

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

July 9, 2009
9:00 A.M.

Laguna Woods City Hall
Council Chambers
24264 El Toro Road
Laguna Woods, CA 92637

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed.

Any person wishing to address the Land Use and Design Review Committee on any matter, whether or not it appears on this agenda, may do so under the appropriate section of the agenda. Whenever possible, lengthy testimony should be presented to the Committee in writing (12 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the **Public Comment** section of the meeting.

I. CALL TO ORDER

II. ROLL CALL

III. COMMITTEE BUSINESS

- A. Rite Aid (Home Depot Center) Sign Program/SP 547
(Attachment 1)

RECOMMENDED ACTION: Discuss, consider modifications and make a recommendation to the City Council.

- B. Temporary Signs (Attachment 2)

RECOMMENDED ACTION: Discuss proposed modifications to existing temporary sign regulations and recommend approval to the City Council.

C. Message Business Regulations (Attachment 3)

RECOMMENDED ACTION: Discuss proposed modifications to massage therapist business regulations and recommend approval to the City Council

IV. PENDING PROJECTS UPDATE

- A. San Sebastian Condominium Project
- B. Outdoor Restaurant Seating Permit Policy
- C. Lutheran Church of the Cross Renovation

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

IX. ADJOURN

Next regularly scheduled meeting at 9:00 a.m., Thursday, August 13, 2009.

City of Laguna Woods
Agenda Report

DATE: July 9, 2009 Land Use and Design Review Committee Meeting

TO: Land Use and Design Review Committee

FROM: Leslie Keane, City Manager 

AGENDA ITEM: Rite Aid Sign Program, 24330 El Toro Road (SP 547)

Recommendation

Discuss, consider modifications and make a recommendation to the City Council.

This sign program request signage significantly larger than allowed by Municipal Code; staff is still reviewing the proposal and will be prepared to discuss alternatives at the meeting. It is suggested that Committee members visit the site and view the existing signage and Rite Aid and Center signage prior to the meeting.

Background

Site development plans for the Rite Aid, located in the Stater Brothers/Home Depot shopping center, was approved by Orange County, prior to the City's incorporation, in January 1998. Building permits for the existing wall signs were issued by the county on January 22nd 1999 and the permits were finalized on March 19th 1999. A Certificate of Occupancy for the Rite Aid was issued April 8th 1999.

Discussion

Site Enhancement Services submitted Sign Program application (SP 547) on behalf of Rite Aid. The sign program application identifies removal of existing signs located above the building's primary entrance and

replacement with similarly sized updated signs consistent with current Rite Aid branding. The existing signs are not consistent with the current Laguna Woods Zoning Code and are considered legal nonconforming; they are allowed to remain on the building, but cannot be modified unless they come into conformance with City regulations. The Zoning Code includes a sign program process that allows modification to sign regulations upon certain findings.

The applicant proposes to retain three existing wall signs (totaling 60 square feet) and an offsite monument sign, and to remove two existing 405 square foot awning signs and replace them with two new 405 square foot wall signs. One 30 square foot sign that currently exists is proposed to be removed and not replaced. The proposed signs are generally flush with the building except for the lower 30-inches (blue portion) which projects six-inches from the building façade. Although the frame of the existing and proposed walls signs is identical, the proposed text is slightly larger. Current City regulations, Zoning Code 13.20.050 (3), would allow a maximum total of 150 square feet of wall signage that could be divided between two frontages and no offsite sign. The proposed sign program totals 870 square feet and includes signage on all building frontages.

The Zoning Code recognizes that there may be circumstances that warrant additional business signage. The sign program process is designed to address this issue; however, there are specific findings that must be made and the circumstances must be unique. In the past, the City has approved sign programs that grant more signage than allowed by the Code in circumstances where:

1. The proposed signage is consistent with other signage in the area; and
2. The proposed signage represents an aesthetic improvement over existing signage, and/or
2. The amount of signage permitted, while greater than allowed by Code, represents a reduction to an existing entitlement.

