



CITY OF LAGUNA NIGUEL PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Community Development Department

DATE: March 26, 2024

SUBJECT: **Zoning Code Amendment ZCA 24-01 (Code Amendments to Address State Mandates) - PUBLIC HEARING** - A City-initiated ordinance to amend various sections of the Laguna Niguel Municipal Code to address several State land-use mandates; and determining the action to be exempt from the California Environmental Quality Act under State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3).

RECOMMENDATION

It is recommended that the Planning Commission open the public hearing, take public testimony, close public testimony, and then:

1. Find that adoption of Zoning Code Amendment ZCA 24-01 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and thus is not a "project" under State CEQA Guidelines Section 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if adoption of ZCA 24-01 did qualify as a project under CEQA, find that it is exempt from CEQA pursuant to Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
 2. Adopt Resolution No. 24-02 (Attachment A) recommending that the City Council approve Zoning Code Amendment ZCA 24-01 amending various sections of the Laguna Niguel Municipal Code to address several State land-use mandates; and determining the action to be exempt from the California Environmental Quality Act under State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3).
-

PUBLIC NOTICE

In accordance with Government Code Section 65091(a)(4), for projects affecting over 1,000 property owners, a one-eighth (1/8th) page notice of the public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register – Laguna Niguel News* at least 10 days prior to the hearing date. A notice was also posted at City Hall and was made available on the City's website.

As of the writing of this staff report, no public comments have been received in response to this public notice.

BACKGROUND

Housing

On December 5, 2023, the Laguna Niguel City Council adopted the 2021–2029 Housing Element. On February 22, 2024, the California Department of Housing and Community Development (“HCD”) found the adopted Housing Element, including all technical modifications, to be in substantial compliance with State Housing Element law (Government Code Section 65580 et seq). HCD’s determination is subject to the timely and effective implementation of all programs outlined in the Housing Plan, including the City updating its applicable zoning provisions to ensure that development standards and permitting requirements align with current State mandates. Consistent with this commitment, Zoning Code Amendment ZCA 24-01 proposes to update zoning regulations pertaining to emergency shelters, transitional and supportive housing, and group homes as outlined in the adopted Housing Element.

In recent years, the State Legislature has enacted numerous laws affecting local land use and housing regulations. Many of these bills focus on facilitating the development of a variety of housing types and mandating an accelerated approval process. While the adopted Housing Element addresses certain State housing laws, its programs do not address every housing law that impacts the City's local land use authority, such as those governing density bonus laws and low barrier navigation centers. In addition to updating Code provisions relative to the adopted Housing Element, Zoning Code Amendment ZCA 24-01 aims to address these additional housing laws.

Electric Vehicle Charging Stations

In addition to the State’s actions concerning the housing topics noted above, the Legislature has enacted laws aimed at accelerating the deployment of zero-emission vehicles through an expanded infrastructure network to make electric-vehicle (“EV”) use more convenient. Notably, Assembly Bill AB 1236, passed in 2015, requires cities and counties to establish an expedited and streamlined permitting process for EV charging stations. In response, the City adopted Ordinance No. 2018-193 adding Article 12 to the City’s Building Code (LNMC Title 8), thereby establishing provisions for EV charging station permits. Building on California’s efforts to accelerate the deployment of EV infrastructure, Assembly Bill AB 970 was introduced in 2021. This legislation further limits a local jurisdiction’s review and permitting process. Additionally, AB 970 mandates the completion of permit reviews within an expedited timeframe and prohibits the denial of applications based on off-street parking requirements. Collectively these laws aim to streamline related permitting processes and remove potential regulatory constraints generally. Zoning Code Amendment ZCA 24-01 would update existing Code provisions to align them with the latest State legislation concerning EV charging stations.

ANALYSIS

Proposed Zoning Code Amendment ZCA 24-01, developed in collaboration with the City Attorney’s Office, combines multiple Code amendments to fulfill commitments outlined in the adopted Housing Element and to address other notable recent legislative changes affecting the City. The following is a discussion of the proposed text amendments organized into seven topic areas, as outlined below. The draft Ordinance is provided as Exhibit 1 to Attachment A. For added context and reference, Attachment B details the proposed amendments with strike-through deletions and red additions to the Code text.

Text Amendments – Housing

1. Density Bonus

California density bonus law (Government Code Section 65915 et seq.) requires a city to grant a developer, at the developer's request, a density bonus and concessions or incentives and waivers for affordable housing projects. The Legislature has repeatedly amended the density bonus law since 2018. The proposed ordinance would modify Laguna Niguel Municipal Code ("LNMC") Section 9-1-37 by substituting its existing content with a provision that incorporates the State density bonus law by reference (the "Density Bonus Ordinance"). Incorporating State density bonus law by reference would ensure that the zoning provisions remain current in the event of potential future State law changes.

2. Emergency Shelters

The adopted Housing Element includes Action 2.2, which states: "The City will update parking standards for emergency shelters consistent with Assembly Bill AB 139 (2019). The City will process a Code amendment to allow emergency shelters consistent with the requirements of Government Code Section 65583(a)(4) and to allow emergency shelters ancillary to permitted places of worship and churches, consistent with the federal Religious Land Use and Institutionalized Persons Act. The Code will be revised to define emergency shelters consistent with Government Code Sections 65582 and 65583(a)(4) and to identify at least a zone or zones where residential uses are permitted; where emergency shelters are allowed as a permitted use without any discretionary permit; and where there is adequate capacity to accommodate at least one year-round emergency shelter that is adequate to accommodate the unhoused need in the City."

The proposed ordinance implements Action 2.2, amending the Zoning Code ("ZC"). These involve adjustments to definitions, land use tables, and provisions addressing review and permitting procedures for emergency shelters consistent with State law. As required by the Housing Element, the proposed regulations also include objective standards, which are allowed by Government Code Section 65583(a)(4)(B).

3. Transitional and Supportive Housing

The adopted Housing Element includes Action 2.3, which states: "The City will continue to implement the provisions of State law that define transitional and supportive housing as residential uses subject to the same standards and procedures as apply to other residential uses of the same type in the same zone and Assembly Bill AB 2162 (2018)." The City committed to reviewing changes to State law regarding transitional and supportive housing annually and to process local Code amendments by December of each year, if necessary to maintain consistency.

Following a review of the City's existing regulations related to transitional and supportive housing as outlined in Action 2.3, updates to the LNMC are necessary to comply with State law. These updates involve adding definitions, updating the land use tables, and incorporating allowances for transitional and supportive housing as a by-right use in all zones where multifamily and mixed-uses are permitted. Additionally, such housing would be considered a residential use of property, subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

4. Low Barrier Navigation Centers

In 2019, the Legislature enacted, and the Governor signed into law, Assembly Bill AB 101. Among other things, Assembly Bill AB 101 requires cities to permit specified low barrier navigation centers (“LBNC”) by-right in areas zoned for mixed use and nonresidential zones where multifamily uses are allowed. Under State law, LBNCs are defined as “a Housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” The statute is currently set to sunset on January 1, 2027.

The Housing Element does not include commitments to amend zoning provisions related to Assembly Bill AB 101. Nevertheless, under State law, a potential developer may submit to establish a LBNC within City limits. Zoning Code Amendment ZCA 24-01 establishes review procedures and objective standards for the development, management, and operation of LBNCs consistent with State law.

5. Group Homes

The adopted Housing Element includes Action 2.4, which states: “The City will process a Code amendment to allow group homes for seven or more persons in all zones allowing residential uses with objectivity to facilitate approval certainty and similar to like uses of similar form in the same zone.” Currently, only group homes with six or fewer persons are permissible in such zones. Consistent with Action 2.4, the proposed ordinance includes revisions to the ZC, including modifications to definitions, land use tables, and applicable standards for group homes, including group homes for seven or more persons.

6. Site Inventory

The adopted Housing Element includes Action 3.7, which states: “Any vacant site identified in two or more consecutive planning periods or nonvacant sites identified in a prior planning period to accommodate the lower-income RHNA shall be eligible for approval by-right if at least 20% of the units are available to lower-income households pursuant to Government Code §65583.2(c).” The Housing Element commits the City to processing a Code amendment by June 30, 2024, to implement this action. The proposed ordinance includes new regulations in LPMC Section 9-1-55.5 establishing eligibility criteria and objective standards for residential developments qualifying under Government Code §65583.2(c).

