

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, November 15, 2023
2:00 p.m.

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

Cynthia Connors
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/Testimony: The City accepts public comments/testimony in-person and in writing. 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.

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); 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

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

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); 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

11/9/23
Date

OPTIONS FOR PUBLIC COMMENTS/TESTIMONY

1. In-Person

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 by submitting a speaker card to City staff or proceeding to the podium, one-by-one, at the time an item is considered.

Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

Each speaker will have the opportunity to speak for up to three minutes once per agenda item, unless otherwise allowed by the City Council.

Speakers are requested, but not required, to identify themselves, both on speaker cards and in comments/testimony. Speakers are advised that their names and any information submitted on speaker cards or otherwise provided in writing to the City may be disclosed or become a matter of public record. No speaker should expect privacy of such information.

2. In Writing

Written public comments/testimony may be delivered to Laguna Woods City Hall (24264 El Toro Road, Laguna Woods, CA 92637) or sent via email (cityhall@cityoflagunawoods.org) provided that they are received by the City prior to 2:00 p.m. on the day of this meeting.

Written public comments/testimony will be provided to the City Council and included in the City Clerk's written record of this meeting.

Parties submitting written public comments/testimony are requested, but not required, to identify themselves. Parties are advised that their names, email addresses, and any information submitted in writing to the City may be disclosed or become a matter of public record. No party should expect privacy of such information.

STREAM THIS MEETING ONLINE

This meeting will be live streamed on Zoom (audio and/or video).

- Visit www.zoom.us
- Click on "Join" toward the top right of the webpage
- Enter the following meeting ID: 886 7521 6706
- Open the Zoom application following the on-screen prompts
- Enter the following meeting password: 638868
- Enter a name and email address as required by Zoom

Please note that information you enter into Zoom may be publicly visible and/or visible to the City. No party should expect privacy of such information.

I. CALL TO ORDER

Introductory Notes:

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 by submitting a speaker card to City staff or proceeding to the podium, one-by-one, at the time an item is considered.

Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

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II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Nurse Practitioner Week – November 12-18, 2023 (agendized by Mayor Connors)

Recommendation: Approve and present the proclamation.

4.2 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. Pursuant to state law, the City Council is unable to take action on such items, but may ask clarifying questions of the speaker, engage in brief discussion, refer items to City staff, and/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 or City staff requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action. Members of the public may address the City Council on items appearing on the Consent Calendar regardless of whether an item is removed for separate discussion and consideration of action.

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on October 18, 2023.

6.2 City Treasurer's Report

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

6.3 Warrant Register

Recommendation: Approve the warrant register dated November 15, 2023 in the amount of \$1,212,817.58.

6.4 City Engineering and Traffic Operations Services

Recommendation: Approve an assignment agreement assigning the existing agreement with CivilSource, Inc. for city engineering and traffic operations services to NV5, Inc., a California general stock corporation, and authorize the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney.

6.5 American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7

Recommendation:

1. Approve the "Americans with Disabilities Act (ADA)

Pedestrian Accessibility Improvement Project: Phase 7” 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 7” 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. Approve a grant of easement (temporary construction easement) with Synod of Southern California for certain real property located in the city of Laguna Woods, more particularly described as Assessor’s Parcel Number (APN) 616-191-06, and authorize the Mayor to execute the grant of easement and accept the grant of easement on behalf of the City, subject to approval of the grant of easement as to form by the City Attorney.

AND

4. Award a contract agreement to Hardy & Harper, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7”, in the amount of \$81,075.00, 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.

- 6.6 El Toro Road and Moulton Parkway Water Quality Treatment Project

Recommendation: Reject all bids received for the “El Toro Road and Moulton Parkway Water Quality Treatment Project” (bid

opening date of October 12, 2023).

6.7 Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)

Recommendation:

1. Approve the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” design plans and specifications as prepared by the project engineer.

AND

2. Approve a notice of exemption for the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” 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 Hardy & Harper, Inc. for the construction of the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)”, in the amount of \$242,000.00, 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.

VII. PUBLIC HEARINGS

VIII. CITY COUNCIL BUSINESS

8.1 Zoning Code Amendments

Recommendation: Approve second reading and adopt 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 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.010 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

8.2 Objective Design Standards

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 11.10 TO TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

8.3 City Council Meeting Schedule

Recommendation: Schedule an adjourned regular meeting of the City Council for the week of December 11, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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 Conners
- 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 Conners; 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

Closed Session Note: While members of the public are not permitted to attend closed session, prior to convening in closed session, the City Council will accept public comments on items appearing on the closed session agenda.

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting: Wednesday, December 20, 2023 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

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4.1
NURSE PRACTITIONER WEEK
– NOVEMBER 12-18, 2023
(AGENDIZED BY MAYOR CONNERS)

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**Proclamation
City of Laguna Woods
Nurse Practitioner Week
November 12-18, 2023**

WHEREAS, nurse practitioners serve as trusted frontline providers of health care for patients in California; and

WHEREAS, nurse practitioners are advanced practice registered nurses who have advanced clinical education and training building upon their initial registered nurse preparation; and

WHEREAS, there are 270,000 licensed nurse practitioners in the United States, and over 30,000 nurse practitioners in California, providing primary, acute, and specialty care to patients of all ages and walks of life; and

WHEREAS, nurse practitioners diagnose, treat, and prescribe medications and other treatments to patients through a caring, patient-centered, holistic model of care; and

WHEREAS, over one billion patient visits occur annually to nurse practitioners across the United States; and

WHEREAS, five decades of research demonstrates the high quality of care provided by nurse practitioners.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim November 12-18, 2023 as “Nurse Practitioner Week” in the City of Laguna Woods in recognition and honor of the countless contributions that nurse practitioners have made over the past half century, and will continue to make, to personal health and well-being.

Dated this 15th day of November, 2023

Cynthia S. Conners
Mayor

Attest: Yolie Trippy, CMC
City Clerk

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4.2
CITY HALL/PUBLIC LIBRARY PROJECT 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: November 15, 2023 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the November 15, 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 November 15, 2023 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on October 18, 2023.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of October 2023. In response to discussion at the September 20, 2023 City Council meeting, staff plans to modify the format of the City Treasurer's Report beginning next month. In the meantime, please note the following distinctions regarding fund types:

- General Fund – The General Fund is the City’s primary operating fund and is used to account for the proceeds of revenue sources that are not legally restricted or committed to expenditures for specified purposes.
 - Special Revenue Funds – Special Revenue Funds are used to account for the proceeds of revenue sources that are legally restricted or committed to expenditures for specified purposes.
- 6.3 Approval of the warrant register dated November 15, 2023 in the amount of 1,212,817.58. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.
- 6.4 Approval of an assignment agreement assigning the existing agreement with CivilSource, Inc. for city engineering and traffic operations services to NV5, Inc., a California general stock corporation, and authorization for the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney. The City entered into an agreement with CivilSource, Inc. for city engineering and traffic operations services on July 1, 2015. NV5, Inc. subsequently purchased CivilSource. The proposed agreement memorializes NV5’s responsibility for the agreement entered into with CivilSource.
- 6.5 [1] Approval of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7” 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 7” 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] Approval of a grant of easement (temporary construction easement) with Synod of Southern California for certain real property located in the city of Laguna Woods, more particularly described as Assessor’s Parcel Number

(APN) 616-191-06, and authorization for the Mayor to execute the grant of easement and accept the grant of easement on behalf of the City, subject to approval of the grant of easement as to form by the City Attorney.

AND

[4] Award of a contract agreement to Hardy & Harper, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7”, in the amount of \$81,075.00, 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.

- 6.6 Rejection of all bids received for the “El Toro Road and Moulton Parkway Water Quality Treatment Project” (bid opening date of October 12, 2023). Only one bid was received during this second round of bidding (see table below). The sole bidder’s bid amount is significantly higher than the City’s construction cost estimate of \$192,000. Staff recommends rejecting all bids and rebidding this project.

Bidder	Bid Amount
GCI Construction, Inc.	\$556,848

The El Toro Road and Moulton Parkway Water Quality Treatment Project is included in the Fiscal Years 2023-34 Capital Improvement Program and involves the construction of a modular wetland system unit on westbound El Toro Road east of Aliso Creek Road near Woods End Wilderness Preserve, and a vegetated swale on southbound Moulton Parkway between City Centre Park and El Toro Road.

- 6.7 [1] Approval of the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” design plans and specifications as prepared by the project engineer.

AND

[2] Approval of a notice of exemption for the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” 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 Hardy & Harper, Inc. for the construction of the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)”, in the amount of \$242,000.00, 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.

6.1
CITY COUNCIL MINUTES

**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
REGULAR MEETING
October 18, 2023
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

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

II. ROLL CALL

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

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.

Mayor Conners noted that Councilmember Moore is absent due to her attendance at the CALAFCO Conference.

III. PLEDGE OF ALLEGIANCE

Jim Beres, City of Laguna Beach, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

- 4.1 Certificate of Commendation for the Chinese American Club of Laguna Woods Village's 2023 Mid-Autumn Festival
(agendized by Mayor Conners)

City Clerk Trippy read the commendation.

Mike Yang, Chinese American Club of Laguna Woods Village, made comments.

Councilmembers made comments.

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried

unanimously on a 4-0 vote, with Councilmember Moore absent, to approve and present the certificate of commendation.

Mayor Conners called for a brief recess at 2:09 p.m.

The meeting was called back to order at 2:13 p.m.

- 4.2 Presentation Regarding Coyote Activity and Living Wildlife – Laguna Beach/Laguna Woods Animal Services
(agendized by Mayor Conners)

Jim Beres, City of Laguna Beach, introduced the item.

Justin Taguchi, Animal Services Officer, made a presentation.

Councilmembers made comments and Mr. Beres and Mr. Taguchi responded to questions.

- 4.3 Presentation Regarding Laguna Woods Mobility Technology Plan – Arcadis IBI Group, Inc.

City Manager Macon introduced the item.

Steve Wilks, Associate with Arcadis IBI Group and Josh Albertson, Mobility Specialist with Arcadis IBI Group, made a presentation.

Councilmember McCary left the meeting at 2:48 p.m. and returned at 2:50 p.m.

City Manager Macon made comments.

Councilmembers made comments and Mr. Wilks and Mr. Albertson responded to questions.

