax rate after 12 months of collection or on another timeframe.
  - A list of current tax rates imposed on cannabis storefront retailers by cities in Orange County and San Diego County follows.

City	Local Business Tax Rate
<i>Orange County</i>	
Costa Mesa	7%
Santa Ana	5% (medicinal), 7% or \$25 per gross square foot, prorated monthly, whichever is greater (adult-use) <sup>4</sup>
Stanton	6%
<i>San Diego County</i>	
Chula Vista	7% (adult-use)
Encinitas	7%
Imperial Beach	Fee set by development agreement
La Mesa	0% (medicinal), 4% (adult-use)
Lemon Grove	0% (medicinal), 5% (adult-use)
National City	5%
San Diego	8%
Vista	7%

- The State of California requires cannabis storefront retailers to collect a 15% cannabis excise tax from customers, as well as applicable sales tax (Laguna Woods' sales tax rate is 7.75%). The cannabis excise tax and sales tax is in addition to local business tax rates charged by local governments. If a cannabis storefront retailer adds a separate amount to customer invoices or receipts to cover the local business tax rate, the cannabis excise tax and sales tax applies to the purchase price including that local business tax amount.
- California Senate Bill 512 (Bradford), which has passed the Senate and is awaiting a vote of the Assembly, would, if ultimately signed into law, exclude local business tax rates from being included in the gross receipts calculation for the cannabis excise tax and sales tax beginning on January 1, 2024.
- A sales tax exemption is available for the retail sale of medicinal cannabis or medicinal cannabis products to persons with a valid Medical Marijuana Identification Card (“MMIC”) issued by the

<sup>4</sup> The Santa Ana City Council lowered the City of Santa Ana's cannabis retail tax rates by 1% for both medicinal and adult-use, effective January 1, 2023. The tax rates shown in this table are the City of Santa Ana's current tax rates. At the same time tax rates were lowered, the Santa Ana City Council voted to allow certain cannabis consumption lounges and cannabis events. More information is available at <https://www.santa-ana.org/new-santa-ana-cannabis-law-lowers-tax-rates-allows-consumption-lounges-and-events/>. Laguna Woods staff's proposed ordinance would not allow cannabis consumption lounges or cannabis events.

California Department of Public Health and a valid government-issued identification card at the time of purchase. The exemption does not extend to the 15% statewide cannabis excise tax.

### **Fiscal Impact**

The Fiscal Year 2023-25 General Fund budget contains sufficient funds to support the preparation of this ordinance.

As discussed in the Fiscal Years 2023-25 Budget & Work Plan, if the City Council authorizes cannabis businesses, staff anticipates that additional code enforcement services will be necessary to assist with the administration of applicable Laguna Woods Municipal Code requirements and the collection of business tax proceeds. It is possible that all or a portion of the funds necessary to provide for such additional code enforcement services could be offset by cannabis business tax revenue, although the City would be required to front at least some of those costs during the period between the City Council's authorization of cannabis storefront retailers and the date that the first cannabis storefront retailer(s) open and begin to collect and remit cannabis business tax proceeds.

Based on current code enforcement rates, and assuming adoption of an ordinance substantially similar to the proposal attached hereto in or about August 2023, staff estimates that additional code enforcement costs would be approximately \$56,680 for Fiscal Year 2023-24. Costs after Fiscal Year 2023-24 would likely be driven by the conduct of cannabis storefront retailers, but are not expected to decrease. The City is currently soliciting competitive proposals from qualified firms to provide code enforcement services beginning on September 1, 2023. The outcome of that competitive procurement process may affect this cost estimate.

Attachments: A – Proposed Ordinance  
                  Exhibit A – Proposed Code Amendments  
          B – Proposed Ordinance (with redlines identifying changes from the draft included in the June 21, 2023 City Council agenda packet)

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**ORDINANCE NO. 23-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, 13.18.070, AND 13.26.025 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO ESTABLISH A REGULATORY FRAMEWORK FOR CANNABIS STOREFRONT RETAILERS, SET THE CANNABIS BUSINESS TAX RATE FOR CANNABIS STOREFRONT RETAILERS, AND CLARIFY THE NATURE OF PROHIBITED CANNABIS BUSINESSES AND EXISTING REGULATIONS PERTAINING TO TOBACCO AND TOBACCO CIGARETTE SALES; AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, Title 13 of the Laguna Woods Municipal Code contains the Laguna Woods Zoning Code; and

**WHEREAS**, the City Council desires to establish a regulatory framework for cannabis storefront retailers, set the cannabis business tax rate for cannabis storefront retailers, and clarify the nature of prohibited cannabis businesses and existing regulations pertaining to tobacco and tobacco cigarette sales; and

**WHEREAS**, to accomplish the City Council’s aforementioned desires, staff has recommended amendments of sections 13.06.010, 13.08.010, 13.10.020, 13.12.020, 13.13.020, 13.18.070, and 13.26.025 of the Laguna Woods Municipal Code (“Code Amendments”); and

**WHEREAS**, on July 19, 2023, the City Council held a duly noticed public hearing on this Ordinance 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

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

interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this Ordinance is not subject to further environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and section 15060(c)(3) (the activity is not a “project” as defined in Section 15378). CEQA Guidelines section 15378(b)(2) and (5) exclude “[c]ontinuing administrative ... activities” and “administrative activities of governments that will not result in direct or indirect physical changes to the environment” from its definition of “project.” In the absence of any pending application for any cannabis storefront retailer, any specific environmental effects would be speculative. The environmental effects of prospective future cannabis storefront retailers will be evaluated on a project-by-project basis by the City during application and permitting processes.

After reviewing the entire project record, the City Council hereby additionally determines and certifies that even if this item were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. On its own, this item merely establishes a regulatory framework; it will not directly result in any physical changes to the environment.

SECTION 3. Sections 13.06.010, 13.08.010, 13.10.020, 13.12.020, 13.13.020, 13.18.070, and 13.26.025 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 ten (10) calendar days after the annual application and routine inspection fee contemplated in subsection (c)(2) of the amendments to Section 13.26.025 of the Laguna Woods Municipal Code goes into effect, which shall be in no case less than thirty (30) calendar days after adoption of this Ordinance.

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 Mayor shall sign this Ordinance.

SECTION 7. The 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 8. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2023.

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CYNTHIA S. CONNERS, Mayor

ATTEST:

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YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

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ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 23-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2023, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2023 by the following vote to wit:

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

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YOLIE TRIPPY, CMC, City Clerk

**EXHIBIT A  
CODE AMENDMENTS**

***Numbers (177) and (178) are added to subsection (d) of Section 13.06.010 (“Definitions”) of Chapter 13.06 (“Definitions”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code to read as follows (additions shown with underlining):***

(177) Cannabis non-storefront retailer: Any cannabis business that requires a license other than a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency. A cannabis storefront retailer shall not be considered a cannabis non-storefront retailer if it hold licenses other than a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, but only engages in activities permitted under a Type 10 (storefront retailer) license within the City of Laguna Woods.

(178) Cannabis storefront retailer: Any cannabis business that requires a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency.

*The permitted residential uses table in 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 add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

Land Use Types	Districts			Code References
	RMF	RC	RT	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	X	7.16

*The permitted commercial uses table in 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 add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

Land Use Types	Districts			Code References
	NC	CC	PA	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	<del>X</del>	<u>U</u>	<del>X</del>	<del>7.16</del>

*The permitted open space uses table in 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 add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

	Districts		
Land Use Types	OS-P	OS-R	Code References
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	7.16

*The permitted community facility uses table in 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 add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

Land Use Types	Community Facilities		Code References
	Public/Institutional	Private	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	7.16

*Number (29) in the off-street parking requirements table in subsection (a) of Section 13.18.070 (“Off-street parking requirements”) of Chapter 13.18 (“Off-Street Parking Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended as follows (additions shown with underlining):*

	<b>Use</b>	<b>Minimum Parking Stalls Required</b>
(29)	Retail stores:	
	General, except as otherwise specified herein.	1 for each 200 square feet of Gross Floor Area.
	<u>Cannabis storefront retailers.</u>	<u>1 for each 200 square feet of Gross Floor Area, plus 1 for each delivery vehicle regularly parked overnight and 2 designated curbside delivery parking spaces each limited to 15 minutes or less if curbside delivery is offered.</u>
	Discount department stores.	1 for each 125 square feet of Gross Floor Area.
	Furniture and appliances.	1 for each 500 square feet of Gross Floor Area.



*Subsection (5)c. of Section 13.18.070 (“Off-street parking requirements”) of Chapter 13.18 (“Off-Street Parking Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining, deletions shown with ~~strikethrough~~):*

c. For all uses except cannabis storefront retailers, ~~A~~ alternative vehicle parking spaces in-lieu may be substituted for standard spaces at a rate of ten percent of the total standard spaces in locations where ten or more parking spaces are required. The permitted amount of alternative vehicle spaces shall be calculated based on total spaces required rounded to the nearest whole space.

***Section 13.26.025 (“Marijuana dispensaries”) of Chapter 13.26 (“Special Regulations”) of Title 6 (“Businesses”) of the Laguna Woods Municipal Code, is hereby amended in its entirety to read as follows:***

**Sec. 13.26.025 - Cannabis storefront retailers.**

*(a) Purpose and Intent.*

(1) The purpose of this section is to establish regulations for cannabis storefront retailers that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Laguna Woods. This section is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

(2) This section is adopted and established pursuant to the specific authority granted to the City of Laguna Woods in Section 7 of Article XI of the California Constitution and California Business and Professions Code Section 26200.

*(b) Definitions.* For purposes of this section only, the following definitions shall apply, in addition to those set forth in Section 3.18.030 of this Code:

(05) *Amplified sound* shall mean sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means including, but not limited to, amplifiers, megaphones, public address systems, radios, speakers, stereos, and similar equipment.

(10) *Cannabis storefront retailer* shall mean any cannabis business that requires a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency.

(15) *City* shall mean the City of Laguna Woods.

(20) *City Manager* shall mean the City Manager of the City of Laguna Woods or his/her/their designee.

(25) *Local law enforcement* shall mean the Orange County Sheriff’s Department, or successor agency.

(30) *Loitering* shall have the same meaning as the term is defined in the California Penal Code, as amended from time to time or replaced with a successor statute. As of the date this section was adopted, the definition of “loitering” was set forth in California Penal Code Section 647(h).

(35) *Polystyrene foam* shall mean a thermoplastic petrochemical material utilizing the styrene monomer, processed by any number of techniques, including but not limited to, fusion of polymer spheres (expandable bead polystyrene or EPS), injection molding, form molding and extrusion-blow molding (extruded foam polystyrene or XPS).

(40) *Private security* shall mean security guards (i) employed by a state-licensed private patrol operator or private security employer to protect persons or property or prevent theft as defined in California Business and Professions Code Section 7582.1, as amended from time to time or replaced with a successor statute, (ii) registered with the California Bureau of Security and Investigative Services, or successor agency, (iii) wearing uniforms clearly and legibly identifying the name of their employer and role as “security” and/or a security guard, and (iv) 21 years of age or over. This chapter does not prohibit security guards from being armed provided that such security guards possess valid California Bureau of Security and Investigative Services (BSIS) Firearms Permits and all applicable laws and regulations are complied with.

(c) *City Permitting Requirements.*

(1) *City Permitting Requirements – Generally.* No cannabis business shall operate as a cannabis storefront retailer without obtaining and holding in full force and effect a commercial cannabis permit from the City and such other City permits as may be required.

Applications for commercial cannabis permits shall be reviewed for conformance with this section and acted upon administratively by the City Manager. When issued, commercial cannabis permits shall be valid for a period of one year (365 calendar days) or until the date that the commercial cannabis permit is suspended and/or revoked. If any of the information listed in this subsection becomes inaccurate or

incomplete during the term of the commercial cannabis permit (e.g., when ownership changes), the commercial cannabis permit shall become invalid and subject to suspension and/or revocation unless and until all inaccurate and/or incomplete information is corrected and furnished to the City, on a form provided by the City, within 15 calendar days of the date the information became inaccurate and/or incomplete. Renewal applications for commercial cannabis permits must be made at least 60 calendar days in advance of the expiration date. In applying for commercial cannabis permits or renewals thereof, applicants shall furnish to the City a sworn statement, upon a form provided by the City, setting forth the following information:

- a. The name of the business, including the legal name and any fictitious business names under which the business is to be conducted;
- b. The organizational structure type of the business (e.g., corporation, joint venture, limited liability company, partnership, sole proprietorship, or trust);
- c. The number the business will file federal taxes under (e.g., federal employer identification number, individual taxpayer identification number, social security number, or national identification number);
- d. The legal name, mailing address, telephone number, and email address of the business' primary point of contact for the City during processing of the permit application;
- e. A complete list of every owner of the business, as defined by California Code of Regulations Section 15003, as amended from time to time or replaced with a successor statute, including legal name, mailing address, telephone number, and email address for each;
  1. Proof that at least 51 percent of the business is owned by a single person;
  2. Proof that at least half (50 percent) of the owners of the business (rounded up to the nearest whole person)

ITEM 7.1 – Exhibit A to Attachment A

own or have owned all or part of a business licensed by the State of California as a cannabis storefront retailer for a period of no less than two years (730 calendar days) prior to the date of application, during which time the license was not suspended or revoked;

f. A notarized statement from each owner of the business acknowledging that they have reviewed, had an opportunity to consult with legal counsel regarding, and agree to comply with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

g. A notarized statement from each owner of the business and an authorized representative on behalf of the property owner of record for the parcel(s) where such business is to be carried on, acknowledging and agreeing that the City and its authorized representatives shall, upon showing valid City-issued photo identification if requested, have the right to access and enter the business and the parcel(s) where such business is to be carried on to make reasonable inspections scheduled in advance with either the owner of the business or the property owner of areas of the business and property not open to the public, or unscheduled inspections in areas open to the public (e.g., parking lots), to observe and enforce compliance with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

h. A notarized statement from an authorized representative on behalf of the property owner of record for the parcel(s) where such business is to be carried on acknowledging (i) the nature and type of business to be conducted, and (ii) that they have reviewed, had an opportunity to consult with legal counsel, and agree to comply with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

i. The legal name, mailing address, telephone number, and email address of the agent for the service of process for the

business;

j. The legal name, mailing address, telephone number, and email address of the agent for the service of process for the property owner of record for the parcel(s) where such business is to be carried on;

k. A title report for the parcel(s) where such business is to be carried on, completed by a title company within the 120 calendar days prior to the date the application is received by the City;

l. A map exhibit prepared by professional land surveyor licensed to do business in California based on the title report required by the previous subsection depicting the limits of the parcel(s) where such business is to be carried on, together with the limits of all easements on the property, immediately adjacent public streets and municipal boundary lines, overlaid on a scaled, aerial image of the area taken within the prior two years (730 days), as well as all associated shapefiles in their native electronic format;

m. Notarized statements by both the primary point of contact for the City during processing of the permit application and the single owner of at least 51 percent of the business reading “Under penalty of perjury, I hereby declare that the information contained within and submitted with this application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the permit, and/or suspension or revocation of a permit issued”; and

n. Any additional information which the City Manager may require.

An annual application and routine inspection fee in an amount established by resolution of the City Council shall be presented with the sworn statement submitted under this subsection. This fee shall not be considered a tax and may be adjusted from time to time to fully compensate the City for commercial cannabis permit

processing-related costs, as well as the cost of up to six routine inspections by the City related to the enforcement of this section, by resolution of the City Council. For the purpose of this subsection, “processing of payments” shall mean all functions and activities that the City determines reasonably necessary to facilitate the acceptance, review, accounting, and deposit of commercial cannabis permit payments including, without limitation, personnel, consultants, transportation, security, and merchant fees incurred by the City. For the purpose of this section, “costs” includes, but is not limited to, indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City’s building permit fees. The City Council may establish separate annual application and routine inspection fees to account for differences in costs associated with the processing of payments made by currency or other payment instrument. In doing so, the City Council reserves the discretion to limit and adjust the types of payments that it will accept and under what terms and conditions.

If two or more applications for commercial cannabis permits are received for either the same parcel or parcels that are located within 600 feet of each other, as measured from the outermost boundary lines of the closest parcels, the City shall process the applications sequentially in order of the date and time received. If the earliest application received is determined to be incomplete, the City shall notify that applicant of the need for resubmittal and then begin to process the next sequential application, and so forth. The City shall process resubmittals of applications previously determined to be incomplete in the same manner, regardless of when the previous application or submittal was received.

(2) *City Permitting Requirements – Suspension, Revocation, and Non-Renewal.* The City Council or City Manager may suspend, revoke, or refuse to renew a commercial cannabis permit for any cannabis storefront retailer that (i) is found to have submitted incomplete, untrue, inaccurate, or otherwise misrepresented information in its application for such permit, or (ii) remains in violation of any provision of this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, or any other applicable provision of this Code or local law for a period in excess of 15 calendar days after any owner of the business or agent for the service

of process for the business has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners of the business and agents for the service of process for the business. During the aforementioned 15 calendar day period, the cannabis storefront retailer may provide the City party who issued the notice of violation with evidence contesting the violation. The City party who issued the notice of violation shall consider such evidence prior to suspending, revoking, or refusing to renew a commercial cannabis permit. A decision of either the City Council or City Manager to suspend, revoke, or refuse to renew a commercial cannabis permit is final and non-appealable.