Text Amendments – Electric Vehicle Charging Stations

7. Electric Vehicle Charging Stations

The proposed ordinance would update Article 12 of the Building Code, aligning it with the latest State legislation concerning EV charging stations. The update aims to clarify aspects of the existing regulations and to provide clearer guidance and direction for both City staff and applicants. Additionally, the proposed ordinance introduces a new section within the Parking Chapter of the LPMC (Title 9, Article 2, Subarticle 6). This section offers expanded local guidelines for the review process of EV charging stations, incorporating design and development standards. These proposed standards address the placement of EV charging stations and equipment to mitigate potential aesthetic impacts in line with the City’s community design guidelines.

GENERAL PLAN CONSISTENCY

LNMC Section 9-1-117.4(d) requires Zoning Code Amendments to be consistent with the Laguna Niguel General Plan. Zoning Code Amendment ZCA 24-01 is consistent with the Laguna Niguel General Plan, including the following Policies:

- Housing Element, Goal 1, Policy 1.4, states the City will “support innovative public, private, and non-profit efforts in the development of affordable housing, particularly for special needs groups.” The proposed amendments would bring consistency between the Zoning Ordinance and recent State housing mandates aimed at increasing affordable housing production.
- Housing Element, Goal 2, Policy 2.3, states the City will “ensure that City land use and housing policies and regulations do not create unreasonable barriers to housing and housing support services to special needs population groups such as the elderly, families with children, persons with disabilities, and the mentally ill.” The proposed ordinance advances this Housing Element goal as it provides expanded opportunities to develop emergency shelters, transitional and supportive housing, low barrier navigation centers, and group homes in the City. The proposed amendments would allow these uses by-right in multiple zoning districts through a ministerial, administrative review process. Therefore, the proposed ordinance facilitates the development of a variety of housing opportunities to accommodate the needs of persons from all population groups.
- Public Facilities Element, Goal 8, states “the City should provide for efficient development and the use of modern technologies to minimize energy demand and consumption,” and this is, in part, achieved through Policy 8.1 whereby the City will “encourage development that minimizes net energy use and consumption of natural resources.” The proposed ordinance would streamline the permit review process for EV charging stations, thereby encouraging the development of green infrastructure and furthering the City’s commitment to fostering sustainable development practices and technologies that are both energy-efficient and resource-conserving.

CEQA COMPLIANCE

This proposed action is not subject to the provisions of CEQA because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a “project” under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Here, the Code amendments do not constitute a project subject to CEQA because they ensure that the City’s standards and permitting requirements are consistent with State law and fair housing laws, as required by HCD. The Code amendments merely codify these requirements in the LNMC. Additionally, the Code amendments are exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Here, there is no possibility that the Code amendments may have a significant effect on the environment because they merely amend the LNMC to be consistent with State law and fair housing laws, which are already binding on the City.

Prepared by:


Stephanie Tomaino
Contract Planner


Reviewed by:


Erica Roess
Senior Planner


Reviewed by:


John Morgan
Deputy Community Development Director

Reviewed by:


Scott Smith
City Attorney

Submitted by:


Jonathan Orduna
Community Development Director

Attachments:

- A. Planning Commission Resolution No. 24-02 (Zoning Code Amendment ZCA 24-01)
Exhibit 1 – Draft City Council Ordinance
- B. Draft Laguna Niguel Municipal Code Text Amendments (marked-up version for reference only)

Attachment A

Planning Commission Resolution No. 24-02

RESOLUTION NO. 24-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING CODE AMENDMENT (ZCA) 24-01 AMENDING VARIOUS SECTIONS OF THE LAGUNA NIGUEL MUNICIPAL CODE TO ADDRESS SEVERAL STATE MANDATES; AND DETERMINING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER STATE CEQA GUIDELINES SECTIONS 15060(C)(2), 15060(C)(3), AND 15061(B)(3)

WHEREAS,

1. By the authority granted to the City of Laguna Niguel ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety.
2. On December 5, 2023, the 2021-2029 (6th cycle) Laguna Niguel Housing Element ("Housing Element") was approved by the City Council.
3. On February 22, 2024, the California Department of Housing and Community Development ("HCD") found the adopted housing element, including all technical modifications, to be in substantial compliance with the State's Housing Element law (Gov. Code, § 65580 et seq.).
4. HCD's determination is subject to the timely and effective implementation of all programs outlined within the Housing Plan, including the City updating its applicable zoning provisions to ensure that development standards and permitting requirements are consistent align with current state mandates. This includes Zoning Ordinance amendments pertaining to emergency shelters, transitional and supportive housing, and group homes, among other programs specified within its adopted Housing Plan.
5. California's Density Bonus Law (Gov. Code, § 65915 et seq.) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions or incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing.
6. Government Code Section 65915 requires cities to adopt an ordinance specifying how the city will implement State Density Bonus Law, and State Density Bonus Law is frequently amended by the California Legislature.
7. Section 9-1-37 of the Laguna Niguel Municipal Code ("LNMC") contains the City's regulations implementing State Density Bonus Law, and the City desires to remain in compliance.

8. In 2019, the Legislature enacted, and the Governor signed into law, Assembly Bill 101 (“AB 101”), adding Article 12 to Chapter 3 of the California Government Code (commencing with section 65660). Among other things, AB 101 requires cities to permit specified low barrier navigation centers by right in areas zoned for mixed use and nonresidential zones where multifamily uses are allowed.
9. The LNMC does not explicitly provide land use or zoning regulations to address low barrier navigation centers, as permitted by AB 101.
10. As part of the State’s targets to significantly accelerate the use of zero-emission vehicles by 2035, in 2015, the California Legislature adopted Assembly Bill No. 1236 (“AB 1236”), adding Section 65850.7 to the Government Code, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations.
11. In 2018, the City adopted Ordinance No. 2018-193 adding Article 12 of Title 8 (“the Building Code”) to the LNMC establishing provisions for electric vehicle charging station permits.
12. In 2021, the California Legislature adopted Assembly Bill No. 970 (“AB 970”) to update the requirements set forth in Government Code Section 65850.7 and adding a new Government Code Section 65850.71 pertaining to the processing of electric vehicle charging system applications.
13. The City desires to update the LNMC in accordance with AB 970 pertaining to the permitting and review of electric vehicle charging stations.
14. The proposed Zoning Code Amendment 24-01 (hereinafter “ZCA 24-01”) is designed to amend various sections of the LNMC, ensuring compliance with state law by addressing several state mandates relating to land use, as outlined in the preceding recitals and accompanying staff report.
15. In accordance with Government Code Section 65091(a)(4), for projects affecting over 1,000 property owners, a one-eighth (1/8th) page notice of the public hearing describing the project, date, time and location of the hearing was advertised in the *Orange County Register – Laguna Niguel News* at least 10 days prior to the March 26, 2024 hearing date. A notice was also posted at City Hall and was made available on the City’s website.
16. On March 26, 2024 the Planning Commission held a duly noticed public hearing on ZCA 24-01, at which time the Planning Commission considered all evidence presented by City staff and other interested parties.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The Planning Commission of the City of Laguna Niguel, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of the Commission.

SECTION 2. CEQA. The Planning Commission finds, and recommends that the City Council find, that the adoption of ZCA 24-01 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Here, the code amendments do not constitute a project subject to CEQA because they ensure that the City's standards and permitting requirements are consistent with state law and fair housing laws, as required by HCD. The code amendments merely codify these requirements in the LNMC. Additionally, the code amendments are exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Here, there is no possibility that the code amendments may have a significant effect on the environment because they merely amend the LNMC to be consistent with state law and fair housing laws, which are already binding on the City.