As noted above, signage approved by the County that does not meet current City regulations is considered legal non-conforming; it can be repaired, but cannot note be modified. Legal non-conforming signs may not be expanded, altered or remodeled without coming into conformance with current regulations. Approval of a sign program establishes new entitlements and

permits sign repair and alteration within the scope of the new entitlement. For example – Rite Aid is unable to remove and replace its awning signs because its existing signage is significantly more than allowed by Code. They could replace the awning with new awning of the same size and color with the same size text. If the City approves a sign program, it would make the number of the signs and the large square footage legal. Rite Aid could then modify and/or replace these signs as long as they stayed within the number and size of the new entitlements. In addition, nonconforming rights do not transfer to a new business. A sign program confers entitlements that are transferable.

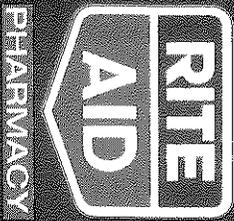
The attachments to this report include pictures of the current and proposed signs.

Conclusion

Staff is still finalizing its recommendation. Both the staff and committee recommendation will be presented to the City Council at a public hearing scheduled for July 15, 2009.

Information provided by: Alex Gutierrez, City Planner

Attachments: Sign Program



Laguna Woods, CA
Submittal

Date Created	3-11-09	Revision Date	7-1-09
Street Address	24330 El Toro Road		
City, ST	Laguna Woods, CA 92637		



5107 Kissell Avenue
Allentown, PA 18601
814.949.8287

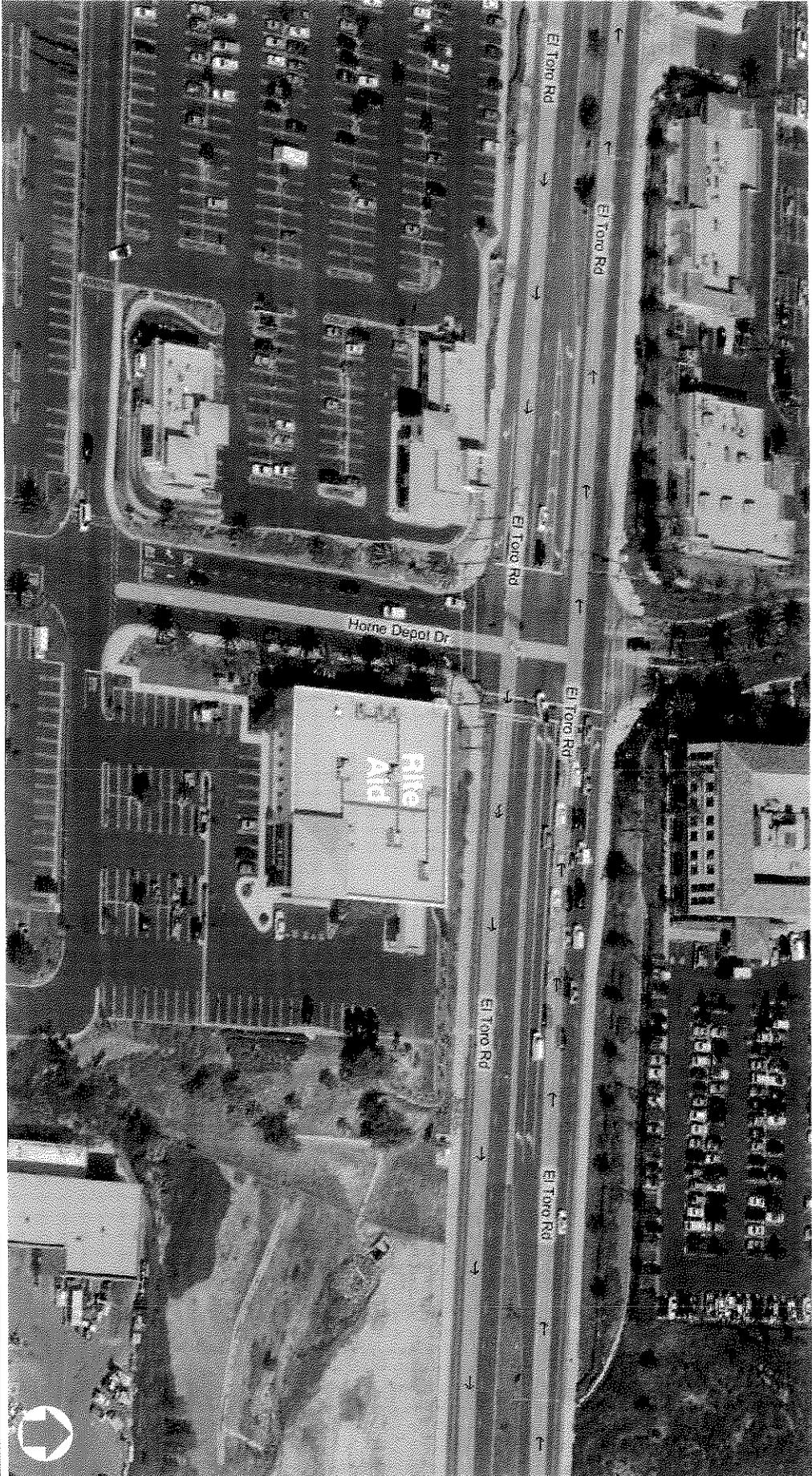
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RITE AID



