



CITY OF LAGUNA HILLS CITY COUNCIL/PLANNING AGENCY

REGULAR MEETING AGENDA Tuesday, March 14, 2017 – 7:00 PM (Closed Session at 6:00 PM when scheduled)

Don Sedgwick, Mayor

**Melody Carruth, Mayor Pro Tempore
Janine Heft, Council Member**

**Dore J. Gilbert, M.D., Council Member
Barbara D. Kogerman, Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, CA 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: MAYOR PRO TEMPORE CARRUTH

ROLL CALL OF CITY COUNCIL MEMBERS

CLOSED SESSION REPORT

1. PRESENTATIONS AND PROCLAMATIONS**1.1 Laguna Hills High School Student Liaison**

Recommendation: That the City Council receive an update from Laguna Hills High School Student Liaison Sherwin Afshar.

1.2 Laguna Hills 3/5 Marine Support Committee

Recommendation: That the City Council receive an update from Chair Karen Robbins on the 3/5 Dark Horse Committee.

1.3 Spotlight on Local Business and Certificate of Recognition - Lion's Heart

Recommendation: That Mayor Sedgwick present a Certificate of Recognition to Terry Corwin, Founder and Executive Director, Lion's Heart, and receive an oral presentation from Mr. Corwin.

1.4 2016 Laguna Hills Deputy of the Year

Recommendation: That Mayor Sedgwick present a Certificate of Recognition to Deputy Anthony Lopez, the 2016 Laguna Hills Deputy of the Year.

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

3. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

3.1 Waive reading in full of all Ordinances and Resolutions on the Agenda

Recommendation: That the City Council waive reading in full of all Ordinances and Resolutions on the Agenda and declare that said titles which appear on the Public Agenda shall be determined to have been read by title and further reading waived.

3.2 Approval of Minutes for February 28, 2017, Regular Meeting

Recommendation: That the City Council approve the Minutes of the February 28, 2017, Regular Meeting.

3.3 Approval of Warrant Register for Period Ended March 14, 2017

Recommendation: That the City Council approve the Warrant Register in the amount of \$311,275.48.

3.4 Progress Payment No. 1 for Cabot Road Bioswale Project, CIP No. 410-A

Recommendation: That the City Council Approve Progress Payment No. 1, in the net amount of \$66,799.25, to Wright Construction Engineering Corporation for the Cabot Road Bioswale Project, CIP No. 410-A.

ITEMS REMOVED FROM THE CONSENT CALENDAR**4. PLANNING AGENCY****4.1 ROLL CALL OF PLANNING AGENCY MEMBERS****4.2 PUBLIC COMMENTS**

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

4.3 APPROVAL OF MINUTES FOR FEBRUARY 28, 2017, REGULAR MEETING**4.3.1 Approval of Minutes for February 28, 2017, Regular Meeting**

Recommendation: That the Planning Agency approve the Minutes of the February 28, 2017, Regular Meeting.

4.4 ADMINISTRATIVE REPORTS**4.5 PLANNING AGENCY PUBLIC HEARINGS****PLANNING AGENCY ADJOURNMENT**

5. CITY COUNCIL PUBLIC HEARINGS**5.1 Approval of GPA/ZTA-10-16-3672 General Plan Amendment and Zone Text Amendment to Amend the Hospitality Overlay Zone Floor Area Ratio (FAR) from a Maximum of 1.0 to a Maximum of 1.1**

Recommendation: That the City Council continue this matter to a date certain of April 11, 2017.

5.2 Zoning Text Amendment No. 2-17-3793, an Amendment to Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, to Permit the Limited Personal Cultivation of Marijuana Inside a Person's Private Residence, Inside an Accessory Structure to a Person's Private Residence, or Outdoors Upon the Grounds of a Person's Private Residence in Accordance with State Law

Recommendation: That the City Council: (1) Conduct a Public Hearing; and (2) Introduce for First Reading, read by title only, and waive further reading, an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, adopting Zoning Code Text Amendment No. 2-17-3793 amending Chapters 9-103 (Marijuana Businesses) and 9-04 (Definitions) of Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code to permit the limited personal cultivation of marijuana inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence in accordance with state law."

6. ADMINISTRATIVE REPORTS**6.1 City Manager****7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS****8. CITY COUNCIL MEMBER COMMENTS****ADJOURNMENT**

The next Regular Meeting of the City Council/Planning Agency will be March 28, 2017, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and the Courtyard at La Paz Center by March 10, 2017 by 5:00 pm.



City Clerk

March 10, 2017

Date

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

City Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Mayor and Council Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Spotlight on Local Business and Certificate of Recognition - Lion's Heart

RECOMMENDATION: That Mayor Sedgwick present a Certificate of Recognition to Terry Corwin, Founder and Executive Director, Lion's Heart, and receive an oral presentation from Mr. Corwin.

SUMMARY:

The City Council would like to recognize Lion's Heart, a national non-profit organization based in Laguna Hills, for its work with local non-profits. Accepting the Certificate of Recognition and providing an oral presentation for Lion's Heart will be Terry Corwin, Founder and Executive Director.

ATTACHMENTS:

- 170314 Certificate Lion's Heart

CERTIFICATE OF RECOGNITION

LION'S HEART

WHEREAS, Lion's Heart, a national non-profit organization based in Laguna Hills, California, was recently awarded a "Service Enterprise" certification by Points of Light, the world's largest organization dedicated to volunteer service; and

WHEREAS, this prestigious recognition is extended to select non-profit organizations that optimize the talents and skills of their volunteers into their core operations to effectively meet community needs; and

WHEREAS, Lion's Heart mobilizes teens to volunteer and lead community service projects throughout the year; and

WHEREAS, since Lion's Heart's founding in 2004, the organization has grown to over 100 chapters in 16 states and is continuing to expand nationally; and

WHEREAS, Lion's Heart's vision is to create a world of engaged teens who volunteer and grow into community focused leaders now, and for a lifetime; and

WHEREAS, Lion's Heart's mission is inspiring teens volunteering and leadership for a new generation dedicated to positive social impact; and

NOW, THEREFORE, I, Don Sedgwick, Mayor, on behalf of the City Council of the City of Laguna Hills, California, do hereby recognize Lion's Heart for its work with local non-profits to find volunteer opportunities for teens and thereby teaching valuable leadership skills and dedication to their communities.

Dated this 14th day of March 2017.

DON SEDGWICK, MAYOR



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Mayor and Council Members
FROM: Melissa Au-Yeung
Assistant to the City Manager/City Clerk
ISSUE: 2016 Laguna Hills Deputy of the Year

RECOMMENDATION: That Mayor Sedgwick present a Certificate of Recognition to Deputy Anthony Lopez, the 2016 Laguna Hills Deputy of the Year.

SUMMARY:

Deputy Anthony Lopez has been assigned to Laguna Hills Police Services since September of 2012. During his tenure with the City, Deputy Lopez has worked Patrol, Bicycle Patrol, Special Enforcement Team (SET), as a Field Training Officer (FTO), and is assigned to the Department's Critical Incident Response Team (CIRT).

Deputy Lopez has been instrumental in helping with a wide range of issues over his years of service to the community. Whether he is assigned to interdicting vandals, gang members, burglars, or participating in Neighborhood Watch presentations, Deputy Lopez continually delivers professional service to the City.

Deputy Lopez has recently been honored by the American Legion Post #862 where he received their Medal of Distinction and the Mission Viejo/Saddleback Valley Elks Lodge No. 2444 for their Firefighter and Law Enforcement Annual Appreciation Awards.

Deputy Anthony Lopez should be commended for his outstanding efforts with the City of Laguna Hills. Through his hard work and diligence he has made Laguna Hills a safer community.