SECTION 3. Additional Findings. The Planning Commission finds, and recommends that the City Council find, that ZCA 24-01 meets the findings required for zoning code amendments in accordance with LNMC Section 9-1-117.4(d). The proposed amendments are consistent with and implement the goals and policies of all elements of the Laguna Niguel General Plan and exercise the City's land use powers to protect the health, safety, and welfare of the public. Furthermore, the proposed amendments are consistent with the following Laguna Niguel General Plan Policies:

- Housing Element, Goal 1, Policy 1.4, states the City will "support innovative public, private, and non-profit efforts in the development of affordable housing, particularly for special needs groups." The proposed amendments would bring consistency between the Zoning Ordinance and recent State housing mandates aimed at increasing affordable housing production.
- Housing Element, Goal 2, Policy 2.3, states the City will "ensure that City land use and housing policies and regulations do not create unreasonable barriers to housing and housing support services to special needs population groups such as the elderly, families with children, persons with disabilities, and the mentally ill." The proposed ordinance advances this Housing Element goal as it provides expanded opportunities to develop emergency shelters, transitional and supportive housing, low barrier navigation centers, and group homes in the City. The proposed amendments would allow these uses by-right in multiple zoning districts through a ministerial, administrative review process. Therefore, the proposed ordinance

facilitates the development of a variety of housing opportunities to accommodate the needs of persons from all population groups.

- Public Facilities Element, Goal 8, states “the City should provide for efficient development and the use of modern technologies to minimize energy demand and consumption,” and this is, in part, achieved through Policy 8.1 whereby the City will “encourage development that minimizes net energy use and consumption of natural resources.” The proposed ordinance would streamline the permit review process for EV charging stations, thereby encouraging the development of green infrastructure and furthering the City’s commitment to fostering sustainable development practices and technologies that are both energy-efficient and resource-conserving.

For the above reasons, the adoption of ZCA 24-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan. The Planning Commission also finds the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will merely amend the LNMC to be consistent with state law and fair housing laws. Therefore, the proposed zoning code amendments will not adversely affect public health, safety, or general welfare.

SECTION 4. Recommendation to City Council. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Laguna Niguel hereby recommends that the City Council adopt ZCA 24-01 as provided in the attached “Exhibit 1.”

PASSED, APPROVED, AND ADOPTED this 26th day of March, 2024.

AYES:

NOES:

ABSTAIN:

ABSENT:

Jonathan Orduna
Community Development Director

Sally Savage-Lebhart
Chair of the Planning Commission

Exhibit 1: Draft City Council Ordinance

Attachment A

Exhibit 1

Draft City Council Ordinance

Amend Title 8, Division 1, Article 12. Article 12. – Electric Vehicle Charging Stations Permit, within Division 1 – Buildings and Construction Generally, of Title 8 – Building Regulations of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 8-1-1007. Purpose.

The purpose of this article is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle (“EV”) charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This section is also intended to comply with California Government Code Sections 65850.7 and 65850.71, including successor statutes and amendments thereto.

Sec. 8-1-1008. Applicability.

- (a) This article applies to the permitting of all electric vehicle charging station systems in the City, as that term is defined in this article.
- (b) Electric vehicle charging station systems legally established or permitted prior to the effective date of this article are not subject to the requirements of this article unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station system. Routine operation and maintenance or like-kind replacements of electric vehicle charging stations shall not require a permit.
- (c) Electric vehicle charging stations shall comply with the design and development standards established in Section 9-1-67 of this Code.
- (d) Should this Article conflict with any permit processing requirements specified in any other chapter of the Laguna Niguel Municipal Code, this Article shall take precedence.

Sec. 8-1-1009. Definitions.

The following words and phrases as used in this Article are defined as follows:

Building Department means the Building and Safety Division of the Community Development Department for the City of Laguna Niguel.

Building Official means the Building Official for the City of Laguna Niguel.

City means the City of Laguna Niguel.

Electric vehicle charging station or charging station means any level of electric vehicle supply equipment that is designed and built in compliance with Article 625 of the California Electrical Code, or any successor regulation, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Electronic submittal means the utilization of one or more of the following:

- (1) Email;
- (2) The Internet; or
- (3) Online permit portal.

Feasible method means any method to satisfactorily mitigate or avoid a specific, adverse impact, which may include, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit.

Specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Sec. 8-1-1010. Electric vehicle charging station system requirements.

- (a) All electric vehicle charging station systems shall meet applicable health and safety standards and requirements imposed by the city, local fire department (Orange County Fire Authority), and the State of California.
- (b) Electric vehicle charging station systems shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
- (c) Installation of EV charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- (d) Installation of EV charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. EV charging equipment shall be considered a continuous load.
- (e) Anchorage of either floor-mounted or wall-mounted EV charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

Sec. 8-1-1011. Permit applications and submittal requirements.

- (a) All documents required for the submission of an electric vehicle charging station application, including the checklist of submittal requirements for expedited review, shall be made available on the City's website and made available during business hours at the Building Department.
- (b) Electronic submittal of the required permit application and associated supporting documents by electronic means shall be made available to all electric vehicle charging station permit applicants.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) Prior to submitting an application for processing, the applicant shall verify that the installation of an EV charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding, and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

Sec. 8-1-1012. Permit review and issuance.

- (a) The Building Division shall implement an expedited, streamlined permitting process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The City's adopted checklist shall be published on the City's website.
- (b) An application that satisfies the information requirements in the City's checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Division that the application and supporting documents meet the requirements of the City's checklist, and is consistent with all applicable laws and health and safety standards, the Building Division shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the EV charging station until approval is granted by the City.
- (c) If an application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.
- (d) Notwithstanding the expedited permit processing set forth in this chapter, the Building Official retains authority at all times to identify and address higher priority

life-safety situations. If the Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health and safety, the City may require the applicant to apply for a minor use permit.

- (e) If a minor use permit is required, the City may not deny an application for an electric vehicle charging station minor use permit unless the City makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such finding shall include the basis for the rejection of potential feasible alternatives for preventing the adverse impact. Such decisions may be appealed to the Planning Commission in accordance with Section 9-1-112 of this Code.
- (f) Any conditions imposed on an application to install electric vehicle charging station system shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (g) The City shall not condition approval of an electric vehicle charging station system permit on the approval of an association, as defined in Section 4080 of the Civil Code, that manages a common interest development.

LNMC Section 9-1-32 Amendment. Section 9-1-32 (Permitted uses), Table 3.1: Permitted Residential Uses, of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Table 3.1: PERMITTED RESIDENTIAL USES

P= Permitted use T= Temporary use permit A= Accessory use M= Minor use permit U= Use permit X= Prohibited use H= Home occupation permit	DISTRICT					
LAND USE	RS-1 Rural residen- tial	RS-2 Residen- tial estate	RS-3/RS-4 Single- family	RP Planned residen- tial	RA Attached residen- tial	RM Multi- family
<i>RESIDENTIAL USES</i>						
* * *						

Transitional and Supportive Housing	Permitted in accordance with Section 9-1-35.28
* * *	
Group Home	Permitted in accordance with Section 9-1-38
* * *	

LNMC Section 9-1-35.28 Addition. Section 9-1-35.28. (Transitional and supportive housing) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-35.28. Transitional and supportive housing.

(a) *Transitional housing.* In accordance with Government Code Section 65583(c)(3), transitional housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

(b) *Supportive housing.*

(1) *Generally.* In accordance with Government Code Section 65583(c)(3), supportive housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

(2) *In zones allowing multifamily.* Supportive housing that complies with the requirements of California Government Code Section 65650 et seq. is considered a use by right in all zones where multifamily uses are permitted, including mixed-use zones. In accordance with Government Code Section 65651(b)(1), a supportive housing development must comply with all development standards and policies that apply to other multifamily developments within the same zone, unless preempted by state law.

LNMC Section 9-1-37 Amendment. Section 9-1-37 (Density bonuses for affordable housing), of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-37. Density bonuses and related affordable housing incentives.

The density bonuses and related affordable housing incentives required by state law, including but not limited to Government Code Section 65915 et seq., are available to applicants on the terms and conditions specified in state law.

LNMC Section 9-1-38 Amendment. Section 9-1-38 of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-38. Group homes.