- 4.4 Quarterly Presentation Regarding Status of the Fiscal Years 2023-34 Capital Improvement Program – City staff

Mayor Conners stated that staff requested to pull this item off the agenda.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Catherine Weinberg, representing Kolnick, Inc., Foodline, Inc., Robert Lewis Porter, Gloria Jean Porter, and Mary Louise Furia, commented on a nuisance abatement lawsuit filed by the City regarding a former, illegal cannabis dispensary at 24365 El Toro Road.

Mayor Conners briefly responded to Ms. Weinberg's comments.

Drew Israelsky, member of the public, commented on a nuisance abatement lawsuit filed by the

City regarding a former, illegal cannabis dispensary at 24365 El Toro Road.

David Porter, member of the public, commented on a nuisance abatement lawsuit filed by the City regarding a former, illegal cannabis dispensary at 24365 El Toro Road.

Mayor Connors made brief comments.

Thomas Fleming, member of the public, commented on his experiences in Laguna Woods.

VI. CONSENT CALENDAR

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to approve Consent Calendar items 6.1 – 6.4.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on September 20, 2023.

6.2 City Treasurer’s Report

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

6.3 Warrant Register

Approved the warrant register dated October 18, 2023 in the amount of \$644,765.11.

6.4 Disability-related Complaints and Grievances Policy

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AMENDMENTS TO ADMINISTRATIVE POLICY 3.2 PERTAINING TO RECEIVING AND RESPONDING TO COMPLAINTS AND GRIEVANCES ALLEGING NON-EMPLOYMENT-RELATED DISCRIMINATION ON THE BASIS OF DISABILITY IN THE PROVISION OF SERVICES, ACTIVITIES, PROGRAMS, OR BENEFITS BY THE CITY OF LAGUNA WOODS

VII. PUBLIC HEARINGS

7.1 Conditional Use Permit CUP-2023-0003 to allow for the lease or rental of off-street parking spaces for motor vehicles, as well as modifications to the existing configuration and number of off-street parking spaces and addition of a new restroom and hand washing station, within an existing parking lot, at 23810 Via Campo Verde, Laguna Woods, CA

92637.

City Manager Macon made a presentation. He noted that the proposed recommendation includes deleting the word “pertinent” from the third recital in the proposed resolution.

Mayor Conners opened the public hearing.

Thomas Fleming, member of the public, provided testimony, including inquiries about the portable restroom.

Mayor Conners briefly responded to Mr. Fleming’s testimony.

Steve Moyer, CEO of Age Well Senior Services, provided testimony and briefly responded to Mr. Fleming’s testimony.

Councilmembers briefly responded to Mr. Moyer’s testimony.

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

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-2023-0003 TO ALLOW FOR THE LEASE OR RENTAL OF OFF-STREET PARKING SPACES FOR MOTOR VEHICLES, AS WELL AS MODIFICATIONS TO THE EXISTING CONFIGURATION AND NUMBER OF OFF-STREET PARKING SPACES AND ADDITION OF A NEW RESTROOM AND HAND WASHING STATION, WITHIN AN EXISTING PARKING LOT, AT 23810 VIA CAMPO VERDE, LAGUNA WOODS, CA 92637, DETERMINING AND CERTIFYING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15301 AND 15303 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

with the word “pertinent” deleted from the third recital.

City Manager Macon requested that Item 8.1 be moved to next on the agenda. There were no objections.

VIII. CITY COUNCIL BUSINESS

8.1 Unfunded Retirement Liability

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Hatch, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND 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, RELATED TO LUMP SUM PAYMENTS TO PAY OFF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) UNFUNDED ACCRUED LIABILITY, AND MAKING RELATED AUTHORIZATIONS

VII. PUBLIC HEARINGS

7.2 Zoning Code Amendments

City Manager Macon made a presentation. He noted that the proposed recommendation includes deleting the proposed addition of “community care facility,” to the definition of “family” in Laguna Woods Municipal Code Section 13.26.010(d)(395).

Mayor Conners opened the public hearing.

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

Moved by Councilmember Horne, seconded by Councilmember McCary, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to 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 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.010 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

without the proposed addition of “community care facility,” to the definition of “family” in Laguna Woods Municipal Code Section 13.26.010(d)(395).

7.3 Objective Design Standards

City Manager Macon made a presentation. He noted that the proposed recommendation includes the following revisions to the code amendments:

- Sec. 11.10.020(10) [*Definition of “Awning”*] -- Change “weather projection” to “weather protection”
- Sec. 11.10.020(80) [*Definition of “Light Box Sign”*] -- Change “which may includes images” to “which may include images”
- Sec. 11.10.020(115) [*Definition of “Wall”*] -- Delete “than three, used to enclose space.”
- Sec. 11.10.050(7) [*Prohibited Design Elements*] -- Change “sparking” to “sparkling”
- Sec. 11.10.100(3) [*Design Standards for Residential Projects*] -- Change “wall pane shall be” to “wall plane shall be”
- Sec. 11.10.060(1) [*Driveways; public streets*] –
To the extent that such reconstruction results in ~~all or a portion of any driveway or adjacent sidewalk extending beyond the~~ any discrepancy between the new driveway and/or new adjacent sidewalk and 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 prior occupying~~ such discrepancy shall be resolved prior to occupying any newly constructed or expanded buildings or structures the result of which requires compliance with this chapter.

Mayor Connors opened the public hearing.

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

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to 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, ADDING CHAPTER 11.10 TO TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

with the revisions to Exhibit A (Code Amendments) proposed by staff.

VIII. CITY COUNCIL BUSINESS

8.2 City Council Meeting Schedule

City Manager Macon made comments.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Hatch, and carried unanimously on a 4-0 vote, with Councilmember Moore absent, to schedule an adjourned regular meeting of the City Council for October 25, 2023, at 3:30 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

No report.

9.2 Orange County Fire Authority

Mayor Pro Tem Hatch provided a report and shared three videos regarding Orange County Fire Authority matters.

Mayor Connors requested advance notification of next year's girls' empowerment camp.

Division Chief Hunter, Orange County Fire Authority, made comments.

9.3 Orange County Library Advisory Board

No report.

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.

Mayor Connors reported on a meeting with Orange County Supervisor Katrina Foley.

9.6 South Orange County Watershed Management Area

No report.

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

The meeting was adjourned at 4:38 p.m. The next adjourned regular meeting will be at 3:30 p.m. on Wednesday, October 25, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. The next regular meeting will be at 2 p.m. on Wednesday, November 15, 2023, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: November 15, 2023

CYNTHIA S. CONNERS, Mayor

6.2 CITY TREASURER'S REPORT

**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 October 31, 2023

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 9/30/23	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 10/31/23	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 1)	\$ 574,295	\$ 455,418	\$ (1,212,766)	\$ 800,000	\$ 616,947	4.67%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ 8,467	\$ 31,983	\$ (18,778)	\$ -	\$ 21,672	0.16%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 27,776	\$ 26,955	\$ (31,983)	\$ -	\$ 22,749	0.17%	
Petty Cash	\$ 800	\$ -	\$ (52)	\$ -	\$ 748	0.01%	
Laguna Woods Civic Support Fund Checking Account	\$ 46,495	\$ 0.19	\$ -	\$ -	\$ 46,495	0.35%	
Total Cash and Cash Equivalents	\$ 657,833	\$ 514,356	\$ (1,263,578)	\$ 800,000	\$ 708,611	5.36%	100.00%
Pooled Money Investment Accounts							
Local Agency Investment Fund (LAIF - fair value) (Notes 2 and 3)	\$ 787,402	\$ 8,499	\$ -	\$ -	\$ 795,901	6.02%	
Orange County Investment Pool (OCIP - fair value) (Notes 2 and 3)	\$ 7,255,001	\$ -	\$ -	\$ (800,000)	\$ 6,455,001	48.86%	
Total Pooled Money Investment Accounts	\$ 8,042,403	\$ 8,499	\$ -	\$ (800,000)	\$ 7,250,902	54.89%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit - non-negotiable (fair value) (Note 2)	\$ 5,249,095	\$ -	\$ -	\$ 2,069	\$ 5,251,164	39.75%	
Total Investments - Interest and Income Bearing	\$ 5,249,095	\$ -	\$ -	\$ 2,069	\$ 5,251,164	39.75%	90.00%
TOTAL	\$ 13,949,331	\$ 522,854	\$ (1,263,578)	\$ 2,069	\$ 13,210,677	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments:

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (2,970,944)	\$ 3,587,891	\$ 616,947
Cash Balances, MBS Account	\$ 21,672	\$ -	\$ 21,672
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 22,749	\$ -	\$ 22,749
Petty Cash	\$ 748	\$ -	\$ 748
LAIF	\$ 795,901	\$ -	\$ 795,901
OCIP	\$ 6,455,001	\$ -	\$ 6,455,001
Certificates of Deposit	\$ 5,251,164	\$ -	\$ 5,251,164
Laguna Woods Civic Support Fund Checking Account	\$ -	\$ 46,495	\$ 46,495
Totals	\$ 9,576,290	\$ 3,634,387	\$ 13,210,677

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



City of Laguna Woods
City Treasurer's Report
 For the Month Ended October 31, 2023

ITEM 6.2

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
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	244,718	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	239,522	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	244,483	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	244,912	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	244,878	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	199,962	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	242,202	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	241,293	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	242,981	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	233,076	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGJ9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	94,731	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	235,565	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	242,680	245,000	5.050	Monthly	06/24/23	Yellow**	5.050	05/27/25
37424PAG9	2023-9	GESA CR UN	24 months	07/19/23	07/31/23	245,000	244,339	245,000	5.500	Monthly	08/31/23	Green***	5.500	07/31/25
59524LAA4	2023-1	MID CAROLINA CR UN	36 months	03/07/23	03/13/23	200,000	197,828	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	242,423	245,000	5.000	Semi-Annual	09/30/23	Green**	5.000	03/31/26
87868YQA6	2023-7	TECHNOLOGY CR UN	36 months	05/19/23	05/30/23	245,000	242,810	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	231,768	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	241,232	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	228,188	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	236,964	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	193,670	200,000	4.600	Monthly	04/08/23	Green*	4.600	03/08/28
89854LAD5	2023-8	TTCU FED CR UN	60 months	07/19/23	07/26/23	245,000	240,940	245,000	5.000	Monthly	08/26/23	Green***	5.000	07/26/28
		Accrued Interest - Month End					22,749							
Total CDs						5,350,000	5,273,913	5,350,000						

(*) 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)

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
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	815,569	795,901	815,569	Note 3	Quarterly	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	6,531,880	6,455,001	6,531,880	Note 3	Monthly	N/A	N/A	N/A	N/A
Total PMIA						7,347,449	7,250,902	7,347,449						

(See NOTES on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
 For the Month Ended October 31, 2023

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 9/30/23	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 10/31/23
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2) <small>(CERBT holds all assets and administers the OPEB Trust)</small>	\$ 124,383	\$ -	\$ (9)	\$ (3,761)	\$ 120,613
Employer Pension Contributions Trust					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2) <small>(CEPPT holds all assets and administers the Employer Pension Contributions Trust)</small>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total Other Funds - Held in Trust	<u>\$ 124,383</u>	<u>\$ -</u>	<u>\$ (9)</u>	<u>\$ (3,761)</u>	<u>\$ 120,613</u>

(See NOTES on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended October 31, 2023

CASH AND INVESTMENTS

Notes:

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

Note 2 - During October 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 (\$19,668.21) to reflect the fair market value of the investment at June 30, 2023.