ATTACHMENTS:

- Certificate of Recognition



CITY OF LAGUNA HILLS CERTIFICATE OF RECOGNITION

ANTHONY LOPEZ Deputy Sheriff City of Laguna Hills 2016 Deputy of the Year Orange County Sheriff's Department

WHEREAS, Deputy Anthony Lopez has faithfully, professionally, and diligently served as a Deputy Sheriff for the City of Laguna Hills since September 2012; and

WHEREAS, Deputy Lopez has performed in an exemplary manner as a Patrol Deputy, Field Training Officer, Critical Incident Response Team member, Special Enforcement Team member, and Bicycle Patrol Deputy; and

WHEREAS, Deputy Lopez has fostered a strong partnership between the Orange County Sheriff's Department, the City of Laguna Hills, and the Community; and

WHEREAS, Deputy Lopez was overwhelmingly selected by his peers and supervisors to be recognized for his dedication to duty by being named the 2016 Laguna Hills Deputy of the Year; and

NOW, THEREFORE, I, DON SEDGWICK, Mayor, on behalf of the City Council of the City of Laguna Hills, California, do hereby recognize, commend, and thank Deputy Anthony Lopez for his distinguished and dedicated service to the City of Laguna Hills and urge all Laguna Hills citizens to join the City in this expression of our appreciation for his dedication to duty.

Dated this 14th day of March 2017.

DON SEDGWICK, MAYOR

Attachment: Certificate of Recognition (1234 : 2016 Laguna Hills Deputy of the Year)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Mayor and Council Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Approval of Minutes for February 28, 2017, Regular Meeting

RECOMMENDATION: That the City Council approve the Minutes of the February 28, 2017, Regular Meeting.

ATTACHMENTS:

- 170228 CC Final Minutes

**CITY OF LAGUNA HILLS
CITY COUNCIL/PLANNING AGENCY/PIC**

**REGULAR MEETING
MINUTES
Tuesday, February 28, 2017**

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Don Sedgwick.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER JANINE HEFT

ROLL CALL OF CITY COUNCIL MEMBERS

Attendee Name	Title	Status	Arrived
Don Sedgwick	Mayor	Present	
Melody Carruth	Mayor Pro Tempore	Present	
Dore J. Gilbert, M.D.	Council Member	Present	
Janine Heft	Council Member	Present	
Barbara D. Kogerman	Council Member	Present	

CLOSED SESSION REPORT

There was no Closed Session Report.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 Laguna Hills High School Student Liaison

Recommendation: That the City Council receive an oral report from Laguna Hills High School Student Liaison Sherwin Afshar.

1.2 Recognition of Parks and Recreation Commissioner Richard Nagle

Recommendation: That Mayor Sedgwick present a Certificate of Recognition to Richard Nagle recognizing his service to the City.

1.3 Recognition of Traffic Commissioner Michael Caputo

Recommendation: That Mayor Sedgwick present a Certificate of Recognition to Michael Caputo recognizing his service to the City.

1.4 Oaths of Office and Certificates of Appointment for Parks and Recreation Commissioners and Traffic Commissioners

Recommendation: That Mayor Sedgwick administer the Oaths of Office and present Certificates of Appointment to Parks and Recreation Commissioners Victoria Auer and David Robbins, and Traffic Commissioners Len Herman, David Wheeler, and Larry Woodruff.

1.5 Orange County Human Relations Council Annual Report

Recommendation: That the City Council receive an oral presentation from Kenneth Inouye, Board of Directors Vice President with the Orange County Human Relations Council. Mr. Inouye provided a copy of the 2015-2016 OC Human Relations Annual Report.

2. PUBLIC COMMENTS

ALZHEIMER'S - ORANGE COUNTY

Dan Daley, Healthcare Outreach Specialist, provided an oral report and distributed literature on the programs and services provided by Alzheimer's Orange County and reported that they have assumed operations of the South County Adult Day Services located at a new facility in Laguna Woods.

2017 SOUTH ORANGE COUNTY ECONOMIC REPORT

Wayne Brown, Government Relations Director for the South Orange County Economic Coalition, invited Council Members and staff to attend the 2017 Economic Report to be held on Friday, March 10, 2017.

LAGUNA HILLS 3/5 MARINE SUPPORT COMMITTEE

Karen Robbins provided a brief report on the 3/5 Dark Horse Committee.

3. CONSENT CALENDAR

Motion to approve the Consent Calendar, with Mayor Pro Tempore Carruth removing Item No. 3.9:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Don Sedgwick, Mayor; Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member

3.1 Waive reading in full of all Ordinances and Resolutions on the Agenda

Recommendation: That the City Council waive reading in full of all Ordinances and Resolutions on the Agenda and declare that said titles which appear on the Public Agenda shall be determined to have been read by title and further reading waived.

3.2 Approval of Minutes for January 24, 2017, Regular Meeting

Recommendation: That the City Council approve the minutes of the January 24, 2017, Regular Meeting.

3.3 Approval of Warrant Register for Period Ended February 28, 2017

Recommendation: That the City Council approve the Warrant Register in the amount of \$1,368,269.64.

3.4 Approval of Minutes for January 17, 2017, Regular Meeting

Recommendation: That the City Council approve the minutes of the January 17, 2017, Regular meeting.

3.5 Approval of Minutes for January 23, 2017, Special Meeting

Recommendation: That the City Council approve the minutes of the January 23, 2017, Special Meeting.

3.6 Records Retention Management

Recommendation: That the City Council adopt Resolution No. 2017-02-28-1, A Resolution of the City Council of the City of Laguna Hills, California, authorizing and directing the City Clerk to no longer retain certain City records and documents with a disposal date of March 01, 2017, pursuant to the Government Code of the State of California.

3.7 Progress Payment No. 4 for Cabot Park Renovation, CIP No. 241-A

Recommendation: That the City Council Approve Progress Payment No. 4, in the net amount of \$68,214.75, to Horizons Construction Company for Cabot Park Renovation, CIP No. 241-A.

3.8 Resolution Establishing a New Employment Classification Along with Salary Range and Benefits for a Position Within the Bargaining Unit Covered by the Memorandum of Understanding with the Laguna Hills City Employees Association

Recommendation: That the City Council adopt Resolution No. 2017-02-28-2, A Resolution of the City Council of the City of Laguna Hills, California, establishing a new Employment Classification along with salary range and benefits, and eliminating one position, within the Bargaining Unit covered by the Memorandum of Understanding with the Laguna Hills City Employees Association.

3.10 Third Amendment to Operating Memorandum No. 1 to the Development Agreement Between the City of Laguna Hills and Laguna Hills Investment Company (Oakbrook Village Project)

Recommendation: That the City Council approve and authorize the City Manager to execute the Third Amendment to Operating Memorandum No. 1 to the Development Agreement between the City of Laguna Hills and the Laguna Hills Investment Company.

3.11 Establishment of On-Street Parking Controls on Commerce Center Drive

Recommendation: That the City Council adopt Resolution No. 2017-02-28-3, A Resolution of the City Council of the City of Laguna Hills, California, establishing a No Overnight Parking Zone from 9:00 p.m. to 6:00 a.m. on the entirety of Commerce Center Drive.

3.12 Professional Services Agreement with Caltrop Corporation for Construction Management and Related Field Services for the Arterial Pavement Management Project, CIP No. 175

Recommendation: That the City Council approve the Professional Services Agreement with Caltrop Corporation for Construction Management, Inspection and Field Related Services for the Arterial Pavement Management Street Rehabilitation Project, CIP No. 175, and authorize the Mayor to execute the Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.9 Baseball Scoreboard Eagle Scout Project at Cabot Park**

Mayor Pro Tempore Carruth pulled Item No. 3.9 from the Consent Calendar to allow Eagle Scout candidate Dawson Campbell an opportunity to provide a brief presentation on his project.