(3) *City Permitting Requirements – Transferability and Changes in Ownership.* Commercial cannabis permits do not run with the land, are particular to a location, and are not transferrable to new cannabis businesses or new locations for existing cannabis businesses.

Any cumulative change in ownership of the business greater than 50 percent from the ownership information provided with the original application for a commercial cannabis permit shall require a new commercial cannabis permit. Cannabis businesses that experience cumulative changes in ownership greater than 50 percent from the ownership information provided with the original application for a commercial cannabis permit must cease to operate immediately upon such change in ownership until such time as a new commercial cannabis permit is issued (if such a permit is issued).

At all times during the term of the commercial cannabis permit, at least half (50 percent) of the owners of the business (rounded up to the nearest whole person) must own or have owned all or part of a business licensed by the State of California as a cannabis storefront retailer for a period of no less than two years (730 calendar days), during which time the license was not suspended or revoked. Commercial cannabis permits shall become subject to suspension and/or revocation if, at any point during a term thereof, ownership changes in a manner that results in less than half of the owners of the



business (rounded up to the nearest whole person) meeting this requirement.

(4) *City Permitting Requirements – Insurance and Indemnification.*

As a condition of approval of any commercial cannabis permit, the business and the property owner of record shall:

a. Execute an agreement indemnifying the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers from any claims, damages, injuries, and liabilities of any kind associated with the permitting or operation of the cannabis storefront retailer, including without limitation, the prosecution of the property owner of record, the cannabis storefront retailer, and/or the cannabis storefront retailer's customers, for violation of federal or state laws;

b. Maintain insurance in the amounts and types that are acceptable to the City Attorney or his/her/their designee;

c. Name the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers as additionally insured on all City required insurance policies;

d. Agree to defend, at its sole expense, any action against the City and/or its respective elected boards, appointed boards, officials, officers, agents, employees and/or volunteers related to this section, Chapter 3.18 of this Code, and/or the City's approval of a commercial cannabis permit; and

e. Agree to indemnify and reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to this section, Chapter 3.18 of this Code, and/or the City's approval of a commercial cannabis permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

(5) *City Permitting Requirements – Site Development Permit.* In addition to the requirements of this section, cannabis storefront

retailers must obtain a site development permit from the City in accordance with Section 13.24.020 of this Code to establish such use. Such site development permit must be obtained prior to or concurrently with the issuance of the first commercial cannabis permit from the City for a particular location. Cannabis storefront retailers shall cease operations immediately if the applicable site development permit has lapsed, been revoked, or is otherwise no longer valid. Cannabis storefront retailers shall comply with the conditions and requirements of applicable site development permits prior to engaging in the on-site, retail sale of cannabis and at all times thereafter.

In addition to other application materials that may be required for site development permits, applicants for site development permits to establish a cannabis storefront retailer use shall submit the following to the City:

- a. A title report for the parcel(s) where such business is to be carried on, completed by a title company within the 120 calendar days prior to the date the application is received by the City;
- b. A map exhibit prepared by professional land surveyor licensed to do business in California based on the title report required by the previous subsection depicting the limits of the parcel(s) where such business is to be carried on, together with the limits of all easements on the property, immediately adjacent public streets and municipal boundary lines, overlaid on a scaled, aerial image of the area taken within the prior two years (730 days), as well as all associated shapefiles in their native electronic format; and
- c. Colorized renderings of all proposed exterior elevations of buildings, facilities, and structures, with a material sample board and print-style color format codes for each paint color (e.g., CMYK, HEX, HSB, or RGB). Any change to the materials and colors approved with a site development permit shall require first obtaining either a new site development permit or amendment thereto.

(d) *State Licensing Requirements.* No cannabis business shall operate as a cannabis storefront retailer without obtaining and holding in full force and effect a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, and such other state licenses as may be required. While cannabis storefront retailers may hold additional licenses from the California Department of Cannabis Control, or successor agency, only the activities permitted under a Type 10 (storefront retailer) license may be conducted within the City of Laguna Woods.

(e) *Location Requirements.* A cannabis storefront retailer may only operate on a site that meets all of the requirements listed below in this subsection at the time its application for a new commercial cannabis permit is determined to be complete by the City. For the purpose of this subsection, “site” shall include, both individually and collectively, all of the parcels on which the cannabis storefront retailer will operate.

- (1) The site is designated “Commercial” in the Laguna Woods General Plan;
- (2) The site is zoned as “Community Commercial” or “Professional and Administrative Office” in this Code;
- (3) The size and boundary lines of the parcel(s) on which the site is located have not been modified within the prior year (365 calendar days);
- (4) The site contains no nonconforming uses or structures;
- (5) The site takes access exclusively from public streets within the majority jurisdiction of the City. This subsection is not intended to preclude accessibility from private streets, but rather, to ensure that all adjacent or adjoining public streets are within the majority jurisdiction of the City. For the purpose of this subsection, no portion of Avenida de la Carlota, Laguna Hills Drive, Paseo de Valencia, or Ridge Route Drive shall be considered to be within the majority jurisdiction of the City;
- (6) The site’s driveways providing ingress or egress to public streets, if any, are constructed in accordance with County of Orange OC Public Works Department Standard Plan #1209. To the extent that

reconstruction of driveways and/or adjacent sidewalks is required to comply with this subsection, such reconstruction shall be undertaken (i) at no cost to the City, (ii) after obtaining all necessary City permits and permits from other government agencies, and (iii) in accordance with the terms and conditions of all City permits required to conduct work on, or reconstruct, property under the control, operation, or management of the City (if applicable). To the extent that such reconstruction results in all or a portion of any driveway or adjacent sidewalk extending beyond the City’s existing public street easements or right-of-way, the property owner of record of the applicable parcel(s) shall grant to the City an irrevocable public street easement for that part of the driveway and adjacent sidewalk;

(7) *Alcoholism or Drug Abuse Recovery or Treatment Facilities*. The site is not located within 600 feet of a parcel on which an “alcoholism or drug abuse recovery or treatment facility,” as defined in California Health and Safety Code Section 11834.02, as amended from time to time or replaced with a successor statute, is located, as measured from the outermost boundary lines of the closest parcels;

(8) *Cannabis Storefront Retailers*. The site does not contain any other cannabis storefront retailers and is not located within 600 feet of a parcel on which another cannabis storefront retailer is located, as measured from the outermost boundary lines of the closest parcels;

(9) *Day Care Centers*. The site is not located within 600 feet of a non-residential zoned parcel on which a child care-infant center, child care center, child care center preschool, or family child care home licensed by the California Department of Social Services is located, as measured from the outermost boundary lines of the closest parcels;

(10) *Emergency Shelters*. The site is not located within 600 feet of a parcel on which an “emergency shelter,” as defined in California Health and Safety Code Section 50801, is located, as measured from the outermost boundary lines of the closest parcels;

(11) *Housing*. The site does not contain any existing housing units;

(12) *Permanent Supportive Housing*. The site is not located within

600 feet of a parcel on which “supportive housing,” as defined in California Health and Safety Code Section 50675.14, as amended from time to time or replaced with a successor statute, is located, as measured from the outermost boundary lines of the closest parcels;

(13) *Public Libraries*. The site is not located within 600 feet of a parcel on which a public library, which is under the control, operation or management of the County of Orange, is located, as measured from the outermost boundary lines of the closest parcels;

(14) *Public Recreational Facilities*. The site is not located within 600 feet of a parcel on which a community center, park, playground, pool, sports court, sports field, or similar recreational facility (excluding parcels on which the predominant use is a golf course), which is under the control, operation or management of the City, County of Orange, City of Aliso Viejo, City of Irvine, City of Laguna Beach, or City of Laguna Hills, is located, as measured from the outermost boundary lines of the closest parcels;

(15) *Schools*. The site is not located within 600 feet of a parcel on which an institution of learning for minors, whether public or private, which offers in-person instruction in grades Kindergarten through 12 in those courses of study required by the California Education Code, and is licensed by the California Board of Education, as measured from the outermost boundary lines of the closest parcels. This includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the California Department of Education, but does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university; and

(16) *Potential Very Low, Low, and/or Moderate Housing*. The site is not identified in the City’s existing General Plan Housing Element, or any General Plan Housing Element under review by the State of California, as a potential housing site with realistic development capacity to accommodate very low, low, and/or moderate income housing units.

For the purpose of subsections (e)(7)-(15) herein, such uses shall be deemed to exist if (i) currently operating, or (ii) the City has issued a

commercial cannabis permit and/or has issued any building permit for the initial construction or improvement thereof and such permit is valid.

Cannabis storefront retailers shall either be:

(A1) The only occupant of the parcel(s) on which they are located unless the parcel(s) is (are) owned by the cannabis storefront retailer (as substantiated by the title report required by subsection (c)(1) herein), in which case there may be additional occupants provided that none of the other occupants are any of the uses identified in subsections (e)(7)-(15) herein, nor do any of the other occupants sell, dispense, distribute, or store alcoholic beverages either at the time of the issuance of the first commercial cannabis permit from the City or at any point thereafter. Where specified, portions of this section apply to both the cannabis storefront retailer and all other uses on the parcel(s); or

(A2) One of multiple occupants of the parcel(s) on which they are located if (i) the interior space occupied by the cannabis storefront retailer does not share a ventilation system with any other interior space not occupied by the cannabis storefront retailer, (ii) the property owner enters into an agreement with the City agreeing to apply subsections (f)(8), (f)(11), (f)(13), and (f)(15)d.-h. herein to all occupants and the entirety of the parcel(s) on which the cannabis storefront retailer is located, and (iii) none of the other occupants are any of the uses identified in subsections (e)(7)-(15) herein, or sell, dispense, distribute, or store alcoholic beverages, either at the time of the issuance of the first commercial cannabis permit from the City or at any point thereafter, and the property owner enters into an agreement with the City agreeing to enforce these prohibitions until such time as a commercial cannabis permit is no longer in effect for its parcel(s). Where specified, portions of this section apply to both the cannabis storefront retailer and all other uses of the parcel(s).

(f) *Operations Requirements.* Prior to engaging in the on-site, retail sale of cannabis and at all times thereafter, cannabis storefront retailers shall comply with all of the following operations requirements, in addition to all other applicable requirements of this Code:

(1) *Alcoholic Beverages.*

ITEM 7.1 – Exhibit A to Attachment A

a. Cannabis storefront retailers shall not engage in the sale, dispensing, distribution, or storage of alcoholic beverages.

b. Cannabis storefront retailers shall actively monitor and prevent the consumption, sale, dispensing, distribution, or storage of alcoholic beverages on the parcel(s) on which they are located. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement.

(2) *Amplified Sound.*

a. Cannabis storefront retailers shall not use amplified sound on – or in a manner audible – on the exterior of the cannabis storefront retailer, in any interior area of any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. This subsection shall not apply to (i) computers, telephones, and other equipment when amplified sound is only audible to individuals wearing earbuds, earphones, or similar personal, wearable technology or (ii) alarms and similar warning systems. For the purpose of this section, amplified sound shall be deemed to be audible on exterior areas including, but not limited to, when doors or windows are open even temporarily in such a way that amplified sound emanating from the cannabis storefront retailer is audible immediately outside such door or window.

b. Cannabis storefront retailers shall actively monitor and prevent their officials, officers, agents, employees, volunteers, associates, customers, visitors, and passersby, whether invited or not, from using amplified sound on – or in a manner audible – on the exterior of the cannabis storefront retailer, in any interior area of the any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. This subsection shall not apply to (i) computers, telephones, and other equipment when amplified sound is only

audible to individuals wearing earbuds, earphones, or similar personal, wearable technology or (ii) alarms and similar warning systems. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection including, but not limited to, amplified sound emanating from vehicles in the parking lot. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement when such amplified sound can be reasonably construed to violate California Penal Code Section 415, as amended from time to time or replaced with a successor statute, and requiring that other violators immediately leave the parcel(s) on which the cannabis storefront retailer is located.

When cannabis storefront retailers are located in multi-occupant buildings, minimum noise prevention practices shall also include, but not be limited to, the following:

1. Providing the City and all other occupants with one or more telephone numbers that is (are) answered 24 hours a day, seven days a week, to receive and immediately cause to be addressed noise complaints from any occupant.

c. Notwithstanding the other requirements of this subsection and Code, and with the exception of live announcements and alarms and similar warning systems, amplified sound used in interior areas of cannabis storefront retailers (e.g., background music) shall not exceed a noise level of 40 d(B)A as measured by an instrument meeting the American National Standard Institute’s Standard S1.4-1971 for Type 1 or Type 2 Sound Level Meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(3) *Cannabis Consumption and Use.* Cannabis storefront retailers shall actively monitor and prevent the consumption or use of cannabis on the parcel(s) on which they are located. This includes, but is not limited to, the consumption or use of cannabis by their officials, officers, agents, employees, volunteers, associates, customers,



visitors, and passersby, whether invited or not, for any purpose, whether purchased from the cannabis storefront retailer or not, and the prohibition of any samples of cannabis for on-site consumption for any purpose. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:

a. Posting at each entrance and exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that the consumption or use of cannabis on the parcel(s) (including, specifically, in the building(s) and parking lot(s)) is illegal and that violators will be reported to local law enforcement; and

b. Not selling or distributing food or beverages, or encouraging the same. This includes, but is not limited to, providing food establishment or restaurant-type facilities (e.g., coffee stations, cooking equipment or devices, or dining areas), foodware accessories or condiments, food or drink vending machines, or food trucks, except that cannabis storefront retailers may provide complimentary water drinking fountains, water, and ice for use and consumption by all persons, as well as break room and kitchenette space for its employees only. Break room and kitchenette space for employees shall be access controlled in a manner that prevents unauthorized entry by non-employees.

(4) *City Regulatory Meetings*. Upon request, cannabis storefront retailers shall participate in meetings with the City Manager and his/her/their invitees on a quarterly or more frequent basis to review and discuss commercial cannabis permit requirements, security concerns, complaints received, and other matters determined at the discretion of the City Manager. The time, place, and manner of such meetings, as well as the required attendance (management and/or ownership), shall be determined at the discretion of the City Manager.

(5) *Classes, Seminars, and Workshops*. Cannabis storefront retailers

may offer classes, seminars, workshops, and similar educational events related to cannabis but only in fully enclosed, interior spaces on the parcel(s) on which they are located, and provided such educational events do not require event licenses from the state Department of Cannabis Control, or successor agency. For the purpose of this subsection, art classes, exercise classes, meditation classes, sound baths, sporting, yoga classes, and similar events shall not be considered educational events related to cannabis. Educational events related to cannabis shall not include (i) mixers, social hours, or similar gatherings of a predominantly social or networking nature, or (ii) any of the live entertainment or entertainment devices identified in subsection (f)(14) unless specifically noted.

(6) *Criminal Activity Notifications.* Cannabis storefront retailers shall immediately report to local law enforcement any known or suspected crime occurring on the parcel(s) on which the cannabis storefront retailer is located including, but not limited to, burglary or theft of any cannabis or cannabis product, and disturbances of the peace. This obligation to report extends to both employees of cannabis storefront retailers and private security employed by cannabis storefront retailers. Such persons shall be trained on this obligation to report.

(7) *Deliveries.*

a. Cannabis storefront retailers may deliver cannabis to customers provided such deliveries occur only as permitted by each cannabis storefront retailer's Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, and applicable state and local laws.

b. Cannabis storefront retailers shall schedule incoming deliveries of cannabis and cannabis products intended for future retail sale to occur outside of peak hours of operation within the hours of 7 a.m. and 10 p.m., Monday through Sunday, unless the parcel(s) on which they are located is (are) located within 600 feet of a residential zoned parcel, as measured from the outermost boundary lines of the closest parcels, in which case deliveries shall be scheduled to occur outside of peak hours of operation within the hours of 8 a.m. and 8 p.m., Monday through Sunday.