AERIAL PHOTOGRAPH



Date Created	3-11-09	Revision Date	7-1-09
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City, ST	Laguna Woods, CA 92637		

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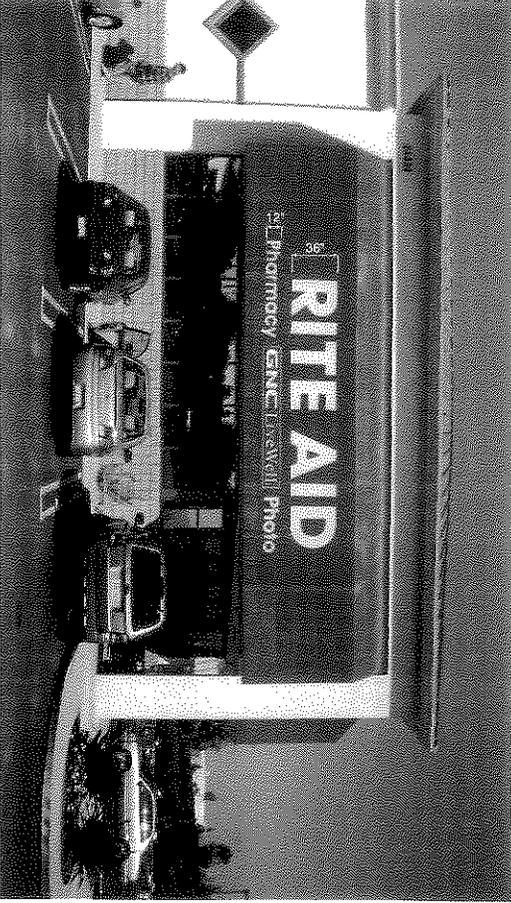
RITE AID