OCIP / The City made no deposits to the OCIP account and withdrew \$800,000, which was deposited to the City's checking account for cash flow purposes. The balance includes an adjustment in the amount of (\$76,879.24) to reflect the fair market value of the investment at June 30, 2023.

Investments / There were no maturities of investments. Investments were adjusted in the amount of (\$2,259.55) to report balances at fair market value as of October 31, 2023.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net loss of (\$3,769.41) in October 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 October 2023 net of related fees were:

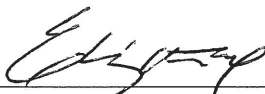
Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$8,498.80	July 2023 thru September 2023	See Notes	January 2024	Total pool interest yield for October 2023 was 3.670% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$0.00	See Notes	See Notes	January 2024	The OCIP October 2023 statement had not been received at the time of this report, balance reported is as of September 30, 2023. Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at September 30, 2023 was \$75,588.48. September 30, 2023 interest rate was 4.074% and fees were 0.050%, for a net yield of 4.024%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$31,982.56 and transferred out \$18,777.50 in cash balances to the City's checking account in October 2023. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has \$22,748.62 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.


 Elizabeth Torres, City Treasurer

11/9/23
 Date

6.3 WARRANT REGISTER

**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
November 15, 2023**

ITEM 6.3

This Report Covers the Period 10/01/2023 through 10/31/2023

Date	Vendor Name	Description	Amount	
Debit	Automatic Bank Debits:			
Debit 10/02/2023	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / September 2023	1,924.10	
Debit 10/03/2023	AUTHORIZE.NET	Online Credit Card Processing Fees / September 2023	12.00	
Debit 10/06/2023	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 09/09/2023 & 09/23/2023	448.38	
Debit 10/06/2023	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / October 2023	253,453.70	
Debit 10/10/2023	NAVIA BENEFIT SOLUTIONS	125 Cafeteria Plan Administration / September 2023	100.00	
Debit 10/10/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 09/09/2023	3,516.10	
Debit 10/10/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 09/09/2023	1,899.33	
Debit 10/11/2023	CALPERS - HEALTH	Employee Benefit Program / October 2023	7,846.79	
Debit 10/11/2023	ADP TAX	Payroll Taxes / Pay Period Ended 10/06/2023	9,877.49	
Debit 10/11/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 10/06/2023	23,423.28	
Debit 10/13/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 10/06/2023	2,270.00	
Debit 10/16/2023	U.S. BANK	Bank Service Charges / September 2023	36.95	
Debit 10/19/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / October 2023	21.01	
Debit 10/19/2023	CALPERS - RETIREMENT	Prepay Unfunded Accrued Liability / Retirement Plan 27266	36,115.00	
Debit 10/19/2023	CALPERS - RETIREMENT	Prepay Unfunded Accrued Liability / Retirement Plan 3401	270,810.00	
Debit 10/24/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 09/22/2023	3,516.10	
Debit 10/24/2023	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 09/22/2023	1,994.74	
Debit 10/26/2023	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / October 2023	1,246.68	
Debit 10/26/2023	ADP TAX	Payroll Taxes / Pay Period Ended 10/21/2023	8,442.63	
Debit 10/26/2023	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 10/21/2023	18,947.96	
Debit 10/27/2023	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 10/20/2023	1,420.00	
Check Number	Warrants:			
7009	10/06/2023	BALLIET, MICHAEL	Waste Management Consulting Services / July - August 2023	1,250.00
7010	10/06/2023	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / September 2023	23,352.30
7011	10/06/2023	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / August 2023	9,584.00
7012	10/06/2023	COUNTY OF ORANGE	Aliso Creek Watershed Cost-Share / Fiscal Year 2023-24	7,283.42
7013	10/06/2023	COUNTY OF ORANGE	Newport Bay Watershed Cost-Share / Fiscal Year 2023-24	6,931.44
7014	10/06/2023	CSMFO	Budget Awards Program Application	150.00
7015	10/06/2023	ECONOMIC & PLANNING SYSTEMS, INC.	Planning Services / July - August 2023	6,422.50
7016	10/06/2023	EPIC IO TECHNOLOGIES, INC.	City Hall Internet Service / October 2023	171.45
7017	10/06/2023	GOVERNMENT FINANCE OFFICERS	Membership Dues / October 2023 - September 2024	190.00
7018	10/06/2023	RUTAN & TUCKER, LLP	Legal Services / August 2023	28,271.91
7019	10/06/2023	WM CURBSIDE, LLC	HHW & Sharps Program / September 2023	3,225.51
7020	10/16/2023	360CIVIC	Website Hosting / September 2023	200.00
7021	10/16/2023	ACC BUSINESS	City Hall Internet Service / August 2023	608.66
7022	10/16/2023	AETNA BEHAVIORAL HEALTH, LLC	Employee Benefit Program / November 2023	12.18
7023	10/16/2023	AT&T	Telephone / 452-0600 / September 2023	2,419.73
7024	10/16/2023	AT&T	Telephone / 458-3487 / September 2023	47.80
7025	10/16/2023	AT&T	White Pages / October 2023	4.28
7026	10/16/2023	AT&T	Telephone / 639-0500 / September 2023	227.78
7027	10/16/2023	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / September 2023	2,092.08
7028	10/16/2023	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / July - September 2023	730.80

CITY OF LAGUNA WOODS

ITEM 6.3

WARRANT REGISTER

November 15, 2023

This Report Covers the Period 10/01/2023 through 10/31/2023

Date	Vendor Name	Description	Amount	
7029	10/16/2023	COUNTY OF ORANGE	Automated Fingerprint ID System / October 2023	636.00
7030	10/16/2023	DEPARTMENT OF CONSERVATION	Strong Motion Instrumentation & Seismic Hazard Mapping Fee / July - September 2023	878.67
7031	10/16/2023	FIRST RESPONSE AIR CONDITIONING & HEATING INC.	City Hall Maintenance	485.00
7032	10/16/2023	GEOSYNTEC CONSULTANTS, INC	Engineering Services	5,179.50
7033	10/16/2023	INSTANT INFORMATION TECHNOLOGY	IT Services	771.88
7034	10/16/2023	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / September 2023	575.00
7035	10/16/2023	KONE INC.	City Hall Elevator Maintenance / October 2023	232.31
7036	10/16/2023	ON POINT LAND SURVEYING, INC	Survey Document Preparation	2,700.00
7037	10/16/2023	RINGCENTRAL, INC.	Telephone Services / September 2023	6,410.26
7038	10/16/2023	SMITH ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 4	7,000.00
7039	10/16/2023	SOUTHERN CALIFORNIA GAS COMPANY	Gas Service - City Hall / September 2023	17.96
7040	10/16/2023	SWEEPING CORPORATION OF AMERICA	Street Sweeping Services / September 2023	3,480.00
7041	10/16/2023	TRIEPEI, SMITH AND ASSOCIATES, INC.	Broadcasting Services / September 2023	831.25
7042	10/17/2023	AUSTIN JAMES POSTOVOIT	Payroll / Period Ending October 6, 2023	152.97
7043	10/17/2023	REBECCA PENNINGTON	Payroll / Period Ending October 17, 2023	2,457.48
7044	10/20/2023	4LEAF, INC	Planning Services	7,125.00
7045	10/20/2023	ABOUND FOOD CARE	Edible Food Recovery Program Services / September 2023	380.92
7046	10/20/2023	ALISO CREEK MINUTEMAN PRESS	Printing Services	118.52
7047	10/20/2023	AT&T	Telephone / 581-9821 / September 2023	54.51
7048	10/20/2023	AT&T	Telephone / 583-1105 / September 2023	24.67
7049	10/20/2023	BEAR ELECTRICAL SOLUTIONS, INC.	Traffic Signal Maintenance / September 2023	5,673.00
7050	10/20/2023	BROWN ARMSTRONG ACCOUNTANCY CORPORATION	Audit Services / Fiscal Year 2022-23	11,000.00
7051	10/20/2023	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / July - August 2023	23,591.08
7052	10/20/2023	CALIFORNIA YELLOW CAB	Senior Mobility Program Transportation Services / September 2023	18,797.40
7053	10/20/2023	COUNTY OF ORANGE	NPDES Water Quality Support Annual Fee / Fiscal Year 2023-24	42,061.49
7054	10/20/2023	FUSCOE ENGINEERING, INC.	Engineering Services	3,300.00
7055	10/20/2023	GEOSYNTEC CONSULTANTS, INC	Engineering Services	12,938.25
7056	10/20/2023	HDL COREN & CONE	ACFR Services / Fiscal Year 2022-23	1,095.00
7057	10/20/2023	INTERPRETING SERVICES INTERNATIONAL, LLC	Translation Services	564.30
7058	10/20/2023	INTERWEST CONSULTING GROUP	Building Official, Permit Counter & Inspection Services / July - September 2023	223,531.20
7059	10/20/2023	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / August 2023	1,890.00
7060	10/20/2023	LSA ASSOCIATES, INC.	Planning Services / August 2023	840.00
7061	10/20/2023	MARC DONOHUE	Administrative Services / October 2023	200.00
7062	10/20/2023	OMNI ENTERPRISE INC	Janitorial Services / September 2023	2,000.00
7063	10/20/2023	ORANGE COUNTY REGISTER-NOTICES	Public Notices / September 2023	3,962.14
7064	10/20/2023	PARK CONSULTING GROUP, INC	Software Consulting Services / August - September 2023	3,237.50
7065	10/20/2023	PASCO DOORS	City Hall Maintenance	745.00
7066	10/20/2023	PV MAINTENANCE INC	Street, City Hall & Maintenance Services / September 2023	10,011.01
7067	10/20/2023	RICOH USA, INC.	Copier Lease / November 2023	246.57
7068	10/20/2023	RICOH USA, INC.	Copier Usage / July - September 2023	1,537.08
7069	10/20/2023	RJM DESIGN GROUP	Landscape Architectural Services / July & September 2023	11,942.95
7070	10/20/2023	SOUTHERN CALIFORNIA EDISON	Electric Services / August - September 2023	8,871.48
7071	10/20/2023	SOUTHERN CALIFORNIA SHREDDING,	Shredding Services / September 2023	400.00
7072	10/20/2023	STAPLES	Office & Janitorial Supplies	715.08
7073	10/20/2023	VERIZON WIRELESS	Building iPads Data Plans / September 2023	120.03