- (a) *Purpose.* The purposes of this section are to further the purposes of state and federal disability and fair-housing laws by, among other things: accommodating the needs of the disabled in a manner that is reasonable and that facilitates the use and enjoyment of a dwelling the same as for non-disabled individuals; and to provide living environments that will enhance the opportunity for the disabled.
- (b) *Standards for group homes.* Group homes, which are distinguished from other boarding houses by the disabled status of their clientele, are permitted in all zones that allow residential uses subject to the following:
 - (1) *Structure.* The structure in which and the lot on which a group home is established must comply with all standards that apply to a residential dwelling structure and lot in the same zone.
 - (2) *Group home permit.* An application for a ministerial, streamlined administrative permit is submitted to the Community Development Director or designee by the property owner and, if the owner is not also the operator, by the operator of the group home. The application must provide the following:
 - a. The name, address, phone number, and driver's license number of the property owner, operator, and house manager.
 - b. A copy of the group home rules and regulations, the maximum number of occupants (may not exceed two persons per legal bedroom, including the house manager), intake procedures, and relapse policy.
 - c. A signed and notarized copy of the City's resident verification form, including affirmation by the operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home.
 - d. If the operator is not the property owner, a signed and notarized copy of the City's property owner consent form for operation of a group home at the property.
 - e. Blank copies of all forms that all residents and potential residents are required to complete.
 - f. A fee for the cost of processing the application as set by Resolution of the City Council.

- g. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible to for updating any of this information to keep it current.
- h. A detailed and labeled floor plan that clearly shows all bedrooms and areas intended for common use.

* * *

LNMC Section 9-1-42 Amendment. Section 9-1-42 (Permitted uses), Table 4.1: Permitted Nonresidential and Mixed Uses, of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

P= Permitted use T= Temporary use permit A= Accessory use M= Minor use permit U= Use permit X= Prohibited use	DISTRICT					
LAND USE	CN Neighborhood Comrcl.	CC Community Comrcl.	CO Office Comrcl.	BP Business Park	PI Public Institutional	MU-TC Mixed-Use Town Center
* * *						
RESIDENTIAL, LODGING, AND CHILDCARE USES						
* * *						
Group Home	Permitted in accordance with Section 9-1-38					
* * *						
Emergency shelters, subject to Section 9-1-45.27	P	P	P	P	P	P
Transitional and Supportive Housing	Permitted in accordance with Section 9-1-35.28					

Low Barrier Navigation Centers	Permitted in accordance with Section 9-1-45.28
* * *	

LNMC Section 9-1-45.27 Addition. Section 9-1-45.27. (Emergency Shelters) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-45.27. Emergency Shelters

- (a) *Purpose and Intent.* The overall design, construction, appearance, operation and maintenance of the emergency shelter facility should provide an environment that is safe, secure, functional, and compatible with the surrounding community
- (b) *Requirements:* The emergency shelter shall comply with the following:
 - (1) *Structure.* The structure in which and the lot on which an emergency shelter is established must comply with all standards that apply to a structure and lot in the same zone, unless preempted by state law.
 - (2) *Emergency shelter permit.* A ministerial, streamlined administrative permit is required to operate an emergency shelter under this section. The applicant must complete the form provided by the City and pay the fee to cover the City's cost of processing the application and administering the permit program as established by Council resolution.
 - (3) *Maximum number of persons/beds.* The shelter may serve no more than ten persons per night unless state law requires a different limitation greater than ten, in which case the shelter may serve no more than the number of persons required by state law.
 - (4) *Parking ratio.* Subject to Government Code Section 65583(a)(4)(A)(ii), on-site parking shall be supplied at a ratio of not less than one space for every employee in the largest shift.
 - (5) *Management and operational standards.* Emergency shelters shall be managed and operated in conformance with the following objective standards:
 - a. No shelter is permitted within 300 feet of another.
 - b. No resident may stay for more than 180 nights in a calendar year.
 - c. *Hours of Operation.* The emergency shelter may only operate between 5:00 p.m. and 8:00 a.m. daily.

- d. The emergency shelter shall provide the following mandatory facilities: a separate interior intake area of no less than 250 square feet; an exterior on-site waiting area of no less than 200 square feet and screened from all public right-of-way areas with landscaping to the extent feasible; office areas for administrative purposes; restrooms; and general storage.
- e. *Lighting.* Outdoor lighting shall be provided in active pedestrian areas, including sidewalks, pathways, and driveways. All lighting must be stationary and permanent. Outdoor lighting must otherwise comply with all applicable general standards set forth in Section 9-1-45.14.
- f. Onsite facility management shall include the following:
 - i. The facility shall prepare and file a management plan with the City that includes operational rules and standards, including, but not limited to, provisions for staff training; neighborhood outreach; screening of residents; eligibility and admission procedures; operating schedule; rules regarding smoking, access to the facility, visitors, and guests; and a written policy outlining the consequences of rules and violations.
 - ii. There shall be at least one qualified on-site manager and one security guard for every 10 occupants during all hours when the emergency shelter is in operation. The on-site manager shall have the authority to enforce the management plan and all rules set forth therein, and to ensure compliance with all development and management standards.
 - iii. The facility shall clearly post written eligibility and admission policies and procedures as well as dates, times, and services available, and shall make a copy available for inspection by the City or any member of the public upon request.

LNMC Section 9-1-45.28 Addition. Section 9-1-45.28. (Low Barrier Navigation Centers) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-45.28. Low Barrier Navigation Centers

- (a) *Purpose.* The purpose of this section is to comply with California Government Code Section 65660 et seq. regarding Low Barrier Navigation Centers (hereafter referred to as “LBNCs,” and each singularly an “LBNC”).
- (b) *Allowed zones.* LBNCs that comply with the provisions of subsection (c) below are permitted by right in areas that are zoned for mixed use and in nonresidential zones that permit multifamily uses.

(c) *Operational and development standards.* LBNCs must comply with all of the following:

(1) *Structure.* The structure in which and the lot on which an LBNC is established must comply with all standards that apply to a structure and lot in the same zone, unless preempted by state law.

(2) *Streamlined administrative review procedures.* A streamlined administrative LBNC permit is required to establish or operate an LBNC. An application for an LBNC permit is reviewed and processed ministerially, without discretionary review or a hearing. The Director of Community Development or the Director's designee will notify an applicant whether the application is complete within 30 days of submittal. Action on the application be taken within 60 days of when the application is determined to be complete.

a. *Separation.* No LBNC may be established or operated at any location that is less than 300 feet from another LBNC or emergency shelter.

b. *Operational services.* As required by Government Code Section 65662, each LBNC must satisfy each of the following:

i. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

ii. It links to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the State Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

iii. It complies Chapter 6.5 (commencing with Section 8255) of Division 8 of the State Welfare and Institutions Code.

iv. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the State Code of Federal Regulations.

c. *On-site personnel.* There shall be at least one qualified on-site manager and one security guard for every 10 occupants during all hours when the

LBNC is in operation. The on-site manager shall have the authority to enforce the management plan and all rules set forth therein, and to ensure compliance with all development and management standards.

- d. *Maximum number of persons/beds.* The LBNC may serve no more than ten persons per night unless state law requires a different limitation greater than ten, in which case the LBNC may serve no more than the number of persons required by state law.

(d) Sunset.

- (1) Subject to subsection (E)(2) below, this section remains in effect until January 1, 2027, and as of that date is repealed.
- (2) If the Legislature amends Government Code Section 65668 to extend the effective date of Government Code Section 65660 et seq., then this section remains in effect until the date on which Government Code Section 65660 et seq. is repealed.