RITE AID BUILDING ELEVATION

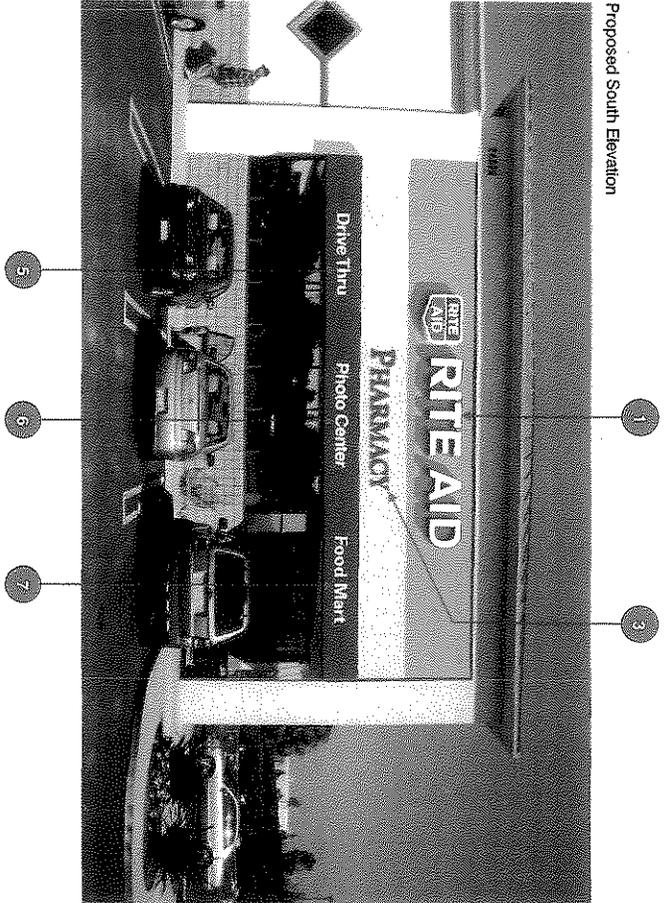
Sign #	Description
1	30" Channel Letters w/ 38" Shield
2	30" Channel Letters w/ 38" Shield
3	20" Reverse Pan Channel Pharmacy Letters
4	20" Reverse Pan Channel Pharmacy Letters
5	11" Drive Thru Push Through Letters

Sign #	Description
6	11" Photo Center Push Through Letters
7	11" Food Mart Push Through Letters
8	11" Drive Thru Push Through Letters
9	11" Photo Center Push Through Letters
10	11" Food Mart Push Through Letters

Existing South Elevation - 405 Square Foot Awning, Illuminated



Proposed South Elevation



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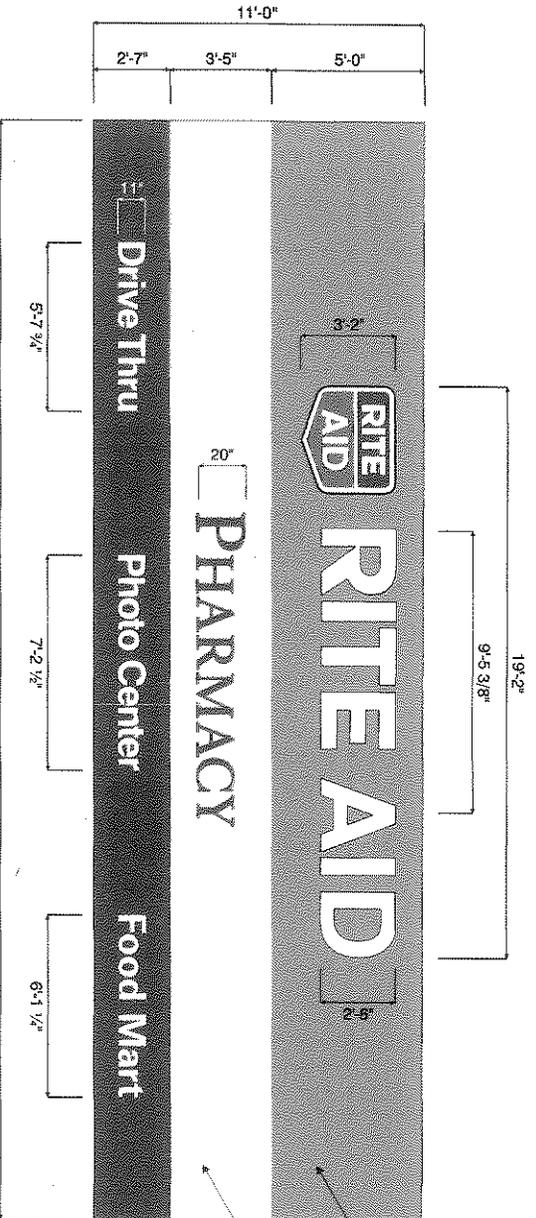


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RITE AID



Scale: 1/2" = 1'

Facade to be painted to match stone work at base of building.

Facade to be painted to match existing building color.

Cabinet to project 6" from facade to accommodate for various forms of illumination.