Recommendation: That the City Council approve Eagle Scout candidate Dawson Campbell's project to install a score board for Laguna Hills Little League use at Cabot Park.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Don Sedgwick, Mayor; Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member

4. PLANNING AGENCY

Mayor Sedgwick recessed the City Council meeting and acting in the capacity of Chair, called the Regular Meeting of the Planning Agency of the City of Laguna Hills, California to order at 7:39 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Don Sedgwick	Chair	Present	
Melody Carruth	Vice Chair	Present	
Dore J. Gilbert, M.D.	Agency Member	Present	
Janine Heft	Agency Member	Present	
Barbara D. Kogerman	Agency Member	Present	

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR JANUARY 24, 2017, REGULAR MEETING

4.3.1 Approval of Minutes for January 24, 2017, Regular Meeting

Recommendation: That the Planning Agency approve the Minutes of the January 24, 2017, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janine Heft, Agency Member
SECONDER:	Melody Carruth, Vice Chair
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS**4.5.1 Conditional Use Permit No. 7-14-2917: a New Wireless Facility on an Existing SCE Tower near El Conejo Park**

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Chair Sedgwick opened the Public Hearing.

Maree Hoeger, an authorized agent for Verizon Wireless, spoke in favor of the project.

Chair Sedgwick closed the Public Hearing.

Recommendation: That the Planning Agency: (1) Conduct a Public Hearing for CUP No. 7-14-2917; and (2) Adopt Resolution No. PA2017-02-28-1, A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Conditional Use Permit (CUP) No. 7-14-2917, a request by Core Development Services, on behalf of Verizon Wireless, to establish and operate a new Wireless Communication Facility (WCF) on property owned by the City of Laguna Hills and constructed on an existing Southern California Edison (SCE) lattice tower that is located southwest of El Conejo Park, APN 625-121-16 (known as Luna Bonita) in the OS-3 Zone.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Agency Member
SECONDER:	Janine Heft, Agency Member
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

4.5.2 SDP/MSP NO. 11-16-3682 a New Master Sign Program for Farmer Boys

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Chair Sedgwick opened the Public Hearing, and upon seeing no one rise, closed the Public Hearing.

Recommendation: That the Planning Agency: (1) Conduct a Public Hearing; and (2) Adopt Resolution No. PA2017-02-28-2, A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Site Development Permit/Master Sign Program (SDP/MSP) NO. 11-16-3682, A request by IBRA Farms Restaurants, Inc. to establish a New Master Sign Program for Farmer Boys Restaurant, located at 23952 Avenida de la Carlota.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Agency Member
SECONDER:	Barbara D. Kogerman, Agency Member
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

PLANNING AGENCY ADJOURNMENT

PUBLIC IMPROVEMENT CORPORATION

Mayor Sedgwick adjourned the Planning Agency meeting at 8:02 p.m. and invited President Kogerman to convene the Public Improvement Corporation (PIC) meeting. Mayor Sedgwick reconvened the City Council meeting at 8:04 p.m. All Council Members were present.

5. CITY COUNCIL PUBLIC HEARINGS**5.1 City Application for 2017/2018 CDBG Funds for Public Facilities and Improvements**

Management Analyst Haston briefly reviewed the information provided in the Staff Report.

Mayor Sedgwick opened the Public Hearing and upon seeing no one rise closed the Public Hearing.

Recommendation: That the City Council: (1) Conduct a Public Hearing; and (2) Confirm staff's submittal of a Community Development Block Grant (CDBG) Application for Public Facilities and Improvements for the 2017/2018 Fiscal Year.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Janine Heft, Council Member
AYES:	Don Sedgwick, Mayor; Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman; Council Member

6. ADMINISTRATIVE REPORTS**6.1 City Manager**

The City Manager gave no Administrative Reports.

6.2 Assistant City Manager**6.2.1 2017-2019 Biennial Budget - Major Plans Submitted by Council Members**

Assistant City Manager White briefly reviewed the information provided in the Staff Report.

Recommendation: That the City Council receive and file this report.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Barbara D. Kogerman, Council Member
AYES:	Don Sedgwick, Mayor; Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member

6.3. Public Services Director/City Engineer**6.3.1 Modification of On-Street Parking Controls on Alcalde Drive Between Verdugo Drive and Del Lago Drive**

Associate Engineer Shah briefly reviewed the information provided in the Staff Report, displayed a Vicinity Map, and responded to Council requests for additional information. Council Members and staff engaged in a detailed discussion regarding this Item.

Attorney Ralph Mazurek, a representative for the Laguna Ridge Business Center, Alcalde Business Center, Park Laguna Hills Business Center, and Lakeside Business Center, spoke in opposition to the proposed modifications of on-street parking controls on Alcalde Drive.

Jim Biram, a Property Manager for Resco Properties, representing the Laguna Ridge Business Center, Alcalde Business Center, Park Laguna Hills Business Center, and Lakeside Business Center, provided photos of on-street parking along Alcalde Drive and Verdugo Drive and spoke in opposition to the proposed modifications of on-street parking controls on Alcalde Drive.

Charles Gindele, President, Renewal by Andersen, spoke in favor of staff's recommendation.

Recommendation: A motion was made to continue Item No. 6.3.1 to a subsequent later date, Council directed staff to pursue alternative solutions including contacting the County of Orange and some of the neighboring businesses to encourage a cooperative agreement for parking, and present this item back to the Traffic Commission prior to returning to City Council.

RESULT:	APPROVED [3 TO 2]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Janine Heft, Council Member
AYES:	Melody Carruth, Mayor Pro Tempore; Janine Heft, Council Member; Barbara D. Kogerman, Council Member
NAYS:	Don Sedgwick, Mayor; Dore J. Gilbert, M.D., Council Member

7. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS

There were no matters agendized and presented by City Council Members and Mayor.

8. CITY COUNCIL MEMBER COMMENTS**Council Member Kogerman**

Council Member Kogerman encouraged Council Members to attend the upcoming 2017 OCCOG General Assembly to be held on Thursday, March 16, 2017.

Mayor Pro Tempore Carruth

Mayor Pro Tempore Carruth reported that she attended the Orange County Business Council 2017 Annual Dinner and Installation of Directors on Thursday, February 16, 2017, where the TCA was recognized for its work. Mayor Pro Tempore Carruth also reported that she attended the FAA Public Briefing held in Corona Del Mar regarding the Federal Aviation Administration's NextGen Project altering flight patterns in and out of John Wayne Airport and suggested that a Staff Report be brought to City Council at a future date regarding the effects this change will have on the residents of the City of Laguna Hills.

Council Member Heft

Council Member Heft reported that she attended the Metropolitan Water District of Southern California Water Infrastructure Tour and stated that it was fascinating.

Mayor Sedgwick

Mayor Sedgwick reported that he attended the Orange County Fire Authority's "Best and Bravest Awards Dinner" on Friday, February 17, 2017, where Council Member Gilbert's son, Jake Gilbert, received the Medal of Courage.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Sedgwick declared the meeting adjourned at 9:20 PM.

Melissa Au-Yeung, City Clerk

ATTEST:

Don Sedgwick, Mayor

Approved at meeting of March 14, 2017

Attachment: 170228 CC Final Minutes (1225 : Approval of Minutes for February 28, 2017, Regular Meeting)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Mayor and Council Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Approval of Warrant Register for Period Ended March 14, 2017

RECOMMENDATION: That the City Council approve the Warrant Register in the amount of \$311,275.48.

ATTACHMENTS:

- Warrant Register 031417



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: MARCH 14, 2017
TO: MAYOR AND COUNCIL MEMBERS
FROM: DONALD J. WHITE, ASSISTANT CITY MANAGER
ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
MARCH 14, 2017.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$311,275.48.

SUMMARY:

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

3-7-17
DATE

FISCAL IMPACT:

The warrant register total is \$311,275.48.