**CITY OF LAGUNA WOODS
WARRANT REGISTER
November 15, 2023**

This Report Covers the Period 10/01/2023 through 10/31/2023

Date	Vendor Name	Description	Amount	
7074	10/20/2023	WILLDAN ENGINEERING	Code Enforcement Services / August - September 2023	20,845.00
7075	10/27/2023	COUNTY OF ORANGE	800 MHz Communication Charges / October - December 2023	1,400.00
7076	10/27/2023	GOVERNMENT FINANCE OFFICERS	Annual Governmental GAAP Update Webinar	150.00
7077	10/27/2023	ITERIS, INC	Traffic Engineering / September 2023	5,738.00
7078	10/27/2023	MISSION SQUARE RETIREMENT	Quarterly Plan Fee / October - December 2023	125.00
7079	10/27/2023	MITCHELL GENERAL CONTRACTORS, INC,	Waste Diversion Deposit Refund	900.00
7080	10/27/2023	SHARESQUARED, INC.	Building Document Tracking Project	7,215.00
7081	10/27/2023	SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS	Annual Dues / Fiscal Year 2023-24	2,265.00
7082	10/27/2023	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / September 2023	2,773.35
7083	10/27/2023	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	2,005.26
7084	10/27/2023	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / November 2023	68.43
			Total Bank Debits and Warrants:	\$ 1,212,765.58

Petty Cash Expenditures Paid Out (See Note 2)

Orange County Clerk-Recorder Document Recording Fee

Total Petty Cash: \$52.00

TOTAL \$ 1,212,817.58

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 October 2023, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and McCary.

Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished.

Note 3 - The table below summarizes credit card expenditures paid via Check #7083 to U.S. Bank totaling \$2,005.26:

FedEx Office	Binding Services	\$40.33
Stamps.com	Postage	\$29.99
Microsoft	Office 365 Subscription	\$162.00
Microsoft	Office 365 Subscription	\$475.00
Zoom	Video Conferencing	\$31.98
esri	GIS Software License	\$550.00
Network Solutions	Domain Registration	\$121.96
GovernmentJobs.com	Job Posting	\$199.00
American Planning Association	Job Posting	\$395.00
		Total Credit Card Reimbursement:
		\$2,005.26

CITY OF LAGUNA WOODS
WARRANT REGISTER
November 15, 2023

This Report Covers the Period 10/01/2023 through 10/31/2023

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.


Elizabeth Torres, Administrative Services Director/City Treasurer

11/9/23
Date

6.4
CITY ENGINEERING AND TRAFFIC
OPERATIONS SERVICES

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

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ASSIGNMENT AGREEMENT

This ASSIGNMENT AGREEMENT (“ASSIGNMENT”) is made and entered into as of _____, by and among NV5, Inc., a California general stock corporation (“ASSIGNEE”) and the City of Laguna Woods, a California municipal corporation (“CITY”) with reference to the following facts:

A. CITY and CivilSource, Inc. (“ASSIGNOR”) entered that certain AGREEMENT FOR CONSULTANT SERVICES (“AGREEMENT”) for city engineering and traffic operations services, dated July 1, 2015, following CITY’s City Council’s approval of the same on June 17, 2015.

B. Per Section 17 of the AGREEMENT, ASSIGNOR “shall not assign or transfer this Agreement or any portion of this AGREEMENT or the performance of any of [ASSIGNOR]’s duties or obligations under this AGREEMENT without the prior written consent of the City Council.”

C. On or about December 6, 2016, ASSIGNEE purchased ASSIGNOR (“ASSIGNMENT DATE”).

D. On and after the ASSIGNMENT DATE, ASSIGNEE desires to assume the AGREEMENT in its entirety and all of ASSIGNOR’s duties and obligations under the AGREEMENT.

E. CITY consents to the assignment of the AGREEMENT from ASSIGNOR or ASSIGNEE.

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

1. On and after the ASSIGNMENT DATE, ASSIGNEE assumes and agrees to perform all terms, covenants and conditions of the AGREEMENT on the part of the ASSIGNOR therein required to be performed arising on or after the ASSIGNMENT DATE subject to the terms of the AGREEMENT.

2. The parties intend that this ASSIGNMENT is a novation and that, on and after the ASSIGNMENT DATE, the ASSIGNEE is substituted for ASSIGNOR. CITY recognizes ASSIGNEE as ASSIGNOR’S successor-in-interest in and to the AGREEMENT.

3. The person or persons executing this ASSIGNMENT on behalf of ASSIGNEE represent and warrant that he/she/they has/have the authority to so execute this ASSIGNMENT and to bind ASSIGNEE to the performance of its obligations under the AGREEMENT.

4. This ASSIGNMENT may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same document. An email or similar transmission of a counterpart executed by a party hereto will be regarded as executed by such party for purposes hereof.

IN WITNESS WHEREOF, ASSIGNOR and ASSIGNEE have executed this ASSIGNMENT as of the date first set forth above.

ASSIGNEE:

NV5, Inc.

By: _____

Name: _____

Title: _____

With consent of the City of Laguna Woods.

CITY OF LAGUNA WOODS:

By _____

Christopher Macon, City Manager

APPROVED AS TO FORM:

Alisha Patterson, City Attorney

6.5

**AMERICAN WITH DISABILITIES ACT (ADA)
PEDESTRIAN ACCESSIBILITY IMPROVEMENT
PROJECT: PHASE 7**

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: November 15, 2023 Regular Meeting

SUBJECT: Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7

Recommendation

1. Approve the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7” 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 7” 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. Approve a grant of easement (temporary construction easement) with Synod of Southern California for certain real property located in the city of Laguna Woods, more particularly described as Assessor’s Parcel Number (APN) 616-191-06, and authorize the Mayor to execute the grant of easement and accept the grant of easement on behalf of the City, subject to approval of the grant of easement as to form by the City Attorney.

AND

4. Award a contract agreement to Hardy & Harper, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7”, in the amount of \$81,075.00, 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 7 (“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 sidewalks and a driveway. 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. A bid alternate (identified as “alternative bid items” in Table 1 below) was also included for work consisting of, but not limited to, removing and replacing additional sidewalk panels.

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 7. Staff recommends that the City Council take the following four 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.

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

Approval of a grant of easement (temporary construction easement) with Synod of Southern California for certain real property located in the city of Laguna Woods, more particularly described as Assessor’s Parcel Number (APN) 616-191-06 (Attachment B), and authorization for the Mayor to execute the grant of easement and accept the grant of easement on behalf of the City, subject to approval of the grant of easement as to form by the City Attorney. The temporary construction easement would allow the City to complete work in the Geneva Presbyterian Church parking lot adjacent to El Toro Road that is necessary for the pedestrian driveway crossing to be reconstructed. Staff would coordinate the timing of such work with Geneva Presbyterian Church.

Recommendation 4

Award of a contract agreement to Hardy & Harper, Inc. for the construction of the project, in the amount of \$81,075.00, 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 October 5, 2023, through November 2, 2023. Three bids were received (see Table 1). After review, Hardy & Harper, Inc. is the lowest cost responsive bidder.

Table 1: Bids Received

Bidder	Bid Amount (all schedules)	
Hardy & Harper, Inc.	Base Bid:	\$69,575.00
	Alternative Bid Items:	<u>\$11,500.00</u>
	Total Bid:	\$81,075.00
Kalban, Inc.	Base Bid:	\$ 96,700.00
	Alternative Bid Items:	<u>\$ 10,500.00</u>
	Total Bid:	\$107,200.00
Oppenheimer National	Base Bid:	\$109,779.00
	Alternative Bid Items:	<u>\$ 12,900.00</u>
	Total Bid:	\$122,679.00

It is anticipated that construction would be complete within 20 working days of the date the City issues a Notice to Proceed to the selected contractor.

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.

Report Prepared With: April Baumgarten, Public Works Administrator

Attachments: A – Proposed Notice of Exemption
B – Proposed Temporary Construction Easement

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

To: County of Orange Orange County Clerk-Recorder P.O. Box 238 Santa Ana, CA 92701	From: City of Laguna Woods 24264 El Toro Road Laguna Woods, CA 92637 (949) 639-0500
--	---

Project Title: Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7

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:

- Westbound El Toro Road between Calle Sonora and Canyon Wren Lane
- Eastbound El Toro Road between Tanager Lane and Canyon Wren Lane

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 sidewalks and a driveway. 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

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

Exempt Status:

**NOTICE OF EXEMPTION
AMERICANS WITH DISABILITIES ACT (ADA) PEDESTRIAN ACCESSIBILITY
IMPROVEMENT PROJECT: PHASE 7
CITY OF LAGUNA WOODS**

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 an existing public street and arterial highway (El Toro Road). The project does not expand the existing or former use of El Toro Road.

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

Lead Agency Contact Person:

Signature: _____ Date: _____
Christopher Macon
City Manager
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.

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

The undersigned declares that this document is recorded at the request of and for the benefit of the City of Laguna Woods and is therefore exempt from the payment of the recording fee pursuant to California Government Code sections 6103 and 27383 and from payment of the documentary transfer tax pursuant to California Revenue and Taxation Code Section 11922.