LNMC Section 9-1-55.5 Addition. Section 9-1-55.5. (Housing Element Site Inventory) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-55.5. Housing Element Site Inventory

- (a) *Purpose.* The purpose of this section is to codify the statutory requirements found in California Government Code Section 65583.2(c) that apply to sites identified in Appendix B of the City of Laguna Niguel's Housing Element Residential Land Inventory. The Housing Element Site Inventory includes a list of potential sites to accommodate a portion of the City's unmet Regional Housing Needs Allocation ("RHNA)."
- (b) *Applicability.* This section applies to any vacant site identified in two or more consecutive Housing Element planning periods or nonvacant sites identified in a prior planning period to accommodate the lower-income RHNA provided that at least 20% of the dwelling units are available to lower-income households.
- (c) *Relationship to other regulations.* Residential development eligible under subsection (b) shall also comply with Title 9, including, but not limited to, applicable standards within the underlying zoning district and objective development and design standards in accordance with Section 9-1-95 of this Code. Where there is a conflict between the requirements in the Zoning Code and this section, this section prevails.
- (d) Residential development eligible under subsection (b) shall comply with the following additional standards:

- (1) The minimum residential density is 30 dwelling units per net acre;
- (2) Owner-occupied and rental multifamily residential uses are permitted by right and do not require a discretionary review or approval for residential developments in which 20% or more of the units are affordable to lower income households (as defined by Health and Safety Code Section 50079.5); and
- (3) An applicant for a project under this section may apply for a density bonus in accordance with Government Code Section 65915 and Section 9-1-37 of this Code.

LNMC Section 9-1-67 Amendment. Section 9-1-67 (Electric vehicle charging stations), of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-67. Electric vehicle charging stations

- (a) An application for the installation of electric vehicle charging stations shall be processed, reviewed, and permitted in accordance with Title 8 – Building Regulations, Division 1, Article 12 of this Code.
- (b) Each EV charging space provided in a parking area counts as one space toward the minimum number of parking spaces required in Sections 9-1-63 and 9-1-65, provided that each EV charging space complies with the following design and development standards:
 - (1) Each EV charging space shall include a posted sign and painted curb, or ground markings, indicating that the space is exclusively for EV charging purposes.
 - (2) EV charging equipment shall not obstruct any Americans with Disabilities Act (ADA) compliant sidewalk, entrance, curb-cut, or ramp, while in use or otherwise.
 - (3) Sufficient lighting shall be provided, at a minimum illumination level of two (2) footcandles (fc) and a maximum of three (3) fc, to enable the EV charging equipment to be used at night. The lighting height and shielding shall conform to LNMC Sections 9-1-45.14(2) and (4), respectively.
 - (4) The EV charging station shall not exceed a maximum height of eight (8) feet tall and maximum width of four (4) feet.
 - (5) All cables and conduits shall be installed, laid, or otherwise placed beneath the ground surface. Above-ground cables and conduits are prohibited.

- (6) EV charging equipment shall be free of any commercial signage, animated or flashing screens, or other displays utilized for advertising purposes.
- (7) EV charging stations, including dispensers and ancillary equipment, shall comply with the following location and aesthetic requirements:
 - i. EV charging stations shall be installed, located, or otherwise positioned in such a manner as to ensure that they are not visible from any public rights-of-way, including public streets and sidewalks.
 - ii. Ground equipment shall be fully concealed within a solid wall enclosure that is located outside of the designated boundary landscape areas and painted and designed in a manner that complements and harmonizes with the adjacent building structures. Small ground equipment, less than 20 square feet in footprint area and not exceeding a maximum height of four feet, shall be exempt from the requirement to be concealed within an enclosure. The square footage of the equipment footprint area shall be calculated by drawing a single contiguous shape around all proposed ground equipment.
 - iii. The applicant may propose an alternative to the wall enclosure for screening purposes, subject to the approval of the Community Development Director. Such a request may be considered when it is assessed that the dimensions or location of the wall enclosure could result in increased visual intrusion, and diligent efforts are made to conceal or visually minimize ground equipment through alternative screening measures.

Added Definitions to LPMC Section 9-1-142. The following definitions are hereby added to Section 9-1-142 (Definitions) of the Laguna Niguel Municipal Code to read as follows:

Emergency shelter is defined by California Health and Safety Code Section 50801(e) as housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied access to an emergency shelter because of an inability to pay. Should this Code's definition conflict with Health and Safety Code Section 50801(e), the Health and Safety Code definition prevails.

Low barrier navigation center is defined by California Government Code Section 65660(a) as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. 'Low barrier' means best practices to reduce barriers to entry, including, without limitation: allowing pets, permitting partners to share

living space, and providing storage for residents' possessions. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Supportive housing is defined by California Government Code Section 65650(a) as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Transitional housing is defined by California Government Code Section 65582(j) as buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Amended Definition to LNMC Section 9-1-142. The following definition is hereby amended to Section 9-1-142 (Definitions) of the Laguna Niguel Municipal Code to read as follows:

Managed care facility or project means and includes the following:

(1) *Assisted living facilities.* Facilities providing care on a monthly basis or longer which are the primary residence of the people served. Such facilities provide services to residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such facilities may be located in more than one building and/or on contiguous parcels within the building site.

(2) *Convalescent hospitals.* Facilities licensed by the state department of health services which provide bed and ambulatory care for seven or more patients with postoperative convalescent, chronic illness or dietary problems and persons unable to care for themselves, including persons undergoing psychiatric care and treatment both as inpatients and outpatients, but not including persons with contagious diseases or afflictions. A "convalescent hospital" may also be known as a nursing home, convalescent home, rest home, or home for the aged.

(3) *Residential care facilities.* Facilities licensed by the state to provide living and treatment facilities on a monthly or longer basis for seven or more of the following: wards of the juvenile court, elderly persons, mentally disordered persons, developmentally disabled persons, persons undergoing treatment for alcohol or drug abuse, handicapped

persons, or dependent and neglected children. Such a facility is permitted in all types of residences by operation of state law.

Laguna Niguel Gateway Specific Plan. Table 4-1 (Allowable Land Uses and Permitting Requirements, Laguna Niguel Gateway Zones) on page 4-9 within Chapter 4 of the Gateway Specific Plan is hereby amended to read as follows:

TABLE 4-1 Allowable Land Uses and Permitting Requirements, Laguna Niguel Gateway Zones					
KEY: P = Permitted Use A = Accessory Use U = Use Permit M = Minor Use Permit T = Temporary Use Permit <div></div> = Prohibited Use					
Land Use Type	Permit Required by Zone				
	RC	BP	CS	MU	OS
Residential, Lodging, and Group Care Facilities					
Emergency shelters		P	P	P	
Group homes	Permitted in accordance with §9-1-38 of the Laguna Niguel Municipal Code				
Low barrier navigation centers	Permitted in accordance with §9-1-45.28 of the Laguna Niguel Municipal Code				
* * *					
a. Defined as retail stores under 10,000 sf selling primarily food, beer, wine, and beverage items for off-site consumption, but not distilled spirits b. Defined as retail stores selling primarily food, beer, wine, distilled spirits, and other beverages, plus some food items, all for off-site consumption c. Offices for physicians, dentists, optometrists, chiropractors, physical therapists, and similar practitioners d. Property must also be within AB (Adult Business) overlay district per §9-1-54.4 of the Laguna Niguel Municipal Code					

Attachment B

Draft Laguna Niguel Municipal Code Text Amendments
(marked-up version for reference only)

LEGEND:

- Existing Code Sections.
- **Redlined text:** Existing Code section with new/proposed text to be added.
- ~~Strikethrough text:~~ Existing Code section with text proposed for deletion/removal.

Amend Title 8, Division 1, Article 12. Article 12. – Electric Vehicle Charging Stations Permit, within Division 1 – Buildings and Construction Generally, of Title 8 – Building Regulations of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 8-1-1007. Purpose.

The purpose of this article is to ~~adopt an expedited, streamlined electric vehicle charging station permitting process that complies with Assembly Bill AB 1236 (California Government Code Section 65850.7) to achieve timely and cost effective installations of electric vehicle charging stations. This article allows the city to achieve these goals while protecting the public's health, welfare and safety.~~ **promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle ("EV") charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This section is also intended to comply with California Government Code Sections 65850.7 and 65850.71, including successor statutes and amendments thereto.**

Sec. 8-1-1008. Applicability.