ATTACHMENTS:

1. Warrant Register

Check Register Report

Warrant Register 03/14/17

3.3.a

Date: 03/02/2017

Time: 1:59 pm

Page:

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8812378	02/23/2017	Printed		C-0023	COX COMMUNICATION	T-1 Line CC, Signal System	899.2
8812379	02/23/2017	Printed		E-0504	EL TORO WATER DISTRICT	Water Usage, Public Svcs, Jan	4,142.2
8812380	02/23/2017	Printed		M-1302	MOULTON NIGUEL WATER DISTRICT	Water Usage, CC, Pub Svcs	2,890.2
8812381	02/23/2017	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, Jan '17	181.1
8812382	02/23/2017	Printed		S-2253	SOCAL OFFICE TECHNOLOGIES-LEAS	Lease-Copier, CC, Feb '17	1,165.8
8812383	02/23/2017	Printed		Z-CD-0006	VEJAR, IVAN	Refund, Permit Fees, CR# 55420	592.1
8812384	03/02/2017	Printed		A-0363	ACCELA, INC.	Agenda Software, Feb '17	1,512.0
8812385	03/02/2017	Printed		A-0138	ALL CITY MANAGEMENT, INC.	Crossing Guard Svc, 1/29-2/11	3,626.6
8812386	03/02/2017	Printed		Z-CD-0009	AMERMAN, JENILLE - ROA	Refund Fire Fees, CR# 53183	870.1
8812387	03/02/2017	Printed		A-0359	ANDERSON PENNA PARTNERS, INC.	Inspection Services, Jan '17	9,191.2
8812388	03/02/2017	Printed		A-0360	ARC DOCUMENT SOLUTIONS, LLC	Printing Services, CIP # 175	200.1
8812389	03/02/2017	Printed		B-0304	BEE MAN, THE	Bee Removal, Pub Svcs, Feb	150.0
8812390	03/02/2017	Printed		C-0412	C&D ELECTRIC, INC.	Park Repairs, Pub Svcs, Feb	181.2
8812391	03/02/2017	Printed		C-1189	CAL POLY POMONA FOUNDATION	Employee Training, Com Dev Feb	875.0
8812392	03/02/2017	Printed		C-1133	CALIFORNIA YELLOW CAB	Senior Mobility Program, Jan	2,256.0
8812393	03/02/2017	Printed		C-1144	CHARLES ABBOTT ASSOCIATES, INC	Signage Replacement, Jan	969.9
8812394	03/02/2017	Printed		C-0324	CITY OF MISSION VIEJO	Animal Care Services, Jan-Mar	41,299.7
8812395	03/02/2017	Printed		C-1139	COMPLETE OFFICE OF CALIFORNIA	Office & Operating Supplies	226.9
8812396	03/02/2017	Printed		C-1176	COMPUTER SERVICE CO.	Traffic Sig. Maint, Jan '17	12,289.2
8812397	03/02/2017	Printed		C-1188	CULVER, AURORA	Contract Inst Svcs, Theatre	346.5
8812398	03/02/2017	Printed		E-0593	EISENBERG, DALE	Contract Inst Svcs., Aikido	80.5
8812399	03/02/2017	Printed		G-0821	G2 CONSTRUCTION INC.	Professional Svcs, CIP # 410	10,145.0
8812400	03/02/2017	Printed		G-0791	GORMAN, RON	Contract Inst Svcs, Guitar	277.2
8812401	03/02/2017	Printed		G-0844	GREEN MART, INC.	Operating Supplies, Pub Svcs	1,131.3
8812402	03/02/2017	Printed		H-0805	HARRINGTON GEOTECH ENGINEERING	Prof Svcs, On Call Engineering	5,200.0
8812403	03/02/2017	Printed		H-0829	HARTZOG & CRABILL, INC.	Traf Signal Mgmt Svs, Jan '17	3,854.8
8812404	03/02/2017	Printed		H-0804	HINDERLITER, DE LLAMAS & ASSOC	Sales Tax 1stQtr,AuditSales3rd	3,030.4
8812405	03/02/2017	Printed		H-0934	HOME DEPOT	Building Maintenance, Com Ctr	38.7
8812406	03/02/2017	Printed		H-0955	HR GREEN CALIFORNIA, INC.	Inspections & CIP #410 & 241	14,663.9
8812407	03/02/2017	Printed		J-1057	JAMEY CLARK, INC.	Park Repair & Graffiti Removal	2,261.9
8812408	03/02/2017	Printed		J-1071	JCTEES.COM CORPORATION	Program Supplies, CS, Feb '17	308.0
8812409	03/02/2017	Printed		G-0709	JOE A. GONSALVES & SON	Legislative Services, Mar	2,900.0
8812410	03/02/2017	Printed		J-1062	JOE DONALDSON DESIGNS	Program Expense, 1/2 Marathon	250.0
8812411	03/02/2017	Printed		M-1552	MARTIN-RUSK, DINA	Contract Instr Svcs, Zumba	25.2
8812412	03/02/2017	Printed		M-1590	MILLENNIUM ALARM SYSTEMS, INC.	Repair, Camera System, CC	1,240.0
8812413	03/02/2017	Printed		Z-CS-0005	MORENO, NORA	Refund, Fac Dep,V#2004018.002	250.0
8812414	03/02/2017	Printed		O-1546	OFFICE SOLUTIONS	Office/Operating Supplies	670.0
8812415	03/02/2017	Printed		R-1855	RICHARD FISHER ASSOCIATES	Prof. Svcs, CIP# 241 & 410	7,245.5
8812416	03/02/2017	Printed		R-1813	RPW SERVICES, INC.	Rodent Control, Pub Svcs, Jan	1,560.0
8812417	03/02/2017	Printed		R-1967	RUSSELL, RICHARD WYATT	Contract Inst Svcs, Tennis	50.4
8812418	03/02/2017	Printed		S-1902	SAN DIEGO GAS & ELECTRIC	ST Lites, TC & Comm Ctr, Jan	24,862.4
8812419	03/02/2017	Printed		S-2284	SHAH, AMBER	Travel Reimb., Training, Feb	610.6
8812420	03/02/2017	Printed		Z-CD-0008	SOLAR CITY	Refund, Permit Fees, CR# 54645	290.7
8812421	03/02/2017	Printed		S-1904	SOUTHERN CALIFORNIA EDISON	ST Lites, TC, Feb '17	2,379.8
8812422	03/02/2017	Printed		S-2059	STAPLETON, VIVIAN	Cntr Inst Svcs Early Childhood	598.5
8812423	03/02/2017	Printed		T-2696	TCS NETWORK CONSULTING, INC.	Upgrade WiFi, CH & CC	18,146.3
8812424	03/02/2017	Printed		T-2682	THE LIFE TRENDS GROUP,	AED Supplies, CC, Feb '17	124.7
8812425	03/02/2017	Printed		U-2165	UNDERGROUND SERVICE ALERT	Street Maintenance, Feb '17	55.5
8812426	03/02/2017	Printed		U-2166	UTILITY COST MANAGEMENT LLC	Prof Services, Utility Savings	185.8
8812427	03/02/2017	Printed		Z-CS-0004	VICTORIA VAN CAMP TRUST	Refund, Fac Dep, V#2004016.002	500.00
8812428	03/02/2017	Printed		V-2253	VILLA ROMA	Program Supplies, CS, Feb '17	1,350.00

Attachment: Warrant Register 031417 (1226 : Approval of Warrant Register for Period Ended March 14, 2017)

Check Register Report

Warrant Register 03/14/17

Date:

3.3.a

Time:

03/02/2017
1:59 pm

Page:

CITY OF LAGUNA HILLS

BANK: UNION BANK- GENERAL

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK- GENERAL Checks							
8812429	03/02/2017	Printed		Z-CD-0007	VIVINT SOLAR	Refund, Permit Fees, CR# 55313	32.6
8812430	03/02/2017	Printed		W-2337	WEST COAST ARBORISTS, INC.	Tree Trimming, Jan '17	11,659.2
8812431	03/02/2017	Printed		W-2441	WEST COAST MOVEMENT PROJECT,	Contract Inst Svcs., Dance	105.0
8812432	03/02/2017	Printed		R-1801	WOODRUFF, SPRADLIN & SMART	Professional Svcs, Legal, Jan	44,525.9
8812433	03/02/2017	Printed		W-2444	WRIGHT CONSTRUCTION ENG. CORP	Progress Payment #1, CIP# 410	66,799.2
				Total Checks: 56	Checks Total (excluding void checks):		311,275.4
				Total Payments: 56	Bank Total (excluding void checks):		311,275.4
				Total Payments: 56	Grand Total (excluding void checks):		311,275.4

Attachment: Warrant Register 031417 (1226 : Approval of Warrant Register for Period Ended March 14, 2017)



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Mayor and Council Members
FROM: Kenneth H. Rosenfield P.E.
Director of Public Services/City Engineer
ISSUE: Progress Payment No. 1 for Cabot Road Bioswale Project, CIP No. 410-A

RECOMMENDATION: That the City Council approve Progress Payment No. 1, in the net amount of \$66,799.25, to Wright Construction Engineering Corporation for the Cabot Road Bioswale Project, CIP No. 410-A.