11 pages total. APN 616-191-05 & APN 616-191-06



GRANT OF EASEMENT
(TEMPORARY CONSTRUCTION EASEMENT)

This GRANT OF EASEMENT (“Grant of Easement”) is made this day of _____, 2023, by and between Synod of Southern California (“Grantor”), and the City of Laguna Woods, a California municipal corporation (“City”).

RECITALS

A. Grantor is the owner in fee of that certain real property located in the city of Laguna Woods, County of Orange, State of California, more particularly described as Assessor’s Parcel Numbers (APN) 616-191-06 (the “Subject Property”).

B. City desires to remove and construct concrete curb ramps used as public sidewalks adjacent to El Toro Road, and adjust the grade of a driveway and vehicular access point, painted striping, and pavement markings in accordance with City’s construction plans (“Plans”) commonly known as the Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 7 (the “Project”), which includes, but is not limited to, removal and replacement of curbs, asphalt, and painted striping on the Subject Property. Grantor has agreed to provide to City as set forth in this Grant of Easement a temporary construction easement on, over, across and under that portion of the Subject Property described in the legal description attached hereto as Exhibit A and depicted on the site map attached hereto as Exhibit B (the “Temporary Construction Area”).

COVENANTS

Based upon the foregoing Recitals, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, Grantor and City hereby agree as follows:

- 1. Grant of Easement. Subject to the terms of this Grant of Easement, Grantor hereby grants to City and City accepts from Grantor an exclusive temporary construction easement on,

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS

over, across and under the Temporary Construction Easement Area (the "Temporary Construction Easement") to enable City to complete the Project. No aspect of the Project shall unreasonably interfere with Grantor's use or any tenant's use of the Subject Property. Grantor acknowledges that it may have the right to be monetarily compensated for the transfer of the Temporary Construction Easement rights conveyed hereunder, at rates not less than the value thereof as may be set by an appraisal approved by City. Grantor is, by executing this instrument, foregoing such monetary compensation in order to facilitate and expedite the Project, and Grantor accepts the benefits of the Project as full, fair, and final compensation for the transfer of all rights conveyed hereunder.

2. Duration of Easement. The Temporary Construction Easement shall automatically terminate sixty (60) calendar days from the date City provides written notice to Grantor its intent to proceed with the Project (the "Expiration Date"), which notice must be given no later than one hundred and eighty (180) calendar days following the entry of both parties into this Temporary Construction Agreement. In the event that the City desires to utilize any portion of the Temporary Construction Area from and after the Expiration Date, the City may by mutual written agreement between the parties hereto, be permitted to utilize the Temporary Construction Area. Further, notwithstanding anything to the contrary contained in this Grant of Easement, in no event do the temporary rights granted herein extend beyond the Expiration Date nor shall City have any continuing responsibilities, maintenance or otherwise, with respect to the Temporary Construction Area or the construction or work done on the Subject Property.
3. No Grant of Access. The Temporary Construction Easement is granted with no right to enter upon any portion of the Property excepting the area which constitutes the Temporary Construction Easement. Storage of materials or equipment on any portion of the Subject Property excepting the area which constitutes the Temporary Construction Easement or blocking access to the driveway on the Subject Property is prohibited unless approved by Grantor in writing.
4. Project; Scope of Temporary Construction Easement. City shall construct the Project in accordance with the Plans and all applicable laws, rules, and regulations of governmental authorities with jurisdiction. The Temporary Construction Easement is an exclusive right-of-way for temporary construction uses including, without limitation, the right to grade, and to construct, maintain, operate, repair, remove and reconstruct, pedestrian, bike ways and paths, temporary pedestrian, bike ways and paths, utilities, storm drains, irrigation facilities, together with the right to enter upon and to pass and re-pass over the Temporary Construction Easement Area and to deposit tools, implements, and other materials thereon, by City, its officers, agents, employees and contractors whenever and wherever necessary for the purpose of constructing the Project.

[CONTINUED ON NEXT PAGE]

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-191-06

CITY OF LAGUNA WOODS

5. Exclusivity. The Temporary Construction Easement granted herein is exclusive in that City has the exclusive use of the Temporary Construction Easement Area and Grantor shall not grant any interest or rights of use in the area which constitutes the Easement, nor shall Grantor use the Temporary Construction Easement for any purpose inconsistent with this Grant of Easement. This provision shall terminate upon the expiration or termination of the Temporary Construction Easement pursuant to Section 1 of this Grant of Easement. Notwithstanding the above, nothing herein prevents Grantor, tenant, and tenant's guests from crossing the Temporary Construction Easement.
6. Indemnity. City shall indemnify and hold harmless Grantor and Grantor's lessees, employees, officers, agents and permittees from any claims and loss, liability or expense which Grantor may sustain arising out of City's use of the Temporary Construction Easement, except to the extent such loss or damage is solely and directly caused by the gross negligence or willful misconduct of Grantor or its employees, officers, agents or permittees. This indemnification provision shall survive expiration or termination of the Temporary Construction Easement.
7. Entire Agreement; Modification. This Grant of Easement is the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modification of this Grant of Easement must be in writing and executed by the appropriate authorities of both City and Grantor.
8. Attorneys' Fees. In the event of any controversy, claim or dispute relating to this Grant of Easement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.
9. Successors and Assigns. This Grant of Easement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and City.
10. Authority to Execute. The person or persons executing this Grant of Easement on behalf of Grantor represents and warrants that he/she/they has/have the authority to so execute this Grant of Easement and to bind Grantor hereunder.

[SIGNATURES ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS**

IN WITNESS WHEREOF, Grantor and City have executed this Grant of Easement as of the date first set forth above.

“CITY”

“GRANTOR”

CITY OF LAGUNA WOODS,
a municipal corporation

SYNOD OF SOUTHERN CALIFORNIA

CYNTHIA S. CONNERS
MAYOR

By: _____

Name: _____

APPROVED AS TO FORM:

Title: _____

ALISHA PATTERSON
CITY ATTORNEY

NOTARY ACKNOWLEDGEMENTS FOLLOW.

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS**

“CITY” NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS**

"GRANTOR" NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS**

CERTIFICATE OF ACCEPTANCE

GRANT OF EASEMENT

This is to certify that the interest in real property conveyed by the grant of easement dated _____, 2023 from Synod of Southern California to the City of Laguna Woods, a municipal corporation, is hereby accepted by order of the City of Laguna Woods City Council on _____, 2023, and the grantee consents to recordation thereof by its duly authorized officer.

GRANTEE:

CITY OF LAGUNA WOODS,
a municipal corporation

Dated _____

Cynthia S. Conners
Mayor

Approved as to Form:

Alisha Patterson
City Attorney

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-191-06

CITY OF LAGUNA WOODS

EXHIBIT A

LEGAL DESCRIPTION

[LEGAL DESCRIPTION ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-191-06
CITY OF LAGUNA WOODS**

LEGAL DESCRIPTION

**TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF LAGUNA WOODS
24301 EL TORO ROAD, LAGUNA WOODS, CALIFORNIA**

EXHIBIT A

COMMENCING AT THE INTERSECTION OF THE WESTERLY PROPERTY LINE OF PARCEL 1 AND THE NORTHERLY RIGHT OF WAY OF EL TORO ROAD AS SHOWN ON PARCEL MAP RECORDED IN BOOK 9, PAGE 39 OF PARCEL MAPS IN COUNTY OF ORANGE, STATE OF CALIFORNIA;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY OF EL TORO ROAD N85°44'16" E A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING;

L1 THENCE LEAVING SAID RIGHT WAY N04° 15' 44" W TO A LINE PARALLEL WITH AND 20.00 FEET NORTHERLY TO SAID NORTHERLY RIGHT OF WAY OF EL TORO ROAD;

L2 THENCE ALONG SAID PARALLEL LINE N85°44'16" E 60.00 FEET;

L3 THENCE S 04°15'44" E 20.00 FEET TO SAID NORTHERLY RIGHT OF WAY OF EL TORO ROAD;

L4 THENCE S85°44'16" W 60.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY TO THE POINT OF BEGINNING AND THE END OF THIS LEGAL DESCRIPTION;

CONTAINING: 1200 SQ. FT. MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY AND EASEMENTS OF RECORD. ALL AS SHOWN ON THE PLAT ATTACHED HERETO AS "EXHIBIT B" AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT.

PREPARED BY
NV5, INC.