- (a) This article applies to the permitting of all electric vehicle charging station systems in the **C**ity, as that term is defined in this article.
- (b) Electric vehicle charging station systems legally established or permitted prior to the effective date of this article are not subject to the requirements of this article unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station system. Routine operation and maintenance or like-kind replacements of electric vehicle charging stations shall not require a permit.
- (c) **Electric vehicle charging stations shall comply with the design and development standards established in Section 9-1-67 of this Code.**
- (d) **Should this Article conflict with any permit processing requirements specified in any other chapter of the Laguna Niguel Municipal Code, this Article shall take precedence.**

Sec. 8-1-1009. Definitions.

The following words and phrases as used in this Article are defined as follows:

Building Department means the Building and Safety Division of the Community Development Department for the City of Laguna Niguel.

Building Official means the Building Official for the City of Laguna Niguel.

City means the City of Laguna Niguel.

Electric vehicle charging station or *charging station* means any level of electric vehicle supply equipment that is designed and built in compliance with Article 625 of the California Electrical Code, or any successor regulation, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Electronic submittal means the utilization of one or more of the following:

- (1) Email;
- (2) The Internet; **or**
- (3) **Online permit portal.** ~~Facsimile.~~

Feasible method means any method to satisfactorily mitigate or avoid a specific, adverse impact, which may include, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit.

Specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Sec. 8-1-1010. Electric vehicle charging station system requirements.

- (a) All electric vehicle charging station systems shall meet applicable health and safety standards and requirements imposed by the city, local fire department (Orange County Fire Authority), and the State of California.
- (b) Electric vehicle charging station systems shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission **or a Municipal Electric Utility Company** regarding safety and reliability.
- (c) **Installation of EV charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.**
- (d) **Installation of EV charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the**

California Electrical Code. EV charging equipment shall be considered a continuous load.

- (e) Anchorage of either floor-mounted or wall-mounted EV charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

Sec. 8-1-1011. Permit applications and submittal requirements documents.

- (a) ~~Within 14 days of adoption of this Ordinance, the Building Department shall develop and implement a checklist of all requirements with which electric vehicle charging stations shall comply with to be eligible for expedited review. The expedited permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" contained in the most current version of the Zero-Emission Vehicles in California: Community Readiness Guidebook published by the Office of Planning and Research. All documents required for the submission of an expedited electric vehicle charging station application, including the checklist of submittal requirements for expedited review, shall be made available on the City's website and made available during business hours at the Building Department.~~
- (b) Electronic submittal of the required permit application and associated supporting documents by electronic means shall be made available to all electric vehicle charging station permit applicants.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) Prior to submitting an application for processing, the applicant shall verify that the installation of an EV charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding, and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

Sec. 8-1-1012. Permit review and issuance.

- (a) ~~The Building Division Department shall implement an administrative, nondiscretionary review process to expedite the approval of electric vehicle charging station applications. expedited, streamlined permitting process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible~~

for expedited review. The City's adopted checklist shall be published on the City's website.

- (b) An application that satisfies the information requirements in the City's checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Division that the application and supporting documents meet the requirements of the City's checklist, and is consistent with all applicable laws and health and safety standards, the Building ~~Division~~ Department shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the EV charging station until approval is granted by the City.
- (c) If an application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.
- (d) Notwithstanding the expedited permit processing set forth in this chapter, the Building Official retains authority at all times to identify and address higher priority life-safety situations. If the Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health and safety, the City may require the applicant to apply for a minor use permit.
- (e) If a minor use permit is required, the City may not deny an application for an electric vehicle charging station minor use permit unless the City makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such finding shall include the basis for the rejection of potential feasible alternatives for preventing the adverse impact. Such decisions may be appealed to the Planning Commission in accordance with Section 9-1-112 of this Code.
- (f) Any conditions imposed on an application to install electric vehicle charging station system shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (g) The City shall not condition approval of an electric vehicle charging station system permit on the approval of an association, as defined in Section 4080 of the Civil Code, that manages a common interest development.

LNMC Section 9-1-32 Amendment. Section 9-1-32 (Permitted uses), Table 3.1: Permitted Residential Uses, of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Table 3.1: PERMITTED RESIDENTIAL USES

P= Permitted use T= Temporary use permit A= Accessory use M= Minor use permit U= Use permit X= Prohibited use H= Home occupation permit	DISTRICT					
LAND USE	RS-1 Rural residen- tial	RS-2 Residen- tial estate	RS-3/RS-4 Single-family	RP Planned residen- tial	RA Attached residen- tial	RM Multi-family
<i>RESIDENTIAL USES</i>						
* * *						
Transitional and Supportive Housing	Permitted in accordance with Section 9-1-35.28					
* * *						
Group Home, 6 or fewer persons	P	P	P	P	P	P
Group Home	Permitted in accordance with Section 9-1-38					
* * *						

LNMC Section 9-1-35.28 Addition. Section 9-1-35.28. (Transitional and supportive housing) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-35.28. Transitional and supportive housing.

(a) *Transitional housing.* In accordance with Government Code Section 65583(c)(3), transitional housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

(b) *Supportive housing.*

(1) *Generally.* In accordance with Government Code Section 65583(c)(3), supportive housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

(2) *In zones allowing multifamily.* Supportive housing that complies with the requirements of California Government Code Section 65650 et seq. is

considered a use by right in all zones where multifamily uses are permitted, including mixed-use zones. In accordance with Government Code Section 65651(b)(1), a supportive housing development must comply with all development standards and policies that apply to other multifamily developments within the same zone, unless preempted by state law.

LNMC Section 9-1-37 Amendment. Section 9-1-37 (Density bonuses for affordable housing), of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-37. Density bonuses ~~and related~~ for affordable housing incentives.

~~(a) Eligibility.~~ The provision of density bonuses and **related affordable housing incentives required by** ~~related incentives and concessions or waivers for affordable housing developments shall be governed by state law, including but not limited to Government Code Section 65915 et seq.,~~ **are available to applicants on the terms and conditions specified in state law.**

~~(b) Procedures.~~ The procedures for implementing this section are the following:

~~(1) Site development permit.~~ Density bonuses, incentives and concessions may be granted through approval of a site development permit by the city council (after recommendation from the planning commission). For projects within the Gateway Specific Plan area, consistency with the specific plan must also be demonstrated, including but not limited to provisions for community benefits to exceed the base line density, and to ensure that the trip capacity limits, required traffic improvements and other mitigation measures identified in the specific plan and related Program Environmental Impact Report are satisfied, consistent with Government Code sections 65915(d)(1) and 65915(e)(1).

~~(2) Affordable housing agreement.~~ Prior to issuance of building permits for affordable housing developments approved under this section, the applicant shall comply with the requirements of section 65915 regarding entering into an agreement to ensure affordability of designated units. The affordable housing agreement shall contain the provisions required by state law and also include the following:

~~a. The applicant shall grant the city the continuing right of first refusal to purchase or lease any or all of the designated units at fair market value; and~~

~~b. The deeds to the designated units shall contain a covenant stating that the applicant or the applicant's successors in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests in such unit without the written approval of the city, confirming that the sales price of the units is~~

~~consistent with the limits established for low and moderate-income households as adjusted by the Consumer Price Index.~~

~~The city shall also have the authority to enter into other agreements with the applicant or purchasers of the dwelling units as may be necessary to assure that the designated dwelling units are continuously occupied by eligible households.~~

- ~~(c) *Condominium conversions.* The creation or continuation of affordable dwelling units in connection with the conversion of apartments to condominiums shall be governed by Government Code section 65915.5. The procedures for the review of such conversions are set forth in section 9-1-36 and this section.~~

LNMC Section 9-1-38 Amendment. Section 9-1-38 of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-38. Group homes.