SUMMARY:

Work on the Cabot Road Bioswale Project, CIP No. 410-A, began on December 5, 2016, and is being performed by Wright Construction Engineering Corporation. Work performed in December, January, and February included acquisition of a Temporary Right-of-Entry permit from Metrolink, clearing and grubbing, rough grading, construction of concrete headwall, and installation of reinforced concrete pipe. The contractor has submitted the first progress payment request for approval.

BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A five-percent (5%) retention is withheld from each payment to assure final performance of the work. The contractor for this project, Horizons Construction Company, has submitted the first progress payment for the subject project as follows:

Progress Payment No. 1 for Cabot Road Bioswale Project, CIP No. 410-A

March 14, 2017

Page 2

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	\$ AMOUNT
1	Clearing and grubbing	.5	LS	\$20,000.00	\$10,000.00
2	Rough grading and export materials	75	CY	\$77.00	\$5,775.00
4	66" Reinforced concrete pipe	16	LF	\$815.00	\$13,040.00
5	Concrete headwall for 66" reinforced concrete pipe	1	LS	\$25,500.00	\$25,500.00
18	Metrolink permit/ Right-of-Entry	.95	LS	\$15,000.00	\$14,250.00
19	Preparation of SWPP & storm water control	.5	LS	\$3,500.00	\$1,750.00

TOTAL TO DATE	\$70,315.00	
LESS PRIOR BILLING	\$0.00	
TOTAL THIS PERIOD	\$70,315.00	\$70,315.00
LESS 5% RETENTION		\$(3,515.75)
DUE		\$66,799.25

FISCAL IMPACT:

The progress payment is within the Capital Improvement Program Budget for the Cabot Road Bioswale Project, CIP No. 410-A.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017
TO: Chair and Agency Members
FROM: Cindy Sands
Admin. Assistant to City Manager
ISSUE: Approval of Minutes for February 28, 2017, Regular Meeting

RECOMMENDATION: That the Planning Agency approve the Minutes of the February 28, 2017, Regular Meeting.

ATTACHMENTS:

- Planning Agency Minutes

ITEMS REMOVED FROM THE CONSENT CALENDAR**3.9 Baseball Scoreboard Eagle Scout Project at Cabot Park**

Mayor Pro Tempore Carruth pulled Item No. 3.9 from the Consent Calendar to allow Eagle Scout candidate Dawson Campbell an opportunity to provide a brief presentation on his project.

Recommendation: That the City Council approve Eagle Scout candidate Dawson Campbell's project to install a score board for Laguna Hills Little League use at Cabot Park.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Carruth, Mayor Pro Tempore
SECONDER:	Dore J. Gilbert, M.D., Council Member
AYES:	Don Sedgwick, Mayor; Melody Carruth, Mayor Pro Tempore; Dore J. Gilbert, M.D., Council Member; Janine Heft, Council Member; Barbara D. Kogerman, Council Member

4. PLANNING AGENCY

Mayor Sedgwick recessed the City Council meeting and acting in the capacity of Chair, called the Regular Meeting of the Planning Agency of the City of Laguna Hills, California to order at 7:39 p.m.

4.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Attendee Name	Title	Status	Arrived
Don Sedgwick	Chair	Present	
Melody Carruth	Vice Chair	Present	
Dore J. Gilbert, M.D.	Agency Member	Present	
Janine Heft	Agency Member	Present	
Barbara D. Kogerman	Agency Member	Present	

4.2 PUBLIC COMMENTS

There were no Public Comments.

4.3 APPROVAL OF MINUTES FOR JANUARY 24, 2017, REGULAR MEETING

4.3.1 Approval of Minutes for January 24, 2017, Regular Meeting

Recommendation: That the Planning Agency approve the Minutes of the January 24, 2017, Regular Meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janine Heft, Agency Member
SECONDER:	Melody Carruth, Vice Chair
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

4.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

4.5 PLANNING AGENCY PUBLIC HEARINGS**4.5.1 Conditional Use Permit No. 7-14-2917: a New Wireless Facility on an Existing SCE Tower near El Conejo Park**

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Chair Sedgwick opened the Public Hearing.

Maree Hoeger, an authorized agent for Verizon Wireless, spoke in favor of the project.

Chair Sedgwick closed the Public Hearing.

Recommendation: That the Planning Agency: (1) Conduct a Public Hearing for CUP No. 7-14-2917; and (2) Adopt Resolution No. PA2017-02-28-1, A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Conditional Use Permit (CUP) No. 7-14-2917, a request by Core Development Services, on behalf of Verizon Wireless, to establish and operate a new Wireless Communication Facility (WCF) on property owned by the City of Laguna Hills and constructed on an existing Southern California Edison (SCE) lattice tower that is located southwest of El Conejo Park, APN 625-121-16 (known as Luna Bonita) in the OS-3 Zone.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara D. Kogerman, Agency Member
SECONDER:	Janine Heft, Agency Member
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

4.5.2 SDP/MSP NO. 11-16-3682 a New Master Sign Program for Farmer Boys

Community Development Director Chantarangsu briefly reviewed the information provided in the Staff Report and provided a PowerPoint presentation.

Chair Sedgwick opened the Public Hearing, and upon seeing no one rise, closed the Public Hearing.

Recommendation: That the Planning Agency: (1) Conduct a Public Hearing; and (2) Adopt Resolution No. PA2017-02-28-2, A Resolution of the Planning Agency of the City of Laguna Hills, California, approving Site Development Permit/Master Sign Program (SDP/MSP) NO. 11-16-3682, A request by IBRA Farms Restaurants, Inc. to establish a New Master Sign Program for Farmer Boys Restaurant, located at 23952 Avenida de la Carlota.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dore J. Gilbert, M.D., Agency Member
SECONDER:	Barbara D. Kogerman, Agency Member
AYES:	Don Sedgwick, Chair; Melody Carruth, Vice Chair; Dore J. Gilbert, M.D., Agency Member; Janine Heft, Agency Member; Barbara D. Kogerman, Agency Member

PLANNING AGENCY ADJOURNMENT

PUBLIC IMPROVEMENT CORPORATION

Mayor Sedgwick adjourned the Planning Agency meeting at 8:02 p.m. and invited President Kogerman to convene the Public Improvement Corporation (PIC) meeting. Mayor Sedgwick reconvened the City Council meeting at 8:04 p.m. All Council Members were present.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017

TO: Mayor and Council Members

FROM: David Chantarangsu
Community Development Director

ISSUE: Approval of GPA/ZTA-10-16-3672 General Plan Amendment and Zone Text Amendment to Amend the Hospitality Overlay Zone Floor Area Ratio (FAR) from a Maximum of 1.0 to a Maximum of 1.1

RECOMMENDATION: That the City Council continue this matter to a date certain of April 11, 2017.