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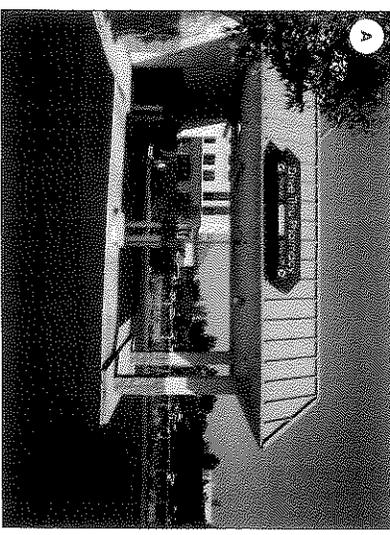


RITE AID

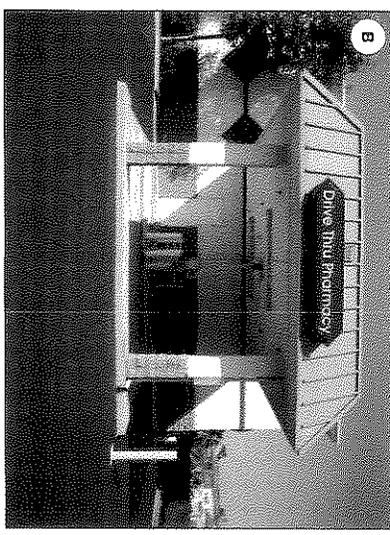


EXISTING SIGNAGE TO REMAIN

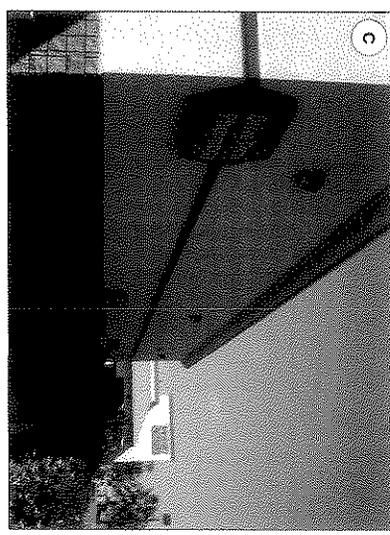
One (1) 2' x 11' Drive Thru Cabinet Sign - 22 SF



One (1) 2' x 10-9" Drive Thru Cabinet Sign - 21.5 SF



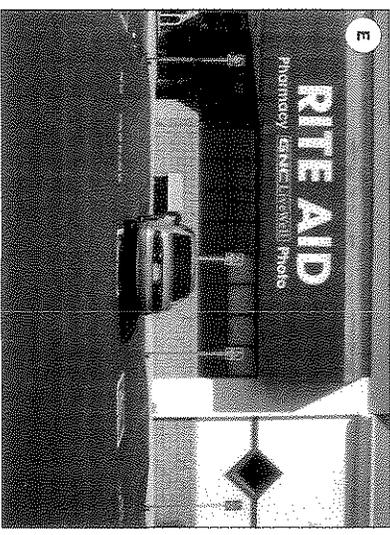
One (1) 4' x 7-6" Drive Thru Cabinet Sign - 30 SF



One (1) 4' x 7-6" Drive Thru Cabinet Sign - 30 SF



Four (4) 18" x 12" Handicap Parking Signs - 6 SF (1.5 SF each)



Sign to be removed to compensate square footage.

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BLAIR COMPANIES
Signs • Particles • Composites

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RITE AID

City of Laguna Woods
Agenda Report

DATE: July 9, 2009 Land Use and Design Review Committee Meeting

TO: Land Use and Design Review Committee

FROM: Leslie Keane, City Manager



AGENDA ITEM: Modifications to Temporary Sign Regulations

Recommendation

Discuss proposed modifications to existing temporary sign regulations and recommend approval to the City Council.

Background

The City's Zoning Code contains regulations for temporary signage, adopted in 2003. At its June meeting, the Land Use and Design Review's Committee's June meeting discussed revisions to these regulations and asked staff to return with a proposal.

Discussion

Staff is recommending a number of changes to current temporary signage recommendations.