(8) *Design and Development Standards*. In addition to the design and development standards found elsewhere in this Code, the following shall not exist or occur on any site on which a cannabis storefront retailer operates:

- a. Bars, whether on or over doors, windows, or other surfaces, installed on the exterior;
- b. Blinds, curtains, shades, or other window coverings installed on the exterior;
- c. Cardboard, foil, or paper window coverings;
- d. Roll-up or rolling exterior doors;
- e. Chain link, plastic, vinyl, or woven wire fencing or gates including, but not limited to, fencing or gates of any kind with plastic or vinyl privacy inserts, with the exception of temporary fencing during construction when permitted by the City;
- f. Barbed tape, barbed wire, wire, razor wire, and similar security treatments on the interior or exterior;
- g. Balloons, confetti, feather flags, inflatable tubes, pennants, streamers, and similar decorations on the exterior;
- h. Electrical conduits or raceways visible from the exterior, whether such electrical conduits or raceways are located on the interior or exterior;
- i. Polyvinyl chloride (PVC) pipe visible from the exterior, whether such PVC pipe is located on the interior or exterior;
- j. Unfinished metal or wood surfaces on the exterior;
- k. Fluorescent, luminescent, neon, or sparking exterior paint or colors on the exterior;
- l. Marker, paint, or chalk on any exterior window pane;

- m. More than one color of glass within any single exterior window;
- n. More than two colors on any single exterior building wall;
- o. Light box exterior signs;
- p. More than two colors on any single exterior sign;
- q. Neon tubing visible from the exterior, whether such neon tubing is located on the interior or exterior;
- r. Laser lighting visible from the exterior, whether such laser lighting is located on the interior or exterior;
- s. Lighting that intentionally or knowingly flashes, blinks, moves, rotates, or revolves on the interior or exterior;
- t. Lighting colors other than white on the exterior, with the exception of internally illuminated permanent signs;
- u. Hanging lanterns on the exterior;
- v. Rope or string lighting visible from the exterior, whether such rope or string lighting is located on the interior or exterior;
- w. Landscaping that contains more than 10 percent decomposed granite, gravel, mulch, rock, sand, or similar non-vegetated landscape material, except to the extent groundcover or other vegetation is also planted that will conceal at least 90 percent of the non-vegetated material upon maturity.

(9) *Drive-Through Facilities*. Cannabis storefront retailers shall not use drive-through facilities (e.g., canopies intended to shield vehicle-based transactions, order stations, menu boards, queuing lanes, or windows and related facilities) in their operation nor provide any such facilities on-site. Compliance with this subsection requires the removal of drive-through facilities associated with previous drive-through uses and the integration of former queuing lane areas into the

site in a manner that can reasonably be seen to discourage loitering and outdoor queuing, as well as illegal, criminal, and nuisance activities.

(10) *Events*. Cannabis storefront retailers shall not be eligible to apply for any event licenses from the state Department of Cannabis Control, or successor agency, for cannabis events occurring within the City of Laguna Woods.

(11) *Graffiti*. Cannabis storefront retailers shall remove graffiti from space that they occupy within 24 hours after any owner or agent for the service of process has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners and agents for the service of process. For the purpose of this subsection, “remove graffiti” shall mean returning the surface to which graffiti was applied to its previous condition, including matching its color and texture to adjacent surfaces in a manner that is generally indistinguishable when viewed by an average person at a distance of 10 feet. Cannabis storefront retailers may wish to use anti-graffiti coatings to aid in compliance with this subsection.

(12) *Hours of Operation*. Cannabis storefront retailers shall not engage in the on-site, retail sale of cannabis nor be open to any member of the public outside of the hours of 6 a.m. to 10 p.m., Monday through Sunday, unless the parcel(s) on which they are located is (are) located within 600 feet of a residential zoned parcel, as measured from the outermost boundary lines of the closest parcels, in which case cannabis storefront retailers shall not engage in the on-site, retail sale of cannabis nor be open to any member of the public outside of the hours of 7 a.m. to 9 p.m. For the purpose of this section, all on-site retail sales transactions must be complete by the closing hours specified in this subsection.

(13) *Lighting Repair*. Cannabis storefront retailers shall repair misdirected, malfunctioning or inoperable exterior lights, including lighting associated with permanent signs, on space that they occupy,

within 48 hours after any owner or agent for the service of process has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners and agents for the service of process. Cannabis storefront retailers may wish to maintain a supply of replacement lighting fixtures, bulbs, and related components to aid in compliance with this subsection.

(14) *Live Entertainment and Entertainment Devices.*

a. Cannabis storefront retailers shall not use live entertainment in any part of their operation on the parcel(s) on which they are located. This includes, but is not limited to, animals, auctioneers, bands, celebrity appearances (except to the extent educational and related to cannabis per subsection (f)(5) herein), comedians, dancers, disc jockeys, musicians, performers, and trivia masters, as well as communal gatherings such as art exhibitions, competitions, gaming, movie screenings (except to the extent educational and related to cannabis per subsection (f)(5) herein), sporting, and viewing parties.

b. Cannabis storefront retailers shall not use arcade games, board games, billiard tables, card games, carnival games, disc jockey equipment, gaming consoles, immersive reality technology (e.g., augmented reality and virtual reality), karaoke machines, musical instruments, table games, or similar entertainment devices in their operation on the parcel(s) on which they are located. Compliance with this subsection requires that no entertainment devices be present within any space occupied by the cannabis storefront retailer.

(15) *Loitering and Outdoor Queuing.* Cannabis storefront retailers shall actively monitor and prevent persons from loitering on the parcel(s) on which they are located. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall

include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:

- a. Posting at each entrance and exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that loitering on and around the parcel(s) is prohibited by California Penal Code Section 647(e), as amended from time to time or replaced with a successor statute, and that violators will be reported to local law enforcement;
- b. Ensuring that any reception or screening areas through which persons must pass to gain access to the retail area of the cannabis storefront retailer contain sufficient space and seating to accommodate at least 20 percent of the maximum California Building Standards Code-permitted occupancy of the retail area, rounded up to the nearest whole person (e.g., if the maximum occupancy of the retail area is 52 persons, reception or screening areas must contain space and seating for at least 11 persons);
- c. Requiring that persons wishing to gain access to the retail area of the cannabis storefront retailer for whom there is insufficient room in reception or screening areas to accommodate immediately leave the parcel(s) on which the cannabis storefront retailer is located (unless patronizing another occupant of the parcel(s)) and return in no less than 2 hours unless the cannabis storefront retailer has provided individual notification to them via telephone, text message, or email that there is now sufficient room in reception or screening areas;
- d. Providing no outdoor seating, whether temporary or permanent, nor any retaining walls, ornamental fixtures, or similar features at a height of 18 to 36 inches with a width greater than five inches, which are located within 100 feet of any entrance or exit to the cannabis storefront retailer and can reasonably be seen to accommodate or encourage seating, with such determination of reasonability made by the City Manager;

- e. Providing no fireplaces, fire pits, fire rings, open flames, or similar devices, whether temporary or permanent, on the exterior of the cannabis storefront retailer;
- f. Providing no ornamental water features, whether temporary or permanent, on the exterior of the cannabis storefront retailer;
- g. Providing no shade canopies, shade structures, or umbrellas, whether temporary or permanent, on the exterior of the cannabis storefront retailer; and
- h. Providing no entertainment devices, as described in subsection (f)(14) herein, on the exterior of the cannabis storefront retailer.

(16) *Minors*. Cannabis storefront retailers shall actively monitor and prevent persons under the age of 21 from being allowed within the cannabis storefront retailer, except as otherwise specifically provided for by state law. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:

- a. Not employing or allowing any person under the age of 21 to volunteer, apprentice, or otherwise work or provide services on behalf of the cannabis storefront retailer on the parcel(s) on which they are located;
- b. Posting at each entrance to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that no person under the age of 21 may enter the cannabis storefront retailer except as specifically provided for by state law;
- c. Posting at each exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the



California Voting Rights Act requires the County of Orange to translate elections materials stating that the secondary sale, barter, or distribution of adult-use cannabis is prohibited by state law and that violators will be reported to local law enforcement; and

d. Verifying the age of every person, other than employees, private security and persons conducting official business on behalf of the City, requesting to enter the retail area of the cannabis storefront retailer with an electronic age verification device that scans government-issued photo identification, and by matching government-issued photo identification to a person's appearance, prior to granting each and every such entry. The electronic age verification device may be mobile or fixed, and shall produce a log of all scans that includes the following minimum information: date, time, name, and age. Said log shall be retained on a cloud-based server or otherwise off-site for at least 180 calendar days. For persons under the age of 21 allowed within the cannabis storefront retailer, an additional log shall be maintained matching the electronic age verification log with the provision of state law allowing such entry.

(17) *Odor Control.* Cannabis storefront retailers shall develop, implement, and actively monitor systems and practices to contain cannabis and cannabis-related odors within the cannabis storefront retailer. No cannabis or cannabis-related odor shall be detectable on the exterior of the cannabis storefront retailer, in any interior area of any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. Such minimum odor control systems and practices shall include, but not be limited to, the following:

a. Using an exhaust air filtration system with odor control that prevents internal cannabis and cannabis-related odors from being emitted externally, or an air system that creates negative air pressure between the cannabis storefront retailer's interior and exterior; and

b. Applying weather stripping under and around exterior doors

(entire door jams with appropriate door sweeps and thresholds at bottoms) and between sashes and frames of exterior windows in manners that do not interfere with normal operation thereof.

When cannabis storefront retailers are located in multi-occupant buildings, minimum odor control systems and practices shall also include, but not be limited to, the following:

aa. Sealing cracks and gaps in floors, walls, and around conduit and pipes with silicone or similar material; and

bb. Providing the City and all other occupants with one or more telephone numbers that is (are) answered 24 hours a day, seven days a week, to receive and immediately cause to be addressed odor complaints from any occupant.

(18) *Outdoor Activities.* Cannabis storefront retailers are prohibited from using any exterior area for display, storage, or special events, the latter as defined by Section 7.20.020 of this Code, subject only to the exemptions set forth in sections 7.20.180(c) and (g) of this Code, except as provided herein. This subsection is not intended to preclude temporary uses as may be allowed by Chapter 13.10 of this Code or the display of signage as may be allowed by Chapter 13.20 of this Code, except as otherwise provided herein.

(19) *Overnight Parking.* Cannabis storefront retailers shall actively monitor and prevent vehicles not belonging to employees or used regularly for the delivery of cannabis products on behalf of the cannabis storefront retailer to park at the cannabis storefront retailer between the hours of 10 p.m. and 5 a.m. daily. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection, including conducting an on-site inspection at least every 60 minutes during the hours of 10 p.m. and 5 a.m. daily and maintaining detailed records to substantiate the same. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement, and installing signage, expeditiously posting notices, and towing vehicles in a manner consistent with the California Vehicle Code and other applicable laws. This requirement may alternatively be met by

restricting access to the parking lots between the hours of 10 p.m. and 5 a.m. daily through the use of locking, permanent barrier gates; locking, ground-sleeved, removable bollards; or, similar access control systems that are configured in a manner that does not prohibit timely ingress/egress by emergency response vehicles, with such determination made by the City with input from local law enforcement and the Orange County Fire Authority, or successor agency, to the extent the latter two agencies elect to participate. The use of cones, delineators, portable barricades, tape, or similar temporary traffic control devices does not satisfy this requirement.

a. Locking, permanent barrier gates; locking, ground-sleeved removable bollards; and, similar access control systems shall be color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible.

b. Locking, permanent barrier gates; locking, ground-sleeved, removable bollards; and, similar access control systems that obstruct access to parking from an accessway or driveway from a public street shall be set back at least 18 feet from the nearest public street right-of-way line.

c. When locking, ground-sleeved, removable bollards or similar access control systems are used to satisfy this requirement, they shall be stored inside the cannabis storefront retailer at all times when not in use.

(20) *Product Packaging*. Cannabis storefront retailers shall not provide customers with any cannabis product in disposable packaging, wrappers, or similar casings made of polystyrene foam.

(21) *Security Measures*. In addition to complying with this section, cannabis storefront retailers shall develop, implement, and actively monitor security measures sufficient to protect the health, safety, and welfare of officials, officers, agents, employees, volunteers, associates, customers, visitors, passersby, and all other persons who may enter, cross over, or otherwise interact with parcel(s) on which they are located, whether invited or not, at all times and on all days, regardless of the cannabis storefront retailer's hours of operation or

any other factor. Such minimum security measures shall include, but not be limited to, the following:

a. Installing and maintaining a monitored commercial burglar alarm monitoring system with a feature timely notifying local law enforcement of any intrusions or alarm triggers, which shall at a minimum include all doors and windows and motion within areas containing cash or cannabis products when the cannabis storefront retailer is unattended;

b. Installing and maintaining a video surveillance system which shall continuously record (i) the immediate exterior of the buildings, (ii) all entrances and exits to the buildings and rooms in which cash is regularly stored, (iii) all fixed point of sale locations or at least every 20 feet throughout the entirety of the retail sales area if transactions are accepted in non-fixed locations, (iv) all driveways or other vehicle access points to the parking lots at locations and with lighting sufficient to clearly identify lawfully installed and maintained vehicle license plates, (v) the fence lines between the parcel(s) and any immediately adjacent residential zoned parcel(s) in a manner that does not record any interior residential activities, and (vi) the driver's side and front passenger's side of each designated curbside delivery parking space (if any), at all times. Footage from such video surveillance systems shall be retained on a cloud-based server or otherwise off-site for at least 90 calendar days;

c. Posting (i) at each entrance and exit to the cannabis storefront retailer, (ii) at each driveway entrance to the cannabis storefront retailer, (iii) on each parking space-fronting side of each parking lot light pole (if any) whether located in dedicated or shared parking lots, and (iv) in front of each designated curbside delivery parking space (if any), a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials indicating the presence of the video surveillance system. For driveway entrances, parking lot light poles, and designated curbside delivery parking spaces, this requirement may alternatively be met by posting at those same locations a clear and legible, two-color icon of a video surveillance camera

on a metal placard measuring at least 12 inches x 12 inches;

d. Ensuring that all exterior lights (excluding lighting permitted by the City with permanent signs, which shall be required to comply with such permitting, and motion activated lighting) remains illuminated at least from dusk until dawn each day;

e. Providing private security to actively monitor and prevent illegal, criminal, and nuisance activities, and activities inconsistent with this section, at all times when the cannabis storefront retailer is engaged in the retail sale of cannabis, open to any member of the public, accepting deliveries, occupied by one or more employees, and for at least one hour after each day's end of retail sale of cannabis;

f. Storing all cannabis products in one or more secured and locked rooms, safes, vaults, or similar repositories, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis products used for display purposes and/or immediate sale;

g. Limiting the amount of cash that is present on-site at any single time and storing cash that is present, but not necessary to store in registers or other point-of-sale devices for reasonably anticipated business needs, in one or more time-triggered safes, vaults, or similar repositories where access is only possible after a pre-set period of time not less than 10 minutes elapses after the required credentials are provided, and in a manner as to prevent diversion, theft, and loss;

h. Posting at each entrance and exit to the cannabis storefront retailer, a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials indicating the presence of the time-triggered cash repository; and

i. Installing and maintaining on-site backup generator (including automatic transfer switches), or similar on-site energy source, that is of sufficient capacity and maintained in such condition as to be readily capable of powering all

commercial burglar alarm monitoring systems, video surveillance systems (including associated lighting), telephone systems, access controls, and cash repositories (to the extent connected to building power) for a period of no less than two hours of continuous use when regular energy systems as provided by the local utility company to the cannabis storefront retailer are inoperable, interrupted, or otherwise experiencing shortages, and without the need for manual switching from local utility to generator power.

1. More than one on-site backup generator or similar on-site energy source may be installed to serve a single cannabis storefront retailer in order to meet the requirements of this subsection.

2. 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 landscaping, topography, roofs, or walls. Roofs shall be color coordinated with underlying walls, if any, and with the building, to provide for as complimentary an appearance as possible. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible. When walls are used to enclose all sides of on-site backup generators or similar on-site energy sources, locking doors shall be installed to prevent unauthorized entry, as well as motion activated interior (under roof) lighting. Doors shall be color coordinated with adjacent walls to provide for as uniform an appearance as possible. Landscaping shall be used to substantially screen walls over 30 inches in height.

3. On-site backup generators and similar on-site energy sources shall set back at least 40 feet from any residential zoned parcel and 20 feet from any non-residential zoned parcel, as measured from the outermost boundary lines of

the closest parcels, and at least 10 feet from any public street easement or right-of-way.

4. Aside from periodic maintenance and testing, 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 cannabis storefront retailers are inoperable, interrupted, or otherwise experiencing shortages. Maintenance and testing shall only occur within the hours of 8 a.m. and 8 p.m., Monday through Friday, excluding federal holidays.

(22) *Tobacco and Tobacco Cigarettes.* Cannabis storefront retailers shall not engage in the sale, dispensing, distribution, or storage of tobacco or tobacco cigarettes.

(23) *Visible Products and Promotions.* Cannabis storefront retailers shall not display or place any cannabis product or any other product, or advertisement or promotional display thereof, in a manner in which it is wholly or partially visible from the exterior of any cannabis storefront retailer.

(24) *Waste and Recycling – Battery Recycling.* Cannabis storefront retailers that sell, dispense, or distribute batteries shall comply with the battery recycling requirements of Chapter 4.22 of this Code, regardless of the amount of annual gross sales.