J BRALEY, L.S. 8446

08-18-2023
DATE



GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-191-06

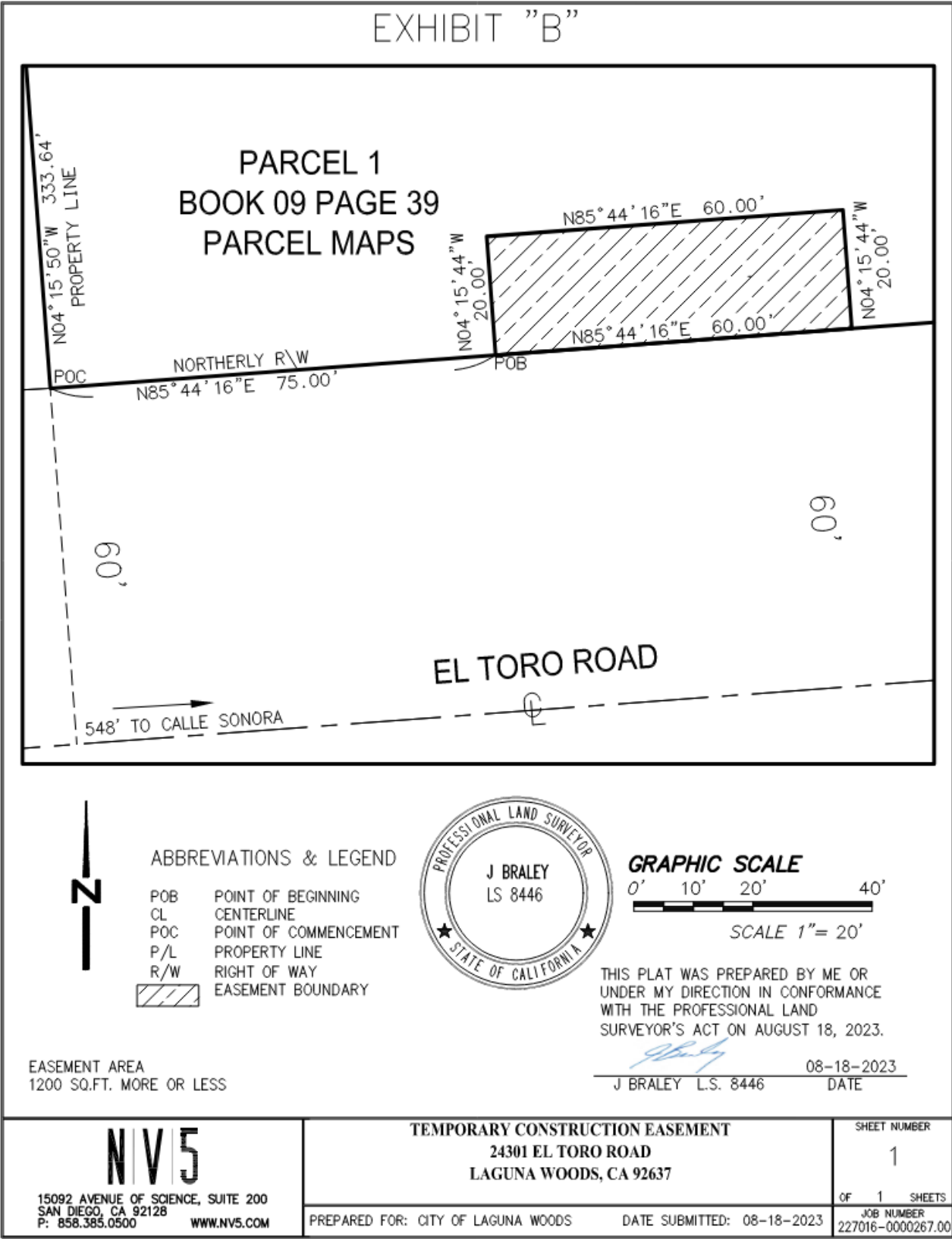
CITY OF LAGUNA WOODS

EXHIBIT B

SITE MAP

[SITE MAP ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
 ASSESSOR'S PARCEL NUMBER 616-191-06
 CITY OF LAGUNA WOODS**



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6.6

**EL TORO ROAD AND MOULTON PARKWAY
WATER QUALITY TREATMENT PROJECT
(NO REPORT)**

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

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6.7

**PAVEMENT MANAGEMENT PLAN PROJECT
(WESTBOUND EL TORO ROAD BETWEEN
CANYON WREN AND TANAGER)**

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: November 15, 2023 Regular Meeting

SUBJECT: Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)

Recommendation

1. Approve the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” design plans and specifications as prepared by the project engineer.

AND

2. Approve a notice of exemption for the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)” 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 Hardy & Harper, Inc. for the construction of the “Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)”, in the amount of \$242,000.00, 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 Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager) (“project”) is included in the Fiscal Years 2023-34 Capital Improvement Program. The project consists of, but is not limited to, asphalt concrete pavement cold milling and repaving. The work also includes traffic control, adjusting utility manholes and water valves to grade, re-establishing survey monuments, painting striping and legends, and applying pavement markings.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on the Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager). 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.

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 Hardy & Harper, Inc. for the construction of the project, in the amount of \$242,000.00, 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 October 5, 2023, through November 2, 2023. Three bids were received (see Table 1). After review, Hardy & Harper, Inc. is the lowest cost responsive bidder.

Table 1: Bids Received

Bidder	Bid Amount (all schedules)
All American Asphalt	\$284,284.00
Hardy & Harper, Inc.	\$242,000.00
R.J. Noble Company	\$281,211.94

It is anticipated that construction would be complete within 20 working days of the date the City issues a Notice to Proceed to the selected contractor. The City would issue the Notice to Proceed no later than January 3, 2024.

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.

Report Prepared With: April Baumgarten, Public Works Administrator

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

To: County of Orange Orange County Clerk-Recorder P.O. Box 238 Santa Ana, CA 92701	From: City of Laguna Woods 24264 El Toro Road Laguna Woods, CA 92637 (949) 639-0500
--	---

Project Title: Pavement Management Plan Project (Westbound El Toro Road between Canyon Wren and Tanager)

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 on westbound El Toro Road between Canyon Wren Lane and Tanager Lane

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

Description of Nature, Purpose, and Beneficiaries of Project: The project involves the rehabilitation of deteriorated pavement, including asphalt concrete pavement cold milling and repaving. The work also includes traffic control, adjusting utility manholes and water valves to grade, re-establishing survey monuments, painting striping and legends, and applying pavement markings.

This project is part of the Fiscal Years 2022-32 Pavement Management Plan to extend the useful life and improve the quality of pavement on street sections rated at a Pavement Condition Index (“PCI”) below 80. Ongoing pavement management helps to minimize the prolonged and more impactful work that typically accompanies projects involving significantly degraded pavement. As of November 2021, the street section included in the project had a PCI of 74.

Name of Public Agency Approving Project: City of Laguna Woods

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

Exempt Status:

**NOTICE OF EXEMPTION
PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD
BETWEEN CANYON WREN AND TANAGER)
CITY OF LAGUNA WOODS**

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 an existing public street and arterial highway (El Toro Road). The project does not expand the existing or former use of El Toro Road.

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

Lead Agency Contact Person:

Signature: _____ Date: _____
Christopher Macon
City Manager
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.

8.1
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: November 15, 2023 Regular Meeting

SUBJECT: Zoning Code Amendments

Recommendation

Approve second reading and adopt 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 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.010 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 August 16, 2023 (available on the City’s website (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.

At the regular meeting on October 18, 2023, the City Council conducted a public hearing and voted 4-0, with Councilmember Moore absent, to approve the introduction and first reading of the ordinance included with this agenda report as Attachment A.

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 adopt 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 to implement the Housing Element, the proposed amendments would complete the implementation of Housing Element programs H-1.2.6 and H-1.3.4.

Housing Element programs H-1.2.6 and H-1.3.4 are copied below for ease of reference. A table identifying the rationale for each proposed amendment follows.

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 2023

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 applicable 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 13.15.017. Remove the public noticing requirements for applications for reasonable accommodations.

Primary Responsibility: Planning & Environmental Services Department

Anticipated Timeline: Calendar Year 2023

Anticipated Funding: General Fund

Quantified Objectives: Conforming Ordinance

Table 1: Rational for Proposed Amendments

Laguna Woods Municipal Code Section	Rationale
13.08.010	Housing Element Program H-1.2.6 (third bullet)
13.10.020	Housing Element Program H-1.2.6 (third bullet)
13.12.020 (first instance)	Housing Element Program H-1.2.6 (third bullet); “residential uses” explicitly prohibited in the Open Space-Passive zoning district and permitted only as an accessory to a principal use on a site in the Open Space-Recreation zoning district to memorialize interpretations under Laguna Woods Municipal Code Section 13.02.060 (“Land uses not listed”)
13.12.020 (second instance)	Housing Element Program H-1.2.6 (third bullet)
13.13.020	Housing Element Program H-1.2.6 (third bullet)
13.26.010(d) (to add (38))	Housing Element Program H-1.2.6 (third bullet)
13.26.010(d) (to add (383))	Housing Element Program H-1.2.6 (third bullet)
13.26.010(d) (to add (523))	Housing Element Program H-1.2.6 (second bullet)
13.26.010(d)(5)	Housing Element Program H-1.3.4 (second bullet)

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 is also 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.

Attachment: A – Proposed Ordinance
Exhibit A – Proposed Code Amendments

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ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.010 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 sections 13.08.010, 13.10.020, 13.12.020, 13.13.020, and 13.26.010 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 October 18, 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.”

After reviewing the entire project record, the City Council also hereby determines and certifies that, even if this Ordinance 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 Ordinance, in and of itself, will have a significant effect on the environment. On its own, this Ordinance will not result in any physical changes to the environment.

SECTION 3. Sections 13.08.010, 13.10.020, 13.12.020, 13.13.020, and 13.26.010 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 or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The 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**

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 rows in alphabetical order by “Land Use Types” (additions shown with underlining):

	Districts			
Land Use Types	RMF	RC	RT	Code References
<u>Agricultural</u> <u>Employee Housing</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Agricultural Uses</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Employee Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	

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 the following row in alphabetical order by “Land Use Types” (additions shown with underlining):

	Districts			
Land Use Types	NC	CC	PA	Code References
<u>Agricultural</u> <u>Employee Housing</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Agricultural Uses</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Employee Housing</u>	<u>X</u>	<u>X</u>	<u>X</u>	

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 the following rows in alphabetical order by “Land Use Types” (additions shown with underlining):

	Districts		
Land Use Types	OS-P	OS-R	Code References
<u>Agricultural</u> <u>Employee Housing</u>	<u>X</u>	<u>X</u>	
<u>Agricultural Uses</u>	<u>X</u>	<u>X</u>	

<u>Employee Housing</u>	<u>X</u>	<u>A</u>	
<u>Residential Uses</u>	<u>X</u>	<u>A</u>	

*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 (deletions shown with **strike-through**) and reordered alphabetically:*

	Districts		
Land Use Types	OS-P	OS-R	Code References
Agricultural Use and Produce Stands	X	T/SE	13.26.180

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>Agricultural</u>	<u>X</u>	<u>X</u>	
<u>Employee Housing</u>			
<u>Agricultural Uses</u>	<u>X</u>	<u>X</u>	
<u>Employee Housing</u>	<u>A</u>	<u>A</u>	

Section 13.26.010(d) (“Definitions” > “Specific terms”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to add the following section (additions shown with underlining):

(38) Agricultural employee housing: Shall mean any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, pursuant to California Health and Safety Code Section 17021.6. For the purpose of this Code, “agricultural employee housing” shall be regulated in a manner consistent

with the Employee Housing Act (California Health and Safety Code Section 17000 et seq.) and shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use.

Section 13.26.010(d) (“Definitions” > “Specific terms”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to add the following section (additions shown with underlining):

(383) Employee housing: Shall mean any employee housing providing accommodations for six or fewer employees, pursuant to California Health and Safety Code Section 17021.5. For the purpose of this Code, “employee housing” shall be regulated in a manner consistent with the Employee Housing Act (California Health and Safety Code Section 17000 et seq.) and shall not be deemed as being within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling.