1. Adds general regulations clarifying that temporary signs cannot resemble traffic signs, may not be illuminated, may not be located in public rights of way or on public property, and require property owner permission.
2. Clarifies that construction signs must be located on site.

3. Clarifies that real estate signs must be on site, with the exception of multifamily residential projects where signs may be located in common area property associated with the project.
4. Adds a section allowing open house signs in residential zoning districts.
5. Clarifies that banner signs are allowed in residential districts.
6. Revises the number of days a banner sign may be in place – the proposal reduces the maximum permit duration from 60 to 30 days per sign, but increase the annual limit from 60 to 120 days.
7. Adds a provision allowing no fee one week banners for non-profit organizations.
8. Eliminates the section permitting small decorative flags at real estate and residential facilities.
9. Adds a provision for free standing flag poles.
10. Clarifies the location of sandwich board signs.

The proposal does not contain revisions to prohibited signs, such as offsite signs or small staked signs, nor does it modify political or promotional sign regulations.

Conclusion

If approved by the Land Use and Design Review Committee, this matter would be agendaized for first reading at the City Council's July 15th meeting, with a public hearing and second reading scheduled for August.

Proposed Modifications to Temporary Sign Regulations (Changes are indicated in red)

Sec. 13.20.050. Permitted signs

(b) *Temporary signs.*

(1) All temporary signs shall be subject to the following:

a. No sign shall simulate or imitate in size, color, lettering, or design any traffic sign or signal, or which makes use of the words, "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

b. No illumination shall be provided.

c. Temporary signs may not be located in, or extend into, any public right-of-way, nor be attached to fire hydrants, traffic signals, streetlights or utility poles, nor placed in any area that may otherwise inhibit or interfere with vehicular or pedestrian traffic.

e. Nothing in this subsection is intended to permit the installation of signs without permission of the property owner.

(2) *Construction signs.* One construction sign shall be permitted on any building site, during the period of construction, subject to the following conditions:

a. The sign must be located within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

b. The sign may not be internally or externally illuminated

c. The area of the sign shall not exceed:

1. Where located in a residential district, the sign area shall not exceed

(i) Four or less units per building site: Six square feet.

- (ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

- d. The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection.

(3) *Real estate signs.* In any area, one free standing real estate sign shall be permitted on any building site, subject to the following conditions:

- a. The sign must be located on the site being sold or leased; in the case of a multifamily residential building or a shopping center, the sign may be located on common area property within the larger site.

- b. The area of the sign shall not exceed:

1. *Residential.*

- (i) Four or less units per building site: Six square feet.
- (ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

- c. The sign may not be illuminated.

- d. The sign may remain only as long as the property remains unsold or unleased.

(4) *Open house signs in residential districts.* Open house signs are allowed within residential districts between the hours of dawn to dusk, and only while the open house is in progress. The copy of open house signs shall be limited to information relating to the sale, lease or rental of the premises, hours the home is open for view and/or directions to the property. Each sign shall be firmly affixed to a support stake and shall not exceed four square feet in total area. Signs may be displayed during the time of the open house but shall not exceed the period between dawn and dusk daily.

- a. Open house signs associated with residential units located in a common interest development shall be limited to three signs per unit and may be placed on

site or in common area associated with the property, subject to the regulations of the common interest development.

b. In the case of a single family residence, signs shall be limited to one sign per property and shall be restricted to the front yard of the property.

c. Real Estate or open house signage displayed in a window of a residential unit shall be exempt from the provisions of this section, but shall not exceed 25 percent of any window in which they are placed.

(5) *Banner signs.*

a. Banner signs shall be allowed in commercial districts and on multifamily residential projects that exceed five or more units per building.

b. Banner signs shall be allowed to be attached flush to a building or store front.

c. Individual tenant, business or residential facility banner signs shall not exceed the following:

1. For buildings with frontages with 25 linear feet or less, a 25-square-foot maximum sign area is allowed.

2. For buildings with frontages with more than 25 linear feet, one square foot of signage per linear foot of frontage is allowed up to a maximum of 100 square feet.