(25) *Waste and Recycling – Receptacles.* Cannabis storefront retailers shall store all waste and recycling receptacles for collection – as the number and type may change from time-to-time to meet on-site needs or comply with applicable law – in trash enclosures enclosed by a roofed structure with opaque walls and access point(s), as well as motion activated interior (under roof) lighting. Unless such service is not offered by the City’s solid waste handling services franchisee, all waste and recycling receptacles for collection shall be collected at least three times weekly by the City’s solid waste handling services franchisee and remain locked when not actively attended by an employee thereof or an employee of the City’s solid waste handling services franchisee.

ITEM 7.1 – Exhibit A to Attachment A

- a. Trash enclosures shall not be used for any purpose other than to store all waste and recycling receptacles or collection.
- b. Trash enclosures used by cannabis storefront retailers shall not be used by any other occupant of the parcel(s) on which the cannabis storefront retailers are located nor any other person.
- c. Trash enclosure roofs shall be made of solid corrugated metal painted with rust-inhibitive paint and color coordinated with underlying walls/access points and with the building, to provide for as complimentary an appearance as possible. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible. Doors and other access points shall be color coordinated with adjacent walls to provide for as uniform an appearance as possible. Landscaping shall be used to substantially screen walls.
- d. Trash enclosures may have an open air gap between roofs and underlying walls/access points provided such gap does not exceed 14 inches. For the purpose of this subsection, metal screens and similar stationary, non-opaque elements installed between roofs and underlying walls/access points shall not be considered open air gaps when the openings in such stationary, non-opaque elements do not exceed 1 inch x 1 inch.
- e. An accessible path of travel that complies with California Building Standards Code requirements must be provided between trash enclosures and the cannabis storefront retailer.

(g) *Obligation to Maintain.* Where this section requires the construction, erection, installation, posting, placement, or use of any tangible item, there also exists an obligation for the same to be kept clean, complete, and in good structural and functional working order, and to not be allowed to fall into a state of disrepair, damage, or decrepitude.

(h) *Business Tax Rate.* In accordance with Chapter 3.18 of this Code, the tax rate to which cannabis businesses holding a Type 10 (storefront retailer)



license from the California Department of Cannabis Control, or successor agency, shall be subject is the higher of the two following tax rates:

- (1) A minimum tax rate of 10 percent of gross receipts received or generated for each monthly reporting period; or
- (2) \$35.00 per square foot of floor area (annual tax rate) prorated monthly to 1/12 of the annual tax rate amount.

(i) *Violations and Penalties.*

- (1) This section may be enforced in any manner set forth in this Code, or as otherwise provided by law.
- (2) All remedies and penalties prescribed by this section or which are available under any other provision of this Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this section.
- (3) Any person who violates any provision of this section shall be guilty of a separate offense for each and every day, or any portion thereof, of which any violation of any provision of this section is committed, continued, or permitted by such person, and shall be punishable as misdemeanor or an infraction, at the discretion of the City Manager and/or City Attorney, and except as otherwise set forth below, the following penalties shall apply:

a. *Penalty for Misdemeanor Violation.* Any person convicted of a misdemeanor under any provision of this section shall be punishable by a fine of not more than \$1,000.00, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

b. *Penalty for Infraction Violation.* Any person convicted of an infraction under any provision of this section shall be punished by:

1. A fine not exceeding \$100.00 for a first violation;

2. A fine not exceeding \$200.00 for a second violation of the same provision within one year; and

3. A fine not exceeding \$500.00 for a third violation and for any additional violation of the same provision within one year.

(4) *Violations Deemed to be a Public Nuisance.* In addition to any penalties otherwise imposed, any violation of the provisions of this section is deemed to be a public nuisance which may be abated in the manner provided by law for the abatement of nuisances.

(5) *Attorneys' Fees and Court Costs.* In addition to any civil and criminal penalties as provided by the provisions of this section or otherwise, the City may recover reasonable attorneys' fees and court costs, and other such expenses of litigation and/or prosecution as it may incur by appropriate lawsuit against the person found to have violated any provisions of this section.

(j) *City Manager's Authority.* In addition to all other authority provided by state law, the City Council, and this Code, the City Manager shall have the following authority:

(1) For purposes of administration and enforcement of this section generally, the City Manager may from time to time promulgate such administrative interpretations, rules, and/or procedures consistent with the purpose, intent, and express terms of this section as the City Manager deems necessary to implement or clarify such provisions or aid in enforcement.

(2) The City Manager may delegate to, or enter into contracts with, public agencies or private entities to implement, administer, and/or enforce any of the provisions of this section on behalf of the City.

(3) The City Manager may file complaints and reports with the California Department of Cannabis Control, or successor agency, and other state agencies, regarding known or suspected unlicensed or illegal activity by or related to cannabis or cannabis businesses.

**DRAFT EXHIBIT A**  
**CODE AMENDMENTS**

Numbers (177) and (178) ~~is-are~~ added to subsection (d) of Section 13.06.010 (“Definitions”) of Chapter 13.06 (“Definitions”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code ~~is amended to read~~ as follows (additions shown with underlining):

(177) Cannabis non-storefront retailer: Any cannabis business that requires a license other than a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency. A cannabis storefront retailer shall not be considered a cannabis non-storefront retailer if it hold licenses other than a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, but only engages in activities permitted under a Type 10 (storefront retailer) license within the City of Laguna Woods.

(178) Cannabis storefront retailer: Any cannabis business that requires a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency.

***The permitted residential uses table in 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 add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with strikethrough):***

Land Use Types	Districts			Code References
	RMF	RC	RT	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	X	7.16

The ~~Permitted-permitted Commercial-commercial Uses-uses Table-table~~ in 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 ~~as follows~~ to add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):

Land Use Types	Districts			Code References
	NC	CC	PA	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	<del>X</del>	<u>U</u>	<del>X</del>	<del>7.16</del>

*The permitted open space uses table in 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~~ add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

Land Use Types	Districts		Code References
	OS-P	OS-R	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	7.16

*The permitted community facility uses table in 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~~ add and modify the following rows in alphabetical order by “Land Use Types” (additions shown with underlining, deletions shown with ~~strikethrough~~):*

Land Use Types	Community Facilities		Code References
	Public/Institutional	Private	
<u>Cannabis Non-Storefront Retailer</u>	<u>X</u>	<u>X</u>	
<u>Cannabis Storefront Retailer</u>	<u>X</u>	<u>X</u>	<u>13.26.025</u>
<del>Marijuana Dispensary</del>	<del>X</del>	<del>X</del>	<del>13.26.025</del>
Tobacco and <u>Tobacco</u> Cigarette Sales	X	X	7.16

*Number (29) in the off-street parking requirements table in subsection (a) of Section 13.18.070 (“Off-street parking requirements”) of Chapter 13.18 (“Off-Street Parking Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended as follows (additions shown with underlining):*

	Use	Minimum Parking Stalls Required
(29)	Retail stores:	
	General, except as otherwise specified herein.	1 for each 200 square feet of Gross Floor Area.
	<u>Cannabis storefront retailers.</u>	<u>1 for each 200 square feet of Gross Floor Area, plus 1 for each delivery vehicle regularly parked overnight and 2 designated curbside delivery parking spaces each limited to 15 minutes or less if curbside delivery is offered.</u>
	Discount department stores.	1 for each 125 square feet of Gross Floor Area.
	Furniture and appliances.	1 for each 500 square feet of Gross Floor Area.



*Subsection (5)c. of Section 13.18.070 (“Off-street parking requirements”) of Chapter 13.18 (“Off-Street Parking Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining, deletions shown with ~~strikethrough~~):*

c. For all uses except cannabis storefront retailers, ~~A~~alternative vehicle parking spaces in-lieu may be substituted for standard spaces at a rate of ten percent of the total standard spaces in locations where ten or more parking spaces are required. The permitted amount of alternative vehicle spaces shall be calculated based on total spaces required rounded to the nearest whole space.

REDLINE

*Section 13.26.025 (“~~Cannabis Storefront Retailers~~ Marijuana dispensaries”) of Chapter 13.26 (“Special Regulations”) of Title 6 (“Businesses”) of the Laguna Woods Municipal Code, is hereby amended in its entirety to read as follows:*

**Sec. 13.26.025 - Cannabis storefront retailers.**

*(a) Purpose and Intent.*

(1) The purpose of this section is to establish regulations for cannabis storefront retailers that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Laguna Woods. This section is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

(2) This section is adopted and established pursuant to the specific authority granted to the City of Laguna Woods in Section 7 of Article XI of the California Constitution and California Business and Professions Code Section 26200.

*(b) Definitions.* For purposes of this section only, the following definitions shall apply, in addition to those set forth in Section 3.18.030 of this Code:

(05) Amplified sound shall mean sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means including, but not limited to, amplifiers, megaphones, public address systems, radios, speakers, stereos, and similar equipment.

(0510) Cannabis storefront retailer shall mean any cannabis business that requires a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency.

(4015) City shall mean the City of Laguna Woods.

(4520) City Manager shall mean the City Manager of the City of Laguna Woods or his/her/their designee.

(2025) Local law enforcement shall mean the Orange County Sheriff’s Department, or successor agency.

~~(2530)~~ *Loitering* shall have the same meaning as the term is defined in the California Penal Code, as amended from time to time or replaced with a successor statute. As of the date this ~~chapter-section~~ was adopted, the definition of “loitering” was set forth in California Penal Code ~~§-Section~~ 647(h).

(35) *Polystyrene foam shall mean a thermoplastic petrochemical material utilizing the styrene monomer, processed by any number of techniques, including but not limited to, fusion of polymer spheres (expandable bead polystyrene or EPS), injection molding, form molding and extrusion-blow molding (extruded foam polystyrene or XPS).*

~~(3040)~~ *Private security* shall mean security guards (i) employed by a state-licensed private patrol operator or private security employer to protect persons or property or prevent theft as defined in California Business and Professions Code Section 7582.1, as amended from time to time or replaced with a successor statute, (ii) registered with the California Bureau of Security and Investigative Services, or successor agency, ~~and~~ (iii) wearing uniforms clearly and legibly identifying the name of their employer and role as “security” and/or a security guard, ~~and~~ (iv) 21 years of age or over. This chapter does not prohibit security guards from being armed provided that such security guards possess valid California Bureau of Security and Investigative Services (BSIS) Firearms Permits and all applicable laws and regulations are complied with.

(c) *City Permitting Requirements.*

(1) *City Permitting Requirements – Generally.* No cannabis business shall operate as a cannabis storefront retailer without obtaining and holding in full force and effect a commercial cannabis permit from the City and such other City permits as may be required.

Applications for commercial cannabis permits shall be reviewed for conformance with this section and acted upon administratively by the City Manager. When issued, commercial cannabis permits shall be valid for a period of one year (365 calendar days) or until the date that the commercial cannabis permit is suspended and/or revoked. If any of the information listed in this subsection becomes inaccurate or

incomplete during the term of the commercial cannabis permit (e.g., when ownership changes), the commercial cannabis permit shall become invalid and subject to suspension and/or revocation unless and until all inaccurate and/or incomplete information is corrected and furnished to the City, on a form provided by the City, within 15 calendar days of the date the information became inaccurate and/or incomplete. Renewal applications for commercial cannabis permits must be made at least 60 calendar days in advance of the expiration date. In applying for commercial cannabis permits or renewals thereof, applicants shall furnish to the City a sworn statement, upon a form provided by the City, setting forth the following information:

- a. The name of the business, including the legal name and any fictitious business names under which the business is to be conducted;
- b. The organizational structure type of the business (e.g., corporation, joint venture, limited liability company, partnership, sole proprietorship, or trust);
- c. The number the business will file federal taxes under (e.g., federal employer identification number, individual taxpayer identification number, social security number, or national identification number);
- d. The legal name, mailing address, telephone number, and email address of the business' primary point of contact for the City during processing of the permit application;
- e. A complete list of every owner of the business, as defined by California Code of Regulations Section 15003, as amended from time to time or replaced with a successor statute, including legal name, mailing address, telephone number, and email address for each;
  1. Proof that at least 51 percent of the business is owned by a single person;
  2. Proof that at least half (50 percent) of the owners of the business (rounded up to the nearest whole person)

own or have owned all or part of a business licensed by the ~~state~~ State of California as a cannabis storefront retailer for a period of no less than two years (730 calendar ~~years~~days) prior to the date of application, during which time the license was not suspended or revoked;

f. A notarized statement from each owner of the business acknowledging that they have reviewed, had an opportunity to consult with legal counsel regarding, and agree to comply with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

g. A notarized statement from each owner of the business and an authorized representative on behalf of the property owner of record for the parcel(s) where such business is to be carried on, acknowledging and agreeing that the City and its authorized representatives shall, upon showing valid City-issued photo identification if requested, have the right to access and enter the business and the parcel(s) where such business is to be carried on to make reasonable inspections scheduled in advance with either the owner of the business or the property owner of areas of the business and property not open to the public, or unscheduled inspections in areas open to the public (e.g., parking ~~areas~~lots), to observe and enforce compliance with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

h. A notarized statement from an authorized representative on behalf of the property owner of record for the parcel(s) where such business is to be carried on acknowledging (i) the nature and ~~kind~~type of business to be conducted, and (ii) that they have reviewed, had an opportunity to consult with legal counsel, and agree to comply with this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, and all other applicable provisions of this Code and local laws;

i. The legal name, mailing address, telephone number, and

email address of the agent for the service of process for the business;

j. The legal name, mailing address, telephone number, and email address of the agent for the service of process for the property owner of record for the parcel(s) where such business is to be carried on;

k. A title report for the parcel(s) where such business is to be carried on, completed by a title company within the 120 calendar days prior to the date the application is received by the City;

l. A map exhibit prepared by professional land surveyor licensed to do business in California based on the title report required by the previous subsection depicting the limits of the parcel(s) where such business is to be carried on, together with the limits of all easements on the property, immediately adjacent public streets and municipal boundary lines, overlaid on a scaled, aerial image of the area taken within the prior two years (730 days), as well as all associated shapefiles in their native electronic format;

m. Notarized statements by both the primary point of contact for the City during processing of the permit application and the single owner of at least 51 percent of the business reading “Under penalty of perjury, I hereby declare that the information contained within and submitted with this application is complete, true, and accurate. I understand that a misrepresentation of fact is cause for rejection of this application, denial of the permit, and/or suspension or revocation of a permit issued”; and

n. Any additional information which the City Manager may require.

An annual application and routine inspection fee in an amount established by resolution of the City Council shall be presented with the sworn statement submitted under this subsection. This fee shall not be considered a tax and may be adjusted from time to time to

fully compensate the City for commercial cannabis permit processing-related costs, as well as the cost of up to six routine inspections by the City related to the enforcement of this section, by resolution of the City Council. For the purpose of this subsection, “processing of payments” shall mean all functions and activities that the City determines reasonably necessary to facilitate the acceptance, review, accounting, and deposit of commercial cannabis permit payments including, without limitation, personnel, consultants, transportation, security, and merchant fees incurred by the City. For the purpose of this section, “costs” includes, but is not limited to, indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the ~~City's~~ City's building permit fees. The City Council may establish separate annual application and routine inspection fees to account for differences in costs associated with the processing of payments made by currency or other payment instrument. In doing so, the City Council reserves the discretion to limit and adjust the types of payments that it will accept and under what terms and conditions.

If two or more applications for commercial cannabis permits are received for either the same parcel or parcels that are located within 600 feet of each other, as measured from the outermost boundary lines of the closest parcels, the City shall process the applications sequentially in order of the date and time received. If the earliest application received is determined to be incomplete, the City shall notify that applicant of the need for resubmittal and then begin to process the next sequential application, and so forth. The City shall process resubmittals of applications previously determined to be incomplete in the same manner, regardless of when the previous application or submittal was received.

(2) City Permitting Requirements – Suspension, Revocation, and Non-Renewal. The City Council or City Manager may suspend, revoke, or refuse to renew a commercial cannabis permit for any cannabis storefront retailer that (i) is found to have submitted incomplete, untrue, ~~or~~ inaccurate, or otherwise misrepresented information in its application for such permit, or (ii) remains in violation of any provision of this section, Chapter 3.18 of this Code, the City’s building and zoning regulations, or any other applicable provision of this Code or local law for a period in excess of 15

calendar days after any owner of the business or agent for the service of process for the business has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners of the business and agents for the service of process for the business. During the aforementioned 15 calendar day period, the cannabis storefront retailer may provide the City party who issued the notice of violation with evidence contesting the violation. The City party who issued the notice of violation shall consider such evidence prior to suspending, revoking, or refusing to renew a commercial cannabis permit. A decision of either the City Council or City Manager to suspend, revoke, or refuse to renew a commercial cannabis permit is final and non-appealable.

*(3) City Permitting Requirements – Transferability and Changes in Ownership.* Commercial cannabis permits do not run with the land, are particular to a location, and are not transferrable to new cannabis businesses or new locations for existing cannabis businesses.