SUMMARY:

Staff requests this item be continued to the April 11, 2017, City Council meeting. Additional time is needed to complete the environmental analysis required by state law.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 14, 2017

TO: Mayor and Council Members

FROM: David Chantarangsu
Community Development Director

ISSUE: Zoning Text Amendment No. 2-17-3793, an Amendment to Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, to Permit the Limited Personal Cultivation of Marijuana Inside a Person's Private Residence, Inside an Accessory Structure to a Person's Private Residence, or Outdoors Upon the Grounds of a Person's Private Residence in Accordance with State Law

RECOMMENDATION: That the City Council: (1) Conduct a Public Hearing; and (2) Introduce for First Reading, read by title only, and waive further reading, an Ordinance entitled: "An Ordinance of the City of Laguna Hills, California, adopting Zoning Code Text Amendment No. 2-17-3793 amending Chapters 9-103 (Marijuana Businesses) and 9-04 (Definitions) of Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code to permit the limited personal cultivation of marijuana inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence in accordance with state law."

SUMMARY:

The proposed Ordinance would amend Chapters 9-103 (Marijuana Businesses) and 9-04 (Definitions) of Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code (LHMC) to permit the limited personal cultivation of nonmedical marijuana, as required by Proposition 64. Revisions to existing Chapters 9-103 and 9-04 are recommended in response to voter approval of Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act, which legalized the recreational use of marijuana in California for persons twenty-one (21) years of age or older, and authorized the limited personal cultivation by such persons of not more than six (6) marijuana plants inside a person's

Zoning Text Amendment No. 2-17-3793, an Amendment to the Municipal Code to Permit the Limited Person
March 14, 2017
Page 2

private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence.

The proposed Ordinance would update Title 9 of the LPMC to permit the limited personal cultivation of marijuana as mandated by Proposition 64, while reaffirming that marijuana dispensaries, marijuana businesses, and all other marijuana-related uses are prohibited uses in all zoning districts within the City. Attachment 1 contains the language of the proposed Ordinance while Attachment 2 depicts changes made to the Zoning Code with changes shown.

Staff's report identifies two alternatives the City Council could consider to implement, including the establishment of a permit and inspection process, and a prohibition against outdoor cultivation. However, the alternatives have not been recommended by staff due to costs and issues with enforcement.

BACKGROUND:

In 2013, Title 9 of the LPMC was amended in order to expressly ban the establishment and operation of medical marijuana dispensaries in all zoning districts within the City. In 2016, Title 9 of the LPMC was again amended in response to the Medical Marijuana Regulation and Safety Act (MMRSA) to expand the City-wide ban on medical marijuana dispensaries to include all marijuana-related businesses. The term "marijuana business" was broadly defined to include marijuana cultivation.

On November 8, 2016, California voters approved Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act, which legalized the recreational (nonmedical) use of marijuana in California for persons twenty-one (21) years of age or older, and authorized the limited personal cultivation by such persons of not more than six (6) marijuana plants inside a private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence (e.g., in an outdoor garden area) subject to the following limitations: (a) not more than six living plants may be planted, cultivated, harvested, dried, or processed within a person's single private residence, inside an accessory structure to a person's private residence that is fully enclosed and secure, or outdoors upon the grounds of a person's private residence, at one time; and (b) the living plants and any marijuana produced by the plants in excess of 28.5 grams shall be in a locked space, and shall not be visible by normal unaided vision from a public place.

Zoning Text Amendment No. 2-17-3793, an Amendment to the Municipal Code to Permit the Limited Person

March 14, 2017

Page 3

Staff is recommending approval of the proposed Ordinance to exempt the limited personal cultivation of marijuana from the City-wide ban on marijuana-related uses, as required by Proposition 64. Additionally, the proposed Ordinance clarifies, confirms, and provides greater specificity to existing land use provisions prohibiting marijuana dispensaries and marijuana businesses within all zoning districts in the City.

The language in Proposition 64 authorizes local agencies to prohibit outdoor cultivation, as well as implement a local permitting process to inspect properties for compliance with local cultivation regulations. These alternatives are not recommended by staff due to the lack of adequate staffing resources to implement permitting, inspection, and enforcement processes.

If the City Council elects to implement a permit process for personal marijuana cultivation, staff believes one additional full-time code enforcement position would ultimately be necessary to establish an adequate program of permitting, inspection, enforcement, and tracking, assuming there is significant community interest in personal cultivation (Proposition 64 passed with 54% of registered Laguna Hills voters voting 'yes'). If the department was limited to using its existing part-time code enforcement officer to implement a cultivation permit process, response times for code enforcement requests for service and the length of time required to clear municipal code property violations is likely to increase. Furthermore, if the City Council chooses to enact a prohibition against outdoor marijuana cultivation, staff believes a consequence of this regulation would be an increase in code enforcement inspection requests to resolve illegal cultivation which would result in additional administrative and financial burdens due to enforcement activities.

Other cities have considered ordinance updates that confront similar alternatives, some resulting in temporary bans/moratoriums, prohibitions on outdoor cultivation, permit requirements, payment of property inspection fees, and inspection/background check requirements. A study of nearby cities and their response to Proposition 64 is as follows:

City	Personal Outdoor Cultivation	Personal Indoor Cultivation
Aliso Viejo	Prohibited	Permit Required
Laguna Niguel	Prohibited	Permit Required
Laguna Woods	No Action	No Action
Lake Forest	Prohibited	No Permit Required
Mission Viejo	Prohibited	No Permit Required

Zoning Text Amendment No. 2-17-3793, an Amendment to the Municipal Code to Permit the Limited Person

March 14, 2017

Page 4

San Clemente	Prohibited	No Permit Required
San Juan Capistrano	Prohibited	Permit Required

The approaches vary from city to city, with measures enacted based on community culture; however, staff has leaned towards the narrowest interpretation of the state law, which has the least amount of impact on City resources and residents.

ALTERNATIVES:

Although not recommended as described above, Proposition 64 authorizes local agencies to enact regulations that accomplish a certain level of regulation and oversight concerning marijuana cultivation as described below:

- The City Council could elect to modify the proposed Ordinance to completely prohibit the personal cultivation of marijuana outdoors upon the grounds of a person's private residence (e.g., in an outdoor garden area); however, such a provision will become inoperative as a matter of law when the California Attorney General determines that the nonmedical use of marijuana is lawful in the State of California under federal law.
- The City Council could elect to enact and enforce reasonable regulations to reasonably regulate the personal cultivation of marijuana inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence; however, state law does not provide any guidance to cities on how to draft such a regulatory program. Consequently, depending on the degree of local regulations, such regulatory programs may be preempted by state law and may be subject to legal challenge as violating Proposition 64. The proposed Ordinance would amend Chapters 9-103 (Marijuana Businesses) and 9-04 (Definitions) of Title 9 (Zoning and Subdivisions) of the LHMC to permit the limited personal cultivation of nonmedical marijuana, as required by Proposition 64. Revisions to existing Chapters 9-103 and 9-04 are recommended in response to voter approval of Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act, which legalized the recreational use of marijuana in California for persons twenty-one (21) years of age or older, and authorized the limited personal cultivation by such persons of not more than six (6) marijuana plants inside a person's private residence, inside an accessory structure to a person's private

Zoning Text Amendment No. 2-17-3793, an Amendment to the Municipal Code to
Permit the Limited Person
March 14, 2017
Page 5

residence, or outdoors upon the grounds of a person's private residence.

CEQA FINDINGS:

Environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. The proposed zoning code text amendment modifies several terms within the City's Zoning Code to conform to Proposition 64 while maintaining the existing ban on all marijuana-related uses to the extent permitted by law.

FISCAL IMPACT:

There is no Fiscal Impact to the City resulting from adoption of an Ordinance amending Title 9 of the LPMC to permit the limited personal cultivation of marijuana inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence in accordance with Proposition 64.