3. For purposes of this section, building frontage shall be defined as the linear width of the building and/or business that includes its primary, public entrance.

c. Each building/business shall be allowed to display only one banner sign per frontage.

d. Each building/business may be granted a permit to display an on-site banner, for a maximum of one hundred and twenty (120) days within a twelve (12) month aggregate period. Time can be used in any multiple of consecutive days, not exceeding 30 days per event/occasion. Multiple banners displayed consecutively shall count against the total limit of days.

e. In the case of center or plaza events, the maximum banner sign size for individual participants is 25 square feet. A common center or plaza event identification shall not exceed 100 square feet. If the special activity includes multiple tenants of a commercial center or plaza, all signs and banners should be of a similar size, color or lettering style.

f. A banner sign permit is required and may be obtained from the Community Development Department based on a fee in accordance with the City's fee schedule.

g. *Nonprofit Community Service Organization Special Event Signs.* Subject to a written request and permission of the property owner, a no-fee permit for a temporary banner may be granted by the Director for a one week period or less, to certified nonprofit community service organizations, for an event which will benefit the community, or general public.

(6) *Commercial Center decorative banners.* In addition to the foregoing regulations, the following requirements apply to commercial center decorative banners, flags and pennants attached to light standards in commercial center parking areas. Such signs are exempt from the 120-day cumulative day time limits applicable to banner signs affixed to buildings. Commercial center decorative banner signs shall be:

a. A maximum of 30 inches wide and 60 inches long, but may be required to be smaller to achieve an aesthetic proportion or to avoid blocking of views;

b. Bottom of sign shall be mounted a minimum of ten feet above grade;

c. May not have any wording, lettering or logos

1. the name and logo of the center, consistent with an approved sign program; or

2. a design and wording relating to a special or seasonal event.

Such signs must be approved by the Director or his/her designee (with signed authorization for such from the owner or owners of the affected shopping center).

The Director or his/her designee may exercise discretion in the application of the above standards so long as the intent of the restrictions is met and that public safety is protected.

~~(7) *Decorative flags.* Permitted only in association with a group residential facility or a (real estate) commercial business. Such flags:~~

- ~~—— a. May be rectangular or triangular in shape and a maximum of 24 inches high and 36 inches wide;~~
- ~~—— b. May not include any wording, text or logos;~~
- ~~—— c. When placed in ground, may not exceed four feet in height;~~
- ~~—— d. Maximum number of flags on a group residential property is eight, on a commercial property is four;~~
- ~~—— e. May not obstruct pedestrian or vehicular sight lines, or travelways; and~~
- ~~—— f. May not be placed on or over public property, such that such public property would be obstructed.~~

(7) Free standing flag poles.

a. Free standing flag poles shall be permitted in the following zones:

- (1) Open Space recreational - not exceeding 35'
- (2) Neighborhood commercial – not exceeding 35'
- (3) Highway Commercial – not exceeding 35'
- (4) Professional and Administrative Offices – not exceeding 35'
- (5) Community Commercial – not exceeding building height or 50', whichever is less
- (6) Residential multifamily – not exceeding building height or 50', whichever is less

b. A maximum of two free standing poles and three flag shall be allowed on any single development site. For the purpose of this section, a shopping center, mall, business park, recreational facility and multi-building residential development shall be considered a single development site.

c. Flags allowed shall be defined as fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used to denote nations, government subdivisions, educational institution, or noncommercial organizations. Flags may not contain text other than the name of the organization, its incorporation date and/or motto.

(8) *Sandwich board signs.* Within commercial districts, sandwich-board signs are subject to a one time permit fee per sign. If a previously permitted sandwich board sign is removed for a duration greater than 90 cumulative days, a new permit and fee shall be required to reestablish such sign. Signage is intended to be for the temporary advertisement or promotion of special events, sales, offerings, etc., which are of a limited duration. Such signs must be:

- a. A maximum height of 48 inches and 24 inches wide including supports. Width at base should be 30 inches or as necessary to provide a firm and sturdy base. A chain or midpoint cross-member shall be in place to strengthen the sign;
- b. Constructed of wood or metal, painted to match adjacent building;
- c. Maximum of one sign per business at any one time;
- d. Signs shall be placed located against the building frontage, adjacent to the entryway. There shall be a minimum of five (5) feet clearance and accessible space between the sign and the curb or any columns, planter, bench or other similar features.
- e. May only be in place during open business hours of the applicant business;
- f. May not be placed in landscaped areas; and
- g. May not obstruct parking spaces.