Any cumulative change in ownership of the business greater than 50 percent from the ownership information provided with the original application for a commercial cannabis permit shall require a new commercial cannabis permit. Cannabis businesses that experience cumulative changes in ownership greater than 50 percent from the ownership information provided with the original application for a commercial cannabis permit must cease to operate immediately upon such change in ownership until such time as a new commercial cannabis permit is issued (if such a permit is issued).

At all times during the term of the commercial cannabis permit, at least half (50 percent) of the owners of the business (rounded up to the nearest whole person) must own or have owned all or part of a business licensed by the ~~state~~ State of California as a cannabis storefront retailer for a period of no less than two years (730 calendar yearsdays), during which time the license was not suspended or revoked. Commercial cannabis permits shall become subject to suspension and/or revocation if, at any point during a term thereof,



ownership changes in a manner that results in less than half of the owners of the business (rounded up to the nearest whole person) meeting this requirement.

~~(24)~~ *City Permitting Requirements – Insurance and Indemnification.*

As a condition of approval of any commercial cannabis permit, the business and the property owner of record shall:

- a. Execute an agreement indemnifying the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers from any claims, damages, injuries, and liabilities of any kind associated with the permitting or operation of the cannabis storefront retailer, including without limitation, the prosecution of the property owner of record, the cannabis storefront retailer, and/or the cannabis storefront retailer’s customers, for violation of federal or state laws;
- b. Maintain insurance in the amounts and types that are acceptable to the City Attorney or his/her/their designee;
- c. Name the City, its respective elected and appointed boards, officials, officers, agents, employees, and volunteers as additionally insured on all City required insurance policies;
- d. Agree to defend, at its sole expense, any action against the City and/or its respective elected boards, appointed boards, officials, officers, agents, employees and/or volunteers related to this section, Chapter 3.18 of this Code, and/or the City’s approval of a commercial cannabis permit; and
- e. Agree to indemnify and reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to this section, Chapter 3.18 of this Code, and/or the City’s approval of a commercial cannabis permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

~~(35)~~ *City Permitting Requirements – Site Development Permit. In*

addition to the requirements of this section, cannabis storefront retailers must obtain a site development permit from the City in accordance with Section 13.24.020 of this Code to establish such use. Such site development permit must be obtained prior to or concurrently with the issuance of the first commercial cannabis permit from the City for a particular location. Cannabis storefront retailers shall cease operations immediately if ~~their~~ the applicable site development permit has lapsed, been revoked, or is otherwise no longer valid. Cannabis storefront retailers shall comply with the conditions and requirements of ~~their~~ applicable site development permits prior to engaging in the on-site, retail sale of cannabis and at all times thereafter.

In addition to other application materials that may be required for site development permits, applicants for site development permits to establish a cannabis storefront retailer use shall submit the following to the City:

a. A title report for the parcel(s) where such business is to be carried on, completed by a title company within the 120 calendar days prior to the date the application is received by the City; ~~and~~

b. A map exhibit prepared by professional land surveyor licensed to do business in California based on the title report required by the previous subsection depicting the limits of the parcel(s) where such business is to be carried on, together with the limits of all easements on the property, immediately adjacent public streets and municipal boundary lines, overlaid on a scaled, aerial image of the area taken within the prior two years (730 days), as well as all associated shapefiles in their native electronic format; ~~and~~

c. Colorized renderings of all proposed exterior elevations of buildings, facilities, and structures, with a material sample board and print-style color format codes for each paint color (e.g., CMYK, HEX, HSB, or RGB). Any change to the materials and colors approved with a site development permit shall require first obtaining either a new site development permit or amendment thereto.

(d) *State Licensing Requirements.* No cannabis business shall operate as a cannabis storefront retailer without obtaining and holding in full force and effect a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, and such other state licenses as may be required. While cannabis storefront retailers may hold additional licenses from the California Department of Cannabis Control, or successor agency, only the activities permitted under a Type 10 (storefront retailer) license may be conducted within the City of Laguna Woods.

(e) *Location Requirements.* A cannabis storefront retailer may only operate on a site that meets all of the requirements listed below in this subsection at the time its application for a new commercial cannabis permit is ~~deemed~~ determined to be complete by the City. For the purpose of this subsection, “site” shall include, both individually and collectively, all of the parcels on which the cannabis storefront retailer will operate ~~including, but not limited to, parcels that contain the business’ buildings, driveways, parking areas, landscaping, and trash enclosures.~~

- (1) The site is designated “Commercial” in the Laguna Woods General Plan;
- (2) The site is zoned as “Community Commercial” or “Professional and Administrative Office” in this Code;
- (3) The size and boundary lines of the parcel(s) on which the site is located have not been modified within the prior year (365 calendar days);
- (4) The site contains no nonconforming uses or structures;
- (5) The site takes access exclusively from public streets within the majority jurisdiction of the City. This subsection is not intended to preclude accessibility from private streets, but rather, to ensure that all adjacent or adjoining public streets are within the majority jurisdiction of the City. For the purpose of this subsection, no portion of Avenida de la Carlota, Laguna Hills Drive, Paseo de Valencia, or Ridge Route Drive shall be considered to be within the majority jurisdiction of the City;

(6) The site’s driveways providing ingress or egress to public streets, if any, are constructed in accordance with County of Orange OC Public Works Department Standard Plan #1209. To the extent that reconstruction of driveways and/or adjacent sidewalks is required to comply with this subsection, such reconstruction shall be undertaken (i) at no cost to the City, (ii) after obtaining all necessary City permits and permits from other government agencies, and (iii) in accordance with the terms and conditions of all City permits required to conduct work on, or reconstruct, property under the control, operation, or management of the City (if applicable). To the extent that such reconstruction results in all or a portion of any driveway or adjacent sidewalk extending beyond the City’s existing public street easements or right-of-way, the property owner of record of the applicable parcel(s) shall grant to the City an irrevocable public street easement for that part of the driveway and adjacent sidewalk;

(7) *Alcoholism or Drug Abuse Recovery or Treatment Facilities*. The site is not located within 600 feet of a parcel on which an “alcoholism or drug abuse recovery or treatment facility,” as defined in California Health and Safety Code Section 11834.02, as amended from time to time or replaced with a successor statute, is located, as measured from the outermost boundary lines of the closest parcels;

(8) *Cannabis Storefront Retailers*. The site does not contain any other cannabis storefront retailers and is not located within 600 feet of a parcel on which another cannabis storefront retailer is located, as measured from the outermost boundary lines of the closest parcels;

(9) *Day Care Centers*. The site is not located within 600 feet of a non-residential zoned parcel on which a child care-infant center, child care center, child care center preschool, or family child care home licensed by the California Department of Social Services is located, as measured from the outermost boundary lines of the closest parcels;

(10) *Emergency Shelters*. The site is not located within 600 feet of a parcel on which an “emergency shelter,” as defined in California Health and Safety Code Section 50801, is located, as measured from the outermost boundary lines of the closest parcels;

~~(4011)~~ *Housing*. The site does not contain any existing housing units;

~~(4112)~~ *Permanent Supportive Housing*. The site is not located within 600 feet of a parcel on which “supportive housing,” as defined in California Health and Safety Code Section 50675.14, as amended from time to time or replaced with a successor statute, is located, as measured from the outermost boundary lines of the closest parcels;

~~(4213)~~ *Public Libraries*. The site is not located within 600 feet of a parcel on which a public library, which is under the control, operation or management of the County of Orange, is located, as measured from the outermost boundary lines of the closest parcels;

~~(4314)~~ *Public Recreational Facilities*. The site is not located within 600 feet of a parcel on which a community center, park, playground, pool, sports court, sports field, or similar recreational facility (excluding parcels on which the primary-predominant use is a golf course), which is under the control, operation or management of the City, County of Orange, City of Aliso Viejo, City of Irvine, City of Laguna Beach, or City of Laguna Hills, is located, as measured from the outermost boundary lines of the closest parcels;

~~(4415)~~ *Schools*. The site is not located within 600 feet of a parcel on which an institution of learning for minors, whether public or private, which offers in-person instruction in grades K-Kindergarten through 12 in those courses of study required by the California Education Code, and is licensed by the California Board of Education, as measured from the outermost boundary lines of the closest parcels. This includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the California Department of Education, but does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university; and

~~(4516)~~ *Potential Very Low, Low, and/or Moderate Housing*. The site is not identified in the City’s existing General Plan Housing Element, or any General Plan Housing Element under review by the State of California, as a potential housing site with realistic development capacity to accommodate very low, low, and/or moderate income

housing units.

For the purpose of subsections ~~(e)(7)-(1415)~~ herein, such uses shall be deemed to exist if (i) currently operating, or (ii) the City has issued a commercial cannabis permit and/or has issued any building permit for the initial construction or improvement thereof and such permit is valid.

Cannabis storefront retailers shall either be:

~~(A1) the~~ The only occupant of the parcel(s) on which they are located unless the parcel(s) is (are) owned by the cannabis storefront retailer (as substantiated by the title report required by subsection (c)(1) herein), in which case there may be additional occupants provided that none of the other occupants are any of the uses identified in subsections ~~(e)(7)-(1415)~~ herein, nor do any of the other occupants sell, dispense, distribute, or store alcoholic beverages either at the time of the issuance of the first commercial cannabis permit from the City or at any point thereafter. Where specified, portions of this section apply to both the cannabis storefront retailer and all other uses on the parcel(s).; or

(A2) One of multiple occupants of the parcel(s) on which they are located if (i) the interior space occupied by the cannabis storefront retailer does not share a ventilation system with any other interior space not occupied by the cannabis storefront retailer, (ii) the property owner enters into an agreement with the City agreeing to apply subsections (f)(8), (f)(11), (f)(13), and (f)(15)d.-h. herein to all occupants and the entirety of the parcel(s) on which the cannabis storefront retailer is located, and (iii) none of the other occupants are any of the uses identified in subsections (e)(7)-(15) herein, or sell, dispense, distribute, or store alcoholic beverages, either at the time of the issuance of the first commercial cannabis permit from the City or at any point thereafter, and the property owner enters into an agreement with the City agreeing to enforce these prohibitions until such time as a commercial cannabis permit is no longer in effect for its parcel(s). Where specified, portions of this section apply to both the cannabis storefront retailer and all other uses of the parcel(s).

(f) *Operations Requirements.* Prior to engaging in the on-site, retail sale of cannabis and at all times thereafter, cannabis storefront retailers shall

comply with all of the following operations requirements, in addition to all other applicable requirements of this Code:

(1) *Alcoholic Beverages.*

- a. Cannabis storefront retailers shall not engage in the sale, dispensing, distribution, or storage of alcoholic beverages.
- b. Cannabis storefront retailers shall actively monitor and prevent the consumption, sale, dispensing, distribution, or storage of alcoholic beverages on the parcel(s) on which they are located. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement.

(2) *Amplified Sound.*

- a. Cannabis storefront retailers shall not use amplified sound on – or in a manner audible ~~on – exterior areas on the parcel(s) on which they are located including~~ on the exterior of the cannabis storefront retailer, in any interior area of any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. ~~For the purpose of this subsection, “amplified sound” shall mean sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means including, but not limited to, amplifiers, megaphones, public address systems, radios, speakers, stereos, and similar equipment.~~ This subsection shall not apply to (i) computers, telephones, and other equipment when amplified sound is only audible to individuals wearing earbuds, earphones, or similar personal, wearable technology or (ii) alarms and similar warning systems. For the purpose of this section, amplified sound shall be deemed to be audible on exterior areas including, but not limited to, when doors or windows are open even temporarily in such a way that amplified sound emanating from the cannabis storefront retailer is audible immediately outside such door or window.

b. Cannabis storefront retailers shall actively monitor and prevent ~~the use of their officials, officers, agents, employees, volunteers, associates, customers, visitors, and passersby, whether invited or not, from using~~ amplified sound on – or in a manner audible ~~on – exterior areas on the parcel(s) on which they are located~~ on the exterior of the cannabis storefront retailer, in any interior area of the any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. This subsection shall not apply to (i) computers, telephones, and other equipment when amplified sound is only audible to individuals wearing earbuds, earphones, or similar personal, wearable technology or (ii) alarms and similar warning systems. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection including, but not limited to, amplified sound emanating from vehicles in the parking lot. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement when such amplified sound can be reasonably construed to violate California Penal Code Section 415, as amended from time to time or replaced with a successor statute, and requiring that other violators immediately leave the parcel(s) on which the cannabis storefront retailer is located.

When cannabis storefront retailers are located in multi-occupant buildings, minimum noise prevention practices shall also include, but not be limited to, the following:

1. Providing the City and all other occupants with one or more telephone numbers that is (are) answered 24 hours a day, seven days a week, to receive and immediately cause to be addressed noise complaints from any occupant.

c. Notwithstanding the other requirements of this subsection and Code, and with the exception of live announcements and alarms and similar warning systems, amplified sound used in interior areas of cannabis storefront retailers (e.g., background



music) shall not exceed a noise level of 40 d(B)A as measured by an instrument meeting the American National Standard Institute’s Standard S1.4-1971 for Type 1 or Type 2 Sound Level Meters or an instrument and the associated recording an analyzing equipment that will provide equivalent data.

(3) *Cannabis Consumption and Use.* Cannabis storefront retailers shall actively monitor and prevent the consumption or use of cannabis on the parcel(s) on which they are located. This includes, but is not limited to, the consumption or use of cannabis by ~~customers or other persons~~ their officials, officers, agents, employees, volunteers, associates, customers, visitors, and passersby, whether invited or not, for any purpose, whether purchased from the cannabis storefront retailer or not, and the prohibition of any samples of cannabis for on-site consumption for any purpose. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:

a. Posting at each entrance and exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that the consumption or use of cannabis on the parcel(s) (including, specifically, in the building(s) and parking lot(s)) is illegal and that violators will be reported to local law enforcement; and

b. Not selling or distributing food or beverages, or encouraging the same. This includes, but is not limited to, providing food establishment or restaurant-type facilities (e.g., coffee stations, cooking equipment or devices, or dining areas), foodware accessories or condiments, food or drink vending machines, or food trucks, except that cannabis storefront retailers may provide complimentary water drinking fountains, water, and ice for use and consumption by all persons, as well as break room and kitchenette space for its employees only. Break room and kitchenette space for employees shall be access controlled in a manner that prevents unauthorized entry by non-employees.

(4) *City Regulatory Meetings*. Upon request, cannabis storefront retailers shall participate in meetings with the City Manager and his/her/their invitees on a quarterly or more frequent basis to review and discuss commercial cannabis permit requirements, security concerns, complaints received, and other matters determined at the discretion of the City Manager. The time, place, and manner of such meetings, as well as the required attendance (management and/or ownership), shall be determined at the discretion of the City Manager.

(5) *Classes, Seminars, and Workshops*. Cannabis storefront retailers may offer classes, seminars, workshops, and similar educational events related to cannabis but only in fully enclosed, interior spaces on the parcel(s) on which they are located, and provided such educational events do not require event licenses from the state Department of Cannabis Control, or successor agency. For the purpose of this subsection, art classes, exercise classes, meditation classes, sound baths, sporting, yoga classes, and similar events shall not be considered educational events related to cannabis. Educational events related to cannabis shall not include (i) mixers, social hours, or similar gatherings of a predominantly social or networking nature, or (ii) any of the live entertainment or entertainment devices identified in subsection (f)(14) unless specifically noted.

(6) *Criminal Activity Notifications*. Cannabis storefront retailers shall immediately report to local law enforcement any known or suspected crime occurring on the parcel(s) on which the cannabis storefront retailer is located including, but not limited to, burglary or theft of any cannabis or cannabis product, and disturbances of the peace. This obligation to report extends to both employees of cannabis storefront retailers and private security employed by cannabis storefront retailers. Such persons shall be trained on this obligation to report.

(7) *Deliveries*.

a. Cannabis storefront retailers may deliver cannabis to customers provided such deliveries occur only as permitted by each cannabis storefront retailer's Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, and applicable state and local laws.

b. Cannabis storefront retailers shall schedule incoming deliveries of cannabis and cannabis products intended for future retail sale to occur outside of peak hours of operation within the hours of 7 a.m. and 10 p.m., Monday through Sunday, unless the parcel(s) on which they are located is (are) located within 600 feet of a residential zoned parcel, as measured from the outermost boundary lines of the closest parcels, in which case deliveries shall be scheduled to occur outside of peak hours of operation within the hours of 8 a.m. and 8 p.m., Monday through Sunday.