ATTACHMENTS:

- ATTACH 1 - Draft Ordinance
- ATTACH 2 - Draft Ordinance (with changes shown)

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 2-17-3792 AMENDING CHAPTERS 9-103 (MARIJUANA BUSINESSES) AND 9-04 (DEFINITIONS) OF TITLE 9 (ZONING AND SUBDIVISIONS) OF THE LAGUNA HILLS MUNICIPAL CODE TO PERMIT THE LIMITED PERSONAL CULTIVATION OF MARIJUANA INSIDE A PERSON'S PRIVATE RESIDENCE, INSIDE AN ACCESSORY STRUCTURE TO A PERSON'S PRIVATE RESIDENCE, OR OUTDOORS UPON THE GROUNDS OF A PERSON'S PRIVATE RESIDENCE IN ACCORDANCE WITH STATE LAW

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code (LHMC) establishes allowable uses of property within all zoning districts in the City; and

WHEREAS, On December 10, 2013, the City Council of the City of Laguna Hills adopted Ordinance No. 2013-2, which amended Title 9 of the LHMC to prohibit medical marijuana dispensaries in all zoning districts within the City; and

WHEREAS, Effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (MMRSA) established a comprehensive regulatory and licensing framework for the operation of marijuana businesses within the State of California. The MMRSA confirmed the authority of cities to control uses of land within their respective jurisdictions and specifically, to regulate or prohibit marijuana businesses; and

WHEREAS, On September 13, 2016, the City Council of the City of Laguna Hills adopted Ordinance No. 2016-4, which amended Title 9 of the LHMC (Zoning and Subdivisions) in accordance with the MMRSA to update clarify, and provide more specificity to the City's ban on marijuana businesses in all zoning districts within the City; and

WHEREAS, On November 8, 2016, California voters approved Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act, which legalized the recreational (non-medical) use of marijuana in California for persons twenty one (21) years of age or older and authorized the limited personal cultivation by such persons of not more than six (6) marijuana plants inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence; and

WHEREAS, This Ordinance updates Title 9 of the LHMC to exempt the limited personal cultivation of marijuana from the City's existing ban on marijuana businesses in all zoning districts as required by Proposition 64 and clarifies, confirms and provides greater specificity to the City's existing land use provisions which do not allow marijuana dispensaries or marijuana businesses within any zoning district in the City; and

WHEREAS, This Ordinance is a City-initiated zoning text amendment subject to Chapter 9-90 of the LHMC; and

WHEREAS, The City Council of the City of Laguna Hills has held a duly noticed public hearing and considered public comments and written and oral information and testimony presented by City staff, community residents, and other interested parties at a public hearing held on March 14, 2017.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council of the City of Laguna Hills hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, Chapter 9-103 (Marijuana Businesses), Section 9-103.020 (Definitions), is hereby amended by revising the definitions for "Marijuana", "Marijuana business", "Marijuana cultivation site" and "Marijuana dispensary" and by adding definitions for "Personal cultivation of marijuana" and "Private residence" to read as follows:

9-103.020 Definitions.

"Marijuana" shall have the same meaning as is defined by Health & Safety Code section 11018 and the term "cannabis" as that term is defined by California Business & Professions Code section 19300.5(f). If the definition under State law is amended, the City's definition shall be as amended. "Marijuana" shall also mean any "cannabinoid" as defined by Business & Professions Code section 19300.5(e), "cannabis concentrate" as defined by Business & Professions Code section 19300.5(g), "edible cannabis product" as defined by Business & Professions Code section 19300.5(s), "manufactured cannabis" as defined by Business & Professions Code section 19300.5(ac), "medical cannabis" as defined by Business & Professions Code section 19300.5(af), and "topical cannabis" as defined by Business & Professions Code section 19300.5(al), as those sections exist as of January 1, 2016 or as amended thereafter.

"Marijuana business" shall mean any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this chapter to "marijuana business" shall be synonymous with "marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in this section. The term "marijuana business" shall not include "personal cultivation of marijuana," as defined in this section.

"Marijuana cultivation site" shall mean any location, whether indoor or outdoor, where marijuana is planted, grown, harvested, dried, cured, graded, or trimmed, or upon which all or any combination of those activities occurs. The term "marijuana cultivation site" shall not include "personal cultivation of marijuana," as defined in this section.

"Marijuana dispensary" shall mean any dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with a storefront or mobile retail outlet where marijuana, in any form, whether for medical, recreational, or any other purpose, is transferred to any person, firm, corporation, association, club, society, or other organization, regardless of whether that activity is undertaken on a for-profit or non-profit basis, or any combination thereof, and regardless of whether the activity is for compensation or is gratuitous.

"Personal cultivation of marijuana" shall mean the possession, planting, cultivation, harvesting, drying, or processing of not more than six (6) living marijuana plants and possession of the marijuana produced by the plants by persons twenty one (21) years of age or older inside a person's private residence, inside an accessory structure to a person's private residence located upon the grounds of a person's private residence that is fully enclosed and secure, or outdoors upon the grounds of a person's private residence (e.g., in an outdoor garden area) as authorized by Health and Safety Code Sections 11362.1 and 11362.2, as may be amended, and subject to the following limitations: (a) not more than six (6) living plants may be planted, cultivated, harvested, dried, or processed within a person's single private residence, inside an accessory structure to a person's private residence that is fully enclosed and secure, or outdoors upon the grounds of a person's private residence, at one time; and (b) the living plants and any marijuana produced by the plants in excess of 28.5 grams shall be in a locked space, and shall not be visible by normal unaided vision from a public place.

"Private residence" shall have the same meaning as is defined by Health & Safety Code section 11362.2(b)(5) (i.e., a house, an apartment unit, a mobile home, or similar dwelling), as may be amended.

SECTION 4. Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, Chapter 9-04 (Definitions), Section 9-04.130 ("M" Definitions), is hereby amended by revising the definition for "Marijuana business" to read as follows:

"Marijuana business" means any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this section to "marijuana business" shall be synonymous with "marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in Chapter 9-103. The term "marijuana business" shall not include "personal cultivation of marijuana," as defined in Chapter 9-103.

SECTION 5. This Ordinance shall take effect on _____, 2017, the 31st day following the adoption of this Ordinance by the City Council.

SECTION 6. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Laguna Hills Municipal Code.

SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

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

DON SEDGWICK, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. _____ was duly introduced
and placed upon its first reading at a Regular Meeting of the City Council on the
_____ day of _____ 2017, and that thereafter, said Ordinance
was duly adopted and passed at a Regular Meeting of the City Council held on the
_____ day of _____ 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Laguna Hills, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

MELISSA AU-YEUNG, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. _____, being:

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. __-__-____ AMENDING CHAPTERS 9-103 (MARIJUANA BUSINESSES) AND 9-04 (DEFINITIONS) OF TITLE 9 (ZONING AND SUBDIVISIONS) OF THE LAGUNA HILLS MUNICIPAL CODE TO PERMIT THE LIMITED PERSONAL CULTIVATION OF MARIJUANA INSIDE A PERSON'S PRIVATE RESIDENCE, INSIDE AN ACCESSORY STRUCTURE TO A PERSON'S PRIVATE RESIDENCE, OR OUTDOORS UPON THE GROUNDS OF A PERSON'S PRIVATE RESIDENCE IN ACCORDANCE WITH STATE LAW

on the _____ day of _____ 2017, was published in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the _____ day of _____ 2017, caused to be posted in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

MELISSA AU-YEUNG, CITY CLERK
Laguna Hills, California

ORDINANCE NO. 2017 -

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. 2-17-3793 AMENDING CHAPTERS 9-103 (MARIJUANA BUSINESSES) AND 9-04 (DEFINITIONS) OF TITLE 9 (ZONING AND SUBDIVISIONS) OF THE LAGUNA HILLS MUNICIPAL CODE TO PERMIT THE LIMITED PERSONAL CULTIVATION OF MARIJUANA INSIDE A PERSON'S PRIVATE RESIDENCE, INSIDE AN ACCESSORY STRUCTURE TO A PERSON'S PRIVATE RESIDENCE, OR OUTDOORS UPON THE GROUNDS OF A PERSON'S PRIVATE RESIDENCE IN ACCORDANCE WITH STATE LAW