Sandwich-board signs must be approved by the Director or his/her designee, who may exercise discretion in the application of the above standards so long as the intent of the restrictions are met and that public safety is protected.

(9) *Window signage in commercial districts.*

a. Both permanent and temporary window signage shall be limited to a maximum of 20 percent of the window area. Permanent window signage may be displayed up to 365 calendar days per year. Temporary window signage advertising sales or special events shall be removed every 30 calendar days and may not exceed the 20 percent coverage standard.

b. Temporary neon signs (plug-in, nonstructural), such as open signs, shall be permitted as part of the total allowable window signage, not to exceed a total of six square feet in size or 20 percent of the window coverage whichever is less.

**City of Laguna Woods
Agenda Report**

FOR: July 9, 2009 Land Use & Design Review Committee Meeting
TO: Land Use & Design Review Chair and Committee Members
FROM: Christopher Macon, Special Projects Manager ^{CW}
AGENDA ITEM: Massage Business Regulations

Recommendation

Recommend that the City Council amend the City's massage business regulations, as proposed.

Background

In 2004, the City Council adopted an ordinance that added Chapter 6.04 "Massage Business Regulations" to the Municipal Code. The purpose of the ordinance was to regulate massage establishments and individuals involved in providing massage services in a manner to reduce the potential for illegal activity and physical injury. Regulations include licensing, training, and operational standards.

In 2008, Senate Bill 731 was chaptered into State law. It establishes a voluntary, statewide certification program for individuals engaged in the practice of massage therapy. When the certification program becomes operational on September 1, 2009, cities will be unable to regulate certified individuals, with certain exceptions. Therefore, it is necessary to amend the City's massage ordinance.

Discussion

Currently, the City's massage ordinance includes licensing options for individuals and establishments. Rather than offer competing licenses, staff is recommending that the existing massage practitioner and massage technician licensing options be eliminated and replaced with a requirements that all individuals who engage in the practice of massage therapy in Laguna Woods hold valid State certificates. The

requirements for the State certificates are substantially consistent with the intent of the City's regulations and include fingerprinting and criminal background checks. Staff is also recommending that the requirement for massage establishments to obtain a business license be eliminated and replaced with a requirement that all individuals who are employed or retained by the establishment for the purpose of engaging in the practice massage therapy hold valid State certificates. The current business license requirement submits the owner of the establishment to additional scrutiny, including fingerprinting, a criminal background check, requirements to notify the City of changes in business interests, and application and renewal fees, which the majority of other local business are not subject to, and which clash with the intent of the new State law to recognize certified massage professionals as engaging in a legitimate business. By requiring each of the massage workers to obtain State certificates and, thus, undergo background checks and demonstrate appropriate qualifications, there is a reasonable presumption that the establishment will function responsibly and in accordance with all applicable laws.

Staff is further recommending that the provisions of the City's existing ordinance that are related to operational requirements and inspection by government officials remain intact, with modifications for consistency, clarity, and legal compliance.

The proposed ordinance would become effective on September 1, 2009, and those currently licensed by the City would be permitted to continue operating until their license expires, at which point they would be required to hold State certificates. At this time, there are no active licenses.

There is no City application proposed for individuals who obtain State certificates, however they would be required to file valid proof with the City.

Fiscal Impact

None. While the existing application fees would be eliminated, there are currently no active licenses and the fees are only used to offset staff-time and reimburse the Orange County Sheriff's Department for fingerprinting services.

Conclusion

State law invalidates a portion of the City's massage business regulations. With the modifications outlined herein, the City's massage business regulations will continue to comply with State law and act in furtherance of public health and safety.