(8) *Design ~~Restrictions and Development Standards~~*. In addition to the design and development restrictions standards found elsewhere in this Code, ~~cannabis storefront retailers shall not engage in retail sales on a parcel with any of the following on any building, facility, sign, or structure thereon~~ the following shall not exist or occur on any site on which a cannabis storefront retailer operates:

a. Bars, whether on or over doors, windows, or other surfaces, installed on the exterior;

b. Blinds, curtains, shades, or other window coverings installed on the exterior;

c. Cardboard, foil, or paper window coverings;

d. Roll-up or rolling exterior doors;

be. Chain link, plastic, vinyl, or woven wire fencing or gates including, but not limited to, fencing or gates of any kind with plastic or vinyl privacy inserts, with the exception of temporary fencing during construction when permitted by the City;

ef. Barbed tape, barbed wire, wire, razor wire, and similar security treatments on the interior or exterior;

dg. Balloons, confetti, feather flags, inflatable tubes, pennants, streamers, and similar decorations on the exterior;

eh. Exposed Electrical conduits or raceways on-visible from the exterior, whether such electrical conduits or raceways are located on the interior or exterior;

i. Polyvinyl chloride (PVC) pipe visible from the exterior, whether such PVC pipe is located on the interior or exterior;

j. Unfinished metal or wood surfaces on the exterior;

fk. Fluorescent, luminescent, neon, or sparking exterior paint or colors on the exterior;

l. Marker, paint, or chalk on any exterior window pane;

m. More than one color of glass within any single exterior window;

n. More than two colors on any single exterior building wall;

o. Light box exterior signs;

gp. More than two colors on any single exterior sign;

hq. Neon tubing visible from the exterior, whether such neon tubing is located on the interior or exterior;

r. Laser lighting visible from the exterior, whether such laser lighting is located on the interior or exterior;

s. Lighting that intentionally or knowingly flashes, blinks, moves, rotates, or revolves on the interior or exterior;

it. Lighting colors other than white on the exterior, with the exception of internally illuminated permanent signs; ~~or~~

u. Hanging lanterns on the exterior;

jv. Rope or string lighting visible from the exterior, whether such rope or string lighting is located on the interior or exterior;

w. Landscaping that contains more than 10 percent decomposed granite, gravel, mulch, rock, sand, or similar non-vegetated landscape material, except to the extent groundcover or other vegetation is also planted that will conceal at least 90 percent of the non-vegetated material upon maturity.

(9) *Drive-Through Facilities.* Cannabis storefront retailers shall not use drive-through facilities (e.g., canopies intended to shield vehicle-based transactions, order stations, menu boards, queuing lanes, or windows and related facilities) in their operation nor provide any such facilities on-site. Compliance with this subsection requires the removal of drive-through facilities associated with previous drive-through uses and the integration of former queuing lane areas into the site in a manner that can reasonably be seen to discourage loitering and outdoor queuing, as well as illegal, criminal, and nuisance activities.

(10) *Events.* Cannabis storefront retailers shall not be eligible to apply for any event licenses from the state Department of Cannabis Control, or successor agency, for cannabis events occurring within the City of Laguna Woods.

(11) *Graffiti.* Cannabis storefront retailers shall remove graffiti from space that they occupy within 24 hours after any owner or agent for the service of process has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners and agents for the service of process. For the purpose of this subsection, “remove graffiti” shall mean returning the surface to which graffiti was applied to its previous condition, including matching its color and texture to adjacent surfaces in a manner that is generally indistinguishable when viewed by an average person at a distance of 10 feet. Cannabis storefront retailers may wish to use anti-graffiti coatings to aid in compliance with this subsection.

(12) *Hours of Operation.* Cannabis storefront retailers shall not

engage in the on-site, retail sale of cannabis nor be open to any member of the public outside of the hours of 6 a.m. to 10 p.m., Monday through Sunday, unless the parcel(s) on which they are located is (are) located within 600 feet of a residential zoned parcel, as measured from the outermost boundary lines of the closest parcels, in which case cannabis storefront retailers shall not engage in the on-site, retail sale of cannabis nor be open to any member of the public outside of the hours of 7 a.m. to 9 p.m. For the purpose of this section, all on-site retail sales transactions must be complete by the closing hours specified in this subsection.

(13) *Lighting Repair*. Cannabis storefront retailers shall repair misdirected, malfunctioning or inoperable exterior lights ~~and,~~ including lighting ~~directly—permitted by the City~~ associated with permanent signs, on space that they occupy, within 48 hours after any owner or agent for the service of process has been notified by the City either personally, in-person, by telephone, or by email, or by posting notice on any entrance to the cannabis storefront retailer. Cannabis storefront retailers shall notify and train employees and other on-site personnel to check for posted notices throughout the hours of operation and to immediately provide such notices to owners and agents for the service of process. Cannabis storefront retailers may wish to maintain a supply of replacement lighting fixtures, bulbs, and related components to aid in compliance with this subsection.

(14) *Live Entertainment and Entertainment Devices*.

a. Cannabis storefront retailers shall not use live entertainment in any part of their operation on the parcel(s) on which they are located. This includes, but is not limited to, animals, auctioneers, bands, celebrity appearances (except to the extent educational and related to cannabis per subsection (f)(5) herein), comedians, dancers, disc jockeys, musicians, performers, and trivia masters, as well as communal gatherings such as art exhibitions, competitions, gaming, movie screenings (except to the extent educational and related to cannabis per subsection (f)(5) herein), sporting, and viewing parties.

b. Cannabis storefront retailers shall not use arcade games, board games, billiard tables, card games, carnival games, disc

jockey equipment, gaming consoles, immersive reality technology (e.g., augmented reality and virtual reality), karaoke machines, musical instruments, table games, or similar entertainment devices in their operation on the parcel(s) on which they are located. Compliance with this subsection requires that no entertainment devices be present within any space occupied by the cannabis storefront retailer.

(15) *Loitering and Outdoor Queuing*. Cannabis storefront retailers shall actively monitor and prevent persons from loitering on the parcel(s) on which they are located. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:

- a. Posting at each entrance and exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that loitering on and around the parcel(s) is prohibited by California Penal Code Section 647(e), as amended from time to time or replaced with a successor statute, and that violators will be reported to local law enforcement;
- b. Ensuring that any reception or screening areas through which persons must pass to gain access to the retail area of the cannabis storefront retailer contain sufficient space and seating to accommodate at least 20 percent of the maximum California Building Standards Code-permitted occupancy of the retail area, rounded up to the nearest whole person (e.g., if the maximum occupancy of the retail area is 52 persons, reception or screening areas must contain space and seating for at least 11 persons);
- c. Requiring that persons wishing to gain access to the retail area of the cannabis storefront retailer for whom there is insufficient room in reception or screening areas to accommodate immediately leave the parcel(s) on which the

cannabis storefront retailer is located (unless patronizing another occupant of the parcel(s)) and return in no less than 2 hours unless the cannabis storefront retailer has provided individual notification to them via telephone, text message, or email that there is now sufficient room in reception or screening areas;

d. Providing no outdoor seating, whether temporary or permanent, nor any retaining walls, ornamental fixtures, or similar features at a height of 18 to ~~30~~36 inches with a width greater than five inches, which are located within 100 feet of any entrance or exit to the cannabis storefront retailer and can reasonably be seen to accommodate or encourage seating, with such determination of reasonability made by the City Manager;

e. Providing no fireplaces, fire pits, fire rings, open flames, or similar devices, whether temporary or permanent, on the exterior of the cannabis storefront retailer; ~~and~~

f. Providing no ornamental water features, whether temporary or permanent, on the exterior of the cannabis storefront retailer;

g. Providing no shade canopies, shade structures, or umbrellas, whether temporary or permanent, on the exterior of the cannabis storefront retailer; and

h. Providing no entertainment devices, as described in subsection (f)(14) herein, on the exterior of the cannabis storefront retailer.

(16) *Minors*. Cannabis storefront retailers shall actively monitor and prevent persons under the age of 21 from being allowed within the cannabis storefront retailer, except as otherwise specifically provided for by state law. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement and at minimum all of the following:



- a. Not employing or allowing any person under the age of 21 to volunteer, apprentice, or otherwise work or provide services on behalf of the cannabis storefront retailer on the parcel(s) on which they are located;
- b. Posting at each entrance to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that no person under the age of 21 may enter the cannabis storefront retailer except as specifically provided for by state law;
- c. Posting at each exit to the cannabis storefront retailer a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials stating that the secondary sale, barter, or distribution of adult-use cannabis is prohibited by state law and that violators will be reported to local law enforcement; and
- d. Verifying the age of every person, other than employees, private security and persons conducting official business on behalf of the City, requesting to enter the retail area of the cannabis storefront retailer with an electronic age verification device that scans government-issued photo identification, and by matching government-issued photo identification to a person's appearance, prior to granting each and every such entry. The electronic age verification device may be mobile or fixed, and shall ~~be able to~~ produce ~~retain~~ a log of all scans that includes the following minimum information: date, time, name, and age. Said log shall be retained on a cloud-based server or otherwise off-site for at least 180 calendar days. For persons under the age of 21 allowed within the cannabis storefront retailer, an additional log shall be maintained matching the electronic age verification log with the provision of state law allowing such entry.

(17) *Odor Control*. Cannabis storefront retailers shall develop, implement, and actively monitor systems and practices to contain cannabis and cannabis-related odors within the cannabis storefront

retailer. No cannabis or cannabis-related odor shall be detectable on the exterior of the cannabis storefront retailer, in any interior area of any other occupant of the same parcel(s), or in any interior area accessible in common by any person or other business. Such minimum odor control systems and practices shall include, but not be limited to, the following:

- a. ~~An~~ Using an exhaust air filtration system with odor control that prevents internal cannabis and cannabis-related odors from being emitted externally; ~~or an air system that creates negative air pressure between the cannabis storefront retailer's interior and exterior;~~ and
- b. ~~An air system that creates negative air pressure between the cannabis storefront retailer's interior and exterior~~ Applying weather stripping under and around exterior doors (entire door jams with appropriate door sweeps and thresholds at bottoms) and between sashes and frames of exterior windows in manners that do not interfere with normal operation thereof.

When cannabis storefront retailers are located in multi-occupant buildings, minimum odor control systems and practices shall also include, but not be limited to, the following:

- aa. Sealing cracks and gaps in floors, walls, and around conduit and pipes with silicone or similar material; and
- bb. Providing the City and all other occupants with one or more telephone numbers that is (are) answered 24 hours a day, seven days a week, to receive and immediately cause to be addressed odor complaints from any occupant.

(18) *Outdoor Activities.* Cannabis storefront retailers are prohibited from using any exterior area for display, storage, or special events, the latter as defined by Section 7.20.020 of this Code, subject only to the exemptions set forth in sections 7.20.180(c) and (g) of this Code, except as provided herein. This subsection is not intended to preclude temporary uses as may be allowed by Chapter 13.10 of this Code or the display of signage as may be allowed by Chapter 13.20 of this Code, except as otherwise provided herein.

(19) *Overnight Parking.* Cannabis storefront retailers shall actively monitor and prevent vehicles not belonging to employees or used regularly for the delivery of cannabis products on behalf of the cannabis storefront retailer to park at the cannabis storefront retailer between the hours of 10 p.m. and 5 a.m. daily. For the purpose of this subsection, “actively monitor” shall include, but not be limited to, employing and training private security to actively identify violations of this subsection, including conducting an on-site inspection at least every 60 minutes during the hours of 10 p.m. and 5 a.m. daily and maintaining detailed records to substantiate the same. For the purpose of this subsection, “prevent” shall include, but not be limited to, making timely reports to local law enforcement, and installing signage, expeditiously posting notices, and towing vehicles in a manner consistent with the California Vehicle Code and other applicable laws. This requirement may alternatively be met by restricting access to the parking lots between the hours of 10 p.m. and 5 a.m. daily through the use of locking, permanent barrier gates; locking, ground-sleeved, removable bollards; or, similar access control systems that are configured in a manner that does not prohibit timely ingress/egress by emergency response vehicles, with such determination made by the City with input from local law enforcement and the Orange County Fire Authority, or successor agency, to the extent the latter two agencies elect to participate. The use of cones, delineators, portable barricades, tape, or similar temporary traffic control devices does not satisfy this requirement.

a. Locking, permanent barrier gates; locking, ground-sleeved removable bollards; and, similar access control systems shall be color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible.

b. Locking, permanent barrier gates; locking, ground-sleeved, removable bollards; and, similar access control systems that obstruct access to parking from an accessway or driveway from a public street shall be set back at least 18 feet from the nearest public street right-of-way line.

c. When locking, ground-sleeved, removable bollards or similar

access control systems are used to satisfy this requirement, they shall be stored inside the cannabis storefront retailer at all times when not in use.

(20) Product Packaging. Cannabis storefront retailers shall not provide customers with any cannabis product in disposable packaging, wrappers, or similar casings made of polystyrene foam.

(2021) Security Measures. In addition to complying with this section, cannabis storefront retailers shall develop, implement, and actively monitor security measures sufficient to protect the health, safety, and welfare of officials, officers, agents, employees, ~~patrons,~~ volunteers, associates, customers, visitors, passersby, and all other persons who may enter, cross over, or otherwise interact with parcel(s) on which they are located, whether invited or not, at all times and on all days, regardless of the cannabis storefront retailer's hours of operation or any other factor. Such minimum security measures shall include, but not be limited to, the following:

a. Installing and maintaining a monitored commercial burglar alarm monitoring system with a feature timely notifying local law enforcement of any intrusions or alarm triggers, which shall at a minimum include all doors and windows and motion within areas containing cash or cannabis products when the cannabis storefront retailer is unattended;

b. Installing and maintaining a video surveillance system which shall continuously record (i) the immediate exterior of the buildings, (ii) all entrances and exits to the buildings and rooms in which cash is regularly stored, (iii) all fixed point of sale locations or at least every 20 feet throughout the entirety of the retail sales area if transactions are accepted in non-fixed locations, (iv) all driveways or other vehicle access points to the parking lots at locations and with lighting sufficient to clearly identify lawfully installed and maintained vehicle license plates, (v) the fence lines between the parcel(s) and any immediately adjacent residential zoned parcel(s) in a manner that does not record any interior residential activities, and (vi) the driver's side and front passenger's side of each designated curbside delivery parking space (if any), at all times. Footage from such

video surveillance systems shall be retained on a cloud-based server or otherwise off-site for at least 90 calendar days;

c. Posting (i) at each entrance and exit to the cannabis storefront retailer, (ii) at each driveway entrance to the cannabis storefront retailer, (iii) on each parking space-fronting side of each parking lot light pole (if any) whether located in dedicated or shared parking lots, and (iv) in front of each designated curbside delivery parking space (if any), a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials indicating the presence of the video surveillance system. For driveway entrances, parking lot light poles, and designated curbside delivery parking spaces, this requirement may alternatively be met by posting at those same locations a clear and legible, two-color icon of a video surveillance camera on a metal placard measuring at least 12 inches x 12 inches;

d. Ensuring that all exterior lights (excluding lighting ~~directly~~ permitted by the City with permanent signs, which shall be required to comply with such permitting, and motion activated lighting) remains illuminated at least from dusk until dawn each day;

e. Providing private security to actively monitor and prevent illegal, criminal, and nuisance activities, and activities inconsistent with this section, at all times when the cannabis storefront retailer is engaged in the retail sale of cannabis, open to any member of the public, accepting deliveries, occupied by one or more employees, and for at least one hour after each day's end of retail sale of cannabis;

f. Storing all cannabis products in a one or more secured and locked rooms, safes, vaults, or similar repository repositories, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis products used for display purposes and/or immediate sale;

g. Limiting the amount of cash that is present on-site at any single time and storing cash that is present, but not necessary to

store in registers or other point-of-sale devices for reasonably anticipated business needs, in a one or more time-triggered safes, vaults, or similar repository repositories where access is only possible after a pre-set period of time not less than 10 minutes elapses after the required credentials are provided, and in a manner as to prevent diversion, theft, and loss;

h. Posting at each entrance and exit to the cannabis storefront retailer, a clear and legible notice in each of the languages for which the California Voting Rights Act requires the County of Orange to translate elections materials indicating the presence of the time-triggered cash repository; and

i. Installing and maintaining on-site backup generator (including automatic transfer switches), or similar on-site energy source, that is of sufficient capacity and maintained in such condition as to be readily capable of powering all commercial burglar alarm monitoring systems, video surveillance systems (including associated lighting), telephone systems, access controls, and safes-cash repositories (to the extent connected to building power) for a period of no less than two hours of continuous use when regular energy systems as provided by the local utility company to the cannabis storefront retailer are inoperable, interrupted, or otherwise experiencing shortages, and without the need for manual switching from local utility to generator power.

1. More than one on-site backup generator or similar on-site energy source may be installed to serve a single cannabis storefront retailer in order to meet the requirements of this subsection.

2. 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 landscaping, topography, roofs, or walls. Roofs shall be color coordinated with underlying walls, if any, and with the building, to provide for as complimentary an appearance as possible. Walls shall be made of solid,

split face or stuccoed, concrete masonry units that are color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible. When walls are used to enclose all sides of on-site backup generators or similar on-site energy sources, locking doors shall be installed to prevent unauthorized entry, as well as motion activated interior (under roof) lighting. Doors shall be color coordinated with adjacent walls to provide for as uniform an appearance as possible. Landscaping shall be used to substantially screen walls over 30 inches in height.