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code (LHMC) establishes allowable uses of property within all zoning districts in the City; and

WHEREAS, On December 10, 2013, the City Council of the City of Laguna Hills adopted Ordinance No. 2013-2, which amended Title 9 of the LHMC to prohibit medical marijuana dispensaries in all zoning districts within the City; and

WHEREAS, Effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (MMRSA) established a comprehensive regulatory and licensing framework for the operation of marijuana businesses within the State of California. The MMRSA confirmed the authority of cities to control uses of land within their respective jurisdictions and specifically, to regulate or prohibit marijuana businesses; and

WHEREAS, On September 13, 2016, the City Council of the City of Laguna Hills adopted Ordinance No. 2016-4, which amended Title 9 of the LHMC (Zoning and Subdivisions) in accordance with the MMRSA to update clarify, and provide more specificity to the City's ban on marijuana businesses in all zoning districts within the City; and

WHEREAS, On November 8, 2016, California voters approved Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act, which legalized the recreational (non-medical) use of marijuana in California for persons twenty one (21) years of age or older and authorized the limited personal cultivation by such persons of not more than six (6) marijuana plants inside a person's private residence, inside an accessory structure to a person's private residence, or outdoors upon the grounds of a person's private residence; and

WHEREAS, This Ordinance updates Title 9 of the LHMC to exempt the limited personal cultivation of marijuana from the City's existing ban on marijuana businesses in all zoning districts as required by Proposition 64 and clarifies, confirms and provides greater specificity to the City's existing land use provisions which do not allow marijuana dispensaries or marijuana businesses within any zoning district in the City; and

WHEREAS, This Ordinance is a City-initiated zoning text amendment subject to Chapter 9-90 of the LHMC; and

WHEREAS, The City Council of the City of Laguna Hills has held a duly noticed public hearing and considered public comments and written and oral information and testimony presented by City staff, community residents, and other interested parties at a public hearing held on [REDACTED], 2017.

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council of the City of Laguna Hills hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, Chapter 9-103 (Marijuana Businesses), Section 9-103.020 (Definitions), is hereby amended by revising the definitions for "Marijuana", "Marijuana business", "Marijuana cultivation site" and "Marijuana dispensary" and by adding definitions for "Personal cultivation of marijuana" and "Private residence" to read as follows (additions shown in ***bold/italics***, deletions shown in ~~strikethrough~~):

9-103.020 Definitions.

"Marijuana" shall have the same meaning as ***is defined by Health & Safety Code section 11018 and*** the term "cannabis" as that term is defined by California Business & Professions Code section 19300.5(f) ~~[effective January 1, 2016]~~. If the definition under State law is amended, the City's definition shall be as amended. "Marijuana" shall also mean any "cannab*in*oid" as defined by Business & Professions Code section 19300.5(e), "cannabis concentrate" as defined by Business & Professions Code section 19300.5(g), "edible cannabis product" as defined by Business & Professions Code section 19300.5(s), "manufactured cannabis" as defined by Business & Professions Code section 19300.5(ac), "medical cannabis" as defined by Business & Professions Code section 19300.5(af), and "topical cannabis" as defined by Business & Professions

Code section 19300.5(al), as those sections exist as of January 1, 2016 or as amended thereafter.

"Marijuana business" shall mean any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this chapter to "~~marijuana business,~~" "~~marijuana-related business,~~" or "~~marijuana dispensary~~" shall be synonymous with "medical-marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in this section. ***The term "marijuana business" shall not include "personal cultivation of marijuana," as defined in this section.***

"Marijuana cultivation site" shall mean any location, whether indoor or outdoor, where marijuana is planted, grown, harvested, dried, cured, graded, or trimmed, or upon which all or any combination of those activities occurs. ***The term "marijuana cultivation site" shall not include "personal cultivation of marijuana," as defined in this section.***

"Marijuana dispensary" shall mean any dispensary, facility, cooperative, club, individual, business, group, collective, establishment or other association with a storefront or mobile retail outlet where marijuana, in any form, ***whether for medical, recreational, or any other purpose***, is transferred to any person, firm, corporation, association, club, society, or other organization, regardless of whether that activity is undertaken on a for-profit or non-profit basis, or any combination thereof, and regardless of whether the activity is for compensation or is gratuitous.

"Personal cultivation of marijuana" shall mean the possession, planting, cultivation, harvesting, drying, or processing of not more than six (6) living marijuana plants and possession of the marijuana produced by the plants by persons twenty one (21) years of age or older inside a person's private residence, inside an accessory structure to a person's private residence located upon the grounds of a person's private residence that is fully enclosed and secure, or outdoors upon the grounds of a person's private residence (e.g., in an outdoor garden area) as authorized by Health and Safety Code Sections 11362.1 and 11362.2, as may be amended, and subject to the following limitations: (a) not more than six (6) living plants may be planted, cultivated, harvested, dried, or processed within a person's single private residence, inside an accessory structure to a person's private residence that is fully enclosed and secure, or outdoors upon the grounds of a person's private residence, at one time; and (b) the living plants and any marijuana produced by the plants in excess of 28.5 grams shall be in a locked space, and shall not be visible by normal unaided vision from a public place.

"Private residence" shall have the same meaning as is defined by Health & Safety Code section 11362.2(b)(5) (i.e., a house, an apartment unit, a mobile home, or similar dwelling), as may be amended.

SECTION 4. Title 9 (Zoning and Subdivisions) of the Laguna Hills Municipal Code, Chapter 9-04 (Definitions), Section 9-04.130 ("M" Definitions), is hereby amended by revising the definition for "Marijuana business" to read as follows (additions shown in ***bold/italics***, deletions shown in ~~strike through~~):

"Marijuana business" means any activity, whether or not carried out for commercial gain, which involves cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, transportation, distribution, or sale of marijuana or any marijuana-infused products. This definition shall include any of the foregoing activities conducted by or on behalf of a qualified patient or the primary caregiver of a qualified patient. All references in this section to "marijuana business," ~~"marijuana-related business," or "marijuana dispensary"~~ shall be synonymous with "medical-marijuana dispensary," "mobile marijuana dispensary," and "marijuana cultivation site," which are defined in Chapter 9-103. ***The term "marijuana business" shall not include "personal cultivation of marijuana," as defined in Chapter 9-103.***

SECTION 5. This Ordinance shall take effect on _____, 2017, the 31st day following the adoption of this Ordinance by the City Council.

SECTION 6. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Laguna Hills Municipal Code.

SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

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

DON SEDGWICK, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing Ordinance No. _____ was duly introduced
and placed upon its first reading at a Regular Meeting of the City Council on the
_____ day of _____ 2017, and that thereafter, said Ordinance
was duly adopted and passed at a Regular Meeting of the City Council held on the
_____ day of _____ 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

Laguna Hills, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

MELISSA AU-YEUNG, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. _____, being:

AN ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT NO. ____-____-____ AMENDING CHAPTERS 9-103 (MARIJUANA BUSINESSES) AND 9-04 (DEFINITIONS) OF TITLE 9 (ZONING AND SUBDIVISIONS) OF THE LAGUNA HILLS MUNICIPAL CODE TO PERMIT THE LIMITED PERSONAL CULTIVATION OF MARIJUANA INSIDE A PERSON'S PRIVATE RESIDENCE, INSIDE AN ACCESSORY STRUCTURE TO A PERSON'S PRIVATE RESIDENCE, OR OUTDOORS UPON THE GROUNDS OF A PERSON'S PRIVATE RESIDENCE IN ACCORDANCE WITH STATE LAW

on the _____ day of _____ 2017, was published in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the _____ day of _____ 2017, caused to be posted in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

MELISSA AU-YEUNG, CITY CLERK
Laguna Hills, California