- (a) *Purpose.* ~~The purpose of this section is to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are granted special accommodation and/or additional accommodation as appropriate; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on-street parking; (3) providing an accommodation for the disabled that is reasonable and bears some resemblance to the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the disabled and for recovering addicts to be successful in their programs.~~ **The purposes of this section are to further the purposes of state and federal disability and fair-housing laws by, among other things: accommodating the needs of the disabled in a manner that is reasonable and that facilitates the use and enjoyment of a dwelling the same as for non-disabled individuals; and to provide living environments that will enhance the opportunity for the disabled.**
- (b) *Standards for group homes.* ~~Group home that would otherwise constitute a large boarding house is prohibited in single-family zones (RS-1, RS-2, RS-3, RS-4, RP, and RA) unless approval of a group home permit is obtained.~~ **Group homes, which are distinguished from other boarding houses by the disabled status of their clientele, are permitted in all zones that allow residential uses subject to the following:**
- (1) *Structure.* **The structure in which and the lot on which a group home is established must comply with all standards that apply to a residential dwelling structure and lot in the same zone.**

- (2) *Group home permit.* An application for a ministerial, streamlined administrative ~~group-home permit~~ is submitted to the Community Development Director or designee by the property owner and, if the owner is not also the operator, by the operator of the group home. The application must provide the following:
- a. The name, address, phone number, and driver's license number of the property owner, operator, and house manager.
 - b. A copy of the group home rules and regulations, the maximum number of occupants (may not exceed two persons per legal bedroom, including the house manager), intake procedures, and relapse policy.
 - c. A signed and notarized copy of the City's resident verification form, including affirmation by the operator that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside at the group home.
 - d. If the operator is not the property owner, a signed and notarized copy of the City's property owner consent form for operation of a group home at the property.
 - e. Blank copies of all forms that all residents and potential residents are required to complete.
 - f. A fee for the cost of processing the application as set by Resolution of the City Council.
 - g. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible to for updating any of this information to keep it current.
 - h. A detailed and labeled floor plan that clearly shows all bedrooms and areas intended for common use.
- ~~(2) The group home has six or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory second residential unit, occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.~~
- (3) Occupant rental agreements shall be no less than 30 days. Agreements of less than 30 days shall constitute short term rental, a prohibited use in all residential zones that has been determined to be contrary to the purpose and intent of such zones and detrimental to the character of single-family residential neighborhoods specifically.

LNMC Section 9-1-42 Amendment. Section 9-1-42 (Permitted uses), Table 4.1: Permitted Nonresidential and Mixed Uses, of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

P= Permitted use T= Temporary use permit A= Accessory use M= Minor use permit U= Use permit X= Prohibited use	DISTRICT					
LAND USE	CN Neighborhood Comrcl.	CC Community Comrcl.	CO Office Comrcl.	BP Business Park	PI Public Institutional	MU-TC Mixed-Use Town Center
* * *						
RESIDENTIAL, LODGING, AND CHILDCARE USES						
* * *						
Group homes, 6 or fewer persons (excluding house manager)	X	X	X	X	X	X
Group homes, 7 or more persons (excluding house manager)	X	X	X	X	U	X
Group Home	Permitted in accordance with Section 9-1-38					
* * *						
Emergency shelters, subject to Section 9-1-45.27	P	P	P	P	P	P
Transitional shelters	X	X	X	X	U	X

Transitional and Supportive Housing	Permitted in accordance with Section 9-1-35.28
Low Barrier Navigation Centers	Permitted in accordance with Section 9-1-45.28
* * *	

LNMC Section 9-1-45.27 Addition. Section 9-1-45.27. (Emergency Shelters) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-45.27. Emergency Shelters

- (a) *Purpose and Intent.* The overall design, construction, appearance, operation and maintenance of the emergency shelter facility should provide an environment that is safe, secure, functional, and compatible with the surrounding community
- (b) *Requirements:* The emergency shelter shall comply with the following:
 - (1) *Structure.* The structure in which and the lot on which an emergency shelter is established must comply with all standards that apply to a structure and lot in the same zone, unless preempted by state law.
 - (2) *Emergency shelter permit.* A ministerial, streamlined administrative permit is required to operate an emergency shelter under this section. The applicant must complete the form provided by the City and pay the fee to cover the City's cost of processing the application and administering the permit program as established by Council resolution.
 - (3) *Maximum number of persons/beds.* The shelter may serve no more than ten persons per night unless state law requires a different limitation greater than ten, in which case the shelter may serve no more than the number of persons required by state law.
 - (4) *Parking ratio.* Subject to Government Code Section 65583(a)(4)(A)(ii), on-site parking shall be supplied at a ratio of not less than one space for every employee in the largest shift.
 - (5) *Management and operational standards.* Emergency shelters shall be managed and operated in conformance with the following objective standards:
 - a. No shelter is permitted within 300 feet of another.
 - b. No resident may stay for more than 180 nights in a calendar year.

- c. *Hours of Operation.* The emergency shelter may only operate between 5:00 p.m. and 8:00 a.m. daily.
- d. The emergency shelter shall provide the following mandatory facilities: a separate interior intake area of no less than 250 square feet; an exterior on-site waiting area of no less than 200 square feet and screened from all public right-of-way areas with landscaping to the extent feasible; office areas for administrative purposes; restrooms; and general storage.
- e. *Lighting.* Outdoor lighting shall be provided in active pedestrian areas, including sidewalks, pathways, and driveways. All lighting must be stationary and permanent. Outdoor lighting must otherwise comply with all applicable general standards set forth in Section 9-1-45.14.
- f. Onsite facility management shall include the following:
 - i. The facility shall prepare and file a management plan with the City that includes operational rules and standards, including, but not limited to, provisions for staff training; neighborhood outreach; screening of residents; eligibility and admission procedures; operating schedule; rules regarding smoking, access to the facility, visitors, and guests; and a written policy outlining the consequences of rules and violations.
 - ii. There shall be at least one qualified on-site manager and one security guard for every 10 occupants during all hours when the emergency shelter is in operation. The on-site manager shall have the authority to enforce the management plan and all rules set forth therein, and to ensure compliance with all development and management standards.
 - iii. The facility shall clearly post written eligibility and admission policies and procedures as well as dates, times, and services available, and shall make a copy available for inspection by the City or any member of the public upon request.

LNMC Section 9-1-45.28 Addition. Section 9-1-45.28. (Low Barrier Navigation Centers) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-45.28. Low Barrier Navigation Centers

- (a) *Purpose.* The purpose of this section is to comply with California Government Code Section 65660 et seq. regarding Low Barrier Navigation Centers (hereafter referred to as “LBNCs,” and each singularly an “LBNC”).

(b) *Allowed zones.* LBNCs that comply with the provisions of subsection (c) below are permitted by right in areas that are zoned for mixed use and in nonresidential zones that permit multifamily uses.

(c) *Operational and development standards.* LBNCs must comply with all of the following:

(1) *Structure.* The structure in which and the lot on which an LBNC is established must comply with all standards that apply to a structure and lot in the same zone, unless preempted by state law.

(2) *Streamlined administrative review procedures.* A streamlined administrative LBNC permit is required to establish or operate an LBNC. An application for an LBNC permit is reviewed and processed ministerially, without discretionary review or a hearing. The Director of Community Development or the Director's designee will notify an applicant whether the application is complete within 30 days of submittal. Action on the application be taken within 60 days of when the application is determined to be complete.

a. *Separation.* No LBNC may be established or operated at any location that is less than 300 feet from another LBNC or emergency shelter.

b. *Operational services.* As required by Government Code Section 65662, each LBNC must satisfy each of the following:

i. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

ii. It links to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the State Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

iii. It complies Chapter 6.5 (commencing with Section 8255) of Division 8 of the State Welfare and Institutions Code.

iv. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined

by Section 578.3 of Title 24 of the State Code of Federal Regulations.

- c. *On-site personnel.* There shall be at least one qualified on-site manager and one security guard for every 10 occupants during all hours when the LBNC is in operation. The on-site manager shall have the authority to enforce the management plan and all rules set forth therein, and to ensure compliance with all development and management standards.
- d. *Maximum number of persons/beds.* The LBNC may serve no more than ten persons per night unless state law requires a different limitation greater than ten, in which case the LBNC may serve no more than the number of persons required by state law.

(d) Sunset.

- (1) Subject to subsection (E)(2) below, this section remains in effect until January 1, 2027, and as of that date is repealed.
- (2) If the Legislature amends Government Code Section 65668 to extend the effective date of Government Code Section 65660 et seq., then this section remains in effect until the date on which Government Code Section 65660 et seq. is repealed.