Section 13.26.010(d) (“Definitions” > “Specific terms”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to add the following section (additions shown with underlining):

(523) Low barrier navigation center: Shall have the same meaning as the term is defined in the California Government Code, as amended from time to time or replaced with a successor statute. As of the date this definition was adopted, the definition of “low barrier navigation center” was set forth in California Government Code Section 65660.

Section 13.26.010(d)(395) (“Definitions” > “Specific terms” > “Family”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike-through~~):

(395) Family: One or more persons occupying one dwelling unit. ~~The term “family” includes the occupants of community care facilities serving six or~~

ITEM 8.1 – Exhibit A to Attachment A

~~fewer persons that are permitted or licensed by the State.~~ The term “family” does not include occupants of a fraternity, sorority, boardinghouse, lodginghouse, club, or motel.

8.2 OBJECTIVE DESIGN STANDARDS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: November 15, 2023 Regular Meeting

SUBJECT: Objective Design Standards

Recommendation

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 11.10 TO TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Background

The Fiscal Years 2023-25 Budget & Work Plan includes the following significant work plan item:

“Objective Design and Development Regulations – Adopt objective design and development regulations for new and redevelopment projects (e.g., architectural and landscape standards). Regulations applicable to housing projects will not conflict with California Senate Bill 9 (Atkins, Chapter 162, Statutes of 2021).”

California Government Code sections 65913.4 and 66300(a)(7) generally define objective design standards as standards that involve no personal or subjective judgment by [cities] and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the [city] before submittal.

State legislation, including California Senate Bill 35 (Wiener, Chapter 366, Statutes of 2017), California Senate Bill SB 330 (Skinner, Chapter 654, Statutes of 2019), and California Senate Bill 9 (Atkins, Chapter 162, Statutes of 2021) prevent cities from applying non-objective design standards to housing development projects.

At the regular meeting on October 18, 2023, the City Council conducted a public hearing and voted 4-0, with Councilmember Moore absent, to approve the introduction and first reading of the ordinance included with this agenda report as Attachment A.

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 that would establish objective design standards for certain new development and redevelopment projects (Attachment A). Staff recommends that the City Council adopt the proposed amendments in order to establish uniform and predictable expectations for the design of development projects, including expectations that can be lawfully applied to qualifying housing developments pursuant to applicable state legislation.

The proposed amendments represent only a first step in the process of establishing objective design standards. Staff recognizes that much remains to be done to fully capture and codify the City's design expectations. As was discussed during the most recent budget development process, an architect will be retained to assist with the development of comprehensive objective design standards.

The proposed amendments are intended to serve an interim purpose of establishing baseline (or, "starter") objective design standards for use during the development of comprehensive objective design standards. Staff believes this is a critical step for the City as new development projects may arise at any time and the process of developing comprehensive objective design standards is likely to be lengthy.

Environmental Review

The City Council is asked to find that this action is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

The City Council is also asked to find that, even if this action were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Fiscal Impact

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

Documents Available for Review

Related documents – including the proposed ordinance and Laguna Woods Municipal Code – are available for public review at or from City Hall during normal working hours. The Laguna Woods Municipal Code is also available for review at www.cityoflagunawoods.org.

Attachment: A – Proposed Ordinance
Exhibit A – Proposed Code Amendments

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ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 11.10 TO TITLE 11 (PLANNING AND DEVELOPMENT) OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING OBJECTIVE DESIGN STANDARDS FOR CERTAIN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Title 11 (Planning and Development) of the Laguna Woods Municipal Code contains the Laguna Woods Zoning Code; and

WHEREAS, staff has recommended adding a new Chapter 11.10 to Title 11 of the Laguna Woods Municipal Code (“Code Amendments”) to establish objective design standards for certain new development and redevelopment projects. The objective design standards are intended to establish uniform and predictable expectations for the design of development projects, including expectations that can be lawfully applied to qualifying housing developments pursuant to applicable state legislation; and

WHEREAS, on October 18, 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 the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et.

seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

After reviewing the entire project record, the City Council also hereby determines and certifies that that, even if this Ordinance were subject to CEQA, it would be exempt based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. Chapter 11.10 is hereby added to Title 11 (Planning and Development) of the Laguna Woods Municipal Code 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**

Chapter 11.10 (“Objective Design Standards”) is hereby added to Title 11 (“Planning and Development”) of the Laguna Woods Municipal Code to read as follows:

CHAPTER 11.10. - OBJECTIVE DESIGN STANDARDS

Sec. 11.10.010 - Purpose and intent.

The purpose and intent of this chapter is to establish design standards that (i) involve no personal or subjective judgment by the City of Laguna Woods, (ii) are uniformly verifiable by reference to an external and uniform benchmark or criterion available, and (iii) are knowable by development applicants, project proponents, and the City of Laguna Woods before submittal. The design standards set forth herein are specifically intended to foster development within the City of Laguna Woods that enhances the area’s aesthetics, character, and sense of place.

Sec. 11.10.020 - Definitions.

For purposes of this chapter only, the following definitions shall apply, in addition to those set forth in Chapter 1.02 of this Code:

(05) *Arched* shall mean having a vertical curve where the height of the curve is either (1) exactly half of the width of the curve, or (2) shorter in height than the actual curve.

(10) *Awning* shall mean an architectural projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning is often comprised of a lightweight frame structure over which a cover is attached.

(15) *Balcony* shall mean an external extension of an upper floor of a building, enclosed by a screen, balusters, or railings.

(20) *Balustrade* shall mean multiple balusters supporting a railing on a balcony.

(25) *Baluster* shall mean a post, upright support, or vertical piece that supports a railing on a balcony.

(30) *Building* shall have the same meaning as the term is defined in Section 13.06.010(c)(130) of this Code, as amended from time to time or replaced with a successor statute.

(35) *Cavity wall* shall mean a wall built of masonry units or of concrete, or a combination of these materials, arranged to provide an airspace within the wall, and in which the inner and outer parts of the wall are tied together with metal ties

(40) *Clerestory* shall mean an upper story or row of windows rising above the adjoining parts of the roof, designed to admit light into the inner space of a building.

(45) *Cornice* shall mean the uppermost division of an entablature; a projecting shelf along the top of a wall supported by a series of brackets; the exterior trim at the meeting of a roof and wall, consisting of soffit, fascia, and crown molding.

(50) *Dry-stacked, surface-bonded wall* shall mean a wall built of concrete masonry units where the units are stacked dry, without mortar on the bed or head joints, and where both sides of the wall are coated with a surface-bonding mortar.

(55) *Exterior* shall mean any outer surface that is or would be visible from any point outside the parcel on which it is located assuming topography was flat and no other buildings, structures, fences, walls, landscaping, or similar visual obstructions were present.

(60) *Façade* shall mean any single face of a building.

(65) *Glass curtain walls* shall mean aluminum- or other metal-framed window systems that are non-structural and house glass panels.

(70) *Gross floor area* shall have the same meaning as the term is defined in Section 13.06.010(c)(420) of this Code, as amended from time to time or replaced with a successor statute.

(75) *Landscape professional* shall mean a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, or Section 6721 of the California Food and Agriculture Code, as amended from time to time or replaced with a successor statute

(80) *Light box sign* shall mean an illuminated sign that contains mechanisms to encapsulate, suspend, protect and/or display a discrete sheet of backlit film which may include images and/or text, and which is designed to transmit light through the film for increased image brightness, contrast, and/or color saturation.

(85) *Neutral color* shall mean a color that is not considered a primary color on any one or more of the following color models: CIE, CMYK, HEX, HSB, HSL, or RGB.

(90) *Parapet* shall mean a low protective wall or railing along the edge of a roof, balcony, or similar structure; in an exterior wall, the part entirely above the roof.

(95) *Pilaster* shall mean a partial pier or column, often with a base, shaft, and capital, that is embedded in a flat wall and projects slightly; may be constructed as a projection of the wall itself.

(100) *Roof deck* shall mean the flat or sloped surface constructed on top of the exterior walls of a building or other supports for the purpose of enclosing the story below, or sheltering an area, to protect it from the elements, not including its supporting members or vertical supports.

(105) *Roof covering* shall mean the covering applied to the roof deck for weather resistance, fire classification, or appearance.

(110) *Structure* shall have the same meaning as the term is defined in Section 13.06.010(c)(790) of this Code, as amended from time to time or replaced with a successor statute.

(115) *Wall* shall mean a vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space, whether load bearing or not. “Wall” specifically includes, but is not limited to, cavity walls, dry-stacked, surface-bonded walls, and parapets.

(120) *Wall plane* shall mean the surface area that extends from the ground to the top of each wall. “Wall plane” specifically includes, but is not limited to, portions of walls located under eaves and overhangs. Where a single building has multiple wall planes along a single façade, the wall planes are additive and shall be considered a single wall plane.

Sec. 11.10.030 - Applicability.

(a) This chapter shall apply to the following projects:

- (1) New construction of any building or structure with a gross floor area equal to or in excess of 25 square feet.
- (2) New construction of any trash enclosure, or expansion of any existing trash enclosure equal to or in excess of 25 square feet.
- (3) New construction of any generator or similar on-site energy source, or expansion of any existing structure housing a generator or similar on-site energy source equal to or in excess of 10 square feet.
- (4) “Developments” as that term is used in California Government Code Section 65913.4, as amended from time to time or replaced with a successor statute.
- (5) “Housing development projects” as that term is used in California Government Code Section 65589.5, as amended from time to time or replaced with a successor statute.

(b) This chapter shall not apply to the following projects:

- (1) Projects not listed in subsection (a) above.
- (2) Wireless facilities subject to Section 13.26.210 of this Code.

(3) Projects undertaken by an independent special district, school district, or other governmental agency when applicable law precludes the applicability of objective design standards.

Sec. 11.10.040 - Measurements.

(1) Where this chapter references distances between or within parcels, the distance shall be measured from the outermost boundary lines of the closest parcels.

(2) Where this chapter references distances between or within buildings, the distance shall be measured from the outermost wall of the closest points of each building.

(3) Where this chapter identifies a setback from any parcel, the distance shall be measured from the outermost boundary line of the parcel to the closest point of the design feature or equipment setback which, for parking areas, shall be the edge of the asphalt, paving, or other parking surface closest to the parcel.