3. On-site backup generators and similar on-site energy sources shall set back at least 40 feet from any residential zoned parcel and 20 feet from any non-residential zoned parcel, as measured from the outermost boundary lines of the closest parcels, and at least 10 feet from any public street easement or right-of-way.

4. Aside from periodic maintenance and testing, 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 cannabis storefront retailers are inoperable, interrupted, or otherwise experiencing shortages. Maintenance and testing shall only occur within the hours of 8 a.m. and 8 p.m., Monday through Friday, excluding federal holidays.

~~(2122)~~ *Tobacco and Tobacco Cigarettes.* Cannabis storefront retailers shall not engage in the sale, dispensing, distribution, or storage of tobacco or tobacco cigarettes.

~~(2223)~~ *Visible ~~Cannabis~~-Products and Promotions.* Cannabis storefront retailers shall not display or place any cannabis product or any other product, or advertisement or promotional display thereof, in a manner in which it is wholly or partially visible from the exterior of any cannabis storefront retailer.

(24) Waste and Recycling – Battery Recycling. Cannabis storefront retailers that sell, dispense, or distribute batteries shall comply with the battery recycling requirements of Chapter 4.22 of this Code, regardless of the amount of annual gross sales.

(2325) Waste and Recycling – Receptacles. Cannabis storefront retailers shall store all waste and recycling receptacles for collection – as the number and type may change from time-to-time to meet on-site needs or comply with applicable law – in trash enclosures enclosed by a roofed structure with opaque walls and access point(s), as well as motion activated interior (under roof) lighting. Unless such service is not offered by the City’s solid waste handling services franchisee, all waste and recycling receptacles for collection shall be collected at least three times weekly by the City’s solid waste handling services franchisee and remain locked when not actively attended by an employee thereof or an employee of the City’s solid waste handling services franchisee.

a. Trash enclosures shall not be used for any purpose other than to store all waste and recycling receptacles or collection.

b. Trash enclosures used by cannabis storefront retailers shall not be used by any other occupant of the parcel(s) on which the cannabis storefront retailers are located nor any other person.

c. Trash enclosure roofs shall be made of solid corrugated metal painted with rust-inhibitive paint and color coordinated with underlying walls/access points and with the building, to provide for as complimentary an appearance as possible. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are color coordinated with adjacent walls and fencing or, if none, with the building, to provide for as uniform an appearance as possible. Doors and other access points shall be color coordinated with adjacent walls to provide for as uniform an appearance as possible. Landscaping shall be used to substantially screen walls.

d. Trash enclosures may have an open air gap between roofs and underlying walls/access points provided such gap does not exceed 14 inches. For the purpose of this subsection, metal



screens and similar stationary, non-opaque elements installed between roofs and underlying walls/access points shall not be considered open air gaps when the openings in such stationary, non-opaque elements do not exceed 1 inch x 1 inch.

e. An accessible path of travel that complies with California Building Standards Code requirements must be provided between trash enclosures and the cannabis storefront retailer.

(g) *Obligation to Maintain.* Where this section requires the construction, erection, installation, posting, placement, or use of any tangible item, there also exists an obligation for the same to be kept clean, complete, and in good structural and functional working order, and to not be allowed to fall into a state of disrepair, damage, or decrepitude.

(gh) *Business Tax Rate.* In accordance with Chapter 3.18 of this Code, the tax rate to which cannabis businesses holding a Type 10 (storefront retailer) license from the California Department of Cannabis Control, or successor agency, shall be subject is the higher of the two following tax rates:

- (1) A minimum tax rate of 10 percent of gross receipts received or generated for each monthly reporting period; or
- (2) \$35.00 per square foot of floor area (annual tax rate) prorated monthly to 1/12 of the annual tax rate amount.

(hi) *Violations and Penalties.*

(1) This section may be enforced in any manner set forth in this Code, or as otherwise provided by law.

(2) All remedies and penalties prescribed by this section or which are available under any other provision of this Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this section.

(23) Any person who violates any provision of this section shall be guilty of a separate offense for each and every day, or any portion thereof, of which any violation of any provision of this section is

committed, continued, or permitted by such person, and shall be punishable as misdemeanor or an infraction, at the discretion of the City Manager and/or City Attorney, and except as otherwise set forth below, the following penalties shall apply:

a. *Penalty for Misdemeanor Violation.* Any person convicted of a misdemeanor under any provision of this section shall be punishable by a fine of not more than \$1,000.00, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

b. *Penalty for Infraction Violation.* Any person convicted of an infraction under any provision of this section shall be punished by:

1. A fine not exceeding \$100.00 for a first violation;
2. A fine not exceeding \$200.00 for a second violation of the same provision within one year; and
3. A fine not exceeding \$500.00 for a third violation and for any additional violation of the same provision within one year.

(34) *Violations Deemed to be a Public Nuisance.* In addition to any penalties otherwise imposed, any violation of the provisions of this section is deemed to be a public nuisance which may be abated in the manner provided by law for the abatement of nuisances.

(45) *Attorneys' Fees and Court Costs.* In addition to any civil and criminal penalties as provided by the provisions of this section or otherwise, the City may recover reasonable attorneys' fees and court costs, and other such expenses of litigation and/or prosecution as it may incur by appropriate lawsuit against the person found to have violated any provisions of this section.

(ij) *City Manager's Authority.* In addition to all other authority provided by state law, the City Council, and this Code, the City Manager shall have the following authority:

(1) For purposes of administration and enforcement of this section generally, the City Manager may from time to time promulgate such administrative interpretations, rules, and/or procedures consistent with the purpose, intent, and express terms of this section as the City Manager deems necessary to implement or clarify such provisions or aid in enforcement.

(2) The City Manager may delegate to, or enter into contracts with, public agencies or private entities to implement, administer, and/or enforce any of the provisions of this section on behalf of the City.

(3) The City Manager may file complaints and reports with the California Department of Cannabis Control, or successor agency, and other state agencies, regarding known or suspected unlicensed or illegal activity by or related to cannabis or cannabis businesses.

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**7.2**  
**ZONING CODE AMENDMENTS**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** July 19, 2023 Regular Meeting  
**SUBJECT:** Zoning Code Amendments

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### Recommendation

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.14 AND SECTIONS 13.04.020, 13.08.010, 13.13.020, 13.15.011, 13.15.015, 13.15.016, 13.15.017, 13.15.020, 13.23.030, AND 13.26.070 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE, AND DETERMINING

AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

**Background**

Title 13 of the Laguna Woods Municipal Code contains the Laguna Woods Zoning Code. Per Laguna Woods Municipal Code Section 13.02.010, the Zoning Code is “adopted pursuant to Section 11 of Article XI of the California Constitution, the State Planning and Zoning Law (Government Code § 65000 et seq.), the California Environmental Quality Act (Public Resources Code § 21000 et seq.), and other applicable State laws” with a purpose to “promote the public health, safety and general welfare in the City of Laguna Woods.”

The current General Plan Housing Element was adopted by the City Council on March 22, 2023 (available on the City’s website ([www.cityoflagunawoods.org](http://www.cityoflagunawoods.org)) or at or from City Hall). The Housing Element contain numerous programs that the City is required to implement to comply with state housing element law.

An earlier version of the proposed ordinance was considered by the City Council at the regular meeting on November 16, 2022. Adoption was suspended thereafter in consideration of then-pending updates to the Housing Element. With the California Department of Housing and Community Development (“HCD”) expressing no concern with the manner in which staff has proposed to address the zoning issues discussed below, a new public hearing has been noticed for today’s meeting.

**Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on proposed amendments of the Laguna Woods Zoning Code (Attachment A). Staff recommends that the City Council conduct a public hearing and initiate the adoption process for the proposed amendments in order to ensure that the Zoning Code is clear and consistent with applicable law and the General Plan.

While additional Zoning Code amendments will be required in the future as part of the implementation of Housing Element programs, the proposed amendments would represent a significant step in implementing Housing Element programs H-1.2.6 and H-1.3.4. The proposed amendments would also make changes necessary to ensure compliance with fair housing laws and repeal outdated provisions related to a land use designation that no longer exists in the General Plan.



Housing Element programs H-1.2.6 and H-1.3.4, as well as a relevant finding provided in HCD’s October 11, 2022 letter (Attachment B), are copied below for ease of reference. A table identifying the rationale for each proposed amendment is also included.

### Housing Element Program H-1.2.6

Amend various, existing housing-related provisions of the Laguna Woods Municipal Code to promote regulatory clarity.

- Section 13.23.030(a)(2)c. Delete “private living space.”  
Note: The language identified for deletion is duplicative within Laguna Woods Municipal Code Chapter 13.23 and is not intended to constrain the development of emergency shelters in a manner that would conflict with Assembly Bill 139 (2019).
- Section TBD. Explicitly identify that low barrier navigation centers are permitted by right in zoning districts where multifamily and mixed uses are permitted, including nonresidential zoning districts permitting multifamily uses pursuant to California Government Code Section 65660.  
Note: The City is required to comply with California Government Code Section 65660 irrespective of whether explicit language is adopted as part of the Laguna Woods Municipal Code.
- Section TBD. Explicitly identify that zoning is consistent with the Employee Housing Act (California Health and Safety Code Section 17000 et seq.), specifically sections 17021.5 and 17021.6.  
Note: The City is required to comply with the Employee Housing Act irrespective of whether explicit language is adopted as part of the Laguna Woods Municipal Code.
- Section 13.15.016(5). Explicitly identify that the required finding for applications for reasonable accommodations to not “result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others” is to be interpreted consistent with 42 U.S.C. § 3604(f)(9).  
Note: The City is required to comply with 42 U.S.C. § 3604(f)(9) irrespective of whether explicit language is adopted as part of the Laguna Woods Municipal Code.

Primary Responsibility: Planning & Environmental Services Department

Anticipated Timeline: Calendar Year 2022  
 Anticipated Funding: General Fund  
 Quantified Objectives: Conforming Ordinance

#### Housing Element Program H-1.3.4

Amend various, existing housing-related provisions of the Laguna Woods Municipal Code to conform to state law.

- Section 13.26.070. Remove the conditional use permit requirement for community care facilities serving seven to 12 persons located in areas where residential uses are permitted.
- Section 13.06.010(d)(395). Revise the zoning definition of “family” to address inconsistencies with state law related to the occupants of community care facilities.
- Sections 13.15.015 and 13.15.016. Remove the public noticing requirements for applications for reasonable accommodations.

Primary Responsibility: Planning & Environmental Services Department  
 Anticipated Timeline: Calendar Year 2022  
 Anticipated Funding: General Fund  
 Quantified Objectives: Conforming Ordinance

#### Excerpted Finding from HCD’s October 11, 2022 Letter

*2. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for*

*occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

While the element details the Reasonable Accommodation policy on pg. B-19 and B-20, the element should also analyze both the public noticing requirements and the finding that “the request will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others” for consistency with fair housing requirements. For example, HUD/DOJ guidance states, “For an accommodation to be denied, the requested accommodation must cause an undue financial and administrative burden, or it would fundamentally alter the nature of the provider’s operations.” Based on this analysis, the element may need to revise or add programs and address and remove or mitigate any identified constraints.

42 U.S.C. § 3604(f)(9) allows applications for reasonable accommodations to be denied when an individual’s tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. To that end, staff does not believe the finding referenced in HCD’s letter constitutes a constraint to the provision of affordable housing. A minor amendment is proposed to explicitly reference applicable federal law.

While the existing public noticing requirements for applications for reasonable accommodations are intended to identify whether information exists to support a finding of a direct threat, case law (e.g., *Township of West Orange v. Whitman*, 8 F.Supp.2d 408 (D.N.J. 1998) and *Wirtz Realty Corporation v. Freund*, 721 N.E.2d 589, 597 (Ill.App. 1999)) makes clear that a high level of objectivity is required when determining whether a direct threat exists. Even when a direct threat exists, the City may be required to approve reasonable accommodations that minimize risk. Due to the complexity of this matter and the potential for HCD to claim that time spent providing public noticing and responding to feedback received (which may or may not relate to municipal matters within the City’s purview such as land use and zoning regulations, policies, and practices) would constitute constraints to the provision of affordable housing, staff recommends deleting the public noticing requirements and, instead, screening applications for objective evidence of a direct threat on a case-by-case basis in a manner consistent with applicable case law.

*Table 1: Rationale for Proposed Amendments*

<b>Laguna Woods Municipal Code Section</b>	<b>Rationale</b>
13.04.020	Conformity with General Plan Land Use Element; the Urban Activities Center land use designation was deleted from the Land Use Element in 2017; the Urban Activities Center zoning district is not applied to any property and its removal would, therefore, not affect the existing zoning on any property
13.08.010 (community care facilities)	Housing Element Program H-1.3.4 (first bullet)
13.08.010 (low barrier navigation centers)	Housing Element Program H-1.2.6 (second bullet)
13.13.020	Housing Element Program H-1.2.6 (second bullet)
13.14	Conformity with General Plan Land Use Element; the Urban Activities Center land use designation was deleted from the Land Use Element in 2017; the Urban Activities Center zoning district is not applied to any property and its removal would, therefore, not affect the existing zoning on any property
13.15.011	Compliance with fair housing laws; updated definitions
13.15.015	Housing Element Program H-1.3.4 (third bullet); HCD Housing Element Findings Letter dated October 11, 2022 (Finding #2)
13.15.016	Housing Element Program H-1.2.6 (fourth bullet); HCD Housing Element Findings Letter dated October 11, 2022 (Finding #2)
13.15.017	Housing Element Program H-1.3.4 (third bullet); HCD Housing Element Findings Letter dated October 11, 2022 (Finding #2)
13.15.020	Compliance with fair housing laws; narrows standing for appeals of decisions on applications for reasonable accommodations to the applicant
13.23.030	Housing Element Program H-1.2.6 (first bullet)
13.26.070	Housing Element Program H-1.3.4 (first bullet)

If the recommended action is taken at today's meeting, staff anticipates scheduling

the second reading and consideration of adoption of the proposed ordinance for the City Council's next regular meeting on August 16, 2023.

### **Environmental Review**

The City Council is asked to find that this project is not subject to further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and section 15060(c)(3) (the activity is not a "project" as defined in Section 15378). CEQA Guidelines section 15378(b)(2) and (5) exclude "[c]ontinuing administrative ... activities" and "administrative activities of governments that will not result in direct or indirect physical changes to the environment" from its definition of "project." The City Council will be asked to find that, even if this item were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. On its own, this action will not result in any physical changes to the environment.

### **Fiscal Impact**

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

### **Documents Available for Review**

Related documents – including the existing and proposed ordinances, General Plan, Laguna Woods Municipal Code, and findings letters from the California Department of Housing and Community Development – are available for public review at or from City Hall during normal working hours. The General Plan and Laguna Woods Municipal Code are also available for review at [www.cityoflagunawoods.org](http://www.cityoflagunawoods.org).

Attachments: A – Proposed Ordinance  
                  Exhibit A – Proposed Code Amendments  
                  B – HCD Findings Letter dated October 11, 2022

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**ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.14 AND SECTIONS 13.04.020, 13.08.010, 13.13.020, 13.15.011, 13.15.015, 13.15.016, 13.15.017, 13.15.020, 13.23.030, AND 13.26.070 OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, Title 13 of the Laguna Woods Municipal Code contains the Laguna Woods Zoning Code; and

**WHEREAS**, staff has recommended amendments of Chapter 13.14 and sections 13.04.020, 13.08.010, 13.13.020, 13.15.011, 13.15.015, 13.15.016, 13.15.017, 13.15.020, 13.23.030, and 13.26.070 of the Laguna Woods Municipal Code (“Code Amendments”) in order to ensure that the Zoning Code is clear and consistent with applicable law and the General Plan; and

**WHEREAS**, on July 19, 2023, the City Council held a duly noticed public hearing on this Ordinance 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

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

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this Ordinance is not subject to further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and section 15060(c)(3) (the activity is not a “project” as defined in Section 15378). CEQA

Guidelines section 15378(b)(2) and (5) exclude “[c]ontinuing administrative ... activities” and “administrative activities of governments that will not result in direct or indirect physical changes to the environment” from its definition of “project.” The City Council will be asked to find that, even if this item were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have a significant effect on the environment. On its own, this action will not result in any physical changes to the environment.

SECTION 3. Chapter 13.14 and sections 13.04.020, 13.08.010, 13.13.020, 13.15.011, 13.15.015, 13.15.016, 13.15.017, 13.15.020, 13.23.030, and 13.26.070 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) calendar 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 Mayor shall sign this Ordinance.

SECTION 7. The 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 8. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

[SIGNATURES ON NEXT PAGE]



PASSED, APPROVED AND ADOPTED this XX day of XX 2023.