LNMC Section 9-1-55.5 Addition. Section 9-1-55.5. (Housing Element Site Inventory) of the Laguna Niguel Municipal Code is hereby added to read in its entirety as follows:

Sec. 9-1-55.5. Housing Element Site Inventory

- (a) *Purpose.* The purpose of this section is to codify the statutory requirements found in California Government Code Section 65583.2(c) that apply to sites identified in Appendix B of the City of Laguna Niguel's Housing Element Residential Land Inventory. The Housing Element Site Inventory includes a list of potential sites to accommodate a portion of the City's unmet Regional Housing Needs Allocation ("RHNA)."
- (b) *Applicability.* This section applies to any vacant site identified in two or more consecutive Housing Element planning periods or nonvacant sites identified in a prior planning period to accommodate the lower-income RHNA provided that at least 20% of the dwelling units are available to lower-income households.
- (c) *Relationship to other regulations.* Residential development eligible under subsection (b) shall also comply with Title 9, including, but not limited to, applicable standards within the underlying zoning district and objective development and design standards in accordance with Section 9-1-95 of this Code. Where there is

a conflict between the requirements in the Zoning Code and this section, this section prevails.

- (d) Residential development eligible under subsection (b) shall comply with the following additional standards:
 - (1) The minimum residential density is 30 dwelling units per net acre;
 - (2) Owner-occupied and rental multifamily residential uses are permitted by right and do not require a discretionary review or approval for residential developments in which 20% or more of the units are affordable to lower income households (as defined by Health and Safety Code Section 50079.5); and
 - (3) An applicant for a project under this section may apply for a density bonus in accordance with Government Code Section 65915 and Section 9-1-37 of this Code.

LNMC Section 9-1-67 Amendment. Section 9-1-67 (Electric vehicle charging stations), of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Sec. 9-1-67. Electric vehicle charging stations

- (a) An application for the installation of electric vehicle charging stations shall be processed, reviewed, and permitted in accordance with Title 8 – Building Regulations, Division 1, Article 12 of this Code.
- (b) Each EV charging space provided in a parking area counts as one space toward the minimum number of parking spaces required in Sections 9-1-63 and 9-1-65, provided that each EV charging space complies with the following design and development standards:
 - (1) Each EV charging space shall include a posted sign and painted curb, or ground markings, indicating that the space is exclusively for EV charging purposes.
 - (2) EV charging equipment shall not obstruct any Americans with Disabilities Act (ADA) compliant sidewalk, entrance, curb-cut, or ramp, while in use or otherwise.
 - (3) Sufficient lighting shall be provided, at a minimum illumination level of two (2) footcandles (fc) and a maximum of three (3) fc, to enable the EV charging equipment to be used at night. The lighting height and shielding shall conform to LNMC Sections 9-1-45.14(2) and (4), respectively.

- (4) The EV charging station shall not exceed a maximum height of eight (8) feet tall and maximum width of four (4) feet.
- (5) All cables and conduits shall be installed, laid, or otherwise placed beneath the ground surface. Above-ground cables and conduits are prohibited.
- (6) EV charging equipment shall be free of any commercial signage, animated or flashing screens, or other displays utilized for advertising purposes.
- (7) EV charging stations, including dispensers and ancillary equipment, shall comply with the following location and aesthetic requirements:
 - i. EV charging stations shall be installed, located, or otherwise positioned in such a manner as to ensure that they are not visible from any public rights-of-way, including public streets and sidewalks.
 - ii. Ground equipment shall be fully concealed within a solid wall enclosure that is located outside of the designated boundary landscape areas and painted and designed in a manner that complements and harmonizes with the adjacent building structures. Small ground equipment, less than 20 square feet in footprint area and not exceeding a maximum height of four feet, shall be exempt from the requirement to be concealed within an enclosure. The square footage of the equipment footprint area shall be calculated by drawing a single contiguous shape around all proposed ground equipment.
 - iii. The applicant may propose an alternative to the wall enclosure for screening purposes, subject to the approval of the Community Development Director. Such a request may be considered when it is assessed that the dimensions or location of the wall enclosure could result in increased visual intrusion, and diligent efforts are made to conceal or visually minimize ground equipment through alternative screening measures.

Added Definitions to LNM Code Section 9-1-142. The following definitions are hereby added to Section 9-1-142 (Definitions) of the Laguna Niguel Municipal Code to read as follows:

Emergency shelter is defined by California Health and Safety Code Section 50801(e) as housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied access to an emergency shelter because of an inability to pay. Should this Code's definition conflict with Health and Safety Code Section 50801(e), the Health and Safety Code definition prevails.

Low barrier navigation center is defined by California Government Code Section 65660(a) as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. 'Low barrier' means best practices to reduce barriers to entry, including, without limitation: allowing pets, permitting partners to share living space, and providing storage for residents' possessions. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Supportive housing is defined by California Government Code Section 65650(a) as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Transitional housing is defined by California Government Code Section 65582(j) as buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Should this Code's definition conflict with the California Government Code section definition of this term, the Government Code definition prevails.

Amended Definition to LNMC Section 9-1-142. The following definition is hereby amended to Section 9-1-142 (Definitions) of the Laguna Niguel Municipal Code to read as follows:

Managed care facility or project means and includes the following:


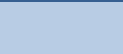
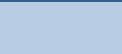










(1) *Assisted living facilities.* Facilities providing care on a monthly basis or longer which are the primary residence of the people served. Such facilities provide services to residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such facilities may be located in more than one building and/or on contiguous parcels within the building site.

(2) *Convalescent hospitals.* Facilities licensed by the state department of health services which provide bed and ambulatory care for seven or more patients with postoperative convalescent, chronic illness or dietary problems and persons unable to care for themselves, including persons undergoing psychiatric care and treatment both as inpatients and outpatients, but not including persons with contagious diseases or

afflictions. A "convalescent hospital" may also be known as a nursing home, convalescent home, rest home, or home for the aged.

(3) ~~Residential care facilities. for the Elderly.~~ Facilities defined in ~~Section 1569.2 of the state Health and Safety Code, plus Alzheimer's care facilities.~~ **licensed by the state to provide living and treatment facilities on a monthly or longer basis for seven or more of the following: wards of the juvenile court, elderly persons, mentally disordered persons, developmentally disabled persons, persons undergoing treatment for alcohol or drug abuse, handicapped persons, or dependent and neglected children. Such a facility is permitted in all types of residences by operation of state law.**

Laguna Niguel Gateway Specific Plan. Table 4-1 (Allowable Land Uses and Permitting Requirements, Laguna Niguel Gateway Zones) on page 4-9 within Chapter 4 of the Gateway Specific Plan is hereby amended to read as follows:

TABLE 4-1 Allowable Land Uses and Permitting Requirements, Laguna Niguel Gateway Zones					
KEY: P = Permitted Use A = Accessory Use U = Use Permit M = Minor Use Permit T = Temporary Use Permit  = Prohibited Use					
Land Use Type	Permit Required by Zone				
	RC	BP	CS	MU	OS
Residential, Lodging, and Group Care Facilities					
Emergency shelters ^a		P	P	P	
Group homes	Permitted in accordance with §9-1-38 of the Laguna Niguel Municipal Code				
Low barrier navigation centers	Permitted in accordance with §9-1-45.28 of the Laguna Niguel Municipal Code				
Group Homes, 6 or fewer persons (excluding house manager)					
Group Homes, 7 or more persons (excluding house manager)					
...					
a. To be allowed by right with construction of or alteration to any structure subject to a minor site development permit in accordance with Zoning Code Section 9-1-114.1 b. Defined as retail stores under 10,000 sf selling primarily food, beer, wine, and beverage items for off-site consumption, but not distilled spirits c. Defined as retail stores selling primarily food, beer, wine, distilled spirits, and other beverages, plus some food items, all for off-site consumption d. Offices for physicians, dentists, optometrists, chiropractors, physical therapists, and similar practitioners e. Property must also be within AB (Adult Business) overlay district per §9-1-54.4 of the Laguna Niguel Municipal Code					