(4) Where this chapter identifies a setback from any public street easement or right-of-way, the distance shall be measured from the outermost boundary line of the public street easement or right-of-way to the closest point of the design feature or equipment setback which, for parking areas, shall be the edge of the asphalt, paving, or other parking surface closest to the parcel.

(5) Where this chapter identifies a percentage of landscape screening, the percentage shall be calculated by estimating the expected size and growth of the plantings at 12 months (365 days) after the initial date of planting, as attested to by a landscape professional. Fractional values shall be rounded to the next highest whole number.

(6) Where this chapter identifies the height of any wall or fence, the height shall be measured as set forth in Section 13.16.230 of this Code, as amended from time to time or replaced with a successor statute.

(7) Where this chapter identifies the height of any clerestory, the

height shall be measured from the exterior base of the wall on which the clerestory is located to the base of the clerestory frame.

(8) Where this chapter identifies the height of any balcony's balustrade or balusters, or openings therein, the height shall be measured from the exterior base of the balustrade or balusters to the top of the balustrade or balusters, or openings therein, as may apply, on the exterior side.

(9) Where this chapter identifies a percentage of roof or wall cover, or number of windows or other design elements, fractional values shall be rounded to the next highest whole number.

(10) Where this chapter identifies a required overhanging eave, the overhang shall be measured from the point the roof extends past the wall plane to the outermost edge of the eave.

(11) Where this chapter identifies a required arched opening, the vertical curve of the arch opening shall be measured from the point the opening begins to curve.

(12) Where this chapter identifies the size of open air gaps in the design of trash enclosures, the gap shall be measured as the area which encloses, with four, six, or eight perpendicular lines, all points from any angle through which an object measuring more than one inch in length by one inch in width can be placed.

Sec. 11.10.050 - Prohibited design elements.

The following design elements are prohibited:

(1) Bars installed on the exterior of a building or structure, when such bars (i) are located on or extend over any door, window, gate, or other openable, transparent, semi-transparent, or not fully opaque fixture or surface, and (ii) are spaced less than 10 inches apart.

(2) Roll-up or rolling exterior doors, except when used for vehicular points of ingress or egress (e.g., entrances to parking garages) or for facilities located in the Residential Community-Maintenance overlay zoning district.

- (3) 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, except for temporary fencing during construction when permitted by the City.
- (4) Barbed tape, barbed wire, wire, razor wire, and similar security treatments on the exterior of a building or structure, or used with or for fencing or gates, except when used in connection with a civic, fire, or police building or structure.
- (5) Electrical conduits or raceways visible from the exterior of a building or structure, whether such electrical conduits or raceways are located on the interior or exterior of a building or structure.
- (6) Unfinished metal or wood surfaces (e.g., plywood) on the exterior of a building or structure, or used with or for fencing or gates.
- (7) Fluorescent, luminescent, neon, or sparkling paint or similar adhesive, dye, or pigment that, after application to a material, adds color, on the exterior of a building or structure, or used with or for fencing or gates.
- (8) More than two colors of paint or similar adhesive, dye, or pigment that, after application to a material, adds color, on any single exterior wall pane, including all doors, windows, and surfaces on that wall, or any single fence or gate.
- (9) More than one color of glass within any single exterior window on a building or structure (gradients of color shall be considered multiple colors), or more than two colors of glass within all exterior windows on any single exterior wall pane.
- (10) Light box signs installed on the exterior of a building or structure, except for light box signs that are not visible from public right-of-way or located within 40 feet of any residential zoned parcel.
- (11) Glass curtain walls installed as part of any exterior wall system.
- (12) Wood shingle or shake roofs.

Sec. 11.10.060 - Design standards for all projects.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to all projects:

(1) *Driveways; Public Streets.* Driveways providing ingress or egress to public streets, if any, shall be constructed in accordance with County of Orange OC Public Works Department Standard Plan #1209, as may be amended from time to time or replaced with a successor standard plan. 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 any discrepancy between the new driveway and/or new adjacent sidewalk and the City's existing public street easements or right-of-way, such discrepancy shall be resolved prior to occupying any newly constructed or expanded buildings or structures the result of which requires compliance with this chapter.

(2) *Flat Roofs.* Parapets measuring at least 36 inches in height, shall be provided around the perimeter of flat roofs. Interior sides of parapets shall (1) not be visible from public right-of-way and (2) be finished in the same color and material as the exterior sides thereof.

(3) *Scale.* For buildings greater than two stories, the wall planes of the third and subsequent stories shall be recessed at least five feet from the wall plane of the second story.

(4) *Windows; Privacy.* Where windows are located within 10 feet of one another on separate buildings, they shall be (1) not capable of opening or (2) clerestory with a minimum height of six feet.

Sec. 11.10.070 - Design standards for balconies.

In addition to the objective design standards found elsewhere in this chapter,

the following shall apply to balconies:

- (1) *Opacity*. The lowest 36 inches of a balcony's balustrade or balusters shall be opaque, except that permanent openings may exist in the lowest four inches of a balustrade or balusters for the purpose of drainage, provided such openings measure no more than four inches in height.
- (2) *Setbacks*. Balconies shall be set back at least 40 feet from any open space-passive or residential zoned parcel.

Sec. 11.10.080 - Design standards for generators; on-site energy sources.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to generators and similar on-site energy sources:

- (1) *Screening*. Generators and similar on-site energy source equipment shall not be visible from public right-of-way. This may be accomplished with the use of landscaping, topography, roofs, or walls.
- (2) *Setbacks*. Generators and similar on-site energy sources shall be set back at least 40 feet from any open space-passive or residential zoned parcel, at least 20 feet from any non-residential zoned parcel, and at least 10 feet from any public street easement or right-of-way.
- (3) *Roofs*. Roof coverings shall be the same color and material as any of the other roof on any building or structure on the parcel, or shall be made of solid corrugated metal painted with a single-color rust-inhibitive paint (gradients of colors shall be considered multiple colors).
- (4) *Walls and Doors*. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are the same color and material as any of the fences or other walls on the parcel. When walls are used to enclose all sides of generators or similar on-site energy source equipment, doors that are capable of locking shall be installed to prevent unauthorized entry, and, within three seconds of opening, shall activate an interior (under roof) motion activated light-emitting diode (LED) light. Doors shall be the same color as any of the other exterior doors on the parcel. Landscaping shall be used to screen at

least 60 percent of walls over 30 inches in height, except when surrounded on all sides by parking facilities.

Sec. 11.10.090 - Design standards for non-residential projects.

Reserved.

Sec. 11.10.100 - Design standards for residential projects.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to residential developments and housing developments:

(1) *Roofs*. At least 60 percent of roof decks shall include a roof covering of clay or terracotta tile in either a Spanish (S-shaped) or Mission (half cylinder) shape, with overhanging eaves of at least 24 inches.

(2) *Walls*. At least 80 percent of walls shall include an outer surface of stucco or plaster siding, in a neutral color. No wall shall extend horizontally more than 40 feet in length without (1) at least a two-foot variation in depth in the wall plane; which may be met through the use of design features including, but not limited to, bays, fireplaces, overhangs, porches, stoops, and trellises, and (2) the use of one or more articulating design features that are projected or recessed from the wall plane by at least one foot; which may be met through the use of design features including, but not limited to, arches, canopies, columns, cornices, glazing, overhangs, pilasters, and trellises.

(3) *Windows*. Exterior windows shall be recessed at least two inches from the wall plane on which they are located. At least 30 percent of exterior windows (excluding clerestory) on each wall plane shall be contained within arched openings.

(4) *Wood Elements*. The outer surface of wood elements (e.g., rafter tails) shall be in a darker shade of color than any outer surface of the stucco or plaster siding on directly abutting or adjoining walls.

Sec. 11.10.110 - Design standards for trash enclosures.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to trash enclosures:

- (1) *Accessible Path of Travel*. An accessible path of travel that complies with California Building Standards Code requirements shall be provided between trash enclosures and the buildings served.
- (2) *Open Air Gaps*. Trash enclosures may have open air gaps between roofs and underlying walls/doors/access points provided any 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/door/access points shall not be considered open air gaps when the openings in such stationary, non-opaque elements do not exceed 1 inch in length by 1 inch in width.
- (3) *Roofs*. Roof coverings shall be the same color and material as any of the other roof on any building or structure on the parcel, or shall be made of solid corrugated metal painted with a single-color rust-inhibitive paint (gradients of colors shall be considered multiple colors).
- (4) *Screening*. Trash enclosures shall be enclosed by a roofed structure with opaque walls and access point(s).
- (5) *Walls and Doors*. Walls shall be made of solid, split face or stuccoed, concrete masonry units that are the same color and material as any of the fences or other walls on the parcel. All doors and other access points shall be capable of locking to prevent unauthorized entry and, within three seconds of opening, shall activate an interior (under roof) motion activated light-emitting diode (LED) light. Doors and other access points shall be the same color as any of the other exterior doors on the parcel. Landscaping shall be used to screen at least 60 percent of walls, except when surrounded on all sides by parking facilities.

Sec. 11.10.120 - Design standards for vehicle parking areas.

In addition to the objective design standards found elsewhere in this chapter, the following shall apply to vehicle parking areas:

(1) *Roofs*. Roof coverings shall be the same color and material as any of the other roof on any building or structure on the parcel, or shall be made of solid corrugated metal painted with a single-color rust-inhibitive paint (gradients of colors shall be considered multiple colors).

(2) *Vehicle Light Intrusion*. Where vehicle parking spaces are located within 20 feet of any open space-passive or residential zoned parcel, they shall be screened from the open space-passive or residential zoned parcel by an opaque wall a minimum of six feet in height; which may be met through the use of design features including, but not limited to, carports or garages. Landscaping shall be used to screen at least 60 percent of walls, except when surrounded on all sides by parking facilities.

Sec. 11.10.130 - Alternative design standards.

Alternative provisions to any of the objective design standards established by this chapter may be permitted subject to the approval of a use permit application approved in compliance with the provisions of this Code.

Sec. 11.10.140 - Relationship to other standards.

If there is any conflict between this chapter and any other provision of the Laguna Woods Municipal Code, this chapter shall prevail except in the event of a conflict with any provision of the California Building Standards Code or state law incorporated by reference, in which case the provisions of the California Building Standards Code or state law shall prevail.

Sec. 11.10.150 - Compliance disclaimer.

This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

8.3
CITY COUNCIL MEETING SCHEDULE
(NO REPORT)