\_\_\_\_\_  
CYNTHIA S. CONNERS, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 23-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2023, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2023 by the following vote to wit:

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

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT A  
CODE AMENDMENTS**

***Section 13.04.020 (“Establishment of districts”) of Chapter 13.04 (“Establishment of Zoning Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (deletions shown with ~~strike-through~~).***

**Sec. 13.04.020. - Establishment of districts.**

The incorporated territory of the City of Laguna Woods is hereby divided into zones or districts, as set forth in this title, as determined and defined by officially adopted zoning map. The zoning district map showing the classifications and boundaries of the districts shall, upon adoption in the manner required by the Planning and Zoning Law, be a part of this chapter. The following districts are established:

RC	Residential Community District
RMF	Residential Multifamily District
RT	Residential Towers District
NC	Neighborhood Commercial District
CC	Community Commercial District
PA	Professional and Administrative Office District
CF-P	Community Facilities–Private District
CF-P/I	Community Facilities–Public/Institutional
OS-P	Open Space - Passive District
OS-R	Open Space - Recreation District
<del>UAC</del>	<del>Urban Activities Center District</del>

***The “Community Care Facilities (<6 persons)” row in the permitted residential uses table in 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 (deletions shown with ~~strike-through~~):***

	Districts			
Land Use Types	RMF	RC	RT	Code References
Community Care Facilities ( <del>&lt;6 persons</del> )	P	P	P	13.26.070

*The permitted residential uses table in 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 add the following row in alphabetical order by “Land Use Types” (additions shown with underlining):*

	Districts			
Land Use Types	RMF	RC	RT	Code References
<u>Low Barrier Navigation Centers</u>	<u>P</u>	<u>P</u>	<u>P</u>	

*The permitted community facility uses table in 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 add the following row in alphabetical order by “Land Use Types” (additions shown with underlining):*

	Community Facilities		
Land Use Types	Public/Institutional	Private	Code References
<u>Low Barrier Navigation Centers</u>	<u>P</u>	<u>P</u>	

*Chapter 13.14 (“Urban Activities District (UAC)”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is hereby repealed in its entirety (deletions shown with ~~strike through~~).*

~~**CHAPTER 13.14. – URBAN ACTIVITIES DISTRICT (UAC)**~~

~~**Sec. 13.14.010. – Purpose and intent of district.**~~

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

~~**Sec. 13.14.020. – Comprehensive plan required.**~~

~~Properties designated as UAC shall have an approved comprehensive plan in effect for all properties with such designation within the City prior to improvement of any one parcel within the designated district. Said plan shall be subject to the approval of the City through the procedures for adoption/amendment of a specific plan as outlined in Section 13.24.110, except that it may be initiated by the property owner.~~

~~**Sec. 13.14.030. – Applicability.**~~

~~After a comprehensive plan has become effective, all development and uses for UAC designated properties shall thereafter be in compliance with the regulations as outlined in the comprehensive plan and all other applicable zoning district regulations.~~

~~**Sec. 13.14.040. – Comprehensive plan text.**~~

~~(a) A text shall be adopted by ordinance that specifies the land use regulations and procedures applicable to all UAC designated parcels. Each land use category shall correspond to one or more identified planning areas on a zoning map exhibit.~~

~~(b) When the text refers to any portion of this title and provides for exceptions to the referenced portion, all such exceptions shall be clearly and specifically identified. Regulations for each land use category within the comprehensive plan shall include at least the following:~~

~~(1) Purpose and intent statement. Each land use category shall have a general description and a brief summary explaining the purpose and intent of that land use category.~~

~~(2) Principal permitted uses section. Each such section shall include a list of uses per the following categories, if applicable:~~

~~a. Principal permitted uses not subject to discretionary permit.~~

~~b. Principal permitted uses subject to a site development permit.~~

~~c. Principal permitted uses subject to a use permit.~~

~~(3) Accessory permitted uses section. This section shall be included in any land use category where uses, structures, and activities other than main or principal uses are permitted. When a main or principal use is permitted subject to approval of a discretionary permit, ancillary and accessory uses, structures and activities are also permitted subject to approval of the same discretionary permit.~~

~~(4) Prohibited uses section. Each land use category shall include a prohibited uses section for the purpose of clarifying which land uses and groups of uses, if any, are specifically not permitted.~~

~~(5) Site development standards section. Development standards shall be provided for each land use category and may include but not be limited to the minimum building site area, maximum building height, minimum building setbacks, signage, minimum net area per unit for multifamily development and off-street parking requirements. Additional standards for nonresidential development and may be based upon performance criteria commiserate with supporting documentation consistent with the City's General Plan, including technical reports for traffic, fiscal balance, etc. as applicable and shall include but not be limited to requirements for loading, screening, landscaping, lighting and floor area ratio.~~

~~(6) Boundary description. A precise description, either by record of survey, or metes and bounds, of the external boundaries of all land regulated by the comprehensive plan shall also be included within the text. Such description shall be consistent with the Zoning Map exhibit.~~

~~(7) Conformance with the general plan. A description of how the plan has been developed in conformance with the parameters outlined in the City's land use element, specifically Table LU-4 summary of "Potential Intensity/Density" sections and the criteria as outlined in Section II.C.2 of the General Plan land use element.~~

**~~Sec. 13.14.050. – Statistical summary.~~**

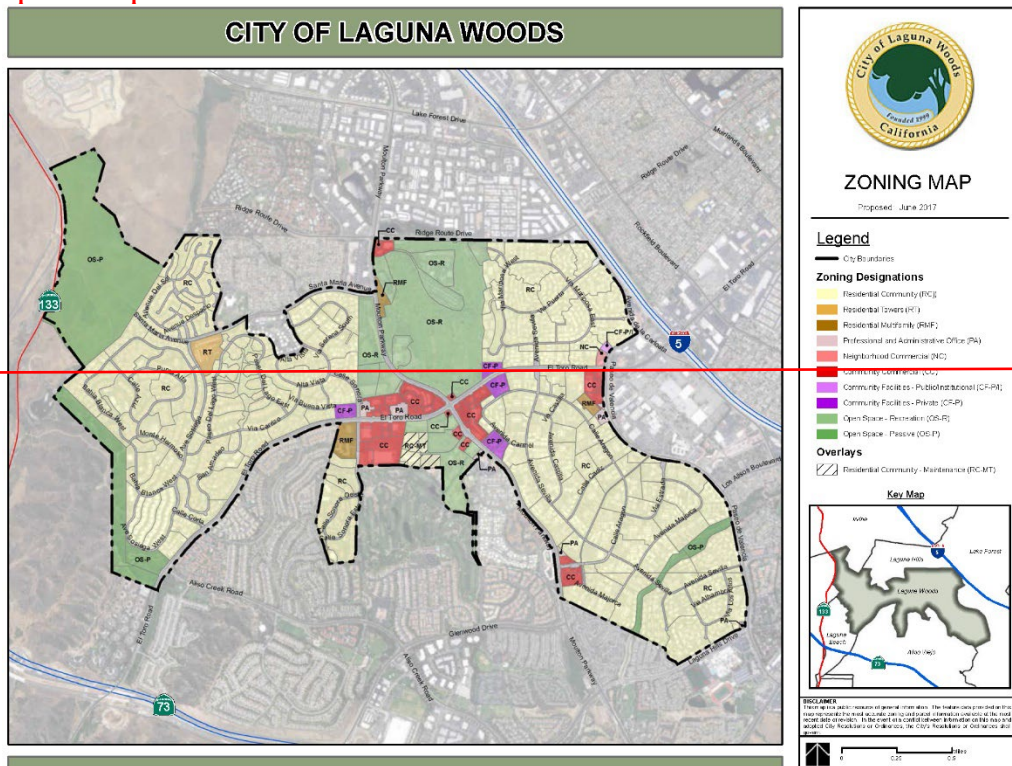
~~(a) A statistical summary shall be adopted by ordinance and shall include information regarding the types of uses proposed, consistent with any limitations as outlined in the City's General Plan, the maximum number of~~

~~dwelling units proposed, the minimum number of acres of open space, the maximum number of acres of nonresidential land, etc. The Director may require any additional statistical information that may be appropriate.~~

~~(b) All such information shown in the statistical summary shall be consistent with the General Plan and the Zoning Map exhibit of the comprehensive plan. Any proposed change in the statistical summary will require an amendment to the comprehensive plan in the manner required by Section 13.24.110 for specific plans.~~

~~**Sec. 13.14.060. – Zoning Map exhibit.**~~

~~The Zoning Map exhibit shall be adopted by ordinance. It shall be drawn in sufficient detail and scale to enable a reader to determine where proposed uses and projects will be located in relation to the City's existing zoning districts and arterial highways. The exterior boundaries of the map shall be precise and consistent with the boundary description included in the comprehensive plan text. Any proposed change in the Zoning Map exhibit will require an amendment in the manner required by Section 13.24.110 for specific plans.~~



**Section 13.15.011 (“Definitions”) of Chapter 13.15 (“Reasonable Accommodations for Persons with Disabilities”) 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. 13.15.011. - Definitions.**

~~As used in this chapter, the following items shall have meanings as set forth below:~~ The following words and phrases shall have the meanings set forth below when used in this chapter:

(a) ~~Director means the City Manager or his/her designee.~~ shall mean the City Manager or his/her/their designee.

(b) ~~Disabled or disability means any person who has a physical or mental impairment that substantially limits one or more major life activities, as may be defined by state or federal law.~~ shall have the same meaning as the terms are defined in fair housing laws.

(c) Fair housing laws shall mean the Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and their implementing regulations and published caselaw.

(ed) ~~Fundamental alteration means a modification that alters the essential nature of a provider's operations.~~ shall have the same meaning as the term is defined in fair housing laws.

(de) ~~Major life activity means those activities that are of central importance to daily life including, but not limited to, seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.~~ shall have the same meaning as the term is defined in fair housing laws.

(ef) ~~Physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by~~



~~current, illegal use of a controlled substance), and alcoholism.~~ shall have the same meaning as the term is defined in fair housing laws.

~~(fg) Reasonable accommodation means a change, exception, or adjustment to a rule, policy, practice, or procedure that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.~~ shall have the same meaning as the term is defined in fair housing laws.

~~(gh) Reviewing authority means the City Manager or his/her designee.~~ shall mean the City Manager or his/her/their designee.

***Section 13.15.015 (“Public notice”) of Chapter 13.15 (“Reasonable Accommodations for Persons with Disabilities”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is hereby repealed in its entirety (deletions shown with ~~strike through~~).***

**~~Sec. 13.15.015. – Public notice.~~**

~~After the Director has deemed an application for reasonable accommodation as complete, the Director shall provide notice of the request for reasonable accommodation as follows:~~

~~(a) In the event that there is no approval, permit, or entitlement sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are immediately adjacent to the property that is the subject of the request.~~

~~(b) In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.~~

***Section 13.15.016 (“Required findings”) of Chapter 13.15 (“Reasonable Accommodations for Persons with Disabilities”) 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. 13.15.016. - Required findings.**

(a) ~~The written decision to approve, approve with conditions, or deny a~~ An application for reasonable accommodation shall be ~~based upon the following findings, all of which are required for approval~~ approved or approved with conditions unless the reviewing authority makes one or more of the following findings:

- (1) The applicant has not demonstrated that the requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws;
- (2) The applicant has not demonstrated that the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
- (3) The requested accommodation will ~~not~~ impose an undue financial or administrative burden on the city;
- (4) The requested accommodation will ~~not~~ result in a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning; and
- (5) The requested accommodation will ~~not~~, under the specific facts of the case and to the extent consistent with 42 U.S.C. § 3604(f)(9), result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

(b) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this section.

***Section 13.15.017 (“Notice of decision”) of Chapter 13.15 (“Reasonable Accommodations for Persons with Disabilities”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (deletions shown with ~~strike-through~~):***

**Sec. 13.15.017. - Notice of decision.**

~~(a)~~ The reviewing authority shall notify the applicant of his/her decision by mailing a written determination to the applicant. The notice of decision shall include factual findings, conclusions, and reasons for the decision; and notify the applicant of the right to appeal the reviewing authority's decision pursuant to Section 13.15.020.

~~(b) Notice of the reviewing authority's decision shall also be given to adjoining property owners and/or other interested persons in the same manner as provided in Section 13.15.015 (a) and (b).~~

*Section 13.15.020 (“Appeals”) of Chapter 13.15 (“Reasonable Accommodations for Persons with Disabilities”) 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. 13.15.020 - Appeals.**

An applicant may appeal ~~T~~the decision of the Director to ~~approve,~~ approve subject to conditions, or deny an application for reasonable accommodation ~~shall be subject to appeal~~ to the City Council pursuant to the procedures set forth in Chapter 13.24.050 of the Municipal Code.

*Section 13.23.030 (“Development and operational standards”) of Chapter 13.23 (“Emergency Shelters”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (deletions shown with ~~strike-through~~):*

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

Emergency shelters shall comply with all standards provided in this chapter

(a) *Development standards.*

(1) *Location and separation.* Emergency shelters shall be situated more than 300 feet from another emergency shelter.

(2) *Physical characteristics.*

ITEM 7.2 – Exhibit A to Attachment A

- a. The maximum number of beds for emergency shelters shall be 20 unless a larger number is approved through a conditional use permit.
- b. The maximum number of beds does not apply in situations of Citywide or statewide designated disasters or catastrophic conditions as determined by the City Council or City Manager.
- c. Emergency shelters shall have adequate ~~private living space~~, shower and toilet facilities, and secure storage areas for its intended clients.
- d. All on-site waiting and client intake areas shall be located in the interior of the emergency shelter and shall be of sufficient size to prevent any such activities from occurring in the exterior of the emergency shelter.

(b) *Operational standards.*

- (1) If an emergency shelter includes a drug or alcohol abuse counseling component, appropriate state and/or federal licensing shall be required.
- (2) Emergency shelters shall limit occupancy by each client to no more than 180 days in a 365-day period.
- (3) Emergency shelters shall conduct all on-site waiting and client intake activities in the interior of the emergency shelter and prevent any such activities from occurring in the exterior of the emergency shelter.
- (4) Emergency shelters shall provide on-site security during all hours of operation, including a minimum of one security guard licensed by the State of California for each 20 clients, unless alternate security arrangements are approved through a conditional use permit.
- (5) Emergency shelters shall provide on-site management during all hours of operation, including a minimum of one supervisor per emergency shelter and a minimum of one additional attendant for

each 20 clients, unless alternate on-site management arrangements are approved through a conditional use permit.

***Section 13.26.070 (“Community care facilities”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (deletions shown with **strike through**):***

**Sec. 13.26.070. - Community care facilities.**

~~(a) Community care facilities serving six or less persons and large family day care homes shall be permitted in any district or specific plan area zoned for residential uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.~~

~~(b) Community care facilities serving seven to 12 persons, except for large family day care homes, shall be permitted in any district, planned community, or specific plan area zoned for residential subject to the issuance of a use permit by the Planning Commission.~~

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



October 11, 2022

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

Dear Christopher Macon:

**RE: City of Laguna Wood's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Laguna Woods (City) housing element adopted and received for review on August 12, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on September 30, 2022 with Christopher Macon, City Manager; Rebecca Pennington, Development Program Analyst; Ryan Bensley and Ashley Davis, Principals at LSA Associates, Inc.

The adopted housing element addresses most statutory requirements described in HCD's April 08, 2022 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows.

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

As stated in the previous review, goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. While the element now includes table AF to demonstrate how programs address fair housing issues, it should still include place-based actions geotargeted to areas of need identified in your Affirmatively Furthering Fair Housing (AFFH) analyses. For example, Census Tract 626.47 scores highest for pollution, Census Tract 626.25 is an outlier in terms of minority composition, Census Tracts 626.22 and 626.25 score lowest in economic

opportunity, and Hispanic and Black populations have lowest access to educational opportunities.

Additionally, actions must have metrics and milestones. While programs include a row for “Quantified Objectives”, many of these are not quantified or contain meaningful metrics. For example, Program H-2.3.1’s quantified objective is “Conforming Code Enforcement Policies.” The City could commit to a metric such as “return approximately X units/year to safe and sanitary conditions. Another example is Program H-2.2.2, which lists the quantitative objective “Report Regarding Investigation; Adopted Incentives (if applicable)”. A quantified metric could be “aim to preserve X at-risk units by end of planning period”.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

While the element details the Reasonable Accommodation policy on pg. B-19 and B-20, the element should also analyze both the public noticing requirements and the finding that “the request will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others” for consistency with fair housing requirements. For example, HUD/DOJ guidance states, “For an accommodation to be denied, the requested accommodation must cause an undue financial and administrative burden, or it would fundamentally alter the nature of the provider’s operations.” Based on this analysis, the element may need to revise or add programs and address and remove or mitigate any identified constraints.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted to comply with the above requirements.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline



cannot be found in compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed and Program H-1.1.1 has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed. Once the City completes the rezone, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City housing element compliance.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the dedication and efforts Christopher Macon, City Manager; and consultants Ryan Bensley and Ashley Davis, provided throughout the course of the housing element review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Mashal Ayobi, of our staff, at [Mashal.Ayobi@hcd.ca.gov](mailto:Mashal.Ayobi@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief