

AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
January 19, 2011
2:00 P.M.**

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

**Councilmember Bob Ring – appearing by Teleconference
Ronald Regan Medical Center
757 Westwood Plaza
Los Angeles, CA 90095**

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. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action. Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 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. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: __ Rhodes __ Ring __ Robbins
__ Conners, Mayor Pro Tem __ Hack, Mayor

IV. PRESENTATIONS

V. CITY PROCLAMATIONS

None

All proclamations listed under this section will be enacted by one vote, unless Members of the City Council request specific items be removed for separate action. Proclamations will then be read and presented.

VI. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the December 15, 2010 regular meeting.

6.2 Approve the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Report

RECOMMENDED ACTION: Receive and File the December 2010 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the January 19, 2011 in the amount of \$557,473.74.

6.5 Citywide Zoning Code Modifications

RECOMMENDED ACTION: Adopt two ordinances implementing changes to the City's zoning code, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.04, 13.06, 13.08, 13.10, 13.12, 13.13, AND 13.18 OF THE CITY'S MUNICIPAL CODE TO REMOVE OUTDATED AND EXTRANEIOUS LANGUAGE, APPROVING THE ZONE CHANGE FOR TEN SITES.

AND

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 13.23 TO THE LAGUNA WOODS MUNICIPAL CODE, ESTABLISHING EMERGENCY AND TRANSITIONAL HOUSING SHELTER REGULATIONS

6.6 9-1-1 Fire/EMS Emergency Ambulance Services

RECOMMENDED ACTION: Authorize the Mayor to execute a Consent to Transfer Agreement between Herren Enterprises, Inc. operating as Doctor's Ambulance Service (Doctor's) and American Medical Response Ambulance Service, Inc. (AMR), for the continued provision of 9-1-1 Fire/EMS emergency ambulance transportation and related services, subject to approval as to form by the City Attorney.

6.7 Traffic Light Synchronization

RECOMMENDED ACTION:

- A. Approve and authorize the City Manager to execute, subject to approval as to form by the City Attorney, two Memorandums of Understanding, with the Orange County Transportation Authority, affected South Orange County cities and the California Department of Transportation for:
 - 1. El Toro Road Traffic Light Synchronization Program Project (MOU No. C-0-1692); and
 - 2. Edinger Avenue, Irvine Center Drive, Moulton Parkway and Street of the Golden Lantern Traffic Light Synchronization Program Project (MOU No. C-9-0625).

AND

- B. Approve a resolution establishing a local signal synchronization plan for the City of Laguna Woods entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE ADOPTION OF A LOCAL TRAFFIC SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF LAGUNA WOODS

VII. PUBLIC HEARINGS

None

VIII. CITY COUNCIL

8.1 City Council Advisory Committee Appointments

RECOMMENDED ACTION: Approve Councilmember nominations and Committee Chair appointments to the Land Use/Design Review, Public Safety and Community Services Committees.

IX. CITY MANAGER

9.1 City of Laguna Woods Smoking Regulations

RECOMMENDED ACTION:

- A. Approve introduction and first reading of an ordinance that would make modifications to current Laguna Woods' smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN PUBLIC
PLACES AND PLACES OF EMPLOYMENT

- B. Approve an enforcement policy for smoking regulation violations.

9.2 Temporary and Permanent Sign Regulations

RECOMMENDED ACTION: Discuss proposed revisions to current City sign regulations and provide direction to staff.

X. CITY ATTORNEY

XI. COMMITTEE REPORTS

- 11.1 Transportation Corridor Agencies (Mayor Hack)
- 11.2 Orange County Library Board (Councilmember Robbins)
- 11.3 Orange County Fire Authority (Councilmember Rhodes)
- 11.4 Southern California Water Committee (Mayor Hack)
- 11.5 Coastal Greenbelt Authority (Mayor Pro Tem Connors)
- 11.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 11.7 Vector Control District Board (Councilmember Robbins)

XII. PUBLIC COMMENTS

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

State law requires Councilmembers to provide a report on all meetings or events they attend for which the City pays fees, travel or other expenses. These are informational reports and no action is taken on the item.

None

13.2 Other Comments and Announcements

XIV. CLOSED SESSION

14.1 The City Council will meet in closed session to confer with legal counsel regarding one matter of pending litigation: Golden Rain Foundation vs. City of Laguna Woods, Case No. 30-2010 00424268, pursuant to the provisions of Government Code Section 54956.9(a).

14.2 The City Council will meet in closed session to confer with legal counsel regarding one matter of pending litigation: City of Laguna Woods vs. Raintree Realty LLC. Case No. 05 CC 09350 pursuant to the provisions of Government Code Section 54956.9(a).

XV. ADJOURNMENT

The meeting will be adjourned to a meeting of the City Council at 2:00 p.m. on Wednesday, February 16, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

AGENDA: The City Council agenda and agenda back-up materials are available from the Office of the City Clerk, after 4:30 p.m., on the Friday prior to the City Council meeting. The office of the City Clerk is located at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Copies of the agenda are provided at no cost. Agenda back-up materials are available at City Hall for inspection and copies are available at no charge prior to the meeting. A per page copy cost does apply after the meeting. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made to the City Clerk in writing. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The City of Laguna Woods mailing address is 24264 El Toro Road, Laguna Woods, CA 92637. Phone: (949) 639-0500, FAX (949) 639-0591.

6.1-6.7
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: January 19, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager 

Agenda Item: Consent Calendar

Recommendation

Approve all proposed actions on the January 19, 2011 Consent Calendar by single motion and Council action.

Discussion

In general, the Consent Calendar contains routine matters or matters that have already been discussed by Council. It is adopted in total with a single motion and Council action. However, if any councilmember or member of the public has questions or wishes to discuss an item further, it may be removed from the Consent Calendar and placed later in the agenda for discussion and action. The way to remove an item from the Consent Calendar is to request its removal, by agenda item number, immediately prior to the adoption of the Consent Calendar. Members of the public may fill out a request to speak on the item they wish removed and the City Clerk will note the item. No reason need be given with the request. Items pulled from the Consent Calendar are not discussed at the time they are pulled; they are scheduled for discussion immediately after action on the balance of the Consent Calendar.

The January 19, 2011 Consent Calendar contains the following six items:

- 6.1 Approval of the minutes from the December 15, 2010 regular meeting, as submitted.

- 6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.
- 6.3 Approval of a motion to receive and file the December 2010 monthly Treasurer’s Report. This report identifies the City’s current liquid assets and their location. At the end of December, the City had approximately \$9.6 million in cash on hand and in other liquid assets.
- 6.4 Approval of the January 19, 2011 Warrant Register, as submitted, in the total amount of \$557,473.74. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager’s office.
- 6.5 Adoption of two ordinances implementing changes to the City’s Zoning Code. The first ordinance modifies Chapters 13.04 (Establishment of Zoning Districts), 13.06 (Definitions), 13.08 (Residential Districts), 13.10 (Commercial Districts), 13.12 (Open Space Districts), 13.13 (Community Facilities Districts) and 13.8 (Off-Street Parking Regulations) and amends the City’s Zoning Map. The second ordinance establishes regulations for transitional housing shelters. The City Council introduced and approved first reading of this ordinance at its December 15, 2010 meeting. At that time it struck all references to the division of the Urban Activity Center specific plan area. If adopted, the ordinances would become effective on February 19, 2011.
- 6.6 Approval of consent to transfer agreement between Herren Enterprises, operating as Doctor’s Ambulance Services, and American Medical Response Ambulance Service, Inc.. This agreement approves the transfer of the City’s contract with Doctor’s Ambulance to provide 9-1-1 ambulances services to American Medical Services. American Medical Services has purchased Doctor’s but will keep all current staff and management in place. Approval of the transfer agreement is recommended by the Orange County Fire Authority, who will continue to manage 9-1-1 ambulance services.
- 6.7 Approval of two Memorandums of Understanding (MOUs) allowing the City to participate in Orange County Transportation Authority (OCTA) funded traffic signal synchronization projects, and approval of a resolution establishing a local traffic signal synchronization plan consistent with the

OCTA's Regional Traffic Signal Synchronization Master Plan. This resolution is required for the City to continue to receive measure M funding.

OCTA is coordinating two region-wide traffic signal synchronization projects that include Laguna Woods; the first over the length of Moulton Parkway and the second over the length of El Toro Road. The projects are being funded with Measure M and Proposition 1B monies. Approval of the attached MOUs is required to participate in these projects.

The OCTA's Regional Traffic Signal Synchronization Master Plan identifies traffic signal synchronization street routes and traffic signals within and across jurisdictional boundaries; the City's local plan commits Laguna Woods to synchronizing traffic signals within the city limits.

The above matters are routine and/or have been reviewed by the Council on other occasions. Staff recommends that they be approved as part of the January 19, 2011 Consent Calendar.

If you have questions about any of the above items, feel free to call me prior to the meeting so that I may provide additional information.

**6.1
MINUTES
REGULAR MEETINGS**

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
December 15, 2010
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Hack led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Conners, Rhodes, Ring, Hack, Robbins
 ABSENT: None

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Deputy City Clerk Trippy; City Attorney McEwen

IV. PRESENTATIONS

City Manager Keane asked that George Henderson be allowed to speak at this point in the agenda, rather than under public comments, since he has to leave early.

The City Council agreed to let Mr. Henderson to speak.

George Henderson, resident, on behalf of the Laguna Woods Village Community Civic Association, thanked the City Council and staff for their service to the community and presented red carnations to each member at the dais.

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Moved by Councilmember Ring, seconded by Councilmember Conners, and carried unanimously to approve Consent Calendar Items 6.1 – 6.8.

6.1 City Council Minutes

Approved the minutes from the November 9, 2010 adjourned regular meeting and the November 17, 2010 regular meeting.

6.2 Approved the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by

title only and further reading waived.

6.3 Treasurer's Report

Received and filed the November 2010 monthly Treasurer's Report.

6.4 Warrant Register

Approved the December 15, 2010 Warrant Register in the amount of \$3,588,674.88.

6.5 Development Impact Fees Annual Report

Received and filed.

6.6 Investment Policy

Approved **Resolution No. 10-20** ratifying the City's 2009 Investment Policy, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, ACKNOWLEDGING THE
REVIEW, RECEIPT AND FILING OF THE ANNUAL STATEMENT
OF THE INVESTMENT POLICY.

6.7 Fiscal Year 2009-2010 Budget Carryovers

Approved increases to the Fiscal Year 2010-11 budget to reflect prior year carryovers in the following amounts:

A. General Funds	\$ 155,098
B. Grants Funds	\$ 75,226
C. Capital Improvement Program	\$ 3,200,000

6.8 City Landscape Maintenance Services

Approved an agreement with Nieves Landscape, Inc. for public property landscape maintenance services for two years with an option to extend for up to six additional years; and authorized the City Manager to execute the agreement subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Citywide Zoning Code Modification Project

City Manager Keane introduced the item and discussed the history of the General Plan; the relationship between the Zoning Code and the General Plan; and the Citywide Zoning Code Modification Project. She noted that the following modifications have been made to the documents that were included in the agenda report. Copies of the updated documents were made available to the public at this meeting.

ITEM 6.1

- Zoning Code, Chapter 13.08.010, Residential Permitted Use Chart – Churches are allowed in residential community (RC) zones by right, rather than with a use permit.
- General Plan – Added a footnote explaining the estimated trip budget. The 7,426 trips that are included in the General Plan EIR are for all potential development sites, not just the Urban Activities Center. A portion of the trips are committed to the Garden Center 1 property. Development on Moulton Parkway (including the Laguna Woods Village Golf Starter Building and Clubhouse 7) has caused further reductions. The trip budget is an estimate and it is suggested that if Laguna Woods Village moves forward with a specific plan, they would need to do traffic studies to determine the actual capacity available on the road. Staff has included an estimated trip budget for the proposed UAC-North and UAC-South in the General Plan land use element.
- General Plan – Corrected typographical errors and added clarifications
- General Plan – Corrected land area totals

City Planner Drasler summarized the agenda report.

City Manager Keane noted that building height is restricted by the size of site, the need for adequate parking, and floor-to-area ratio, in addition to the Zoning Code height limits. She also stated that with respect to the residential community zone: 1) due to noise and public safety issues associated with police and fire stations, staff believes that a use permit should be required for this use and 2) houses of worship which previously required a use permit would now be allowed as an accessory use.

Mayor Robbins opened the public hearing.

Corky Eley, resident, asked why the City is considering rezoning changes, questioned the City's right to make changes, and stated that in her opinion the Golden Rain Foundation does not have the right to rezone Laguna Woods Village property. She also referenced a map showing a plan for a variety of facilities that could be built on undeveloped Village property.

City Manager Keane clarified that the City is not responsible for the map that Ms. Eley referenced and that the only Village property proposed for rezoning at this time is the library.

Councilmember Conners clarified that the City is not designating any property to be used for any specific purpose (e.g., police station, super gym).

Ms. Eley suggested that the Zoning Code changes would affect Rossmoor Towers and the Village library.

City Manager Keane responded that no changes are proposed for Rossmoor Towers and that the library is proposed to be rezoned from commercial to residential community due to its location in the middle of a residential area.

Ms. Eley questioned the City's authority to make zoning changes.

City Manager Keane stated that the Golden Rain Foundation is the property owner of

record and that they agreed to the proposed changes.

Ms. Eley claimed that this is the second or third time that the property has been rezoned and she would like to know why.

Councilmember Rhodes stated that the meeting where Ms. Eley obtained her map was a Laguna Woods Village meeting unrelated to the items the City Council is considering.

Councilmember Conners stated that the City has to interact with the trustee for the land in question, which according to official records is the Golden Rain Foundation. She noted that cities have the ability and obligation to deal with land use issues on private property and that it is not the City's intent to make changes to what can be done with the property.

City Manager Keane noted that some zoning changes are proposed for outside of Laguna Woods Village and that each property owner has agreed to their respective changes. One proposal to rezone the portion of Calvary Chapel's parking lot in the City was dropped due to lack of property owner support.

Bob Hatch, speaking as a representative of the Golden Rain Foundation (GRF) Board and chair of GRF's Land Use Committee, thanked the City for proposing the zoning changes and stated that GRF supports them. He apologized for GRF's confusion on the impact of average daily trips (ADTs) and how ADTs fit in with the Zoning Code and floor-to-area ratio. He asked that the City Council exclude the sections having to do with ADTs in the Land Use Element (Table LU-4, and Section II.C) and consider them at their meeting in January 2011. In the meantime, GRF would pledge time to work with the City to resolve their confusion.

City Manager Keane stated that it is not possible to exclude the sections having to do with ADTs and proceed with this project. The City Council would need to delete the division of the Urban Activities Center from the project. She reviewed a table from the General Plan's 2002 Environmental Impact Report which was a snapshot in time of the ADTs that were available for undeveloped properties. Some of the trips may have disappeared since then due to development such as Laguna Woods Village Clubhouse 7 and the Golf Starter Building. The distribution of ADTs includes 823 trips for the Garden Center 1 property. The City cannot exclude ADTs from consideration in the General Plan.

Mr. Hatch suggested that if the City's estimates are correct, the maximum new building on undeveloped properties could be half of what the floor-to-area ratio would allow. He suggested that a study session be held to ensure GRF understands the issues.

City Manager Keane explained that the Zoning Code and General Plan modifications go hand-in-hand. She reiterated that the City Council could choose to eliminate the division of the Urban Activities Center and GRF could bring the matter forward in the future, with a specific proposal. The cost for that would need to be borne by the property owner. The City agreed to include the Urban Activities Center division in the proposed update because the City was already working on changes to the Zoning Code and General Plan.

Mr. Hatch stated that GRF and the GRF Land Use Committee don't understand this issue

enough to support it.

City Manager Keane noted that the proposed language including the reduction and division of ADTs was provided to Laguna Woods Village staff on July 1, 2010. Despite repeated follow-up attempts, the City received no comments until last week.

Mr. Hatch apologized and stated that GRF didn't understand the City's urgency.

Mayor Pro Tem Hack discussed the City's method of decision making and urged GRF to proceed quickly before available ADTs decrease significantly.

City Manager Keane stated that the City cannot discuss changing the ADT budget unless the property owner provides a traffic study for the City's consideration to determine the actual availability of ADTs. The split proposed in the Land Use Element is an estimate based upon hypothetical scenarios in the 2002 Environmental Impact Report. City Attorney McEwen confirmed that this was correct.

At Councilmember Ring's request, City Manager Keane stated that an estimate of 700 ADTs was deducted for Clubhouse 7 and an estimate of 526 ADTs were deducted the Golf Starter Building. Traffic studies were not required for either building because the total number was less than that identified in the 2002 environmental impact report.

Mr. Hatch reiterated his concern that the amount of building area allowed by the ADTs could be half of the area allowed by the floor-to-area ratio.

City Manager Keane pointed out that the ADTs reflect the City Council's discussions in 2002. GRF has not provided a traffic study to modify these numbers. The staff proposal is to divide 2002 ADT estimate, less construction that has occurred since that date, between the two new specific plan areas.

Councilmember Rhodes asked if, hypothetically, only 600 of the 823 ADTs allocated for the Garden Center 1 property were used, would the remaining trips go back into the pool.

City Manager Keane responded that hypothetically they could, but that current traffic studies – which determine current ADTs available will be required before the UAC specific plan could be approved by the City.

Councilmember Rhodes stated that he sees no problem with splitting the ADTs if the unused ADTs shift and remain in the overall allocation as development occurs.

City Manager Keane noted that the proposed allocation for the ADTs are 2,643 for the UAC - North and 2,734 for the UAC - South. When the Golden Rain Foundation submits a specific plan in the future, they would have new traffic studies and new traffic numbers to support a different allocation of ADTs.

Mayor Pro Tem Hack noted that current ADTs are based on an eight year old number and suggested that the probability is that the actual number of available ADTs has shrunk. Traffic studies to determine the actual number will be required for future development.

ITEM 6.1

Coralee Newman, consultant on behalf of the Golden Rain Foundation (GRF), discussed GRF's land planning efforts and confirmed that the map referenced earlier by Ms. Eley was not a City map. She stated that the concern is that there has been no traffic analysis done to support reducing the ADTs. She disagreed that it is not possible to retain the current number of ADTs and divide the UAC. GRF is supportive of dividing the UAC.

City Manager Keane stated that it would not have been possible for the City Council to approve the construction of Clubhouse 7 and the Golf Starter Building unless the trips that were associated with it were removed. City staff was very specific about that during the planning process for both buildings. She suggested that the City Council could approve the project being considered today without the division of the UAC. If GRF wanted to split the UAC in the future, they would need to submit their own project application.

Ms. Newman asked if the UAC division was removed, would all reference to the split also be removed.

City Manager Keane confirmed that the ADTs would be left as 7,426 trips less the 823 trips for Garden Center 1. There would not be a table included indicating that trips were removed for Clubhouse 7 and the Golf Starter Building, however the loss of those trips would be reflected in future traffic studies. She noted that commitments have been made to other property owners affected by this project and, in light of that, changes could be made at this meeting to remove the UAC division, in order to prevent it from being delayed.

Mayor Pro Tem Hack suggested that Mr. Hatch and GRF representatives huddle to figure out whether they would like to request the UAC division be removed.

Marilyn Sortino, resident, corrected a comment made by City Manager Keane earlier in the meeting that the Land Use & Design Review Committee unanimously supported the proposed recommendations. Ms. Sortino voted in opposition.

City Manager Keane confirmed that the Committee's vote was 7 to 1.

Mayor Pro Tem Hack suggested a five-minute recess to allow the GRF representatives to complete their discussion. City Manager Keane reminded the City Council that they cannot talk to each other or members of the audience about this project during the recess as they are in the middle of a hearing. Moved by Mayor Pro Tem Hack, seconded by Councilmember Rhodes, and carried unanimously to recess for five minutes.

Mayor Robbins announced that the City Council will be in recess for five minutes.

Council reconvened at 3:16 p.m.

Pat Feeney, resident, asked if there are ADTs attached to El Toro Road.

City Manager Keane stated that there are ADTs attached to every road but that there is not a capacity problem on El Toro Road at this point in time. If GRF moves forward with a specific plan, however, they would need to consider traffic impacts of their proposals

on El Toro Road.

Ms. Feeney asked if small roads could be built to divert traffic from Moulton Parkway to El Toro Road.

City Manager Keane responded that it was a possibility.

Ms. Feeney asked if golf carts trips are considered ADTs.

City Manager Keane responded that they are not if they are not using the roadway.

Mr. Hatch stated that while GRF's preference is to divide the UAC, they are happy to consider it as one as long as the 7,426 trips are retained subject to traffic studies on individual projects that may be presented.

City Manager Keane stated that the City would need to recognize that all new construction could impact capacity on Moulton Parkway and would need to maintain a record of available ADTs using estimates submitted for development projects. When the ADT budget is close to being exhausted, projects would be required to do a significant traffic analysis prior to moving forward.

Councilmember Ring asked what the financial impact is of not dividing the UAC at this point.

City Manager Keane stated that staff has completed the work and that there would be no additional costs incurred, but that the cost to include the project and deleted it earlier in the week was significant.

Councilmember Connors extended her sympathies to GRF in their struggle to figure out what to do with their land. She urged GRF and the Laguna Woods Village community to move forward with land decisions in order to avoid not having enough ADTs due to development in other cities. She noted that whatever it may say in the General Plan about trips being reserved for a specific purpose, those numbers are estimates. She discouraged GRF from "hanging their hat" on 7,426 trips. She concurred with Ms. Feeney that it may be possible to design the properties to avoid new trips on Moulton Parkway.

Councilmember Rhodes noted that no one has addressed that part of the reason that the City is working on Moulton Parkway is to carry greater loads of traffic.

City Manager Keane clarified that the Moulton Smart Street Project was included in the 2002 Environmental Impact Report. If the project is not completed, the estimated 7,426 trips would decrease as a result. It is possible that the number of trips could increase, however, after the anticipated removal of Santa Maria and other roadway extensions from the Master Plan of Arterial Roadways.

Mayor Pro Tem Hack encouraged GRF not to waste time with their land decisions and noted that it will be GRF's responsibility to propose and present information supporting future actions for the City Council's review.

ITEM 6.1

City Manager Keane stated that the following changes would be made if the City Council was to remove the division of the UAC:

- Resolution E-2 – Remove references to the UAC – North and the UAC – South and replace those with a single UAC
- Exhibit A, General Plan Map – Revise to show a single UAC
- Table LU-4 – Delete the table and revert to original language
- Table LU-5 – Change “proposed changes” to “no change”
- Section II.C.8 – Delete the section that describes the UAC division
- Table 7 – Combine the UAC land areas back into one
- Wording change from plural to singular
- Ordinance E-3 – Delete the section on Chapter 13.14

Moved by Mayor Pro Tem Hack and seconded by Councilmember Conners to implement the recommendations of the Zoning Code Modification Project with the changes as stipulated.

Councilmember Ring asked when the next likely time would be that the City would make a General Plan amendment.

City Manager Keane stated that the City does not plan to make an amendment for at least two years; however, that does not mean that a property owner won't ask for a change in advance of that. The City is not prohibited from making changes at a property owner's request and can change each element a maximum of four times per year. The City would not modify the General Plan just to update traffic numbers, but would do so if GRF had a specific plan or a request to rezone or change a General Plan designation. Traffic analyses would be verified by a traffic engineer hired at the project's expense.

In response to a question from Councilmember Ring, City Manager Keane confirmed that GRF could request that the UAC be split at a later time. The City budgeted about \$85,000 for this project and that a portion was related to the UAC division. She could not comment on what the cost of a traffic analysis would be, other than to say that there would be costs associated with the City's review of the information. She noted that the City has protested development in other cities that would result in a loss of capacity on Moulton Parkway.

The public hearing was closed.

Moved by Mayor Pro Tem Hack, seconded by Councilmember Conners and approved 4 to 1 to implement the following recommendations of the Zoning Code Modification Project with the changes as stipulated:

AYES: Conners, Rhodes, Hack, Robbins
NOES: Ring

1. Adopted **Resolution No. 10-21** approving a negative declaration for the proposed zoning code and general plan modifications, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION 10-02 FOR THE COMPREHENSIVE UPDTAE OF THE CITY'S GENERAL PLAN LAND USE ELEMENT, ZONING CODE AND ZONING MAP

AND

- 2. Adopted **Resolution No. 10-22** approving modifications to the City's general plan, entitled:

A RESOLUTION OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDMENT TO THE LAND USE ELEMENT AND LAND USE MAP OF THE LAGUNA WOODS GENERAL PLAN

AND

- 3. Introduced and approved the first reading of an ordinance modifying certain chapters of the zoning code, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.04, 13.06, 13.08, 13.10, 13.12, 13.13, AND 13.18 OF THE CITY'S MUNICIPAL CODE TO REMOVE OUTDATED AND EXTRANEIOUS LANGUAGE, APPROVING THE ZONE CHANGE FOR TEN SITES.

AND

- 4. Introduced and approved the first reading of an ordinance establishing regulations for emergency and transitional housing shelters, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 13.23 TO THE LAGUNA WOODS MUNICIPAL CODE, ESTABLISHING EMERGENCY AND TRANSITIONAL HOUSING SHELTER REGULATIONS

Councilmember Connors thanked everyone who attended the hearing for their interest and encouraged them to attend future City Council meetings.

VIII. CITY MANAGER

8.1 Rights of the Individual vs. Rights of the Community

City Manager Keane summarized the agenda report and noted that the City has received five letters (including one at the start of this meeting) and three telephone calls in support of the Public Safety Committee's recommended smoking regulations. Two of the letters are from residents, one is from a doctor, one is from the American Heart Association, and

one is from the Smoking Coalition.

Mayor Pro Tem Hack thanked staff and the Public Safety Committee for their efforts. He stated that he would support prohibiting smoking on patios and balconies.

Cynthia Schaefer, resident, expressed her support for prohibiting smoking on patios and balconies, and encouraged the inclusion of a nuisance clause for tobacco smoke. She also discussed county and state resources to help individuals quit smoking.

Michael Landry, resident, expressed his opposition to smoking and stated that he would like to see all of Laguna Woods Village smoke-free.

City Manager Keane noted that anyone caught discarding cigarettes at the curb is in violation of the City's water quality and litter ordinances and subject to fairly significant fines.

Julie Landry, resident, concurred with the previous two speakers and addressed the issue of public versus private rights. She noted that smoking can cause health problems, smell bad, and infringe on property rights.

Pat Feeney, resident, spoke in support of the proposed smoking regulations and asked if three-story building breezeways would be considered "patios".

City Manager Keane responded that breezeways are covered by the existing ordinance and encouraged individuals to report violations to the City.

Ms. Feeney stated that the homeowners associations should address littering of cigarette butts. She would appreciate anything the City could do to help.

Councilmember Rhodes suggested that a distance restriction should apply rather than just a restriction on smoking on patios, since some patios have adjoining grass areas.

City Manager Keane explained that the existing ordinance contains a distance restriction prohibiting smoking closer than 20 feet from windows and doorways. If someone is walking by, they can walk by closer than the distance restriction.

Councilmember Ring supported moving forward with the proposed smoking regulations; increasing the City's fire safety/prevention education program; and providing educational materials on hoarding and elder abuse that emphasize what someone who observes a problem can do. He suggested that any fire-related events should be, at least, no less than a cooperative affair with the Orange County Fire Authority.

City Manager Keane noted that an article on hoarding, including referral numbers, were included in the most recent issue of the City's newsletter.

Councilmember Ring spoke in support of deferring action on the adoption of property maintenance regulations as recommended, with the addition of a caveat that it not be pursued until the City has sufficient enforcement staff.

Cheryl Russell, resident, commented on how smoking has affected her health and noted

that she brought a letter supporting stricter smoking regulations and enforcement.

Councilmember Conners stated that she believes it is noteworthy that there has been no opposition to the smoking regulations.

City Manager Keane noted that the regulations have been discussed publically and that it is possible that opposition could arise as the issue moves forward.

Councilmember Conners noted that the majority of patios and balconies in the City are community property, due to the lack of individually owned housing. In drafting the new ordinance, she suggested either including specific language from the existing ordinance or referencing it for consistency and clarity.

City Manager Keane noted that new smoking regulations would be amendments to the existing Municipal Code and that the existing trash/litter ordinance prohibits throwing trash on streets and sidewalks, however enforcement is challenging.

Councilmember Conners raised the issue that indoor smoking near open windows would still be an issue if smoking on patios is prohibited. She encouraged residents to approach the leadership of their housing communities about considering the issue of prohibiting smoking within in homes or making individual buildings smoke-free.

Shari Horn, resident, noted that carcinogens from barbeque smoke also affect the health of individuals and suggested prohibiting the use of barbecues on breezeways and patios.

City Manager Keane stated that the Greening Committee previously recommended to the City Council that wood-burning and coal barbecues be prohibited with the exception of permitted special events. OCFA regulates certain aspects of barbeque use; however, they are not actively enforcing the regulations.

Mayor Pro Tem Hack noted that the City's advancements in smoking regulations have been incremental in nature. He cautioned against going too far and getting involved with issues of property rights. The homeowners associations may be able to do more. He also noted that the City has limited code enforcement staff.

Councilmember Rhodes discussed the Orange County Fire Authority's requirements for barbecues on balconies and noted that they are difficult to enforce. He suggested that the City and residents take advantage of the Fire Authority's educational programs.

City Manager Keane noted that the Public Safety Committee suggested a much broader program including demonstrations of smoke alarms and fire extinguishers. Staff is recommending that the issue to be revisited as part of the mid-year budget.

Councilmember Conners commented that prohibiting smoking inside homes with open windows may be premature, but that it could also serve as a trial balloon.

After some discussion, the City Council indicated the following consensus opinions:

1. Directed staff to bring back an ordinance modifying the City's smoking

ITEM 6.1

regulations to prohibit smoking on or in unenclosed patios and balconies in multifamily buildings. Staff will also prepare an option that would prohibit smoking inside homes with open windows.

2. Increase the City's fire safety/prevention education program efforts through use of the City's newsletter, website and cable channel.
3. Develop and make available educational, referral and contact materials about elder abuse and hoarding. Disseminate such information using the City's newsletter and website.
4. Defer action on adoption of interior property maintenance regulations until the Village homeowners associations finalize and adopt clutter policies and procedures.
5. Request a written clarification from OCFA regarding their response protocols to internal property maintenance complaints about potential fire danger.

VIII. CITY ATTORNEY

City Attorney McEwen wished the City Council and staff happy holidays.

IX. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Mayor Pro Tem Hack)

Mayor Pro Tem Hack discussed tolling methods.

10.2 Orange County Library Board (Mayor Robbins)

Mayor Robbins stated that the next meeting is scheduled for January 27, 2011.

10.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes reported on a donation from the Fireman's Fund, an agreement with the Firefighter's Association, resident approval ratings, and the election of Board of Directors officers for 2011.

10.4 Southern California Water Committee (Mayor Pro Tem Hack)

Mayor Pro Tem Hack discussed the challenges of Southern California's water supply and the possibility of an upcoming water bond.

10.5 Coastal Greenbelt Authority (Councilmember Connors)

Councilmember Ring stated that he attended the meeting and that there was no significant information directly related to the City.

City Manager Keane stated that the lease agreement to include the Woods End property

in the Laguna Coast Wilderness Park is being finalized.

10.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes discussed a reorganization of the Board of Directors and Councilmember Ring's departure from the Board.

10.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer was not present to provide a report.

Mayor Robbins announced the City's upcoming bulky item collection on December 18, 2010.

X. PUBLIC COMMENTS

Pat Feeney, resident, asked if the bulky item pick up will include underground garages.

City Manager Keane responded that collection locations were determined by the mutuals.

Councilmember Connors suggested that Ms. Feeney contact her mutual's landscape chairperson or Professional Community Management staff.

City Manager Keane stated that City staff has been told that signs will be posted near the trash enclosures that are collection locations.

Councilmember Rhodes asked if curbside collection will be included

City Manager Keane confirmed that it will be.

XI. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended (Government Code §53232.3) – None

12.2 Other Comments and Announcements

Councilmember Connors discussed the recent violent deaths within the community and encouraged the public to take advantage of local assistance resources. She also announced that fresh greenery for holiday decoration will be made available for all City residents at the compost site on Via Campo Verde.

Councilmember Ring wished everyone happy holidays.

Mayor Pro Tem Hack discussed the City's incorporation and a photograph depicting the impact of the proposed airport at the former El Toro Marine Base.

XII. CITY COUNCIL REORGANIZATION

13.1 City Council Election

City Manager Keane presented certificates of election and administered the oath of office

to Councilmembers Bert Hack and Robert Ring.

13.2 City Council Reorganization – Office of Mayor

Outgoing Mayor Robbins made remarks about the accomplishments of the City over the past year and current projects underway. He thanked the community, staff, and the City Council for their efforts.

Moved by Councilmember Rhodes to appoint himself as Mayor.

Moved by Councilmember Ring, and voted 4 to 1 to appoint Mayor Pro Tem Hack to serve as Mayor for the period December 2010 to December 2011.

AYES: Conners, Ring, Robbins, Hack

NOES: Rhodes

13.3 City Council Reorganization – Office of Mayor Pro Tem

Moved by Councilmember Ring and voted 4 to 1 to appoint Councilmember Conners as Mayor Pro Tem to serve for the period of December 2010 to December 2011.

AYES: Conners, Ring, Robbins, Hack

NOES: Rhodes

Mayor Hack made remarks about the coming year in Laguna Woods.

13.4 City Council Regional Appointments

City Manager Keane stated that all Councilmembers wish to continue to serve on their current committees and only one vacancy exists for the Orange County Vector Control District. She indicated that Councilmember Robbins has requested the appointment.

Moved by Councilmember Ring, seconded by Mayor Pro Tem Conners, and carried unanimously to approve the continuation of current regional assignments, including the resignation of Councilmember Ring from the Laguna Canyon Foundation Board of Directors and the appointment of Councilmember Robbins for a two year term on the Orange County Vector Control District Board of Directors.

XIII. CLOSED SESSION

City Manager Keane stated that there is no need to meet in closed session.

XIV. ADJOURNMENT

The meeting was adjourned at 5:07 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, January 19, 2011 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 19, 2011

BERT HACK, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORT

City of Laguna Woods
Treasurer's Report
December 31, 2010

CASH ON HAND1. Investments/General Fund

Local Agency Investment Fund	\$	8,433,332
		8,433,332
Subtotal	\$	8,433,332

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	710,659
		710,659
Subtotal	\$	710,659

3. Other Interest & Non-Interest Bearing/General & Transportation

Petty Cash Funds	\$	530
Analyzed Checking Account	\$	436,783
		436,783
Subtotal	\$	437,313

TOTAL	\$	9,581,304
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Note: LAIF reports interest earnings quarterly.

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2011
January 19, 2011

CK #	WR #	Vendor	Account	Item/Purpose	Amount
109743	11-0707	Dicksons Inc.	340.6590.7640	CDBG Energy Efficiency Improvement Program Services	3,072.00
109746	11-0708	Hogle-Ireland	010.6400.7331	Deposit-Based Inspection Services/September 2010	543.75
			001.6400.7321	Building & Safety Inspection/September 2010	7,293.75
109747	11-0709	International Code Council	001.6100.7203	Photovoltaic Training Seminar/Gates	40.00
109754	11-0710	Douglas Reilly	001.6100.7204	Mileage Reimbursement/October-December 2010	146.00
109761	11-0711	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/November 2010	410.44
109762	11-0712		001.6700.7236	Residential Streetlights/Third Mutual/November 2010	4,339.88
109763	11-0713		001.6700.7236	Right of Way/November 2010	2,157.18
109767	11-0714	AC Almond	001.4401.0000	Building Permit Refund	8.40
109768	11-0715	Michael Balliet	001.6700.7350	Solid Waste & Recycling Consulting/November 2010	4,290.00
			290.6700.7349		300.00
			361.6700.7349		1,005.00
109770	11-0716	Charles Abbott Associates	001.6400.7357	Water Quality Consulting Services/November 2010	162.00
109772	11-0717	Captioning Unlimited	001.6100.7391	Closed Captioning/City Council Meeting/December 2010	400.00
109774	11-0718	Curbside	001.6700.7349	Household Hazardous Waste/E-Waste/October 2010	3,515.20
			361.6700.7349	Door-to-Door Collections/October 2010	3,224.75
			001.6700.7349	Waste Collection/Medical/October 2010	411.79
			001.6700.7349	Battery Collections/Fluorescent/October 2010	612.60
109776	11-0719	El Toro Water District	001.6700.7341	Linear Park/Landscape Irrigation/December 2010	153.98
109777	11-0720		001.6700.7341	Dog Park Irrigation/December 2010	29.69
109778	11-0721		001.6590.7231	City Hall Utilities/November 2010	28.00
109779	11-0722		001.6590.7231	City Hall Utilities/November 2010	94.57
109780	11-0723	Fidelity National	570.6590.7260	Title Insurance/City Hall Acquisition	739.00
109781	11-0724	Golden Rain Foundation	001.0000.4401	Building Permit Refund	41.92
109783	11-0725	Laubach Construction	010.0000.4501	Waste Diversion Deposit Refund	4,500.00
109784	11-0726	Lynn Capouya	275.6590.7609	City Centre Park/November-December 2010	3,446.00
			110.6590.7600	El Toro/Aliso Creek Project/November-December 2010	2,525.45
109786	11-0727	Ocean Construction	010.0000.4501	Waste Diversion Deposit Refund	1,380.00
109788	11-0728	Patio Masters	001.0000.4401	Building Permit Refund	85.00
109790	11-0729	Printer Care	001.6100.7222	Printer Repair	85.00
109793	11-0730	TruGreen Landscape	100.6700.7341	Landscape/Extra Work/Median Repair/September 2010	4,635.00
			100.6700.7341	Landscape/Extra Work/Median Repair/October 2010	3,037.97
109798	11-0731	Southern California Edison	100.6700.7341	Irrigation Controllers/December 2010	94.84
109799	11-0732	AT&T	001.6590.7232	Telephone/581-3974/November 2010	83.21
109800	11-0733		001.6590.7232	Telephone/583-1105/November 2010	15.48

109801	11-0734	Michael Balliet	001.6700.7350 001.6700.7349	Household Hazardous Waste Program/November 2010	2,475.00 75.00
109802	11-0735	CA-NV District Exchange Club	001.6000.7203	Orange County Fire Authority Awards Dinner/Rhodes	35.00
109803	11-0736	City of Laguna Beach	001.6600.7361	Animal Services/Fiscal Year 2010-2011	20,665.00
109805	11-0737	C N A Insurance	001.6100.8110	Employee Benefit Program/January-March 2011	518.16
109806	11-0738		001.6100.8110	Employee Benefit Program/January-March 2011	410.36
109807	11-0739	Annette Cohn	190.0000.2610	Taxi Voucher Refund	19.00
109808	11-0740	Copyforce	001.6400.7357	Water Quality Inspection Forms	70.42
109809	11-0741	David Evans & Associates	140.6590.7600	Moulton Smart Street/November 2010	7,292.65
109811	11-0742	Dennis Nelson, PE	010.6700.7321	Deposit-Based Inspection/October 2010	455.00
			010.6700.7331	Deposit-Based Engineering/October 2010	5,278.98
			110.6590.7600	El Toro/Aliso Creek Project/October 2010	6,935.00
109812	11-0743	Dicksons Inc.	001.0000.4401	Building Permit Refund	126.00
109813	11-0744	El Toro Water District	100.6700.7341	City Hall/Landscape Irrigation/December 2010	3,002.67
109816	11-0745	Leslie Keane	008.0000.2755	Refund/Over withheld taxes/Calendar Year 2010	701.23
109817	11-0746	Kristar Enterprises	001.6400.7357	Catch Basin Filter Maintenance	4,200.00
109818	11-0747	Laurus Construction	001.6590.7234	Building Maintenance/City Hall/Repair Roof Leaks	360.00
109819	11-0748	Lynn Capouya	275.6590.7609	City Centre Park/November-December 2010	1,727.70
109821	11-0749	Martin & Chapman	001.6100.7307	2010 Election Materials	96.18
109822	11-0750	OfficeMax	001.6100.7221	Office Supplies/Paper	232.62
109823	11-0751	Orange County Register/Notices	001.6400.7312	Zoning Code Notices	276.76
			001.6100.7224	Public Notices/November 2010	399.01
109825	11-0752	Printer Care	001.6100.7222	Printer Repair	232.66
109826	11-0753	Douglas Reilly	008.0000.2755	Refund/Over withheld taxes/Calendar Year 2010	438.59
109827	11-0754	SBLI of Massachusetts	001.6100.8110	Employee Benefit Program/Quarterly Insurance	203.06
109828	11-0755	Lee Seib	190.0000.2610	Taxi Voucher Refund	28.00
109829	11-0756	Rosalyn Shane	190.0000.2610	Taxi Voucher Refund	50.00
109830	11-0757	Southern California Edison	001.6590.7231	Utilities/City Hall/December 2010	1,050.33
109831	11-0758		001.6700.7236	Residential Streetlights/United/December 2010	1,944.76
109832	11-0759		110.6700.7346	Traffic Signal Controllers/December 2010	866.09
109833	11-0760		001.6700.7341	Ridge Route Dog Park/December 2010	21.84
109834	11-0761	TruGreen Landscape	100.6700.7341	Landscape/Extra Work/Median Repair/November 2010	822.86
109836	11-0762		100.6700.7341	Landscape/Extra Work/Median Repair/September 2010	555.39
109840	11-0763	Wells Signs	153.6590.7600	Signs/"No Right Turn"	2,735.00
109841	11-0764	American General	001.6100.8110	Employee Benefit Program/January-March 2011	42.40
109842	11-0765	AT&T	001.6590.7232	Telephone/458-3487/December 2010	31.64
109843	11-0766	Bonanza Steam Cleaning	100.6700.7343	Graffiti Removal	65.00
109844	11-0767	Brian Foster Construction	010.0000.4501	Waste Diversion Deposit Refund	2,100.00
109845	11-0768	CACEO	001.6100.7201	2011 Membership Dues/Verrall	75.00

109846	11-0769	California Building Standards	001.0000.4401	Building Permit Fee Quarterly Assessment Report/October-November 2010	419.00
109848	11-0770	Department of Conservation	001.0000.4408	SMIP Quarterly Report/October-December 2010	-41.90
109849	11-0771	Gary Gates	001.0000.4401	Employee Benefit Program/December 2010	202.28
			001.0000.4408	Cell Phone Reimbursement/December 2010	-10.11
			001.6400.8110	ICC Meeting/December 2010	437.76
			001.6590.7232	Mileage Reimbursement/December 2010	40.00
			001.6100.7203	State of the County Breakfast/Conners/Ring/Rhodes/Keane	40.00
109853	11-0772	South County Chamber of Commerce	001.6100.7204		98.00
			001.6000.7203		100.00
109854	11-0773	The Gas Company	001.6590.7231	City Hall/December 2010	294.11
	11-0774	Aliso Creek Printing	001.6100.7222	Business Cards for Councilmember Conners	59.81
	11-0775	American Public Works Assoc	001.6100.7201	Membership Dues	87.50
	11-0776	Appreciation Awards	001.6100.7221	Mayor's Plaque	34.80
	11-0777	AT&T	001.6590.7232	White Pages Listing/January 2011	3.78
	11-0778		001.6590.7232	Telephone/639-0500/December 2010	165.47
	11-0779		001.6590.7232	Telephone/452-0600/December 2010	250.68
	11-0780		001.6590.7232	Telephone/770-9359/December 2010	15.80
	11-0781	Bank of America - Credit Card	2601	See Below	211.32
	11-0782	Bon Appétit	001.6500.7357	Committee Luncheon/December 16, 2010	494.05
	11-0783	Cal Chamber	001.6100.7221	Annual Posters and Pamphlets	111.79
	11-0784	CA Society of Municipal Financial Officers	001.6100.7203	February 2011 Meeting/Jones	35.00
	11-0785	CALPacs	001.6100.7201	Membership Dues/Calendar Year 2011	275.00
	11-0786	CIT Technology	001.6100.7222	Copier Lease/February 2011	647.07
	11-0787	County of Orange/Sheriff	001.6600.7351	Sheriff Services/January 2011	102,742.59
			230.6600.7351		8,333.33
	11-0788		310.6600.7333	Sheriff Services/Point of Dispensing Exercise	1,411.75
	11-0789		001.6600.7351	OCSD Communications/2nd Quarter Fiscal Year 2010	48.00
	11-0790		001.6600.7351	OCSD Communications/3rd Quarter Fiscal Year 2010	58.00
	11-0791	County of Orange	001.6400.7357	NPDES Cost-Share/Fiscal Year 2010-2011	27,956.23
	11-0792	County of Orange	001.0000.2401	Golf Starter Building Development Impact Fees	21,970.26
	11-0793	County of Orange/Streets	110.6700.7343	Street Maintenance/November 2010	7,544.06
			110.6700.7347		2,399.32
	11-0794	Curbside	001.6700.7349	Household Hazardous Waste/E-Waste/November 2010	3,417.76
			361.6700.7349	Door-to-Door Collections/November 2010	3,124.13
			001.6700.7349	Waste Collection/Medical/November 2010	231.79
			001.6700.7349	Battery Collections/Fluorescent/November 2010	725.70
	11-0795	David Evans & Associates	140.6590.7600	Moulton Smart Street/December 2010	7,292.65
	11-0796	Hogle-Ireland	010.6400.7331	Deposit-Based Inspection Services/October 2010	318.75
			001.6400.7321	Building & Safety Inspection/October 2010	6,600.00
	11-0797	Ernestine Jones	001.6100.8110	Employee Benefit Program/December 2010	90.00

			001.6100.7201	GFOA Webinar/Internal Controls/Jan. 5, 2011	85.00
11-0798	Konica Minolta		001.6100.7204	Mileage Reimbursement/GFOA Training/Jan. 10, 2011	75.66
11-0799			001.6100.7222	Copier Lease/January 2011	110.72
			001.6100.7222		325.04
11-0800	Pauline Kushne		190.0000.2610	Taxi Voucher Refund	32.00
11-0801	Lake Forest Floral		001.6100.7221	Veteran's Day Floral Arrangement	195.75
11-0802	Lynn Capouya		275.6590.7609	City Centre Park/November-December 2010	1,960.08
11-0803			275.6590.7600	Ridge Route Linear Park/July-December 2010	1,955.75
11-0804	Jean Meyerhofer		190.0000.2610	Taxi Voucher Refund	40.00
11-0805	Office Depot		001.6100.7221	Office Supplies	239.57
11-0806			001.6100.7221	Office Supplies	179.98
11-0807	Printing Systems, Inc		001.6100.7222	Printing/Accounts Payable Checks	215.00
11-0808	Saddleback Windows		342.6590.7640	EFCBG Program/City Hall Windows	16,339.58
11-0809	San Joaquin Hills Corridor		001.0000.2401	Golf Starter Building Development Impact Fees	42,981.12
11-0810	Southern California Edison		140.6590.7600	Moulton Smart Street Project	2,050.47
11-0811			100.6700.7237	Safety Lights over Traffic Signals/December 2010	410.81
11-0812			001.6700.7236	Residential Streetlights/Third Mutual/December 2010	4,341.12
11-0813			001.6700.7236	Right of Way/December 2010	2,131.02
11-0814	Sierra Installations		001.6590.7906	Change-Out Banners	1,920.00
11-0815	South Coast Restoration		001.6590.7234	Building Maint./City Hall/Water Damage Clean-Up	855.00
11-0816	The California Channel		001.6590.7251	PEG Channel Annual Fee/Fiscal Year 2010-2011	3,056.64
11-0817	TruGreen Landscape		100.6700.7341	Landscape/Irrigation Repair/December 2010	2,740.72
11-0818	Vantage Point/ICMA 457 Plan		001.0000.2601	Employee Contributions/December 2010	1,600.00
			001.6100.8110	Employee Benefit Program/December 2010	1,984.49
11-0819	Yolie Trippy		001.6400.8110	Employee Benefit Program/December 2010	2,224.68
11-0820	Great Cleaning Services, Inc.		001.6100.8110	Employee Benefit Program/January 2011	500.00
			001.6590.7234	Janitorial Service/December 2010	495.00
				Janitorial Supplies/December 2010	102.83
11-0821	Sonitrol		001.6590.7234	City Hall/Alarm System Maintenance/January 2011	55.53
11-0822	Redflex		001.6600.7371	Redlight Photo Enforcement/January 2011	25,000.00
11-0823	Commpro		001.6100.7391	Website Hosting Services/January 2011	295.00
11-0824	Orkin		001.6590.7234	Building Maintenance/City Hall/January 2011	79.71
11-0825	Practical Data Solutions		001.6100.7391	Information Technology Services/January 2011	1,080.00
11-0826	KONE, Inc.		001.6590.7234	Elevator Maintenance/City Hall/January 2011	167.45
11-0827	Nieves Landscape, Inc.		001.6700.7341	Landscape Maintenance/January 2011	10,605.42
11-0828	Leslie Keane		001.6100.7204	Automobile Allowance/February 2011	450.00
11-0829	Ernestine Jones		001.6100.8110	Employee Benefit Program/January 2011	266.34
11-0830	Sandra Verrall		001.6590.7232	Cell Phone Reimbursement/January 2011	25.00
11-0831	Douglas Reilly		001.6100.8110	Employee Benefit Program/February 2011	51.00
			001.6590.7232	Cell Phone Reimbursement/February 2011	79.50
11-0832	Vision Service Plan		001.6100.8110	Employee Benefit Program/February 2011	147.23
			001.6400.8110		20.30

11-0833	CalPers/Health	001.6100.8110	Employee Benefit Program/February 2011	2,716.82
		001.6400.8110		477.95
		001.6100.7391		11.82
11-0834	CitiStreet/CalPers 457 Plan	001.6100.8110	Employee Benefit Program/February 2011	273.00
		001.6400.8110		300.00
11-0835	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/February 2011	800.00
		001.6100.8110	Employee Benefit Program/February 2011	1,222.84
		001.6400.8110	Employee Benefit Program/February 2011	500.00
11-0836	AFLAC	001.6100.8110	Employee Benefit Program/February 2011	278.70
		001.6400.8110		93.10
11-0837		001.6100.7303	Program Fees/February 2011	50.00
11-0838	Managed Health Network	001.6100.8110	Employee Benefit Program/February 2011	17.29
		001.6400.8110		4.94
11-0839	Delta Dental	001.6100.8110	Employee Benefit Program/February 2011	544.53
		001.6400.8110		47.24
11-0840	Principal Financial Group	001.6100.8110	Employee Benefit Program/February 2011	374.41
		001.6400.8110		73.48
11-0841	Cynthia Conners	001.6000.8102	January Compensation	300.00
11-0842	Bert Hack	001.6000.8102	January Compensation	300.00
11-0843	Martin Rhodes	001.6000.8102	January Compensation	300.00
11-0844	Robert Ring	001.6000.8102	January Compensation	300.00
11-0845	Milt Robbins	001.6000.8102	January Compensation	300.00
11-0846	ADP	001.6100.8101	Payroll Ending 12/3/10 Full-time Staff	21,879.84
		001.6100.8102	Payroll Ending 12/3/10 Part-time Staff	565.50
		001.0000.2601	Deferred Comp/Payroll Ending 12/3/10	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 12/3/10	-200.00
		001.6400.8101	Payroll Ending 12/3/10 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,052.04
		001.6400.8111	Payroll Taxes- Employer	352.13
		001.6100.2601	Deferred Comp/Payroll Ending 12/3/10	-1,219.80
		190.6500.8101	Payroll Ending 12/3/10 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 12/3/10 Part-time Staff	487.50
		190.6500.8111	Payroll Taxes- Employer	78.60
11-0847	ADP	001.6100.7303	Payroll Processing	111.14
11-0848	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 12/3/10	3,800.29
		001.6400.8112		780.25
11-0849	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 12/3/10	374.23
		001.0000.2601	Deferred Comp/Payroll Ending 12/3/10	1,219.80

11-0850	ADP		001.6100.8101	Payroll Ending 12/17/10 Full-time Staff	21,879.84
			001.6100.8102	Payroll Ending 12/17/10 Part-time Staff	505.38
			001.0000.2601	Deferred Comp/Payroll Ending 12/17/10	-400.00
			001.0000.2180	FSA Payable/Payroll Ending 12/17/10	-200.00
			001.6400.8101	Payroll Ending 12/17/10 Full-time Staff	4,603.00
			001.6100.8111	Payroll Taxes- Employer	1,047.80
			001.6400.8111	Payroll Taxes- Employer	352.13
			001.6100.2601	Deferred Comp/Payroll Ending 12/17/10	-1,219.80
			190.6500.8101	Payroll Ending 12/17/10 Full-time Staff	540.00
			190.6500.8102	Payroll Ending 12/17/10 Part-time Staff	322.50
			190.6500.8111	Payroll Taxes- Employer	65.98
11-0851	ADP		001.6100.7303	Payroll Processing	111.14
11-0852	CalPERS Retirement		001.6100.8112	Retirement System/Payroll Ending 12/17/10	3,800.39
			001.6400.8112		780.25
11-0853	ICMA Retirement Corporation		001.6100.8101	Deferred Comp/Payroll Ending 12/17/10	374.25
			001.0000.2601	Deferred Comp/Payroll Ending 12/17/10	1,219.80
11-0854	ADP		001.6100.8101	Payroll Ending 12/31/10 Full-time Staff	21,879.84
			001.6100.8102	Payroll Ending 12/31/10 Part-time Staff	290.63
			001.0000.2601	Deferred Comp/Payroll Ending 12/31/10	-400.00
			001.0000.2180	FSA Payable/Payroll Ending 12/31/10	-359.30
			001.6400.8101	Payroll Ending 12/31/10 Full-time Staff	4,603.00
			001.6100.8111	Payroll Taxes- Employer	2,971.73
			001.6400.8111	Payroll Taxes- Employer	352.13
			001.6100.2601	Deferred Comp/Payroll Ending 12/31/10	-1,219.80
			190.6500.8101	Payroll Ending 12/31/10 Full-time Staff	540.00
			190.6500.8102	Payroll Ending 12/31/10 Part-time Staff	195.00
			190.6500.8111	Payroll Taxes- Employer	56.23
11-0855	ADP		001.6100.7303	Payroll Processing	111.14
11-0856	CalPERS Retirement		001.6100.8112	Retirement System/Payroll Ending 12/31/10	3,800.39
			001.6400.8112		780.25
11-0857	ICMA Retirement Corporation		001.6100.8101	Deferred Comp/Payroll Ending 12/31/10	374.23
			001.0000.2601	Deferred Comp/Payroll Ending 12/31/10	1,219.80
					557,473.74

Void Check(s):

December

Debit	Debit	Orange County Register	001.6100.7221	Newspaper Delivery	51.88
Debit	Debit	Overnight Express	001.6100.7223	Delivery Charges	34.64
Debit	Debit	The Home Depot	001.6590.7234	Building Maintenance/City Hall	76.07
Debit	Debit	FedEx	001.6100.7223	Delivery Charges	48.73

6.5
CITYWIDE ZONING CODE MODIFICATIONS

ORDINANCE NO. 11 - XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.04, 13.06, 13.08, 13.10, 13.12, 13.13, AND 13.18 OF THE CITY'S MUNICIPAL CODE TO REMOVE OUTDATED AND EXTRANEOUS LANGUAGE, APPROVING THE ZONE CHANGE FOR TEN SITES.

WHEREAS, the City of Laguna Woods was incorporated on March 24, 1999; and

WHEREAS, the current zoning districts were adopted in 2003 and, with the exception of the specific plan district (Urban Activity Center Zone), reflect a transfer of regulations in place before the City's incorporation; and

WHEREAS, the City Council of the City of Laguna Woods is authorized by Government Code Section 65850 to adopt ordinances amending the City's zoning laws; and

WHEREAS, the City of Laguna Woods initiated the Zoning Code Modification Project, a comprehensive update of the City's zoning standards, planning practices and the Laguna Woods General Plan Land Use Element; and

WHEREAS, ten sites were identified as areas that would be better served by a different zoning designation; and

WHEREAS, the City of Laguna Woods, as lead agency, has prepared a Negative Declaration in full accordance with the procedural and substantive requirements of the California Environmental Quality Act (CEQA) and CEQA guidelines; and

WHEREAS, the City's Land Use and Design Review Committee discussed the proposed amendments of the Zoning Code Modification Project at their December 9, 2010 meeting; and

WHEREAS, the City Council held a duly noticed public hearing on December 15, 2010, to consider the proposed amendments of the Zoning Code Modification Project; and

WHEREAS, the City Council finds and determines that the Zoning Code Modification Project is in conformity with good land use practices and will enhance the public convenience, health, safety, and general welfare; and

WHEREAS, the City Council finds and determines that the Zoning Code Modification Project is consistent with the objectives, policies, general land uses, and programs specified in the Laguna Woods General Plan; and

WHEREAS, the City Council has considered the information and public testimony presented in the public hearings, and in the proposed documents and staff reports, all of which are included in the public record and incorporated herein by reference,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Based upon the Negative Declaration prepared for the Project, the City Council exercises its independent judgment and finds that no substantial evidence exists that approval of the proposed amendments of the Zoning Code Modification Project will have a significant effect on the environment as determined pursuant to the California Environmental Quality Act (CEQA) and the City Council hereby approves the issuance of the Negative Declaration prepared.

SECTION 3. The City Council hereby approves amendments to Chapters 13.04, 13.06, 13.08, 13.10, 13.12, 13.13, and 13.18 of the City's Municipal Code, included herein by reference as Exhibits 1, 2, 3, 4, 5, 6, and 7 respectively. These Chapters are hereby amended to read as they are written on the included Exhibits (1-7).

SECTION 4. The City Council hereby approves an amendment to the Zoning Map of the City of Laguna Woods dated January 19, 2011, included herein by reference as Exhibit 8, approving the Zone Change for ten sites located throughout the city.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY JANUARY, 2011

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, California, do HEREBY CERTIFY that the foregoing Ordinance No. 11-XX was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 15th day of December, 2010, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of _____, 2011, by the following vote, to wit:

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

YOLIE TRIPPY, Deputy City Clerk

ATTACHMENTS

- Exhibit 1, Amended Chapter 13.04 – Establishment of Zoning Districts
- Exhibit 2, Amended Chapter 13.06 – Definitions
- Exhibit 3, Amended Chapter 13.08 – Residential Districts
- Exhibit 4, Amended Chapter 13.10 – Commercial Districts
- Exhibit 5, Amended Chapter 13.12 – Open Space Districts
- Exhibit 6, Amended Chapter 13.13 – Community Facilities Districts
- Exhibit 7, Amended Chapter 13.18 – Off-Street Parking Regulations
- Exhibit 8, Amended Zoning Map dated January 19, 2011

CHAPTER 13.04. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 13.04.010. - Scope of the Zoning Code and adoption of Zoning District Map.

This chapter includes Zoning Maps, general provisions, special regulations and a set of general district regulations limiting and controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structure, the areas and dimensions of sites; the size, height and location of signs; the installation and maintenance of screening and landscaping; and the control of vehicular access and the requirement of off-street parking and loading facilities. In addition, this chapter includes specific plan maps and texts adopted by ordinance.

(Ord. No. 03-03, § 5(18.10.205), 4-16-2003)

Sec. 13.04.020. - Establishment of districts.

The incorporated territory of the City of Laguna Woods is hereby divided into zones or districts, as set forth in this title, as determined and defined by officially adopted zoning map. The zoning district map showing the classifications and boundaries of the districts shall, upon adoption in the manner required by the Planning and Zoning Law, be a part of this chapter. The following districts are established:

RC	Residential Community District
RMF	Residential Multifamily District
RT	Residential Towers District
NC	Neighborhood Commercial District
CC	Community Commercial District
PA	Professional and Administrative Office District
CF – P	Community Facilities – Private District
CF – P/I	Community Facilities – Public / Institutional
OS-P	Open Space - Passive District
OS-R	Open Space - Recreation District
UAC	Urban Activities Center District

State law reference—Zones authorized, Government Code § 65851.

Sec. 13.04.030. - Interpretation of boundaries.

Where uncertainty exists as to the boundaries of districts shown on an official Zoning District Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys, shall be construed to follow such right-of-way lines, and in event of change in the right-of-way line shall be construed as moving with the right-of-way line;
- (3) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water, of flood control channels shall be construed to follow such centerlines;
- (4) Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in the above subsections shall be so construed. Distances not specifically indicated on the official Zoning District Map shall be determined by the scale of the map;

(6)

Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley;

(7)

In case any further uncertainty exists, the Planning Commission shall determine the location of boundaries.

(Ord. No. 03-03, § 5(18.10.215), 4-16-2003)

CHAPTER 13.06. - DEFINITIONS**Sec. 13.06.010. - Definitions.**

(a)

Purpose and applicability. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout this Code, except where the context of such words or phrases clearly indicates a different meaning or construction.

(b)

General rules for construction of language. The following general rules of construction shall apply to the textual provisions of Title 13, Zoning:

(05)

The specific shall supersede the general.

(10)

In the case of any difference of meaning or implication between the text of the provision and any caption or illustration, the text shall control.

(15)

"Shall" is mandatory. "May" is discretionary.

(20)

Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(25)

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a.

"And" indicates that all connected items or provisions shall apply.

b.

"Or" indicates that the connected items or provisions may apply singly or in any combination.

c.

"Either ... or" indicates that the connected items or provisions shall apply but not in combination.

(30)

All public officials, bodies, and agencies to which reference is made are those of the City of Laguna Woods, unless otherwise indicated.

(c)

General terms. The following are general terms used throughout the Code:

(05)

City means the City of Laguna Woods including any special district or agency that may be governed by the City Council.

(10)

Days included within a specific time period do not include the day action was taken but include all subsequent days unless the last day falls upon a Saturday, Sunday, or upon a legal City holiday, in which case the next business day shall be the last day of the time period. Days are generally in calendar time, unless otherwise specified.

(15)

Director or Community Development Director means the City Manager or designee.

(20)

Planning Commission means the members of the City Council, or that body as established in accordance with State law regulating Local Planning, acting in a capacity to carry out the purposes of this title in accordance with State Planning and Zoning Law.

(25)

General Plan means the City of Laguna Woods General Plan.

(30)

State means the State of California.

(35)

County means the County of Orange.

(40)

Zoning code or code means this title, including Zoning District maps and specific plans development maps and texts adopted pursuant to or as an amendment to sections governing such.

(d)

Specific terms. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(05)

Abandoned sign: A sign whose use has ceased or has been discontinued for a period of at least 90 consecutive days, or a sign identifying a business that has not occupied the premises for at least 90 consecutive days.

(10)

Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

(15)

Accessory building: A subordinate building located on a building site, the use of which is customarily ancillary to that of a main building or to the use of the land.

(20)

Accessory use: A use ancillary to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use.

(25)

Administrative/professional offices: A place of business for the rendering of service or general administration including medical and dental offices, but excluding retail sales.

(30)

Adult entertainment business: See Section 13.26.020.

(35)

Advertising device/display: Any contrivance, statue, or structure, other than a sign, used to attract attention or make anything known for the purpose of promoting (either directly or indirectly) the use of products or services of any person or business, including but not limited to a balloon, flag, pennant, propeller, or an oscillating, rotating, or pulsating light.

(40)

Alley: A public or private way not more than 20 feet wide permanently reserved as a secondary means of access to abutting property.

(45)

Alternative transportation mode: Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

(47)

Alternative vehicle: An electrical or gasoline powered vehicle, such as a golf cart, golf car, motorcycle or motor scooter, which does not exceed 55 inches in width and does not contain doors.

(50)

Animal clinic: A place where animals no larger than the largest breed of dogs are given medical and surgical treatment. A facility primarily for treatment of outpatients and where only critical patients are kept longer than 24 hours. No boarding of animals shall be permitted.

(55)

Antenna structure: An antenna, any structure designed specifically to support an antenna, and/or any appurtenances mounted on such structure or antenna.

(60)

Apartment: See "Dwelling, multiple-family."

(65)

Apiary: A facility and/or area dedicated to the maintenance of bees.

(70)

Archaeological/paleontological/historical site: Locations dedicated to the protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

(75)

Area per unit: The area of a building site, in square feet, divided by the number of dwelling units on the building site.

(80)

Attached buildings and structures: Two or more buildings or structures which are physically connected with a wall, roof, deck, floor, bearing or support structures, trellises, architectural features, or any other structure, fixture or device that exceeds 30 inches in height above the finished grade.

(85)

Automobile repair specialty shops: A retail and service place of business engaged primarily in light repair, and sale of goods and services for automotive vehicles including brake, muffler and tire shops and their accessory uses. Heavier automobile repair such as major body and paintwork, transmission and engine rebuilding are not included herein.

(90)

Automobile service station: A retail place of business engaged primarily in the sale of motor fuels and supplying those incidental goods and services which are required in the day-to-day operation of automotive

vehicles and the fulfilling of motorists' needs.

(95)

Automobile/truck maintenance and repair: A place of business engaged primarily in heavy repair of automobiles and trucks including, but not limited to, major body and paintwork and transmission and engine rebuilding.

(100)

Automobile wrecking, junk/salvage yards: The wrecking or taking apart of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

(105)

Banner signs: Any sign hung either with or without frames, possessing written communication applied to nonrigid paper, plastic or fabric of any kind.

(110)

Basement: A story partly underground and having more than one-half of its height above the ground level grade.

(115)

Bed and breakfast (B and B): Any building or portion thereof with access provided through a common entrance to less than six guestrooms having no cooking facilities and which are rented on a weekly basis or less. Meals may or may not be provided.

(120)

Bedroom: Any habitable room other than a kitchen, dining room or a living room.

(125)

Boardinghouse: Any building or portion thereof with access provided through a common entrance to guestrooms having no cooking facilities and which are rented on a monthly basis or longer. Meals may or may not be provided.

(130)

Building: A structure having a roof supported by columns or walls.

(135)

Building frontage: A building elevation which fronts along a parking lot or main access drive for a shopping center.

(140)

Building height: The apparent height of a building relative to the surrounding ground area.

(145)

Building line: An imaginary line on a building site specifying the closest point from an ultimate right-of-way line or a property line where a main building may be located. It may be a line shown as such on a map entitled "Precise Plan of Highway Alignment" or any other officially adopted precise plan, and any amendments thereto. If no such precise plan has been adopted, the building line shall be a line as specified in the development standards as stated for each zoning district. The building line shall be at the required distance from, and measured at right angles to, the ultimate right-of-way or property line.

(150)

Building site: A parcel or contiguous parcels of land that was established in compliance with the building site requirements of this Code.

(155)

Building site area, minimum: The net development area calculated by measuring the building site horizontally as a level plane and excluding rights-of-way or easements that prohibit the surface use of the site, except easements for open space purposes on single-family lots. The minimum building site area shall be undivided and relatively compact although the entire building site may be larger with diffuse parts.

(160)

Building site coverage, maximum: The relationship between the ground floor area of the building or buildings and the net area of the site. Said net area shall be computed by deducting from the gross site area any ultimate street rights-of-way together with all rights-of-way and all easements that prohibit the surface use of the site, except easements for open spaces purposes on single-family lots. Unenclosed post-supported roofs over patios and walkways and unenclosed post-supported eave overhangs shall not constitute buildings for the purpose of this definition.

(165)

Building site, panhandle or flag: A building site wherein the only vehicular access to the site is by way of a corridor or vehicular access way which serves no other property, is less than 40 feet wide and is more than 40 feet long.

(170)

Building site, through: A building site having frontage on two parallel or approximately parallel streets.

(175)

Building size: The total gross floor, measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of new development and total expanded floor area of existing facilities.

(180)

Caretaker: A person who lives on the premises for the necessary purposes of managing, operating, maintaining, or guarding the primary use or uses permitted on the premises.

(185)

Carpool: Two to six persons traveling together in a single vehicle.

(190)

Carport: A roofed structure, or a portion of a building which is open on two or more sides, for the parking of automobiles belonging to occupants of the property.

(195)

Cellar: A portion of a building partly or wholly underground and having more than one-half of its height below the ground level grade. A cellar shall not be considered a building story.

(200)

Center identification monument sign: Any freestanding sign that identifies the center name, address, and major tenant names.

(205)

Centerline: A line described by the first situation that applies in the following instances:

a.

A section line, half section line or quarter section line whenever a mapped highway is plotted on the "Master Plan of Arterial Highways" along a section, half section or quarter section line.

b.

A line shown as a centerline on a map entitled "Precise Plan of Highway Alignment," and any amendments thereto.

c.

A line shown as a centerline on a recorded tract map, an approved record of survey map or a parcel map.

d.

A line in the center of the ultimate street right-of-way.

(210)

Clinics, medical or dental: An organization of doctors providing physical, dental or mental health Service and medical or surgical care of the sick or injured but not including inpatient or overnight accommodations.

(215)

Club: An association of persons for some common purpose but not including groups organized primarily to render service that is customarily carried on as a business.

(220)

Collocation or collocated: The location of multiple antennas which are either owned or operated by more than one Service provider at a single location and mounted to a common supporting structure, wall or building.

(225)

Commercial: Operated or conducted on a frequent basis for the purpose of financial gain.

(230)

Commercial coach: A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

(235)

Commercial decorative banner sign: A colorful, decorative or festive banner on a light standard within a commercial center.

(240)

Commercial mobile service: Any mobile service that:

a.

Is offered in return for monetary compensation,

b.

Is available to the public or a substantial portion of the public, and

c.

Provides subscribers with the ability to access or receive communication from the public switched telephone network.

(245)

Commercial mobile service: Includes, but is not limited to, paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (SMR), and personal communications service (PCS).

(250)

Commercial recreation: Any use or activity where the primary intent is to provide amusement, pleasure or sport but which is operated for financial gain. It includes establishments where food and beverages are sold as a secondary or ancillary use, but does not include restaurants, nightclubs and cocktail lounges.

(255)

Community apartment projects: A project in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon.

(260)

Community care facility: Any facility which may or may not require a State license to provide nonmedical residential care or day care for six or less children, adults, or both, including physically handicapped and mentally incompetent persons. This includes child day care facilities/day care nurseries and family day care homes.

(265)

Condominium: An estate consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

(270)

Congregate care facility: A facility providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the 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 a facility may be located in more than one building and on contiguous parcels within the building site. It includes facilities offering occupancy on a monthly basis or longer such as hotels, resorts, etc. which have similar characteristics.

(275)

Construction sign: A sign stating the names of those individuals or firms directly connected with the construction or development project, which includes an address and a telephone number.

(280)

Convalescent home: A facility licensed by the State Department of Health Services which provides bed and ambulatory care for more than six patients with postoperative convalescent, chronically ill 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. Also known as nursing home, convalescent hospital, rest home, or home for the aged.

(285)

Conversion project: An apartment house, multiple or group dwelling existing, under construction or for which building permits have been issued, which is proposed for conversion to a residential condominium, community apartment, residential stock cooperative or planned development; or an existing mobile home park which is proposed to be converted to a mobile home condominium project, a mobile home stock cooperative project, a mobile home planned development or a conventional mobile home subdivision.

(290)

Coordinated antenna program (CAP): A coordinated program to preapprove multiple locations for proposed and potential future facilities.

(295)

Country club: Premises and property that include facilities for outdoor sports, social activities, etc. that may include such activities associated with golf, equestrian riding, tennis, etc. whereby membership is usually private and use of the premises is limited to members and their guests.

(300)

Day care nursery: Any facility operated by a person, corporation or association used primarily for the provision of nonmedical daytime care, training, or education of more than six children under 18 years of age at any location other than their normal place of residence, excluding any children normally residing on the premises.

(305)

Decorative flags: Temporary flags of a distinctive color or design, placed within the ground, or mounted on landscape/garden wall and not attached to the building.

(310)

Detached buildings and structures: Two or more buildings or structures that are each structurally independent and freestanding and not connected by walls, roofs, floors, decks, supports, trellises, architectural features or any other structure, fixture or device that exceeds 30 inches in height above the finished grade.

(315)

Drive-in: Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.

(320)

Driveway: A vehicular passageway for the exclusive use of the occupants of a property and their guests. A driveway shall not be considered as a street.

(325)

Driveway approach: A designated area between the curb or traveled way of a street and the street right-of-way line that provides vehicular access to abutting properties. When vehicular access to a building site is provided by way of a common driveway, the driveway approach is the line of intersection where the individual driveway abuts the common driveway.

(330)

Dry cleaning, dyeing and laundry plant: A central processing facility for cleaning of clothing and fabrics collected from and returned to patrons and to dry cleaning and laundry agencies.

(335)

Duplex: A permanent building containing two dwelling units.

(340)

Dwelling, multiple-family: Two or more dwelling units on the same building site.

(345)

Dwelling, single-family: One dwelling unit per building site.

(350)

Dwelling unit: One or more rooms in a structure including a kitchen of any size, designed for occupancy by one family for living and sleeping purposes, and including a mobile home when such mobile home bears an insignia of approval issued by the California Department of Housing and Community Development or a housing seal number from the Federal Department of Housing and Urban Development (HUD).

(355)

Easement: A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit in, on, over or under said land.

(360)

Educational institution: Private or public elementary or secondary schools, colleges or universities qualified to give general academic instruction.

(365)

Educational institution, adults: Business, trade or technical school serving adults.

(370)

Electronic message board sign: A sign with a fixed or changing display composed of a series of lights.

(Does not include time and temperature displays.)

(375)

Emergency shelter: means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

(380)

Employee: Any person employed by a firm, person(s), business, educational institution, nonprofit agency or corporation, government agency, or other entity. The term "employee" shall include persons employed on a full-time, part-time, or temporary basis.

(385)

Employee's quarters: Quarters for the housing of agricultural or domestic employees when such quarters are located upon the same land occupied by their employer.

(390)

Enclosed: Contained on all sides by walls that are pierced only by windows, vents, or customary entrances and exits.

(395)

Family: One or more persons occupying one dwelling unit. The term "family" includes the occupants of community care facilities serving six or fewer persons that are permitted or licensed by the State. The term "family" does not include occupants of a fraternity, sorority, boardinghouse, lodginghouse, club, or motel.

(400)

Family day care home: A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one to 14 children for periods of less than 24 hours per day. The provider shall be licensed per the State Health and Safety Code unless specifically exempted therein.

(405)

Family day care home, large: A family day care home which provides family day care to seven to 14 children, including children who reside at the home.

(410)

Fast-food establishments: means an establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises. Food is ordered by patrons at a counter.

(415)

Fixed wireless service: Any service providing radio communication to or from antenna structures at fixed and specified locations which are not designed to be moved during operation and which offers the ability to access or receive communication from the public switched telephone network.

(420)

Floor area, gross: The total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet; excepting that for commercial, professional and administrative office or industrial buildings or building complexes, areas used in common such as covered malls, walkways, patio areas and entries open to and directly connecting with outside areas, shall not be included when calculating off-street parking requirements.

(425)

Floor area ratio (FAR): Numerical value obtained by dividing the gross floor area of all buildings located on a building site by the building site area.

(430)

Freestanding monument sign: An independent sign permanently affixed in or upon the ground, and which is neither attached to nor a part of a building.

(435)

Garage: A building, or a portion of a building, used primarily for the parking of four-wheeled motor vehicles.

(440)

Garage/yard/estate sale: For the purpose of this title, the words "garage/yard/estate sale" shall refer to sale activities not associated with regular commercial or retail operations, and where the general public may purchase identifiable or tangible personal property. No purchased or consigned merchandise may be offered for sale. No goods may be placed in the public right-of-way or on private streets and sidewalks. Also included in the definition are patio sales, rummage sales, attic sales, moving sale, temporary bazaars, and any other similar activities for the purpose of selling, trading or otherwise disposing of personal goods.

(445)

Grade, ground level: The average elevation, determined by averaging the elevations of four or more points as necessary, at the building site boundary line where it is less than five feet from the building or at five feet outside the perimeter of the bearing or foundation line of a building.

(450)

Grazing: The act of pasturing livestock on growing grass or other growing herbage, or on dead grass or other dead herbage existing in the place where grown, as the principal sustenance of the livestock.

(455)

Ground mounted: A wireless communication facility that is mounted to a pole, lattice tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.

(460)

Guesthouse: A detached building having no kitchen facilities, which is used primarily for sleeping purposes for members of the family occupying the main dwelling and their nonpaying guests.

(465)

Habitable room: Any room usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A room designed and used only for storage purposes is not a "habitable room."

(470)

Helistop: A takeoff and landing area for helicopters often on the roof of the building.

(475)

Home occupation: See Section 13.26.120.

(480)

Homeless person: An individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

(485)

Hospital: A facility licensed by the State Department of Health Services providing clinical, temporary or emergency service of a medical, obstetrical, surgical, or mental health nature to human patients.

(490)

Hotel: Any building or portion thereof with access provided through a common entrance, lobby or hallway to six or more guestrooms which are rented on a weekly basis or less and which have cooking facilities in less than 25 percent of the guest rooms.

(495)

Information center: A building or portion thereof used to provide information about events, public transit, or tourist attractions to the general public.

(500)

Kennel: Any property where four or more dogs, or four or more cats, over the age of four months, are kept or maintained for any purpose, except veterinary clinics and hospitals, and except property for which an animal permit has been issued.

(505)

Lattice tower: A tower-like structure used to support antennae and comprised of three or more steel support

legs.

(510)

Legal nonconforming sign: A sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all standards and regulations of the ordinance.

(515)

Lot: Any area identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance or lot line adjustment. A lot is not necessarily a building site.

(520)

Lot frontage: The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion that is generally parallel to the access street.

(525)

Main building: The building containing the main or principal use of the premises, or occupied for the purpose of operating or administering the main or principal use.

(530)

Major facility: A wireless communication facility that is ground mounted and does not exceed the maximum height of the applicable zoning district in which the major facility is located.

(535)

Major tenant: Any tenant in a multi-tenant commercial center which either occupies 30 percent or more of the leased square footage of the center or has five or more locations in the region, state, or nation.

(540)

Master Plan of Arterial Highways: A component of the transportation element of the Orange County General Plan designating adopted and proposed routes for all commuter, secondary, primary and major highways within the County of Orange.

(545)

Microwave communication: The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3GHz to 300GHz frequency spectrum).

(550)

Ministorage facility: A building or buildings containing various size storage compartments not exceeding 500 square feet each, and wherein each compartment is offered for rent or lease to the general public for the private storage of materials excluding materials sold at the facility or delivered directly to customers. The facility may have an on-site caretaker dwelling unit as an accessory use.

(555)

Minor facility: A wireless communication facility that is either wall mounted, utility mounted, or roof mounted in such a manner that the entire facility is screened by solid material on four sides, is architecturally compatible with surrounding land uses and does not exceed the maximum height of the applicable zoning district in which the minor facility is located.

(560)

Mixed-use development: Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, civic, cultural, educational facilities, and child care facilities.

(565)

Mobile home: A structure transportable in one or more sections, designed to be used with or without a permanent foundation system. Mobile home does not include recreational vehicle, commercial coach, noncommercial coach or factory-built housing. A mobile home is also a trailer coach designed to be used without a permanent foundation and which is in excess of 40 feet in length.

(570)

Mobile home development: Any area or tract of land used to accommodate mobile homes for human habitation, and includes mobile home accommodation structures. Includes mobile home parks and mobile home subdivisions.

(575)

Mobile service: Any service providing radio communication to or from at least one antenna that is designed to be moved during operation or used during halts at unspecified locations; or as otherwise defined in 47 USC 153 and interpreted by the Code of Federal Regulations and the Federal Register.

(580)

Motel: A building or group of buildings containing six or more guest rooms rented on a weekly basis or less and which have cooking facilities in less than 25 percent of the guestrooms.

(585)

Mounted: Any manner of attachment, support, or connection, whether on ground or on a structure.

(590)

Multipoint distribution service: A microwave communication service that delivers video programming directly to subscribers, including multichannel, multipoint distribution services, instructional television fixed service,

and local multi-point distribution services, or as otherwise defined by Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretive decisions thereof issued by the Federal Communications Commission.

(595)

Noncommercial coach: A vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other nonresidential and noncommercial uses.

(600)

Nonconforming use/structure/site, legal: A use/structure/site that was lawfully established in compliance with the zoning regulations that were applicable to the property at the time the use/structure/site was established, but which does not presently comply with the existing regulations of the zoning district within which it is located.

(605)

Open space: Any parcel or are of land or water, public or private, which is reserved for the purpose of preserving natural resource, for the protection of valuable environmental features, or for providing outdoor recreation or education. For purposes of measuring the amount of open space, it does not include public/private road right-of-way areas, driveway and parking areas not related to recreational uses, any buildings, building setback areas, or the required space between buildings, and the surface utility facilities. Open space may include structures and impervious surfaces as identified in "open space, usable."

(610)

Open space, usable: Open space without any slopes in excess of 20 percent. Such open space may include structures and impervious surfaces such as tot lots, swimming pools, basketball courts, tennis courts, picnic facilities, and greenbelts with walkways or bicycle trails.

(615)

Parking access way: A vehicular passageway that provides access and circulation from a street access point into and through a parking lot to parking aisles and between parking areas.

(620)

Parking structure: An area or structure that is open or closed and is used for the hourly or day-to-day parking of motor vehicles.

(625)

Planned (unit) development: A subdivision of separately owned lots, parcels or areas, other than a community apartment, a condominium, or a stock cooperative project, having either or both of the following features:

a.

Lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.

b.

Power to enforce any obligation in connection with membership in the owners association or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels or areas.

(630)

Pole sign: A freestanding sign directly supported by a pole or poles with air space between the grade level and the sign face.

(635)

Portable sign: A sign not securely attached or fixed to the ground in a permanent fashion or to a permanent structure; or a sign upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base or platform for the sign.

(640)

Precise plan of highway alignment: A plan, supplementary to the Master Plan of Arterial Highways, which establishes the highway centerline, the ultimate right-of-way lines and may establish building setback lines.

(645)

Private special event: A privately held "special event," sponsored by a community association on association property for association members.

(650)

Project net area: All of the land area included within a plan for a development project excepting those areas designated for public and private road rights-of-way, schools, parks, and other uses or easements that preclude the use of the land therein as part of the development project.

(655)

Projecting sign: A sign, other than a wall sign, perpendicular to the wall upon and is mounted and suspended from or supported by a building or structure and projecting outward there from.

(660)

Public safety area: A strip of land 20 feet in width adjacent to and parallel with a street right-of-way.

(665)

Radio communication: The transmission and/or reception of impulses, writing, signs, signals, pictures, and

sounds of all kinds through space by means of electromagnetic waves.

(670)

Real estate sign: A sign advertising the sale, lease or rental of the property upon which it is located, and the identification of the person or firm handling the sale, lease, or rent.

(675)

Recreational vehicle: A motor home, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes.

(680)

Recycling center: A facility that accepts delivery or transfer of ownership of source-separated materials for the purpose of recycling or diversion from disposal. Included are "drop-off" recycling centers, where no fee is paid, such as churches or other charitable groups, or "buy-back" centers, like those at supermarkets, where a fee is usually paid to the generator for the materials. These facilities do not require a State permit.

(685)

Regulatory permit: A special regulations permit required for a land use that may be appropriate within a particular zoning district, but not compatible with other permitted uses in the district, or where additional development or performance standards are required.

(690)

Restaurant: A retail establishment engaged in the preparation and sale of food and beverages. This use includes cafes, coffee shops, sandwich shops, and kitchens engaged in preparing food. The licensed on-site provision of alcoholic beverages for consumption on the premises is also included in this definition when accessory to the food service.

(695)

Retail: The selling of goods, wares or merchandise directly to the ultimate consumer.

(700)

Riding and hiking trail: A trail or way designed for and used by equestrians, pedestrians and cyclists using non-motorized bicycles.

(705)

Right-of-way (row): An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

(710)

Roof mounted: A facility that is mounted in any manner that does not satisfy either the definition of wall mounted or utility mounted and is typically mounted on the roof of a building.

(715)

Roof sign: A sign erected wholly upon or above the roof of a building or above canopies, marquees, and similar overhangs. Signs on mansards shall be considered roof signs.

(720)

Sandwich board sign: A temporary portable sign, generally of an "A-frame" construction, which is not permanently affixed on or upon the ground, and which is neither attached to nor part of a building.

(725)

Scenic highway: Any highway designated a scenic highway by the City of Laguna Woods, County, State or Federal Government.

(730)

Senior citizen: A person 55 years of age or older.

(735)

Senior citizen housing: A residential development consisting of at least 35 dwelling units which is developed for, or substantially rehabilitated or renovated for, senior citizens.

(740)

Service: An act, or any result of useful labor, which does not, in itself, produce a tangible commodity.

(745)

Setback area/distance: The area/distance between the building line and the property line or, when abutting a street, the ultimate right-of-way line.

(750)

Shopping center: A group of industrial, office, or commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site. A center shall consist of two or more tenants on one development site.

(755)

Sign program: A comprehensive sign plan that identifies location, size, design, and color of signs within a shopping center in order to achieve aesthetically appealing and compatible signage.

(760)

Single room occupancy (SRO): A building with a common entrance containing a cluster of at least five rental units which provide sleeping and living facilities for one or two persons where kitchen and/or bathroom facilities may be shared. The units shall have a minimum of 100 net square feet of space for a

single occupancy and 120 square feet for two-person occupancy. The calculation for net floor space in the sleeping area includes built-in cabinets, sinks, and closets, but excludes toilet compartments. A unit larger than 225 square feet shall be deemed an efficiency dwelling unit and not a single room occupancy (SRO).
(765)

Special event: For the purpose of this chapter, the words "special event" shall refer to public or privately sponsored special gatherings (e.g., pageants, health fairs, carnivals, athletic events, religious events, outdoor entertainment) not exceeding five days unless specifically referenced in this chapter.
(770)

Stealth facility: Any wireless communication facility which is disguised to appear as another natural or artificial object that is prevalent in the surrounding environment or which is architecturally integrated into a building or other concealing structure.
(775)

Stock cooperatives: A corporation which is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy.
(780)

Street: A public or private vehicular right-of-way, other than an alley or driveway, including both local streets and arterial highways.
(785)

Street, multifamily: A driveway, easement, access way or other private vehicular right-of-way to serve a unified multi-lot/multifamily project for which a discretionary permit has been approved and where residential setback, other than provided for specifically in this Title, are not required.
(790)

Structure: That which is erected or constructed having a fixed location and is more than 30 inches above the finished grade. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A mobile home, except when used as a Temporary Use with its weight resting at least partially upon its tires, is a structure for the purposes of this definition.
(795)

Swimming pool: An artificial body of water having a depth in excess of 18 inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women, or children.
(800)

Temporary fencing: A temporary fence is defined as a fence erected for a limited and defined period of time, not to exceed a maximum of two years with Temporary Use permit, except as approved by a Conditional Use permit.
(805)

Temporary Use: For the purpose of this Chapter, the words "Temporary Use" shall refer to short-term activities on private property or public property (with an approved encroachment permit) not to exceed two years when in conjunction with an active building or encroachment permit. (e.g., outdoor storage, construction trailers, etc.)
(810)

Temporary promotional sign: Any sign related to a date-specific event, including without limitation, public elections and community events.
(815)

Transfer/materials recovery facility: A permitted nondisposal solid waste facility that accepts solid wastes, temporarily stores, separates, converts, or otherwise processes more than five percent of the solid wastes received, and transfers the residual materials to a solid waste disposal, or transformation facility.
(820)

Transfer station: A permitted nondisposal solid waste facility that transfers solid waste directly from smaller to larger vehicles for transport to materials recovery facilities, landfills, or transformation facilities.
(825)

Transformation facility: A permitted facility that performs incineration, pyrolysis, distillation, gasification or biological conversion, other than composting, for recovery of energy from solid waste.
(830)

Transitional housing shelters: housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized

housing for low income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

(835)

Ultimate right-of-way: The right-of-way shown as ultimate on an adopted precise plan of highway alignment, or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded PC development plan. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the Master Plan of Arterial Highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way, in the case of a private street, and the existing right-of-way, but not less than 60 feet, in the case of a public street.

(840)

Use: The purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

(845)

Utility mounted: A facility that is mounted to an aboveground structure that is specifically designed and installed to support electrical power lines, cable television lines, street lighting, traffic signal equipment, park lighting or a structure on public or private property deemed by the City to be similar in nature.

(850)

Vanpool: Seven or more persons traveling together in a single vehicle.

(855)

Vehicular access way: A private, nonexclusive vehicular easement affording access to abutting properties.

(860)

Vehicle/vessel sales/rentals: An open area used for the display, sale, and/or rental of new or used automobiles and water vessels.

(865)

Wall mounted: A facility that is mounted on any vertical surface of a building that is not specifically constructed for the purpose of supporting an antenna i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the "antenna structure" is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

(870)

Wall sign: A sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. signs and/or advertising displays in or on windows are not considered wall signs.

(875)

Window sign, permanent: Any sign exposed to public view that is permanently affixed to the interior or exterior surface of a window and only identifies the name of the business, hours of operation, and address for which the sign is displayed.

(880)

Window sign, temporary: Any sign exposed to public view that is temporarily attached, painted, posted, or displayed on the interior or exterior surface of the window and typically identifies type and price of merchandise sold, special events or activities for the business in which the temporary signage is displayed.

(885)

Wing wall: An architectural feature in excess of six feet in height that is a continuation of a building wall projecting beyond the exterior walls of a building.

(890)

Wireless communications facility or facility: An antenna structure and any appurtenant facilities or equipment located within City limits and that is used in connection with the provision of wireless service.

(895)

Wireless video service: Any service providing radio communication that delivers video programming.

(900)

Worksite: A building or group of buildings which are developed as a single project, and which serves as the place of employment, base of operation, or predominate location of an employee or group of employees.

(Ord. No. 03-03, § 5(18.10.300—370), 4-16-2003; Ord. No. 03-06, 10-15-2003; Ord. No. 08-01, § 4, 9-17-2008)

CHAPTER 13.08. - RESIDENTIAL DISTRICTS

Sec. 13.08.010. - Intent and permitted uses.

(a) *Residential multifamily (RMF)*. To provide for the development and preservation of high-density multifamily residential neighborhoods with a moderate amount of open spaces. Only those uses are permitted that are complementary to and are compatible with such a residential neighborhood.

(b) *Residential community (RC)*. To provide for the development and preservation of planned unit developments with a mixture of single-family attached and detached homes, multiple-family homes. Said neighborhoods will be characterized by controlled physical access and specialized recreation facilities. Setbacks and other development standards are to be tailored specifically to each project by means of a precise development plan that is approved with the project.

(c) *Residential towers (RT)*. To provide for the development and preservation of a special type of multiple-family structure, high-rise, designed to house and provide other special needs for residents only.

PERMITTED RESIDENTIAL USES LEGEND:

P	=	The use is permitted as the principal use within the district.
A	=	The use is permitted only as an accessory to a principal use on a site.
U	=	The use is permitted with an approved use permit.
T/SE	=	The use is permitted with an approved Temporary Use/Special Event permit.
X	=	The use is prohibited in the district.

Land Use Types	Districts			Code References
	RMF	RC	RT	
Accessory Building/Use	A	A	A	13.16.200
Administrative Offices	A	A	A	
Animals and Pets	A	A	A	13.26.150
Apiary	X	X	X	
Block Parties	T/SE	T/SE	T/SE	13.26.180
Churches, Temples, and Places of Worship	X	A	X	13.26.060
Condominiums/Stock Cooperatives	U	U	U	13.26.080
Community Apartment Projects	U	U	U	13.26.160
Community Care Facilities (<6 persons)	P	P	P	13.26.070
Congregate Care facility	U	U	U	13.26.090
Construction Trailer	T/SE	T/SE	T/SE	13.26.180
Duplex	P	U	X	
Dwelling, Multiple-Family	P	P	P	13.26.160
Dwelling, Single-Family	P	P	X	
Educational Institutions	A	A	A	
Emergency and Transitional Housing Shelters	X	X	X	13.23
Family Day Care Home, 14 or less	P	P	X	13.26.060
Fences and Walls	A	A	A	13.16.230
Garage and Estate Sales	T/SE	T/SE	T/SE	13.26.180
Garages and Carports	A	A	A	13.16.210
Gate Houses	A	A	A	
Guesthouse	X	A	X	13.26.100
Home Occupations	A	A	A	13.26.120
Horticulture, Unenclosed, Noncommercial	X	P	A	
Libraries and Museums	A	A	A	

ITEM 6.5 EXHIBIT 3

Maintenance Equipment Storage	A	A	A	
Maintenance Office/Building	A	A	A	
Mobile Home	P	P	X	13.26.140
Mobile Home Development	U	U	X	13.26.130
Mobile Home During Construction	T/SE	T/SE	T/SE	13.26.180
Outdoor Storage	T/SE	T/SE	T/SE	13.26.180
Parks/Playgrounds, Public/Private	P	P	P	
Patio Cover/Trellis	A	A	A	13.16.110
Planned Unit Development	U	U	U	
Police and Fire Stations	U	U	X	
Public/Private Utility Buildings/Structures	A	A	A	
Recreation Centers	A	A	A	
Residential Tract Sales and Rentals	T/SE	T/SE	T/SE	13.26.180
Retail/Commercial Uses	X	X	X	
Riding and Hiking Trails	A	P	X	
Swimming Pools	A	A	A	13.16.220
Wireless Communication Facilities	U	U	U	13.26.120

Sec. 13.08.020. - Development standards.

The Residential Development Standards Table, which follows, specifies standards for the development of property within residential districts.

Residential Development Standards

Development Standard	Districts		
	RMF	RC	RT
Maximum Building Height (ft.)	65	40	none
Minimum Building Site Area (sq. ft.)	7,200	none	none
Minimum Area Per Unit (sq. ft.)	1,000 ¹	none ³	none ³
Minimum Setback (ft.)			
Front Yard From ROW	20	none ⁴	none
Side Yard From ROW	5	none ⁴	none
Rear Yard From ROW	25	none ⁴	none
Side Not Abutting ROW	5	none ⁴	none
Rear Not Abutting ROW	25 ²	none ⁴	none
Distance Between Principal Structures (ft.)	10	none ⁴	none
Maximum Building Site Coverage	50%	50% ⁵	none ³
Parking	See Code Chapter 13.18 & Supplemental Regs.		
Signs	See Code Chapter 13.20		
Landscaping	See Code Section 13.16.190 & Supplemental Regs.		

Notes:

¹Minimum per dwelling unit is based upon net land area.

²In computing the depth of a rear setback from any building where such setback opens on an alley, private street, or public park, one-half of the width of such alley, street, or park may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than 15 feet.

³There shall be no minimum lot size. The total number of residential units permitted within the planning unit shall not be exceeded as was shown on the statistical analysis for the original planned community, as amended. The dwelling densities as categorized in the City's General Plan as low-density, medium-density and high-density shall not be exceeded. The limitations contained within the General Plan shall take

precedence over any discrepancies that may exist as compared to the statistical analysis for the planning units.

⁴Required yards and distances between building structures are waived.

⁵The building site coverage shall not exceed 50 percent of the land area contained within each recorded tract, exclusive of dedicated right-of-way. Swimming pool coverage shall not be considered as building site coverage.

Sec. 13.08.030. - Supplemental residential district regulations.

(a) *Type of development for RC District.* Standard development shall be predominantly of multiunit, multistoried structures and single family, one-story structures in an arrangement of attached or detached dwellings and their accessory structures. Such structures will be on contiguous or related building sites where the yards and open spaces may be combined into desirable arrangements of common open space.

(b) *Frontage for RC District.* Building sites may not necessarily have street frontage, either public or private, provided:

(1) Adequate and permanent access from a street to each family dwelling unit is provided for pedestrians and emergency vehicles;

(2) Adequate and permanent provisions for one accessible, roofed automobile storage place is provided for each dwelling unit;

(3) At least one parking space for every four dwelling units within each recorded tract is provided for visitors and guests. Such parking spaces may be uncovered and shall be so located as to be accessible to such visitors and guests.

(c) *Open space and landscaping for RC District.* All open space shall be landscaped and may include noncommercial recreational facilities incidental to the residential development such as outdoor recreation areas, walkways, covered and uncovered patios, fences and necessary firefighting equipment and installations. Further, the required open space shall be arranged and provided in such a manner that it is accessible and usable for the purpose intended herein. Said open space shall not be devoted to commercial pursuits or any other activity in conflict with the purpose intended herein.

(d) *Lighting.* All lights shall be designed and located so that direct light rays shall be confined to the premises.

(e) *Recreational facilities for RC and RT Districts.* The replacement, redevelopment and/or relocation of any existing recreational facilities shall not result in a net loss of land area as originally developed and maintained for any type of recreational use, including clubhouse structures. Such change to existing recreational facilities requires the submittal of an analysis showing existing recreational facilities, service areas of such facilities, land area of such facilities and any other information as may be required by the Director to demonstrate that no such loss of land area will result, subject to the City Council's review and approval.

CHAPTER 13.10. - COMMERCIAL DISTRICTS

Sec. 13.10.010. - Purpose and intent of districts.

(a) *Neighborhood Commercial (NC)*. To provide for the development and preservation of low intensity commercial uses which serve the immediate needs of the surrounding neighborhood. Such uses are to be grouped in small areas of three to eight acres and designed so that adverse impacts on residential properties are minimized.

(b) *Community Commercial (CC)*. To provide for the development and preservation of high intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses.

(c) *Professional and Administrative Office (PA)*. To provide for the development and preservation of an optimal environment for moderate intensity professional and administrative office uses and related uses on sites with large landscaped open spaces and off-street parking facilities. This district is intended to be located on heavily traveled streets or adjacent to commercial or industrial districts, and may be used to buffer residential areas.

Sec. 13.10.020. - Table of permitted uses.

The Permitted Commercial Uses Table, which follows, specifies whether a use or structure is permitted within the respective district and denotes the type of application process required to establish said use or structure. See Section 13.24.020 for those principally permitted uses that may be exempt from the site development permit process.

PERMITTED COMMERCIAL USES LEGEND:

P	=	The use is permitted as the principal use within the district.
A	=	The use is permitted only as an accessory to a principal use on a site.
U	=	The use is permitted with an approved use permit.
T/SE	=	The use is permitted with an approved Temporary Use/Special Event permit.
RP	=	The use is permitted with an approved regulatory use permit.
X	=	The use is prohibited in the district.

Land Use Types	Districts			Code References
	NC	CC	PA	
Accessory Building/Use	A	A	A	13.16.200
Administrative/Professional Offices	P	P	P	
Adult Entertainment Business	X	RP	X	13.26.020
Agricultural and Produce Stands	T/SE	T/SE	T/SE	13.26.180
Alcoholic Beverage Sales	U	U	X	
Animal Clinics	P	P	X	13.26.050
Automobile Parking Lots/Structures	X	P	P	
Automobile Repair Specialty Shops	X	P	X	
Automobile Service Station	U	U	X	
Automobile/Truck Maintenance and Repair	X	X	X	
Automobile Wrecking, Junk/Salvage Yards	X	X	X	
Bottling Plants	X	X	X	
Bus, Railroad and Taxi Stations	X	U	X	
Churches, Temples, and Places of Worship	U	U	U	
Civic and Government Uses	P	P	P	
Clinics, Medical or Dental	P	P	P	
Commercial Coaches	T/SE	T/SE	T/SE	13.26.180
Commercial Recreation	X	P	X	
Congregate Care Facilities	X	U	X	13.26.090

ITEM 6.5 EXHIBIT 4

Construction Trailer	T/SE	T/SE	T/SE	13.26.180
Contractor's Yards	X	T/SE	X	
Dance Hall	X	U	X	
Day Care Nursery	U	U	U	
Dry Cleaning, Dyeing and Laundry Plants	X	X	X	
Educational Institutions, Adults	X	X	P	
Emergency and Transitional Housing Shelters	X	P	X	13.23
Fast-Food Establishment	X	P	X	
Fences and Walls	A	A	A	13.16.230
Financial Institution	P	P	P	
Grocery Store	U	P	X	
Heavy Equipment Rental/Sales Yards	X	X	X	
Helistops	X	U	X	13.26.110
Hospitals	X	U	X	
Hotels and Motels	X	U	X	
Ice Cream Parlor	P	P	U	
Impound/Storage Yards	X	X	X	
Libraries and Museums	P	P	P	
Medical Marijuana Dispensary	X	RP	X	13.26.025
Ministorage Facilities	X	U	X	
Mortuaries and Crematories	X	U	X	
Outdoor Charitable Collection	T/SE	T/SE	T/SE	13.26.180
Outdoor Sales, Various	T/SE	T/SE	T/SE	13.26.180
Outdoor Storage	T/SE	T/SE	T/SE	13.26.180
Police and Fire Stations	X	P	X	
Public/Private Utility Buildings/Structures	P	P	P	
Recycling Collection Site	T/SE	U	T/SE	13.26.180
Residential Uses	X	X	X	
Restaurants	P	P	U	
Retail/Service Businesses	P	P	A	
Special Events	T/SE	T/SE	T/SE	13.26.180
Stationary Food Cart	T/SE	T/SE	T/SE	13.26.180
Temporary Parking Lot	T/SE	T/SE	T/SE	13.26.180
Theatres	X	U	X	
Tobacco, Magazine/Periodical Sales	X	U	X	
Transfer/Materials Recovery facility	X	X	X	13.26.190
Vehicle Washing Facilities	X	U	X	
Vehicle/Vessel Sales/Rentals	X	X	X	
Welding and Metal Plating	X	X	X	
Wireless Communication Facilities	U	U	U	13.26.120

(Ord. No. 03-03, § 5(18.20.210), 4-16-2003; Ord. No. 08-01, § 5, 9-17-2008)

Sec. 13.10.030. - Development standards.

The Commercial Development Standards Table, which follows, specifies standards for the development of property within commercial districts.

Commercial Development Standards

Development Standard	Districts		
	NC	CC	PA
Maximum Building Height (ft.)	35	65	35
Minimum Building Site Area (sq. ft.)	none	none	10,000
Minimum Building Site Width (ft.)	none	none	75
Minimum Perimeter Setback (ft.)			
From Street ROW	20	5	10
From Alley	20	5	10
From Residential Districts	20	20	10
From Nonresidential Districts	0	0	10 ²
Maximum FAR	0.30	0.30	0.30
Maximum Building Site Coverage	35 percent	none	35 percent
Parking	See Code Section 13.18		
Landscaping	See Code Section 13.16.190		
Screening	See Code Section 13.16.180		
Signs	See Code Section 13.20		
Waste Management/Hazardous Materials	See Code Section 13.26.200		

Notes:

¹ Required for one side of building site only.

(Ord. No. 03-03, § 5(18.20.215), 4-16-2003)

Sec. 13.10.040. - Supplemental commercial district regulations.

(a) *Lighting.* All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.

(b) *Loading.* All loading operations shall be performed on the site, and loading areas shall be screened by a landscape or architectural feature.

(c) *Trash and storage area.* All storage of cartons, containers and trash shall be enclosed by a roofed structure.

(d) *Enclosed uses.* All commercial uses and their related products shall be contained entirely within a completely enclosed structure, except for parking and loading areas, and except for outdoor uses expressly permitted by an approved site development plan or use permit.

(e) *Business hours in the Neighborhood Commercial District.* Business hours shall be limited to the hours between 6:00 a.m. and 10:30 p.m. unless otherwise provided for by an approved use permit.

(f) *Parking provided in the Professional and Administrative Office District.* Parking on the front half of the lot shall have no direct access to the street and shall be roofed unless adequate screening of open parking can be provided by berming, fencing, or landscaping as shown on an approved site development plan or use permit.

ITEM 6.5 EXHIBIT 4

(g) *Sidewalks.* New development shall provide sidewalks along side vehicular entrance points with a grade not to exceed plus eight percent from the public right-of-way, and/or demonstrate to the satisfaction of the Director the site accessibility to persons with disabilities.

(Ord. No. 03-03, § 5(18.20.220), 4-16-2003)

CHAPTER 13.12. - OPEN SPACE DISTRICTS

Sec. 13.12.010. - Purpose and intent of districts.

(a) *Open space-passive (OS-P)*. To provide for the protection and preservation of open space areas for the purposes of passive recreation, visual enhancement, and resource conservation.

(b) *Open space-recreation (OS-R)*. To provide for the development and preservation of public and private parks and associated recreation facilities within open space areas.

(Ord. No. 03-03, § 5(18.20.305), 4-16-2003)

State law reference—Open space zoning, Government Code § 65913 et seq.

Sec. 13.12.020. - Table of permitted uses.

The Permitted Open Space Uses Table, which follows, specifies whether a use or structure is permitted within the respective district and denotes the type of application process required to establish said use or structure. See Section 13.18.020 for those principally permitted uses that may be exempt from the site development permit process.

PERMITTED OPEN SPACE USES LEGEND:

P	=	The use is permitted as the principal use within the district.
A	=	The use is permitted only as an accessory to a principal use on a site.
U	=	The use is permitted with an approved use permit.
T/SE	=	The use is permitted with an approved Temporary Use/Special Event permit.
X	=	The use is prohibited in the district.

Land Use Types	Districts		Code References
	OS-P	OS-R	
Accessory Building/Use	A	A	13.16.200
Agricultural Use and Produce Stands	X	T/SE	13.26.180
Animal Clinics	X	U	13.26.050
Animals and Pets	A	A	13.26.150
Apiary	P	P	
Archaeological/Paleontological/Historical Site	P	P	
Cemeteries	U	U	
Commercial Stables	X	U	
Commercial Stockpiling/Manure Processing	X	X	
Construction Trailer	X	T/SE	13.26.180
Country Clubs	X	U	
Emergency and Transitional Housing Shelters	X	X	13.23
Fences and Walls	A	A	13.16.230
Garages and Carports	A	A	13.16.210
Golf Course	X	U	
Grazing	P	P	
Greenbelts	P	P	
Helistops	X	U	13.26.110
Information Centers	A	A	
Kennels	X	U	
Landscape Service Facilities/Offices	X	U	

Libraries and Museums	X	U	
Livestock Feeding Ranches	X	X	
Maintenance Office/Building	U	U	
Newspaper/Publications Distribution Center	X	U	
Outdoor Charitable Collection	X	T/SE	13.26.180
Outdoor Sales, Various	X	T/SE	13.26.180
Outdoor Storage	X	T/SE	13.26.180
Parks/Playgrounds, Public/Private	X	P	
Police and Fire Stations	X	U	
Public/Private Utility Buildings/Structures	X	P	
Ranger Station	A	A	
Recreation Centers	X	P	
Recreational Vehicle/Vessel Storage	X	U	
Recycling Collection Site	X	T/SE	13.26.180
Restaurants	X	A	
Restrooms	A	A	
Retail/Service Businesses	X	A	
Riding and Hiking Trails	P	P	
Sewage Disposal Facilities	X	U	
Special Events	T/SE	T/SE	13.26.180
Temporary Parking Lots	T/SE	T/SE	13.26.180
Transfer/Materials Recovery facility	X	U	13.26.190
Water Recharge/Percolation/Watershed Areas	P	A	
Wildlife Preserves and Sanctuaries	P	A	
Wireless Communication Facilities	U	U	13.26.120

(Ord. No. 03-03, § 5(18.20.310), 4-16-2003)

Sec. 13.12.030. - Development standards.

The Open Space Development Standards Table, which follows, specifies standards for the development of property within open space districts.

Open Space Development Standards

Development Standard	Districts	
	OS-P	OS-R
Maximum Building Height (ft.)	18 ¹	35 ¹
Minimum Building Site Area (sq. ft.)	43,560	20,000
Minimum Setback (ft.)		
From Street ROW	50 ²	50 ²
From Residential Districts	none	none
From Nonresidential Districts	none	none
Maximum Building Site Coverage	5 percent	20 percent
Parking	See Code Chapter 13.18	
Signs	See Code Chapter 13.20	
Waste Management/Hazardous Materials	See Code Section 13.26.200	

Notes:

¹Except as otherwise provided for by an approved use permit.

²Includes all buildings, structures, and off-street parking facilities.

(Ord. No. 03-03, § 5(18.20.315), 4-16-2003)

Sec. 13.12.040. - Supplemental open space district regulations.

(a) *Screening.* Walls and fences over 3" feet in height shall be installed in accordance with the following limitations

(1) Nonopaque fences shall be a minimum of zero feet from the ultimate right-of-way line of any street or highway.

(2) Masonry or solid wood fences shall be shielded from view from any street or highway by landscaping, berm, or other topographic feature, and they shall be set back a minimum distance of five feet from the ultimate right-of-way line of any street or highway.

(3) Exceptions to Subsections (a)(1) and (a)(2) above may be considered through the approval of a site development permit when it can be determined that such an exception will not result in or create a traffic hazard or conditions that may be considered objectionable, detrimental or incompatible with other uses in the vicinity.

(b) *Lighting.* All lights shall be designed and located so that direct light rays shall be confined to the premises.

(Ord. No. 03-03, § 5(18.20.320), 4-16-2003)

Chapter 13.13. – COMMUNITY FACILITIES DISTRICTS

Sec. 13.13.010 – Purpose and intent of districts.

- (a) Community Facilities - Private (CF - P). The purpose and intent of this district is to allow for the development of public and private community uses that serve residents, visitors, property owners, and workers in the City. Examples of permitted land uses include schools, hospitals, cultural venues, churches, temples and places of worship.
- (b) Community Facilities – Public/Institutional (CF - P/I). The purpose and intent of this district is to allow a wide range of public and institutional uses that will facilitate the provision a variety of government and social services to the community.

Sec. 13.13.020 - Table of permitted uses.

The Permitted Community Facility Uses Table, which follows, specifies whether a use or structure is permitted within the respective district and denotes the type of application process required to establish said use or structure.

PERMITTED COMMUNITY FACILITIES USES LEGEND

P	=	The use is permitted as the principal use within the district.
A	=	The use is permitted only as an accessory to a principal use on a site.
U	=	The use is permitted with an approved conditional use permit.
T/SE	=	The use is permitted with an approved Temporary Use/Special Event permit.
X	=	The use is prohibited in the district.

Land Use Types	Community Facilities		Code References
	Public/Institutional	Private	
Accessory Building/Use	A	A	13.16.200
Administrative/Professional Offices	A	A	
Adult Entertainment Business	X	X	13.26.020
Agricultural and Produce Stands	T/SE	T/SE	13.26.180
Alcoholic Beverage Sales	X	X	
Animal Clinics	X	X	13.26.050
Automobile Parking Lots/Structures	P	P	
Automobile Repair Specialty Shops	X	X	
Automobile Service Station	X	X	
Automobile/Truck Maintenance and Repair	X	X	
Automobile Wrecking, Junk/Salvage Yards	X	X	
Bottling Plants	X	X	
Bus, Railroad and Taxi Stations	X	X	
Churches, Temples, and Places of Worship	X	P	
Civic and Government Uses	P	X	
Clinics, Medical or Dental	X	X	
Commercial Coaches	T/SE	T/SE	13.26.180
Commercial Recreation	U	U	
Congregate Care Facilities	X	X	13.26.090
Construction Trailer	T/SE	T/SE	13.26.180
Contractor's Yards	X	X	
Dance Hall	U	U	
Day Care Nursery	U	U	
Dry Cleaning, Dyeing and Laundry Plants	X	X	
Educational Institutions, Adults	P	P	

ITEM 6.5 EXHIBIT 6

Emergency and Transitional Housing Shelters	U	U	13.23
Fast-Food Establishment	X	X	
Fences and Walls	A	A	13.16.180 & 13.16.230
Financial Institution	X	X	
Grocery Store	X	X	
Heavy Equipment Rental/Sales Yards	X	X	
Helistops	X	X	13.26.110
Hospitals	U	U	
Hotels and Motels	X	X	
Ice Cream Parlor	X	X	
Impound/Storage Yards	X	X	
Libraries and Museums	P	P	
Medical Marijuana Dispensary	X	X	13.26.025
Ministorage Facilities	X	X	
Mortuaries and Crematories	U	U	
Outdoor Charitable Collection	T/SE	T/SE	13.26.180
Outdoor Sales, Various	T/SE	T/SE	13.26.180
Outdoor Storage	T/SE	T/SE	13.26.180
Police and Fire Stations	P	X	
Public/Private Utility Buildings/Structures	P	P	
Recycling Collection Site	A	T/SE	13.26.180
Residential Uses	A	A	
Restaurants	X	X	
Retail/Service Businesses	X	X	
Special Events	T/SE	T/SE	13.26.180
Stationary Food Cart	T/SE	T/SE	13.26.180
Temporary Parking Lot	T/SE	T/SE	13.26.180
Theatres	X	X	
Tobacco, Magazine/Periodical Sales	X	X	
Transfer/Materials Recovery facility	X	X	13.26.190
Vehicle Washing Facilities	X	X	
Vehicle/Vessel Sales/Rentals	X	X	
Welding and Metal Plating	X	X	
Wholesale Business Offices	X	X	
Wireless Communication Facilities	U	U	13.26.210

Sec. 13.13.030 – Development standards.

The Community Facilities Development Standards Table, which follows, specifies standards for the development of property within the community facilities district.

Development Standard	Districts	
	CF - P	CF - P/I
Maximum Building Height (ft.)	40	40
Minimum Building Site Area (sq. ft.)	--	--
Minimum Building Site Width (ft.)	--	--
Minimum Perimeter Setback (ft.)		
From Street ROW	20	20
From Alley	10	0
From Residential Districts	10	10
From Nonresidential Districts	0	0
Maximum FAR	0.3	0.3
Maximum Building Site Coverage	none	none
Parking	See Code Section 13.16.300-400	
Landscaping	See Code Section 13.16.250	
Screening	See Code Section 13.16.240	
Signs	See Code Section 13.16.410-530	
Waste Management/Hazardous Materials	See Code Section 13.20.200	

Sec. 13.13.040. - Supplemental community facility district regulations.

- (a) *Churches, temples and places of worship:* Through an approved conditional use permit, churches, temples and places of worship may exceed the standards set forth in this section, provided that the health, safety and welfare of the community are preserved.
- (b) One single-family residence in conjunction with a church, temple or other place of worship may be allowed as an accessory use, subject to section 13.16.200.

CHAPTER 13.18. - OFF-STREET PARKING REGULATIONS**Sec. 13.18.010. - Off-street parking regulations.**

These regulations apply to all districts and specific plan areas, unless otherwise specified.

Sec. 13.18.020. - Intent.

The intent of the off-street parking regulations is to provide for the on-site, off-street parking of motor vehicles that are attracted by the use or uses on the premises. The parking facilities for motor vehicles required by this section are assumed to be the minimum, which will be required by the various land use categories. However, the parking and maneuvering facilities required by this section should not be used as a fixed standard to determine the amount of off-street parking which may be adequate for any specific use. If the decision maker determines minimum parking standards are inadequate for a specific project, he may require the developer, owner or operator of any specific use to provide the adequate parking even though such addition may be in excess of the minimum requirements set forth in this section. It is intended that these regulations will result in the installation of properly designed parking facilities of sufficient capacity to minimize traffic congestion, enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and for safe passage of pedestrians to and from parked vehicles.

Sec. 13.18.030. - General requirements.*(a) Location of off-street parking.*

- (1) Required parking facilities shall be located on the same building site and conveniently proximate to the use or uses they serve.
- (2) Property within the ultimate right-of-way of a street (either public or private) shall not be included in provision of the minimum parking.

(b) Accessibility. All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times.

(c) Usability.

- (1) The required off-street parking facilities and driveways shall not be used for any purpose, which at any time would preclude the use of the area for the temporary storage of motor vehicles.
- (2) Unless otherwise provided by an approved discretionary permit, no owner or tenant shall lease, rent or otherwise make unavailable to intended users any off-street parking spaces required by this chapter.

(d) Access to arterial highways.

- (1) Wherever access to a parking area is off an arterial highway designated on the Master Plan of Arterial Highways, parking spaces, driveways, and maneuvering areas shall be designed so that motor vehicles may enter the arterial highway traveling in a forward direction.
- (2) Vehicular access to arterial highways designated on the Master Plan of Arterial Highways will be permitted only in accordance with specifically approved driveway locations and access design.

(e) Maximum grades permitted.

- (1) Whenever access is taken from a street, alley or driveway to an off-street parking area serving four or less dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus ten percent or minus six percent, measured from the street, alley or driveway grade along the driveway centerline, for a distance of not less than 18 feet from the street, alley or driveway right-of-way line.
- (2) Whenever access is taken from a street, alley or driveway to an off-street parking area serving industrial, commercial or professional uses, public or community facilities, or five or more dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus ten percent or a minus two percent, measured from the street, alley or driveway grade along the driveway centerline for a distance of not more

than 18 feet from the street, alley or driveway right-of-way line.

(3) The maximum grades in Subsections (e)(1) and (e)(2) of this section will generally provide adequate sight distance at street level and prevent vehicles from dragging on extreme grade breaks. Exceptions may be approved by the Director, where physical design prevents such extreme grade breaks and provides safe sight distance.

(4) Off-street parking spaces and the abutting parking aisles shall have a maximum grade of two percent for retail commercial and five percent for all other uses. Said grade shall be measured across the parking space and the abutting parking aisle in any direction.

(5) Ramps or driveways providing vehicular access within the interior of an off-street parking area located beyond 18 feet from the ultimate right-of-way line of a street, alley or driveway shall have a maximum slope of plus or minus 20 percent. When such ramp or driveway slopes exceed plus or minus ten percent, the ramp or driveway design shall include transitions not less than eight feet in length, having a slope equal to one-half the ramp slope. When parking is provided on a ramp, the maximum slope shall not exceed six percent.

(f) *Parking area notices and directional instructions.* Notwithstanding the regulations of any district or any specific plan, parking area notices, each not to exceed two square feet in area, and directional instructions lettered on the paved surface of driveways and parking areas are permitted for parking facilities serving industrial, commercial, or professional uses; public or community facilities; and five or more residential dwelling units. Such parking notices may contain the name of the owner or occupant of the property and only such words and symbols that are directly related or essential to parking, enforcement, or the direction of vehicular traffic within the parking area.

(g) *Paving.* All permanent parking spaces, driveways and maneuvering areas shall be paved and permanently maintained with asphaltic concrete, cement concrete or other all-weather, noneroding, hard surfacing. Temporary parking spaces, driveways and maneuvering areas may use decomposed granite or other stable, all-weather surfacing.

(h) *Lighting.* Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property.

(i) *Change or increase in use of property.* Whenever the occupancy or use of any premises, which is not in compliance with off-street parking requirements, is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this section shall be provided for the new use or occupancy. This provision shall not apply to the addition of rooms or other alterations of a single-family dwelling, which do not increase the total floor area more than 50 percent.

(j) *Fractional parking spaces.* Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one additional parking space shall be required for one-half or more fractional parking space, and any fractional space less than one-half of a parking space shall not be counted.

(k) *Parking facilities for the physically handicapped.* Public accommodations or facilities, including industrial, commercial, professional, institutional, and multifamily dwellings of five or more units, shall provide parking spaces for the physically handicapped in compliance with the following provisions:

(1) *Spaces required.* The following table establishes the number of handicapped parking spaces required:

Total Number of Parking Spaces	Number of Handicapped Parking Spaces Required
1—4	0
5—40	1
41—80	2
81—120	3
121—160	4
161—300	5
301—400	6
401—500	7
>500	1 for each 200 additional spaces

(2) *Parking space size.* Physically handicapped parking spaces shall be located as near as practical to a primary entrance. If only one space is provided, it shall be 14 feet wide and outlined to provide a nine-foot parking area and a five-foot loading and unloading area. When more than one space is provided in lieu of providing a 14-foot wide space for each parking space, two spaces can be provided within a 23-foot wide area lined to provide a nine-foot parking area on each side of a five-foot loading and unloading area in the center. The minimum length of each parking space shall be 18 feet.

(3) *Arrangement of parking space.* In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that a handicapped person is not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways, which are accessible to the physically handicapped, shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space except where such encroachment into the length of any handicapped space does not limit the handicapped person's capability to leave or enter their vehicle.

(4) *Slope of parking space.* Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed one-half percent in any direction.

(5) *Identification.* Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text, or equal, displaying the international symbol of accessibility. This sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted, in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches in size with lettering not less than one inch in height, which clearly and conspicuously states the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped Persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or _____ by telephoning _____."

In addition to the above requirements, the surface of each parking place shall have a surface identification duplicating the symbol of accessibility in blue paint, at least three square feet in area.

(6) *Parking structures.* Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of eight feet, two inches, where required for accessibility to handicapped parking spaces.

For additional handicapped site development requirements, including curbs, ramps, and landing requirements, refer to the State of California "Regulations for the Accommodation of the Disabled." Information is available at: Office of the State Architect, Access Compliance Unit, 1500 5th street, Sacramento, CA, 95814.

Sec. 13.18.040. - Residential off-street parking requirements.

Off-street parking facilities shall be provided for all residential uses in compliance with this section.

(1) Size of parking spaces.

a. Each required covered off-street parking space for single-family dwellings shall be in a garage or carport a minimum of ten feet in width and 20 feet in length of unobstructed area. In garages or carports containing two or more side-by-side parking spaces, the required minimum width may include the exterior walls or supports of the structure, provided minimum unobstructed dimensions of ten feet in width and 18 feet in length are met.

b.

Uncovered off-street parking spaces shall be a minimum of nine feet in width and 18 feet in length. In measuring the length of paving required for uncovered parking spaces, allowance may be made for vehicular projection beyond the bumper or tire stop if such projection does not interfere with screening or pedestrian use, except under (7)c following.

c.

When a side of any space abuts a building, fence, support column or other obstruction, which interferes in any way with access to a motor vehicle, the space shall be a minimum of two feet wider than otherwise required by this

section.

d.

Uncovered off-street parking spaces located parallel to and adjoining private accessways shall not be less than eight feet in width and 18 feet in depth, with a minimum of eight feet separating each pair of such parking spaces.

(2)

Driveway widths and lengths.

a.

Single-family residence driveways shall be paved to a minimum of ten feet in width from access street or alley to the garage maneuvering area.

b.

Driveways providing access to garages, carports and uncovered parking areas serving two, three or four dwelling units shall be paved to a minimum of 12 feet wide for one-way traffic and 16 feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces.

c.

Driveways providing access to garages, carports and uncovered parking areas serving five or more dwelling units shall be paved to a minimum of 12 feet wide for one-way traffic and 24 feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces. Additional width may be required as necessary to provide transition to a driveway approach.

d.

Driveway lengths for residential developments shall measure 18 feet or more, or five feet or less.

(3)

Maneuvering areas. Maneuvering areas for access into and out of garages, carports and uncovered parking spaces shall have minimum widths as follows:

a.

Garages. Thirty feet of unobstructed area (measured from garage door), unless modified by Subsection (3)d below.

b.

Carports. Twenty-eight feet of unobstructed area (measured from outward end of parking stall), unless modified by (3)d below.

c.

Uncovered parking. Twenty-four feet of unobstructed area (measured from outward end of parking stall), except for one-way driveways.

d.

Where there is no physical barrier over six inches in height opposite a garage or carport entry that would prevent a motor vehicle from projecting beyond the driveway maneuvering area, the required width may be reduced a maximum of two feet. Additionally, where a one-car garage has an interior width in excess of ten feet and a door wider than eight feet, the maneuvering area in front of such garage may be reduced by the same amount that the width of the garage door exceeds eight feet, to a maximum reduction of two feet; or if the garage is a two-car or more structure and the garage door is at least 16 feet wide, the maneuvering area may be reduced a maximum of two feet.

(4)

Number of required off-street parking spaces. The minimum number of off-street parking spaces required for each category of residential use shall be as follows:

a.

Attached or detached single-family dwellings. Two covered parking spaces for each dwelling. Those dwellings having less than a 17-foot setback from the back of curb or sidewalk, whichever is closest to the garage or carport, shall provide one additional parking space within 200 feet of the dwelling. On-street parking, where permitted, may be used for the additional space.

b.

Two or more dwelling units on one building site. (Note: For purposes of this section, a room such as a den, study, or sewing room shall be considered a bedroom.)

1.

Zero to one-bedroom dwelling units. One and one-half off-street parking spaces for each dwelling unit. Except as otherwise provided in Subsection (4)d. below, one space shall be covered for each dwelling unit.

2.

Two-bedroom dwelling units. Two off-street parking spaces for each dwelling unit. Except as otherwise provided in Subsection (4)d. below, one of the spaces shall be covered for each dwelling unit.

3.

Three or more bedroom dwelling units. Two and one-half off-street parking spaces for each dwelling unit, plus one-half off-street parking space for each Bedroom in excess of three. Except as otherwise provided in Subsection (4)d. below, two spaces shall be covered for each dwelling unit.

4.

Covering. Notwithstanding the provisions of this subsection, the requirement that off-street parking

ITEM 6.5 EXHIBIT 7

spaces be covered is not applicable for multifamily projects of five or more dwelling units or "second" units per Section 13.26.100.

c. *Five or more dwelling units.* For building sites containing five or more dwelling units, the following off-street parking requirements may be used in lieu of Subsection (2) above.

1. *Minimum required parking spaces:*

Unit Size (Sq. Ft.)	Assigned	Unassigned
700 or less	1.0	0
701-800	1.0	+1.17
801-900	1.0	+1.34
901-1000	1.0	+1.50
1001-1100	1.0	+1.67
1101-1200	1.0	+1.84
1201-1300	1.0	+2.00
1301-1400	1.0	+2.18
1401-1500	1.0	+2.34
over 1500	1.0	+2.50

2. Each dwelling unit shall be assigned at least one standard size parking space.

d. *Guest parking.* In addition to the above, at least one guest parking space per every four dwelling units, rounded up to the next nearest whole number, shall be provided.

(5) *Location of residential parking spaces.*

- a. Assigned spaces shall be located within 200 feet of the dwelling unit they serve.
- b. Assigned spaces shall be designated as to the dwelling unit to which they are assigned on all plot plans or site plans submitted for permits.

(6) *Roadway widths for attached or detached single-family dwellings.*

a. Attached or detached single-family dwellings shall have roadway widths in the following ratio:

Roadway Width for Access On	One Side	Two Sides
1-17 units	28'	36'
18-42 units	30'	36'
42-100 units	30'	40'

b. Roadways less than 36 feet wide shall allow on-street parking on one side of the roadway only. Roadways must be 36 feet wide or greater to allow on-street parking on both sides of the roadway.

(7) *Parking area design.* Common off-street parking areas, including multiple garages and carports serving five or more dwelling units shall comply with the following:

- a. The off-street parking area shall be designed so that a vehicle within the parking area will not have to enter a street to move from one location to any other location within that parking area.
- b.

Parking and maneuvering areas, including garages and carports, shall be designed so that any vehicle can leave the parking area and enter into the nearest street traveling in a forward direction.

c.

Bumpers or tire stops shall be provided at the end of each uncovered parking space along any property line, abutting a public walkway, street or alley, except where screening is positioned, to ensure that the motor vehicle will not extend into the public right-of-way.

d.

No perpendicular parking, covered or uncovered, shall be permitted on an entrance road of a multifamily project within a minimum of 60 feet from the intersection of arterial or collector street. The measurement shall be taken from the near curb face of the arterial or collector street.

(8)

Location of driveway on a corner lot. When a building site abuts two intersecting streets, the driveway approach shall be located within the half of either street frontage that is farthest from the intersection of the two streets. If one of the intersecting streets is an arterial highway, the driveway approach shall be off the other street.

(9)

Screening. Uncovered off-street parking spaces shall be screened whenever such parking spaces abut the boundary of the building site or are located between a building or buildings and an abutting street, with screening materials not less than 3" feet in height, and in compliance with the "fences and walls" section. It may consist of one, or any combination of the following types:

a.

Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick.

b.

Fences, solid. A solid fence shall be constructed of wood or other materials to form an opaque screen.

c.

Fences, open. An open-weave or mesh type fence shall be combined with plant materials to form an opaque screen.

d.

Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, as to provide screening, having a minimum thickness of two feet, within 18 months after initial planting.

(Ord. No. 03-03, § 5(18.30.520), 4-16-2003)

Sec. 13.18.050. - Nonresidential off-street parking requirements.

The following off-street parking requirements are applicable to all uses other than residential uses and are in addition to the general requirements:

(1)

Size of parking spaces.

a.

All covered or uncovered off-street parking spaces, except as noted below, shall be a minimum clear unobstructed nine feet in width and 18 feet in length.

b.

Parking spaces parallel to a curb may be eight feet in width and 18 feet in length, with a minimum of eight feet separating each pair of such parking spaces.

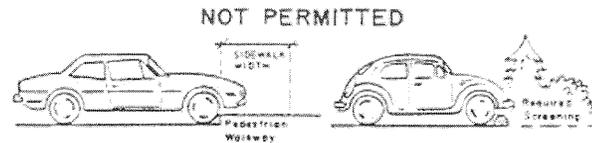
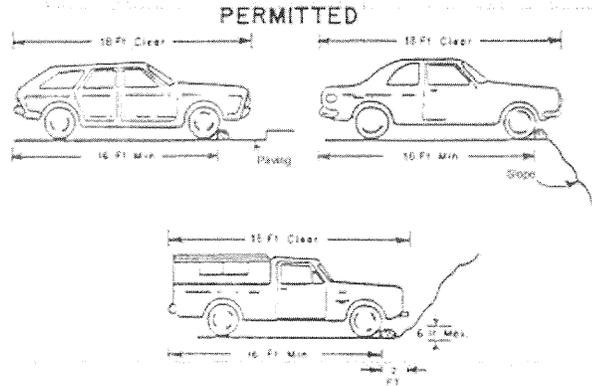
c.

When a side of any space abuts a building, fence, support column or other obstruction, which interferes in any way with access to a motor vehicle, the space shall be a minimum of two feet wider than the standard required width.

d.

In measuring the length of paving required for uncovered parking spaces, allowance may be made for vehicular project beyond a bumper or tire stop, if such projection does not interfere with screening or pedestrian use, except under Subsection(2)d. following. See illustration for examples of permitted project.

Section (a)(5) Illustrations



(2)

Parking facility design.

- a. Off-street parking facilities shall be designed so that a car within a facility shall not have to enter a street to move from one location to any other location within that parking facility. On industrial or office sites, separate noncontiguous parking facilities may be provided with independent entrances for employee and visitor parking, provided the designated use is clearly identified on all plot plans or site plans submitted for permits.
- b. Parking and maneuvering areas shall be arranged so that any vehicle can leave the parking area and enter into an adjoining vehicular right-of-way traveling in a forward direction.
- c. No dead end parking aisles serving more than five consecutive stalls will be permitted unless said aisle is provided with a turnaround area constructed in a manner meeting the approval of the Director.
- d. Bumpers or tire stops shall be provided along any abutment to a pedestrian walkway, access or driveway, street or alley, except where screening is positioned, to ensure that the motor vehicle will not extend into these areas.
- e. The point of exit or entry from any off-street parking space shall not be closer than 20 feet from the curb face or the ultimate curblines at a street opening.
- f. All paved parking stalls, except parallel spaces which may be single line, shall be clearly outlined with double or hairpin lines or special paving techniques on the surface of the parking facility.

(3)

Parking accessways. Parking accessways are those driveways that provide ingress or egress from a street to the parking aisles, and those driveways providing interior circulation between parking aisles. No parking is permitted on an accessway.

- a. All parking facilities taking access from an arterial highway shall have a parking accessway between the highway and parking aisles.
- b. Parking accessways from arterial highways shall not have parking spaces taking direct access there from and shall not be intersected by a parking aisle or another parking accessway for a minimum distance of 30 feet for projects with zero to 200 parking spaces, 50 feet for 201 to 350 spaces, 70 feet for 351 to 450 spaces and 90 feet for 451 spaces or more. All distances shall be measured from the curb face of the ultimate curblines of the adjacent street.
- c. Parking accessways from nonarterial highways shall not be less than 20 feet in length from the ultimate

curbline of the adjacent street.

d.

One-way accessways shall have a minimum width of 15 feet unless it is a fire lane, which requires a minimum of 20 feet.

e.

Two-way accessways shall have a minimum width of 28 feet.

(4)

Parking aisles. Parking aisles are driveways, which provide direct access to parking spaces. Parking aisles shall have a minimum width of 14 feet. In no case shall the parking aisles for two-way traffic be less than 24 feet in width.

(5)

Number of required off-street parking spaces.

a.

The minimum number of off-street parking spaces required shall be in compliance with the listed requirements set forth for each general category of land use.

b.

Whenever any commercial/industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided for the residential use as required, in addition to the parking required for the nonresidential use or uses.

(6)

Landscaping. Landscaping of parking areas shall be provided in accordance with the provisions of the applicable land use district regulations. In all cases, space within the off-street parking area not utilized for driveways, maneuvering areas, parking stalls or walkways shall be landscaped. Landscaped areas shall be separated from paved driveway, parking space and maneuvering areas by a minimum six inch high barrier.

(7)

Screening. Open parking spaces and parking structures shall be screened in accordance, whenever such parking is adjacent to a street right-of-way and when the street separates such parking from any districted zoned for residential or agricultural uses. Screening shall be located adjacent to the inside edge of any required boundary landscaping and to the outside edge of the paved parking area when there is no landscaping.

(8)

Vehicular access standards. A site development permit or use permit for the community commercial, commercial highway, and neighborhood commercial districts shall be in substantial conformity with the following:

a.

The first street opening from an intersection should be a minimum of 110 feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.

b.

The second street opening should be a minimum of 300 feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.

c.

Any additional street openings should be a minimum of 300 feet, from center to center from any other street opening except in the neighborhood commercial district, where the distance between street openings should be a minimum of 150 feet from center to center.

d.

There should be a minimum distance of 22 feet measured at the ultimate property line between a street opening in these districts and any existing street opening in any other district.

(9)

Joint use of parking facilities. Uses on multiple building sites may share common parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

a.

A detailed parking plan, showing all common parking facilities, shall be approved by the Director.

b.

Parking facilities shall be within 300 feet of the entry point of the uses they serve.

c.

Adequate assurance is provided to guarantee that required parking will continue to be maintained.

d.

The assurance required by Subsection (9)c and the parking plan required by Subsection (9)a shall be recorded in the Office of the Orange County Recorder.

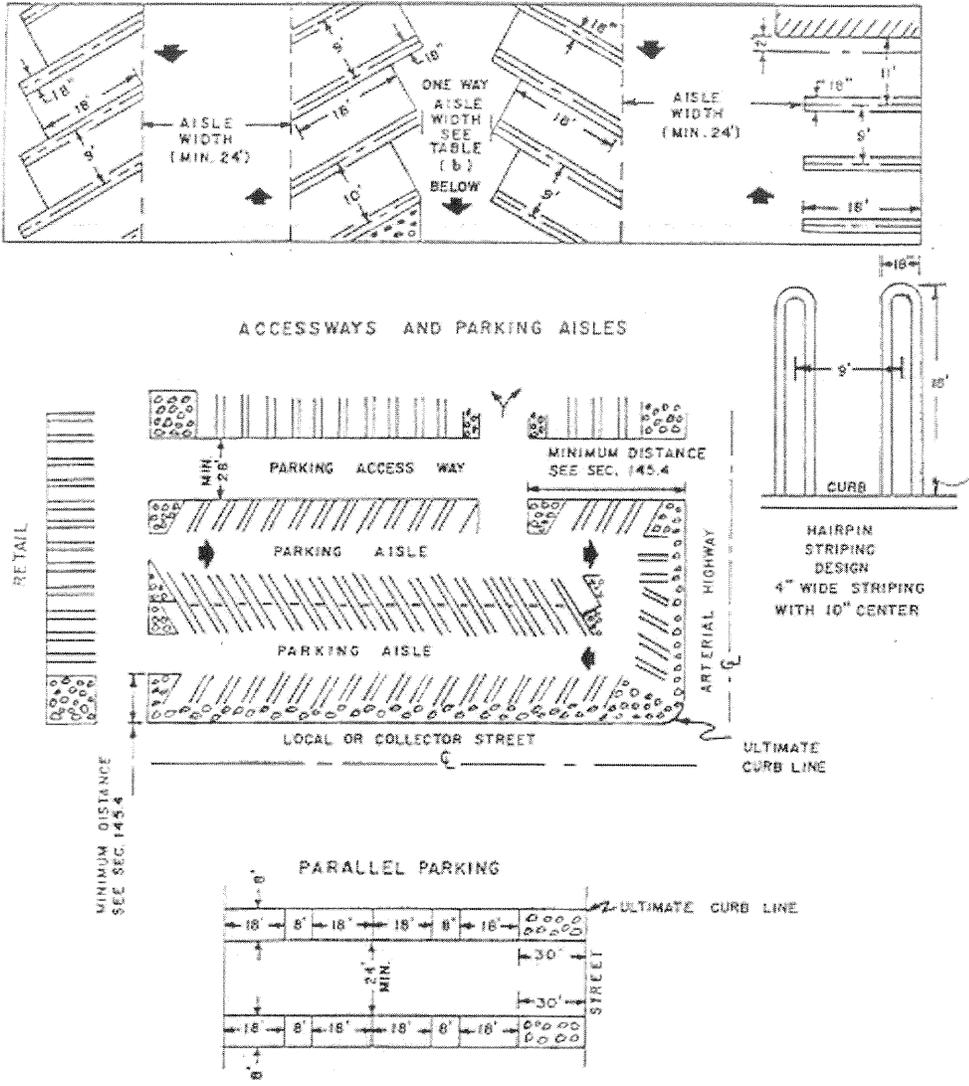
e.

Individual uses which result in a parking demand more than is provided by existing parking on the site shall be required to provide added parking as required by the Director.

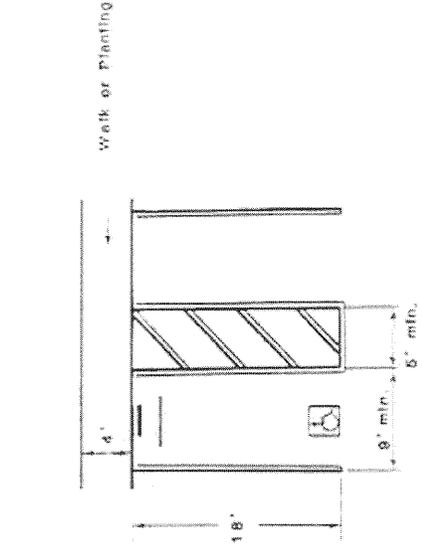
(Ord. No. 03-03, § 5(18.30.530), 4-16-2003)

Sec. 13.18.060. - Parking design requirements.

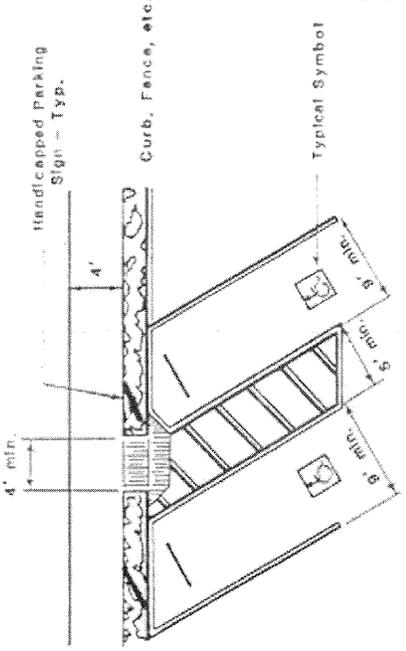
(a)
Off-street parking stall and access standards.



Handicapped Spaces, Single Type

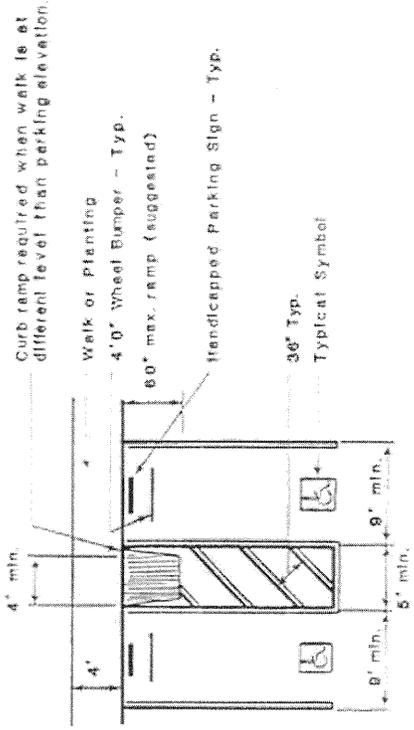


Handicapped Spaces, Double Diagonal Type



(a) Con't)

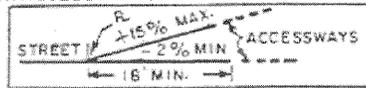
Handicapped Spaces, Double Type



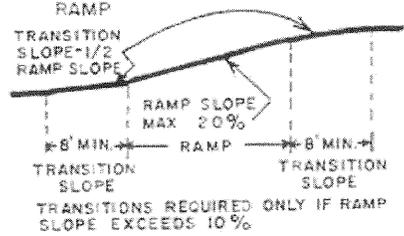
NOTES:

- 1) Handicapped Space must permit use of either of car doors.
- 2) Bumper required when no curb or barrier is provided which will prevent encroachment of cars over walkways.
- 3) Wheel chair users shall not be forced to go behind parked cars other than their own.

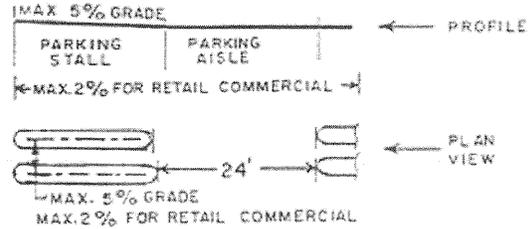
(1) ACCESSWAY GRADE AT STREET R/O/W



(2) DRIVEWAY OR PARKING STRUCTURE RAMP



(3) MAXIMUM PARKING STALL AND PARKING AISLE GRADES



(b) Minimum parking aisle width for one-way traffic.

Parking Angle Degree	Aisle Width (Feet)
0—44	14.0
45—49	14.5
50—54	15.0
55—59	16.0
60—64	17.0
65—69	18.0
70—74	19.5
75—79	21.0
80—90	24.0

(c) Minimum parking aisle width for two-way traffic. For two-way traffic, aisle widths and maneuvering areas shall be a minimum of 24 feet wide.
(Ord. No. 03-03, § 5(18.30.540), 4-16-2003)

Sec. 13.18.070. - Off-street parking requirements.

(a) Minimum requirements. All land uses shall provide off-street parking in compliance with the following requirements unless otherwise modified by the provisions contained in this Code. The off-street parking requirements listed under this section are the minimum requirements for each specific use; however, it shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking, even though such parking may be in excess of the minimum requirements set forth in this section.

	Use	Minimum Parking Stalls Required
(1)	Auditoriums, theaters, (not including cinemas), sports arenas, stadiums.	1 for each 3 sets or 1 for each 35 square feet of Gross Floor Area where there are no fixed seats.
(2)	Cinemas.	1 space for every 2 seats, plus 5 spaces for employees.
(3)	Automobile washing and cleaning establishment except self-service.	16 minimum.
(4)	Automobile washing and cleaning establishments, self-service.	5 spaces for each 2 washing stalls.
(5)	Banks, savings and loans, credit	1 for each 200 square feet of Gross

ITEM 6.5 EXHIBIT 7

	unions and other financial institutions.	Floor Area.
(6)	Barbershops or beauty parlors.	2 for each barber chair and 5 per 1000 square feet for hair and nail salon.
(7)	Bowling lanes and billiard halls.	5 for each hall, alley, 2 for each billiard table contained herein.
(8)	Churches, temples and other places of assembly not specified elsewhere.	1 for each 3 fixed seats within the main auditorium or for every 35 square feet of seating area within the main auditorium where there are no fixed seats; 18 lineal inches of bench shall be considered a fixed seat.
(9)	Clubs, lodge halls, union halls.	1 for each 75 square feet of Gross Floor Area.
(10)	Congregate care facility serving more than 12 persons.	1 for each unit per Section 13.20.090.
(11)	Convalescent and nursing homes, homes for the aged, emergency and transitional housing shelters, rest homes, children's homes and sanitariums.	1 for every 4 beds in accordance with the resident capacity of the home as listed on required license or permit.
(12)	Dancehalls.	1 for each 7 square feet of dance floor area, plus 1 for each 35 square feet of additional Gross Floor Area.
(13)	Day nurseries, including preschools and nursery schools.	2 for each 3 employees and teachers plus 1 loading space for every 8 children.
(14)	Golf courses:	
	Driving ranges.	1 per tee, plus the spaces required for additional uses on the site.
	Pitch and putt and miniature golf courses.	3 per hole, plus requirements for accessory uses.
	Regulation course.	8 per hole, plus the space required for additional uses on the site.
	Private golf course with direct golf cart access from the residential areas served by the course.	4 per hole, plus the spaces required for additional uses on the site.
(15)	Handball/racquetball facility.	1.5 for each court plus the spaces required for additional uses on the site.
(16)	Health studios and spas.	1 for each 150 square feet of Gross Floor Area (for the purposes of this subsection, swimming pool area shall be counted as floor area).
(17)	Hospitals.	1.75 for each patient bed.
(18)	Industrial uses of all types except a building used exclusively for warehouse purposes.	1 for each 500 square feet of Gross Floor Area.
(19)	Laundry or dry cleaning establishments, solely coin operated.	1 for each 3 machines.
(20)	Libraries.	1 for each 300 square feet of Gross Floor Area.
(21)	Lumberyards.	1 for each 500 square feet of Gross Floor Area for retail sales, plus 1 for each 1,000 square feet of open area devoted to display or sales, plus 1 for each 2 employees.
(22)	Model home sales complex.	10 spaces.
(23)	Mortuaries and funeral homes.	5 plus 250 square feet of usable and accessible paved parking area for every 25 square feet or fraction

ITEM 6.5 EXHIBIT 7

		thereof of assembly room floor area.
(24)	Motels and Hotels.	1 for each guest unit, plus additional parking as required for accessory uses.
(25)	Offices:	
	General and administrative.	1 for each 250 square feet of Gross Floor Area.
	Medical clinics or offices; dental clinics or offices.	1 for each 150 square feet of Gross Floor Area.
	Professional, other than medical or dental.	1 for each 250 square feet of Gross Floor Area.
	Veterinary hospitals and clinics.	1 for each 150 square feet of Gross Floor Area.
(27)	Public utility facilities including, but not limited to, electric, gas, water, telephone and telegraph facilities not having business offices on the premises.	1 for each 2 employees in the largest shift, plus 1 for each vehicle used in connection with the use. A minimum of spaces shall be provided for each such use regardless of building space or number of employees.
(28)	Restaurants, drive-ins, cafes, taverns, nightclubs, lounges or other establishments for the sale and consumption on the premises of food and beverage.	10 minimum or 1 for each 100 square feet of public seating area or nightclub, Gross Floor Area (including outdoor serving areas) up to 4,000 square feet, plus 1 for each 80 square feet of Gross Floor Area over 4,000 square feet. Restaurants with drive-through shall also include queue lanes for at least 5 cars. The City Manager or his or her designee may require drive-through restaurant applicants to submit a study to determine if longer queuing lanes are needed.
(29)	Retail stores:	
	General, except as otherwise specified herein.	1 for each 200 square feet of Gross Floor Area.
	Discount department stores.	1 for each 125 square feet of Gross Floor Area.
	Furniture and appliances.	1 for each 500 square feet of Gross Floor Area.
(30)	Schools:	
	Elementary and junior high.	2 for each classroom.
	College, universities and institutions of higher learning.	1 for each 3 full-time equivalent students, plus 1 for each 2 faculty and employee members.
	Senior high schools.	1 for each member of the faculty and each employee, plus 1 for each 6 full-time equivalent students regularly enrolled.
	Trade schools, business colleges and commercial schools.	1 for each 3 student capacity of each classroom plus 1 for each faculty and employee member.
(31)	Shopping centers.	1 for each 200 square feet of Gross Floor Area. Regional shopping centers may require additional parking and will be evaluated on a case-by-case basis.
(32)	Skating rinks, ice or roller.	1 for each 100 square feet of Gross Floor Area, plus the spaces required for additional uses on the site.
(33)	Stables, commercial.	Sufficient area, treated to prevent

ITEM 6.5 EXHIBIT 7

		dust, to provide for the needs of customers and employees, but not less than 1 accessible space for each 5 horses kept on the premises.
(34)	Storage yards in connection with contractor's business; salvage yard; junk yard; automobile wrecking yard.	6, which shall be separated from the enclosed storage area.
(35)	Swimming pools, commercial.	1 for each 500 square feet of gross enclosed area, plus the spaces required for additional uses on the site.
(36)	Tennis clubs, commercial	3 for each court, plus the spaces required for additional uses on the site.
(37)	Timeshare condominiums and timeshare hotels.	1.5 for each dwelling unit.
(38)	Warehouses, storage building or structures used exclusively for storage.	1 for each 1,000 square feet of Gross Floor Area for storage purposes.
(39)	Wholesale establishments and warehouses not used exclusively for storage.	1 for each 500 square feet of Gross Floor Area excluding that area devoted to office or sales, plus 1 for each 250 square feet of office or sales area.

(b)

Requirements not specified. If no provisions for the required number of off-street parking spaces are set forth in these regulations, or the provisions are not clear for any specific use or uses, the Director shall determine the number of off-street parking spaces required.

(c)

Calculation of gross floor area. Areas to be included for purposes of calculating the required number of parking spaces include restrooms, closets, storage, mechanical rooms, exterior patios intended to be occupied (such as outdoor dining), and elevator and stairwells (counted once only at the ground floor). Areas that may be excluded are interior spaces devoted to parking, circulation, access drives or landscaping, exterior breezeways, hallways, and balconies with no permanent use.

(Ord. No. 03-03, § 5(18.30.550), 4-16-2003; Ord. No. 03-08, 11-19-2003)

Sec. 13.18.080. - Alternatives to off-street parking regulations.

Alternative provisions to any of the off-street parking regulations may be permitted subject to the approval of a use permit application approved in compliance with the provisions of this Code. Any such application may be approved provided the approving authority finds:

(1)

Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and

(2)

The proposed off-street parking facilities comply with the intent of the Zoning Code related to parking requirements.

(Ord. No. 03-03, § 5(18.30.600), 4-16-2003)

State law reference—Congestion management, Government Code § 65088 et seq.

Sec. 13.18.090. - Transportation demand management.

(a)

Purpose and intent. It is the purpose and intent to meet the requirements of Government Code Title 7, Div. 1, Ch. 2.6 (Government Code § 65088 et seq.) to mitigate the impacts that development projects as specified herein, may have on transportation mobility, congestion and air quality, and to promote transportation demand

management strategies.

(b)

Applicability.

(1)

These regulations apply to any discretionary permit for commercial, industrial, institutional, office/professional or other uses which are estimated to employ 100 or more persons, as determined by the employee generation factors specified within Subsection (4) of this section. This also includes any discretionary permit for an existing facility, which is expanding its use to add 100 or more employees. In the case of an expanded use, these regulations shall apply only to the newly expanded portion. These regulations do not apply to a facility expanding its use by less than 100 employees.

(2)

These regulations apply to all districts and specific plan areas including those covered by development agreements. These regulations shall supersede other ordinances adopted previously in which there is a conflict.

(3)

Notwithstanding Subsection (b)(1) above, the following uses and activities shall be specifically exempt from the provisions of this section:

a.

Temporary construction activities on any affected project, including activities performed by engineers, architects, subcontractors and construction workers.

b.

Other temporary activities, or as authorized by the Director when such temporary activities are for a period not to exceed 30 days and occur no more than once a year.

(4)

Employee generation factors shall be based on one of the following:

a.

Employment projections developed by the property owner, subject to approval by the Director.

b.

Building sizes considered equivalent to the 100-employee threshold as follows:

Type of Use	Building Size (in square feet) Equivalent to 100 Employees
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (excluding Warehouse)	50,000
Warehouse	100,000
Commercial/Retail	50,000

Type of Use	Employee Equivalence
Hotel	
Motel	0.5 employees/room
Hotel	1.0 employees/room
Resort Hotel	1.2 employees/room
Mixed Use	¹

¹ The employment projection for a mixed use development shall be calculated on a case-by-case basis based upon the proportion of the development devoted to each type of use.

(c)

Site development standards. Development projects subject to this section shall comply with the following site development standards through the discretionary approval of precise plans of development:

(1)

Parking for carpool vehicles.

a.

The following minimum percentages of the total required parking spaces for the worksite shall be reserved and designated for employee carpool vehicles by marking such spaces "Carpool Only":

ITEM 6.5EXHIBIT 7

Type of Use	Percent of Total Parking Devoted to Employee Carpool Parking
Office/Professional	11 percent
Hospital and Medical/Dental Office	8 percent
Industrial/Warehouse	11 percent
Commercial/Retail	5 percent
Hotel	5 percent

b. Carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director.

(2) *Parking for vanpool vehicles.* Parking for vanpool vehicles shall be provided as follows unless determined otherwise by the Approving Authority:

a. The number of vanpool parking spaces shall be at least five percent of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only." These spaces will replace five percent of the carpool spaces.)

b. For parking structures, vanpool vehicle accessibility shall include a minimum seven foot, two inches vertical clearance.

c. Vanpool parking spaces shall be located near employee entrance(s) or other preferential locations within the employee parking areas as approved by the Director.

(3) *Bicycle parking.*

a. Bicycle parking facilities shall be provided within the worksite at the minimum rate of one bicycle parking space for every 25 employees, in a secure location, and near employee entrances for use by employees or tenants who commute to the worksite by bicycle. Maximum number of bicycle parking spaces required is 50 spaces.

b. A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided six foot cable and lock.

(4) *Shower facilities.* Shower facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle, unless determined otherwise by the approving authority, at the time of approving the discretionary permit. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following. Shower facilities shall be provided at a minimum rate as follows:

Number of Employees	Number of Showers
100-399	2
400-599	4
600-999	6
> 999	8

(5) *Locker facilities.* Locker facilities shall be provided for use by employees who commute to the site by means other than a motorized vehicle. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application. Lockers shall be provided at a minimum ratio of one for every 25 employees. Maximum number of lockers required is 50 lockers.

(6) *Commuter information area.* A commuter information area shall be provided within the worksite to offer employees appropriate information or alternative transportation modes. This area shall be centrally located and accessible to all employees, and shall be of sufficient size to accommodate such information on alternative transportation modes.

(7)

Passenger loading areas. Passenger loading areas to embark and disembark passengers from rideshare vehicles within the worksite shall be provided as follows unless determined otherwise by the approving authority at the time of approving the discretionary permit.

a.

Passenger loading areas shall be large enough to accommodate the number of waiting vehicles equivalent to one percent of the total required parking for the project. Maximum loading area size required for less than 1,000 employees shall be large enough to accommodate four waiting vehicles. Maximum loading area size for 1,000 or more employees shall be large enough to accommodate six waiting vehicles.

b.

The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.

(8)

Transit/bus stops. Bus shelters, pullouts, and pads shall be provided as necessary in consultation with, and approved by affected transit service providers unless determined otherwise by the approving authority at the time of approving the discretionary permit.

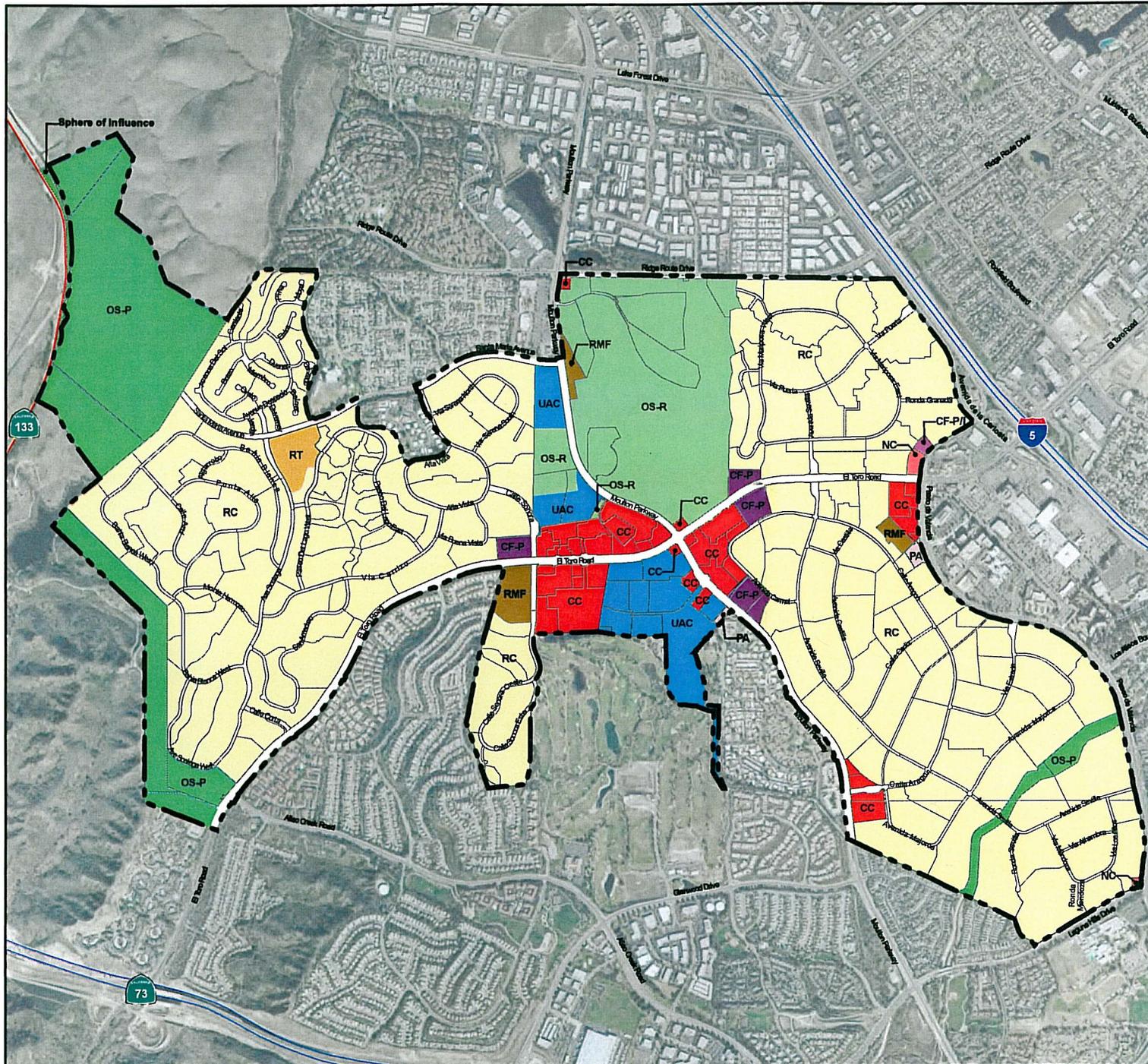
(Ord. No. 03-03, § 5(18.30.655—18.30.675), 4-16-2003)

CITY OF LAGUNA WOODS



ZONING MAP

Date: January 19, 2011



Legend

City Boundaries

Zoning Designations

- Residential Community District (RC)
- Residential Towers District (RT)
- Residential Multifamily District (RMF)
- Professional and Administrative Office District (PA)
- Neighborhood Commercial District (NC)
- Community Commercial District (CC)
- Community Facilities - Public/Institutional (CF-P/I)
- Community Facilities - Private (CF-P)
- Open Space - Recreation District (OS-R)
- Open Space - Passive District (OS-P)
- Urban Activities Center (UAC)

Key Map



DISCLAIMER

This map is a public resource of general information. The feature data provided on this map represents the most accurate zoning and parcel information available at the most recent date of revision. In the event of a conflict between information on this map and adopted City Resolutions or Ordinances, the City's Resolutions or Ordinances shall govern.

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ADDING CHAPTER 13.23 TO THE
LAGUNA WOODS MUNICIPAL CODE, ESTABLISHING
EMERGENCY AND TRANSITIONAL HOUSING
SHELTER REGULATIONS

WHEREAS, in 2007, the California Legislature passed Senate Bill 2, which amended section 65583 to include supportive housing, transitional housing, and emergency shelters to these provisions and revised the conditions upon which a disapproval or a conditional approval of an emergency shelter is based; and

WHEREAS, California Government Code Section 65583 identifies the need for cities and counties to develop fair land use and development standards pertaining to emergency shelters and transitional housing; and

WHEREAS, California Government Code Section 65583 requires local governments to identify a zone or zones where emergency and transitional housing shelters are allowed as a permitted use without a conditional use or other discretionary permit; and

WHEREAS, the General Plan Housing Element Implementation Program 2.B.2 and Implementation Program 2.B.3 identify the City's need to facilitate the development of emergency and transitional housing shelters; and

WHEREAS, on December 15, 2010, the City Council held a noticed public hearing and all interested parties were heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Based on the Negative Declaration prepared for the Project, the City Council exercises its independent judgment and finds that no substantial evidence exists that approval of adding Chapter 13.23 to the Laguna Woods Municipal Code, establishing Emergency and Transitional Housing Shelter

Regulations will have a significant effect on the environment as determined pursuant to the California Environmental Quality Act (CEQA) and the City Council hereby approves the issuance of the Negative Declaration Prepared.

SECTION 3. A new Chapter 13.23, entitled Emergency and Transitional Housing Shelters, is hereby added to Title 13 (Zoning) of the Laguna Woods Municipal Code, to read as follows:

CHAPTER 13.23. - EMERGENCY AND TRANSITIONAL HOUSING SHELTERS

Sec. 13.23.010. Purpose and intent.

It is the intent of this chapter to identify the zones and locations where emergency and transitional housing shelters are permitted, and to provide adequate development and operational standards for such uses to ensure that appropriate housing and services for special needs populations are met.

Sec. 13.23.020. Permit requirements and exemptions.

Emergency and transitional housing shelter facilities are permitted by right in Community Commercial (CC) zoning districts and are allowed in Community Facility Public/Institutional (CF-P/I) and Community Facility Private (CF-P) zoning districts subject to a Conditional Use Permit.

Sec. 13.23.030. Development and operational standards.

Emergency and transitional housing shelters shall comply with all standards provided by this chapter

(a) Development Standards.

(1) Location and Separation.

Emergency and transitional housing shelters must be situated more than 300 feet from another shelter and more than 1,000 feet from a public park, a public or private K – 12 school, an indoor or outdoor recreational

facility primarily designed to serve persons under 18 years old or a child care facility (1,000 feet measured from property line to property line).

(2) Physical Characteristics.

- a. The maximum number of beds for emergency and transitional housing shelters shall be 20 unless a larger number is approved through a conditional use permit.
- b. The maximum number of beds does not apply in situations of citywide or statewide designated disasters or catastrophic conditions.
- c. The facility shall have adequate private living space, shower and toilet facilities and secure storage areas for its intended residents.
- d. The size of an emergency and transitional housing shelter facility shall be in character with the surrounding neighborhood.
- e. The facility shall have at least one room, which has 120 square feet of floor area. Other habitable rooms shall have an area not less than 70 square feet. No more than two persons shall occupy a room used for sleeping purposes.

(b) Operational Standards.

- (1) All intake and screening shall be conducted off-site.
- (2) If a program includes a drug or alcohol abuse counseling component, appropriate state and/or federal licensing shall be required.
- (3) The program shall provide accommodations appropriate for a minimum stay of 28 days and a maximum stay of 180 days per client/family.
- (4) The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to public and not for profit social services, housing and employment opportunities.

- (5) The program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision and disbursement.
- (6) The shelter facility provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling, and treatment programs for residents
- (7) Shelter facilities may establish written expectations of residents – behavioral, medical, and religious, etc. Expectations of residents shall be available to each resident at entry to the shelter, and to the public (upon request).
- (8) Shelter facilities shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.
- (9) Emergency and transitional housing shelter facilities shall provide on-site management and support staff at all times during shelter use.

SECTION 3. Chapter 13.06 of the Laguna Woods Municipal Code is hereby amended to add the following section:

Section 13.06.010 (d) (390) “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Section 13.06.010 (d) (505) “Homeless person” means an individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Section 13.06.010 (d) (793) “Transitional housing shelters” means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

SECTION 4. Section 13.08.010, Table of Permitted Uses, of the Laguna Woods Code is hereby amended to add the following:

Districts				
Land Use Types	RMF	RC	RT	Code References
Emergency and Transitional Housing Shelters	X	X	X	13.23

SECTION 5. Section 13.10.020, Table of Permitted Uses, of the Laguna Woods Code is hereby amended to add the following:

Districts				
Land Use Types	NC	CC	PA	Code References
Emergency and Transitional Housing Shelters	X	P	X	13.23

SECTION 6. Section 13.12.010, Table of Permitted Uses, of the Laguna Woods Code is hereby amended to add the following:

District			
Land Use Types	OS-P	OS-R	Code References
Emergency and Transitional Housing	X	X	13.23

Shelters			
----------	--	--	--

SECTION 7. Section 13.13.020, Table of Permitted Uses, of the Laguna Woods Code is hereby amended to add the following:

Land Use Types	Community Facilities		Code References
	Public/Institutional	Private	
Emergency and Transitional Housing	U	U	13.23

SECTION 8. Section 13.18.070 (11) of the Laguna Woods Code is hereby amended to add the following:

A. Off Street Parking Requirements

	Use	Minimum Parking Stalls Required
(11)	Convalescent and nursing homes, homes for aged, emergency and transitional housing shelters, rest homes, children's homes and sanitariums	1 for every 4 beds in accordance with the resident capacity of the home as listed on required license or permit.

SECTION 9. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 10. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption, or until otherwise superseded by action of the City Council or by operation of State Law.

SECTION 11. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF JANUARY, 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, California DO HEREBY CERTIFY that the foregoing Ordinance No. 11-XX was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 15th of December, 2010, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ___ day of January 2011 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

6.6
9-1-1 FIRE/EMS EMERGENCY AMBULANCE
SERVICES

**CONSENT TO TRANSFER AGREEMENT
CITY OF LAGUNA WOODS**

THIS CONSENT TO TRANSFER AGREEMENT ("Consent to Transfer Agreement") is made and entered into this ____ day of _____, 2011 (the "Effective Date") by and between **Herren Enterprises, Inc., operating as Doctor's Ambulance Service** (hereinafter, the "Transferor") and **American Medical Response Ambulance Service, Inc., a Delaware corporation** (hereinafter, the "Transferee") for the purpose of obtaining the consent of the Orange County Fire Authority, a California Joint Powers Authority ("OCFA") and the City of Laguna Woods, a California municipal corporation ("City"), to the transfer of ownership of all of Transferor's stock to Transferee (the "Transfer") consistent with the requirements under that certain Agreement specified hereinbelow for provision of Fire/EMS emergency ambulance transportation and related services.

RECITALS

WHEREAS, the City, the OCFA and Transferor entered into the following agreement and renewal thereof (collectively referred to herein as the "Agreement"):

Agreement between the City of Laguna Woods and Herren Enterprises, Inc., dba Doctor's Ambulance Service, Inc. for Provision of Fire/EMS Emergency Ambulance Transportation and Related Services within Exclusive Operating Area No. 35 (City of Laguna Woods and the adjacent county unincorporated areas of Crystal Cove, Emerald Bay, and Laguna wilderness); and

Renewal Agreement for Provision of Fire/EMS Emergency Ambulance Transportation and Related Services within Exclusive Operating Area No. 35

(A true and correct copy of the Agreement [including the Renewal] is attached hereto as **Exhibit A.**)

WHEREAS, the Agreement requires that Transferor shall not "delegate, assign its rights or otherwise transfer its obligations in whole or in part, under this Agreement to any other person or entity without the prior written consent of OCFA and the Awarding Agency." For purposes of the Agreement, the Awarding Agency is the City. This Agreement shall not be effective unless approved by the OCFA and the City.

WHEREAS, the Agreement provides that a "transfer" includes any change in the business structure of Transferor, including but not limited to changes in the shareholders, or a transfer by any shareholder of greater than ten percent (10%) of the stock issued;

WHEREAS, Transferor has made a request, pursuant to the Agreement, that City and OCFA consent to the transfer to Transferee of 100% of the stock issued by Transferor; and

WHEREAS, City and OCFA are willing to consent to the transfer upon approval and complete execution of this Consent to Transfer Agreement.

NOW THEREFORE, it is mutually understood and agreed by the parties as follows:

1. Consent of City and OCFA. Upon valid approval and execution of this Consent to Transfer Agreement by all parties hereto, City and OCFA hereby consent to the transfer to Transferee of 100% of Transferor's outstanding stock.

2. Representation and Warranty. Transferor and Transferee jointly and severally represent, warrant and guarantee that, during the term of the Agreement:

(a) Transferor will continue to perform all its duties, obligations and performance requirements as set forth in the Agreement at all times during the term of the Agreement, including but not limited to: (i) the dedicated unit requirements per Exclusive Operating Area(s) (EOA's), (ii) the enhanced response times that improved upon the requirements set forth in the RFP; and (iii) the medical supply/Advanced Life Support (ALS) reimbursement methodology and payment schedule; and

(b) In connection with the Transfer, (i) Transferee does not intend to terminate the employment of any members of the current management team (Kay Kearney and Michael Herren), and (ii) Transferee intends to enter into private, confidential employment agreements with such members of the current management team, which will govern the terms of their respective employment relationships; and

(c) There will be no adverse impact upon Transferor's financial ability to perform its duties and obligations as set forth in the Agreement caused in whole or in part by the transfer. Transferee agrees to remedy any such adverse impact(s) within fifteen (15) days of receipt of written demand from City or OCFA;

(d) Neither Transferor nor Transferee shall delegate, assign its rights or otherwise transfer its obligations in whole or in part, under the Agreement or under this Consent to Transfer Agreement, without the prior written consent of City and OCFA. Except in connection with or as contemplated by the Transfer, neither Transferor nor Transferee shall cause or permit a change in the shareholders in Transferor or a transfer of greater than ten percent (10%) of stock issued by Transferor to any other person or entity without the prior written consent of City and OCFA; and

(e) Transferor shall continue day-to-day operations of the ambulance service company under the name of Doctor's Ambulance Service. In addition, its ambulance units will be maintained with their existing color scheme (white and blue) and with the same Doctor's logo.

3. Termination. A material breach of this Consent to Transfer Agreement by Transferor or Transferee with respect to the Agreement shall constitute a material breach of the Agreement and shall be subject to the remedies and requirements set forth in the Agreement, including without limitation, the remedies and requirements set forth in the Agreement regarding Termination.

4. Notices. All notices and demands hereunder and communications regarding the interpretations of the terms of this Consent to Transfer Agreement, or changes thereto, shall be effected by delivery in person or by deposit in the U.S. Mail, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

To Transferor: Doctors Ambulance Service
23091 Terra Drive
Laguna Hills, CA, 92653

To Transferee: American Medical Response Ambulance Service, Inc.
6200 South Syracuse Way #200
Greenwood Village, CO 80111

To City: City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

To OCFA: Orange County Fire Authority
Attention: Finance Manager
1 Fire Authority Road
Irvine, CA 92602

5. Binding Effect. This Consent to Transfer Agreement shall be binding on and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors-in-interest, and assigns.

6. Integrated Agreement; Amendments. Nothing herein amends the terms or conditions set forth in the Agreement. This Consent to Transfer Agreement contains all of the agreements of the parties pertaining to consent to the transfer and cannot be amended or modified except by written agreement signed by and approved by all three parties.

7. Governing Law. This Consent to Transfer Agreement shall be governed by and construed in accordance with the laws of the State of California.

8. Effect of Partial Invalidity. If any term, provision, or application of this Consent to Transfer Agreement is held invalid or unenforceable, the remainder of this Consent to Transfer Agreement and any application of the terms and provisions shall not be affected thereby, but shall remain valid and enforceable.

9. Authority to Execute. Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this Consent to Transfer Agreement and that such execution is binding on the entity for which he or she is executing this document.

This Consent to Transfer Agreement shall be effective upon execution by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Consent to Transfer Agreement to be executed on the date first above written.

**HERREN ENTERPRISES, INC.
(Operating as Doctor's Ambulance Service)**

By: _____
President

Date: _____

By: _____
Secretary

Date: _____

CITY OF LAGUNA WOODS

By: _____

Date: _____

ATTEST:

By: _____
City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Date: _____

ORANGE COUNTY FIRE AUTHORITY

By: _____
Keith Richter, Fire Chief

Date: _____

AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC.

By: _____
President

Date: _____

By: _____
Secretary

Date: _____

Exhibit A

Agreement between the City of Laguna Woods and Herren Enterprises, Inc., dba Doctor's Ambulance Service, Inc. for Provision of Fire/EMS Emergency Ambulance Transportation and Related Services within Exclusive Operating Area No. 35 (City of Laguna Woods); and

Renewal Agreement for Provision of Fire/EMS Emergency Ambulance Transportation and Related Services within Exclusive Operating Area No. 35

[Attached]

6.7
TRAFFIC LIGHT SYNCHRONIZATION

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **WHEREAS**, the TLSP PROJECTS shall consist of corridors that will span a minimum of two
2 jurisdictions, not require immediate street widening, and have sufficient traffic volumes to show a
3 measurable benefit of interagency signal synchronization through cooperative time-based coordination;
4 and **WHEREAS**, OCTA and AGENCIES agree to the implementation of the El Toro Road Traffic Light
5 Synchronization TLSP PROJECT (hereinafter, the "PROJECT") as one of the ten (10) corridors for
6 TLSP signal synchronization PROJECTS for Orange County; and

7 **WHEREAS**, the PROJECT will include approximately thirty nine (39) traffic signals located from
8 the County of Orange to the City of Laguna Beach as illustrated in the PROJECT Scope of Work and
9 associated El Toro Road TLSP Work by Location which is attached herein as Attachments A and B,
10 respectively; and

11 **WHEREAS**, the PROJECT will also include hardware and software upgrades to traffic
12 controllers, traffic telecommunications and inter-tie systems, central traffic master controllers and
13 associated systems, (hereinafter collectively referred to as "traffic control elements"); and these traffic
14 control elements will be constructed and/or installed and implemented as part of the PROJECT as
15 identified in the PROJECT Scope of Work; and

16 **WHEREAS**, OCTA agrees to work with AGENCIES to coordinate the inclusion of other traffic
17 control elements that must be installed at the same time as the construction of the PROJECT that are
18 NOT included in the PROJECT Scope of Work and will be the responsibility of the AGENCY owning
19 each and any of those traffic control elements during the course of the project; and

20 **WHEREAS**, OCTA and AGENCIES acknowledge that other TLSP corridor projects and other
21 OCTA sponsored Demonstration Signal Timing Synchronization Projects are currently underway or
22 completed which intersect the PROJECT, and that their respective corridor timing operations must be
23 incorporated into the design and completion of the PROJECT; and

24 /
25 /
26 /

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **WHEREAS**, OCTA and AGENCIES desire to enter into this MOU to demonstrate their
2 commitment to improving transportation opportunities for Orange County by the development and
3 implementation of the El Toro Road TLSP Project;

4 **NOW, THEREFORE**, the OCTA and AGENCIES enter into the following Memorandum of
5 Understanding with respect to the matters set forth herein:

6 **ARTICLE 1. COMPLETE AGREEMENT**

7 This MOU, including all exhibits and documents incorporated herein and made applicable by
8 reference, constitutes the complete and exclusive statement of the terms and conditions of the MOU
9 between OCTA and AGENCIES concerning the PROJECT and supersedes all prior representations,
10 understandings and communications between the parties. The above-referenced Recitals are true and
11 correct and are incorporated by reference herein. The invalidity in whole or part of any term or condition
12 of this MOU shall not affect the validity of other term(s) or condition(s).

13 **ARTICLE 2. RESPONSIBILITIES OF OCTA**

14 OCTA agrees to the following responsibilities for PROJECT:

- 15 1. To retain oversight of the PROJECT by establishing PROJECT milestones and
16 overseeing the PROJECT development.
- 17 2. OCTA shall maintain interface with the AGENCIES and outreach for the PROJECT.
- 18 3. OCTA shall assist in building consensus among the AGENCIES with respect to the
19 required services for the PROJECT.
- 20 4. The AGENCIES and OCTA agree that PROJECT signal synchronization efforts shall
21 focus on those time periods with intersection and/or system specific operational parameters as
22 specified in the PROJECT scope of work (see Attachments A and B).
- 23 5. OCTA shall collect all data necessary for the analysis and optimization of traffic signal
24 timing specified in the PROJECT Scope of Work (see Attachments A and B).
- 25 6. OCTA shall develop new timing plans optimized for signal synchronization while
26 maintaining or minimizing impact to existing crossing arterial timing and operations.

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 7. OCTA shall provide on-site support to implement the timing plans as necessary. Timing
2 plans are subject to each AGENCY'S review and approval.

3 8. OCTA shall provide updated timing plans and all relevant data acquired for the analysis
4 to the AGENCIES upon request.

5 9. OCTA shall endeavor to provide construction items designed and specified for in the
6 Project Scope of Work and El Toro Road TLSP Work by Location (See Attachments A and B) to
7 facilitate coordination and synchronization along PROJECT, including Agency specific operating
8 systems and intersection signal control systems, with the caveat that during the course of
9 construction, better more cost effective methods may be found and/or employed that meet the intent
10 of the required and/or specified operation for the construction items.

11 10. To prepare "before" and "after" studies of the PROJECT conditions. The "before" studies
12 shall be completed by end of autumn 2010 and the "after" studies shall be completed by end of
13 spring 2011.

14 11. To designate a technical lead person for liaison among the AGENCIES

15 **ARTICLE 3. RESPONSIBILITES OF AGENCIES**

16 AGENCIES agrees to the following responsibilities for PROJECT

17 1. To provide OCTA current intersection, local field master, and/or central control system
18 timing plans and related data no later than thirty (30) days subsequent to the execution of this MOU,
19 and updates thereafter, as they occur, within 7 days of the event.

20 2. To provide appropriate PS & E documentation for the Consultant to utilize in the
21 construction of infrastructure required to implement the desired coordinated and synchronized
22 systems and operations.

23 3. To waive all costs and fees related to any and all AGENCY required encroachment and
24 inspection permits for the construction phase of the PROJECT.

25 4. To give PROJECT related signal and telecommunications equipment a high maintenance
26 priority during the PROJECT.

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 5. To take reasonable steps to keep signal controls, inter-tie, and detection systems and
2 equipment in proper working order during the PROJECT.

3 6. To maintain and repair the signal control inter-tie, and detection systems and equipment
4 located within their jurisdiction.

5 7. To work with OCTA to determine which of the AGENCIES shall provide on-site support
6 for timing plan changes and upgrades to all synchronization systems, components, equipment, and
7 infrastructure systems as specified in the PROJECT scope of work. Each AGENCY's Traffic
8 Engineer or authorized designee (which in some cases may be the OCTA) shall be authorized to
9 make changes or adjustments to the signal timing plans when required.

10 8. To perform the changes required at central or field control locations and/or intersection
11 controller assemblies. When OCTA is required to make such changes, AGENCIES shall provide
12 OCTA access to all necessary equipment.

13 9. To designate a technical lead person for liaison among the AGENCIES

14 **ARTICLE 4. MUTUAL RESPONSIBILITES**

15 OCTA and AGENCIES agree to the following mutual responsibilities for PROJECT:

16 1. PROJECT signal synchronization efforts shall focus on those time periods specified in
17 the PROJECT scope of work, and/or as determined through the course of the PROJECT.

18 2. To attend and participate in all joint AGENCIES related PROJECT meetings.

19 3. To cooperate and coordinate with all other AGENCIES, their staff, contractors,
20 consultants, vendors, in providing the services and responsibilities required under this MOU to the
21 extent practicable with respect to the performance of the PROJECT.

22 4. The owning AGENCY shall be responsible for coordinating the construction and/or
23 installation of traffic control elements and other items that are not included but, by necessity, must
24 be built concurrent with the PROJECT.

25 5. To work together in good faith, using reasonable efforts to resolve any unforeseen issues
26 and disputes arising out of the performance of this MOU.

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 6. This MOU may only be modified or amended upon written mutual consent of all
2 AGENCIES. All modifications, amendments, changes and revisions of this MOU in whole or part,
3 and from time to time, shall be binding upon the parties, so long as the same shall be in writing and
4 executed by the OCTA and the AGENCIES.

5 7. This MOU shall be governed by all applicable federal, state and local laws. OCTA and
6 AGENCIES warrant that in the performance of this MOU, each shall comply with all applicable
7 federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations
8 promulgated there under.

9 8. Each AGENCY agrees to defend, indemnify and hold harmless the other AGENCIES,
10 their Officers, agents, elected officials, and employees, from all liability, claims, losses and demands,
11 including defense costs and reasonable attorneys' fees, whether resulting from court action or
12 otherwise, arising out of the acts or omissions of the defending AGENCY, its officers, agents, or
13 Employees, in the performance of this MOU. When acts or omissions of one AGENCY are directed
14 by another AGENCY, the AGENCY directing the acts or omissions shall owe this defense and
15 indemnity obligation to the AGENCY following the directions. The provisions of this paragraph 8
16 shall survive termination of this MOU.

17 9. Each AGENCY shall be excused from performing its obligations under this MOU during
18 the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its
19 control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of
20 material, products, plants or facilities by federal, state or local government; national fuel shortage; or
21 a material act or omission by any other agency; when satisfactory evidence of such cause is
22 presented to the other agencies, and provided further such nonperformance is unforeseeable,
23 beyond the control and is not due to the fault or negligence of the agency not performing.

24 10. Any notice sent by first class mail, postage paid, to the address and addressee, shall be
25 deemed to have been given when in the ordinary course it would be delivered. The representatives
26 of the agencies who are primarily responsible for the administration of this MOU, and to whom

**MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT**

1 notices, demands and communications shall be given are as detailed in Attachment C.

2 11. This MOU shall continue in full force and effect through December 31, 2011 unless
3 terminated earlier by OCTA. The AGENCIES may elect to extend the term of this MOU for an
4 additional six (6) months commencing January 1, 2012 and ending June 30, 2012.

5 12. The term of this MOU may only be extended upon mutual written agreement by OCTA
6 and AGENCIES.

7 /End of Articles

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MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **CITY OF ALISO VIEJO**

ORANGE COUNTY TRANSPORTATION AUTHORITY

5 By: _____

By: _____

6
7 Mayor

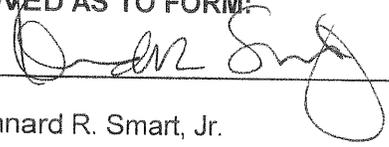
Meena Katakia

Manager, Capital Projects

8 **ATTEST:**

APPROVED AS TO FORM:

9 By: _____

By:  _____

10 City Clerk

Kennard R. Smart, Jr.

General Counsel

11 **APPROVED AS TO FORM:**

12 By: _____

13 City Attorney

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **CITY OF LAGUNA BEACH**

5 By: _____

6
7 Mayor

8 **ATTEST:**

9 By: _____

10 City Clerk

11 **APPROVED AS TO FORM:**

12 By: _____

13 City Attorney

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MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.
3

4 **CITY OF LAGUNA HILLS**

5 By: _____

6
7 Mayor

8 **ATTEST:**

9 By: _____

10 City Clerk

11 **APPROVED AS TO FORM:**

12 By: _____

13 City Attorney
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MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **CITY OF LAGUNA WOODS**

5
6 By: _____
7 Leslie A. Keane
8 City Manager

9 **ATTEST:**

10 By: _____
11 Yolie Trippy
12 Deputy City Clerk

13 **APPROVED AS TO FORM:**

14 By: _____
15 Stephen A. McEwen
16 City Attorney

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **CITY OF LAKE FOREST**

5 By: _____

6
7 Mayor

8 **ATTEST:**

9 By: _____

10 City Clerk

11 **APPROVED AS TO FORM:**

12 By: _____

13 City Attorney

MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.
3

4 **CITY OF MISSION VIEJO**

5
6 By: _____

7 Mayor

8 **ATTEST:**

9
10 By: _____

11 City Clerk

12 **APPROVED AS TO FORM:**

13 By: _____

14 City Attorney

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MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **COUNTY OF ORANGE**

5 By: _____

6 Jeff Carbajal

7 Director of Public Works
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MEMORANDUM OF UNDERSTANDING C-0-1692
EL TORO ROAD
TRAFFIC LIGHT SYNCHRONIZATION PROJECT

1 **IN WITNESS WHEREOF**, the AGENCIES hereto have caused this MOU No. C-0-1692
2 to be executed on the date first above written.

3
4 **CALIFORNIA DEPARTMENT OF TRANSPORTATION**

5 By: _____

6 James Pinheiro
7 Deputy District Director
8 Operations and Maintenance

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1 MEMORANDUM OF UNDERSTANDING C-9-0625

2 BY AND BETWEEN

3 ORANGE COUNTY TRANSPORTATION AUTHORITY

4 AND

5 THE CITIES OF

6 ALISO VIEJO, DANA POINT, IRVINE, LAGUNA HILLS,

7 LAGUNA NIGUEL, LAGUNA WOODS, TUSTIN,

8 AND

9 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

10 FOR

11 THE EDINGER AVENUE, IRVINE CENTER DRIVE, MOULTON PARKWAY, AND STREET OF THE
12 GOLDEN LANTERN TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT

13 The following Memorandum of Understanding (hereinafter, "MOU") is effective _____ day
14 of _____, 2011, entered by and between the Orange County Transportation Authority
15 (hereinafter, "OCTA"), the City of Aliso Viejo, the City of Dana Point, the City of Irvine, the City of
16 Laguna Hills, the City of Laguna Niguel, the City of Laguna Woods, the City of Tustin, and the State of
17 California Department of Transportation (Caltrans) hereinafter jointly referred to as the "AGENCIES"
18 and severally as "AGENCY"; with regard to the following matters:

19 **WHEREAS**, coordinating traffic signals across cities' boundaries is a major component in
20 enhancing countywide traffic flow and reducing congestion; and

21 **WHEREAS**, OCTA has successfully completed two interjurisdictional traffic signal
22 synchronization demonstration projects (one located in the northern part of the Orange County and the
23 other located in the southern part of Orange County); and

24 **WHEREAS**, OCTA has combined the Signal Improvement Program funds from Measure M
25 with equal funds from Proposition 1B to create the Traffic Light Synchronization Program (hereinafter,
26 "TLSP") of ten (10) countywide interjurisdictional corridors to be synchronized; and

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 **WHEREAS**, the TLSP PROJECTS shall consist of corridors that will span a minimum of two
2 jurisdictions, not require immediate street widening, and have sufficient traffic volumes to show a
3 measurable benefit of interagency signal synchronization through cooperative time-based coordination;
4 and

5 **WHEREAS**, OCTA and AGENCIES agree to the implementation of the Edinger Avenue, Irvine
6 Center Drive, Moulton Parkway and Street of the Golden Lantern Signal Synchronization TLSP
7 PROJECT (hereinafter, "PROJECT") as one of the ten (10) corridors for TLSP signal synchronization
8 PROJECTS for Orange County; and

9 **WHEREAS**, the PROJECT will include approximately eighty one (81) traffic signals located from
10 the City of Tustin to the City of Dana Point, as illustrated in the PROJECT Scope of Work and
11 associated Edinger Avenue-Irvine Center Drive-Moulton Parkway-Street of the Golden Lantern TLSP
12 Work by Location which is attached herein as Attachments A and B, respectively; and

13 **WHEREAS**, the PROJECT will also include certain hardware and software upgrades to traffic
14 controllers, traffic telecommunications and inter-tie systems, central traffic master controllers and
15 associated systems (hereinafter collectively referred to as "traffic control elements"), and these traffic
16 control elements will be constructed and/or installed and implemented as part of the PROJECT as
17 identified in the PROJECT Scope of Work, and

18 **WHEREAS**, OCTA agrees to work with AGENCIES to coordinate the inclusion of other traffic
19 control elements that must be installed at the same time as the construction of the PROJECT that are
20 NOT included in the PROJECT Scope of Work and will be the responsibility of the AGENCY owning
21 each and any of those traffic control elements during the course of the project; and

22 **WHEREAS**, OCTA and AGENCIES acknowledge that other TLSP corridor projects and other
23 OCTA sponsored Demonstration Signal Timing Synchronization Projects are currently underway or
24 completed which intersect this PROJECT, and that their respective corridor timing operations must be
25 incorporated into the design and completion of the PROJECT; and

26 /

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 **WHEREAS**, OCTA and AGENCIES desire to enter into this MOU to demonstrate their
2 commitment to improving transportation opportunities for Orange County and to develop and implement
3 the Edinger Avenue, Irvine Center Drive, Moulton Parkway and Street of the Golden Lantern TLSP
4 PROJECT;

5 **NOW, THEREFORE**, the AGENCIES and OCTA enter into the following Memorandum of
6 Understanding with respect to the matters set forth herein:

7 **ARTICLE 1. COMPLETE AGREEMENT:**

8 This MOU, including all exhibits and documents incorporated herein and made applicable by
9 reference, constitutes the complete and exclusive statement of the terms and conditions of the MOU
10 between OCTA and AGENCIES concerning the PROJECT and supersedes all prior representations,
11 understandings and communications between the parties. The above-referenced Recitals are true and
12 correct and are incorporated by reference herein. The invalidity in whole or part of any term or condition
13 of this MOU shall not affect the validity of other term(s) or condition(s).

14 **ARTICLE 2. RESPONSIBILITIES OF OCTA:**

15 OCTA agrees to the following responsibilities for PROJECT:

16 1. To retain oversight of the PROJECT by establishing PROJECT milestones and
17 overseeing the PROJECT development.

18 2. OCTA shall maintain interface with the AGENCIES and outreach for the PROJECT.

19 3. OCTA shall assist in building consensus among the AGENCIES with respect to the
20 required services for the PROJECT.

21 4. The AGENCIES and OCTA agree that PROJECT signal synchronization efforts shall
22 focus on those time periods with intersection and/or system specific operational parameters as
23 specified in the PROJECT scope of work (see Attachments A and B).

24 5. OCTA shall provide and collect all data necessary for the analysis and optimization of
25 traffic signal timing specified in the PROJECT Scope of Work (see Attachments A and B).

26 /

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 6. OCTA shall develop new timing plans optimized for signal synchronization.

2 7. OCTA shall provide on-site support to implement the timing plans as necessary. Timing
3 plans are subject to each AGENCY'S review and approval.

4 8. OCTA shall provide updated timing plans and turning movements to the AGENCIES in
5 Synchro format upon request.

6 9. OCTA shall endeavor to provide construction items designed and specified for in the
7 Project Scope of Work and Edinger Avenue-Irvine Center Drive-Moulton Parkway-Street of the
8 Golden Lantern TLSP Work by Location (See Attachments A and B) to facilitate coordination and
9 synchronization along PROJECT, including Agency specific operating systems and intersection
10 signal control systems, with the caveat that during the course of construction, better more cost
11 effective methods may be found and/or employed that meet the intent of the required and/or
12 specified operation for the construction items.

13 10. To prepare "before" and "after" studies of the PROJECT conditions. The "before" studies
14 shall be completed by end of autumn 2010 and the "after" studies shall be completed by end of
15 spring 2011.

16 11. To designate a technical lead person for liaison among the AGENCIES

17 **ARTICLE 3. RESPONSIBILITES OF AGENCIES:**

18 AGENCIES agree to the following responsibilities for PROJECT:

19 1. To provide OCTA current intersection, local field master, and/or central control system
20 timing plans and related data no later than thirty (30) days subsequent to execution of this MOU, and
21 updates as they occur within 7 days of the event.

22 2. To provide appropriate PS & E documentation for the Consultant to utilize in the
23 construction of infrastructure required to implement the desired coordinated and synchronized
24 systems and operations.

25 3. To waive all costs and fees related to any and all AGENCY required encroachment and
26 inspection permits for the construction phase of the PROJECT

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 4. To give PROJECT related signal and telecommunications equipment a high maintenance
2 priority during the PROJECT.

3 5. To take reasonable steps to keep signal controls, inter – tie, and detection systems and
4 equipment in proper working order during the PROJECT.

5 6. To maintain and repair the signal control inter – tie, and detection systems and
6 equipment located within their jurisdiction.

7 7. To work with OCTA to determine which of the AGENCIES shall provide on-site support
8 for timing plan changes and upgrades to all synchronization systems, components, equipment, and
9 infrastructure systems as specified in the PROJECT scope of work. Each AGENCY's Traffic
10 Engineer or authorized designee (which in some cases may be the OCTA) shall be authorized to
11 make changes or adjustments to the signal timing plans when required.

12 8. To perform the changes required at central or field control locations and/or intersection
13 controller assemblies. When OCTA is required to make such changes, AGENCIES shall provide
14 OCTA access to all necessary equipment.

15 9. To designate a technical lead person for liaison among the AGENCIES

16 **ARTICLE 4. MUTUAL RESPONSIBILITES OF ALL PARTIES:**

17 OCTA and AGENCIES agrees to the following mutual responsibilities for PROJECT:

18 1. PROJECT signal synchronization efforts shall focus on those time periods specified in
19 the PROJECT scope of work, and/or as determined through the course of the PROJECT.

20 2. To attend and participate in all joint AGENCIES related PROJECT meetings.

21 3. To cooperate and coordinate with all other AGENCIES, their staff, contractors,
22 consultants, vendors, in providing the services and responsibilities required under this MOU to the
23 extent practicable with respect to the performance of the PROJECT.

24 4. The owning AGENCY shall be responsible for coordinating the construction and/or
25 installation of traffic control elements that are not included in the PROJECT Scope of Work, but by
26 necessity, must be built concurrent, with the PROJECT.

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 5. To work together in good faith, using reasonable efforts to resolve any unforeseen issues
2 and disputes arising out of the performance of this MOU.

3 6. This MOU may only be modified or amended upon written mutual consent of all agencies.
4 All modifications, amendments, changes and revisions of this MOU in whole or part, and from time
5 to time, shall be binding upon the agencies, so long as the same shall be in writing and executed by
6 the AGENCIES.

7 7. This MOU shall be governed by all applicable federal, state and local laws. The
8 AGENCIES warrant that in the performance of this MOU, each shall comply with all applicable
9 federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations
10 promulgated there under.

11 8. Each AGENCY agrees to defend, indemnify and hold harmless the other AGENCIES,
12 their officers, agents, elected officials, and employees, from all liability, claims, losses and demands,
13 including defense costs and reasonable attorneys' fees, whether resulting from court action or
14 otherwise, arising out of the acts or omissions of the defending AGENCY, its officers, agents, or
15 Employees, in the performance of this MOU. When acts or omissions of one AGENCY are directed
16 by another AGENCY, the AGENCY directing the acts or omissions shall owe this defense and
17 indemnity obligation to the AGENCY following the directions. The provisions of this paragraph 8
18 shall survive termination of this MOU.

19 9. Each AGENCY shall be excused from performing its obligations under this MOU during
20 the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its
21 control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of
22 material, products, plants or facilities by federal, state or local government; national fuel shortage; or
23 a material act or omission by any other agency; when satisfactory evidence of such cause is
24 presented to the other agencies, and provided further such nonperformance is unforeseeable,
25 beyond the control and is not due to the fault or negligence of the agency not performing.

26 /

MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 10. Any notice sent by first class mail, postage paid, to the address and addressee, shall be
2 deemed to have been given when in the ordinary course it would be delivered. The representatives
3 of the agencies who are primarily responsible for the administration of this MOU, and to whom
4 notices, demands and communications shall be given are as detailed in Attachment C.

5 11. This MOU shall continue in full force and effect through June 30, 2012 unless terminated
6 earlier by OCTA. The AGENCIES may elect to extend the term of this MOU for an additional six (6)
7 months commencing July 1, 2012 and ending December 31, 2012.

8 12. The term of this MOU may only be extended upon mutual written MOU by OCTA and
9 AGENCIES.

10
11 /End of Articles
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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

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CITY OF IRVINE

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____

By: _____

City Manager

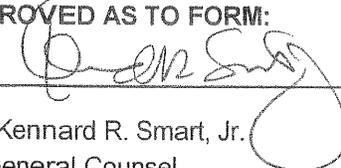
Meena Katakia

Manager, Capital Projects

ATTEST:

APPROVED AS TO FORM:

By: _____

By:  _____

City Clerk

Kennard R. Smart, Jr.
General Counsel



MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 **CITY OF TUSTIN**

2 By: _____

3 Mayor

4 **ATTEST:**

5 By: _____

6 City Clerk

7 **APPROVED AS TO FORM:**

8 By: _____

9 City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

CITY OF LAGUNA HILLS

By: _____

Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 CITY OF LAGUNA NIGUEL

2 By: _____

3 Mayor

4 **ATTEST:**

5 By: _____

6 City Clerk

7 **APPROVED AS TO FORM:**

8 By: _____

9 City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 CITY OF LAGUNA WOODS

2
3 By: _____
4 Leslie A. Keane
City Manager

5 ATTEST:

6
7 By: _____
8 Yolie Trippy
Deputy City Clerk

9 APPROVED AS TO FORM:

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11 By: _____
12 Stephen A. McEwen
City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

CITY OF ALISO VIEJO

By: _____

Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

CITY OF DANA POINT

By: _____

Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney

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MEMORANDUM OF UNDERSTANDING

AGREEMENT C-9-0625

EDINGER-IRVINE CENTER-MOULTON-ST. OF GOLDEN LANTERN T.L.S.P.

1 CALIFORNIA DEPARTMENT OF TRANSPORTATION
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4 By: _____

5 James Pinheiro
6 Deputy District Director
7 Operations and Maintenance
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RESOLUTION NO. 11-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONCERNING THE ADOPTION OF A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF LAGUNA WOODS

WHEREAS, the Regional Traffic Signal Synchronization Program targets over 2000 signalized intersections across Orange County to maintain traffic signal synchronization, improve traffic flow, and reduce congestion across jurisdictions; and

WHEREAS, the Orange County Transportation Authority has developed the Regional Traffic Signal Synchronization Master Plan to identify traffic signal synchronization street routes and traffic signals within and across jurisdictional boundaries, and defines the means of implementing the Regional Traffic Signal Synchronization Program; and

WHEREAS, the Regional Traffic Signal Synchronization Program requires that local agencies adopt a Local Signal Synchronization Plan consistent with the Regional Traffic Signal Synchronization Master Plan as a key component of local agencies' efforts to synchronizing traffic signals across local agencies' boundaries; and

WHEREAS, the Local Signal Synchronization Plan must be adopted to be eligible to receive Net Revenues as part of Measure M2 and thereafter updated every three years starting June 30, 2014;

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

SECTION 1. The Local Signal Synchronization Plan includes goals that are consistent to those outlined as part of the Regional Signal Synchronization Master Plan, including signal synchronization across jurisdictions.

SECTION 2. The Local Signal Synchronization Plan identifies traffic signal synchronization street routes, including all elements of the Regional Signal Synchronization Network located within the City.

SECTION 3. The Local Signal Synchronization Plan includes the traffic signal inventory for all traffic signal synchronization street routes.

SECTION 4. The Local Signal Synchronization Plan includes a three-year plan showing capital, operations, and maintenance of signal synchronization along the traffic signal synchronization street routes and traffic signals.

PASSED, APPROVED AND ADOPTED this ____ day of January 2011.

BERT HACK, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 11-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ____ day of January 2011, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

YOLIE TRIPPY, Deputy City Clerk

Attachment: Local Signal Synchronization Plan

LOCAL SIGNAL SYNCHRONIZATION PLAN

SECTION ONE
TRAFFIC SIGNAL SYNCHRONIZATION GOALS

MEASURE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM GOALS

The City of Laguna Woods acknowledges the Measure M2 Regional Traffic Signal Synchronization Program goals and supports a multi-agency, corridor-based approach that optimizes traffic signals based on existing traffic patterns. The City supports local agency responsibility for signal timing and working with neighboring agencies to develop synchronization timing.

Agreements with neighboring jurisdictions, traffic engineering consultants, and signal operation contractors are attached demonstrating the City's commitment to multi-agency signal synchronization.

Douglas C. Reilly
Name

Date

Signature

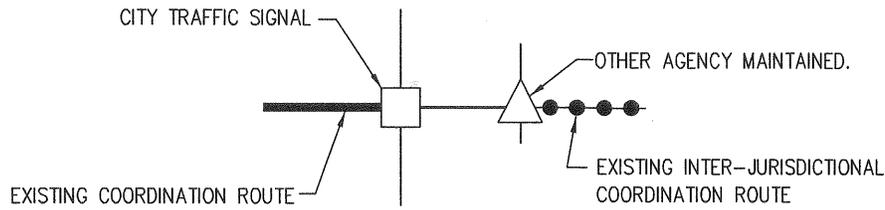
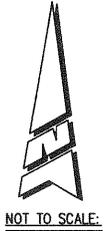
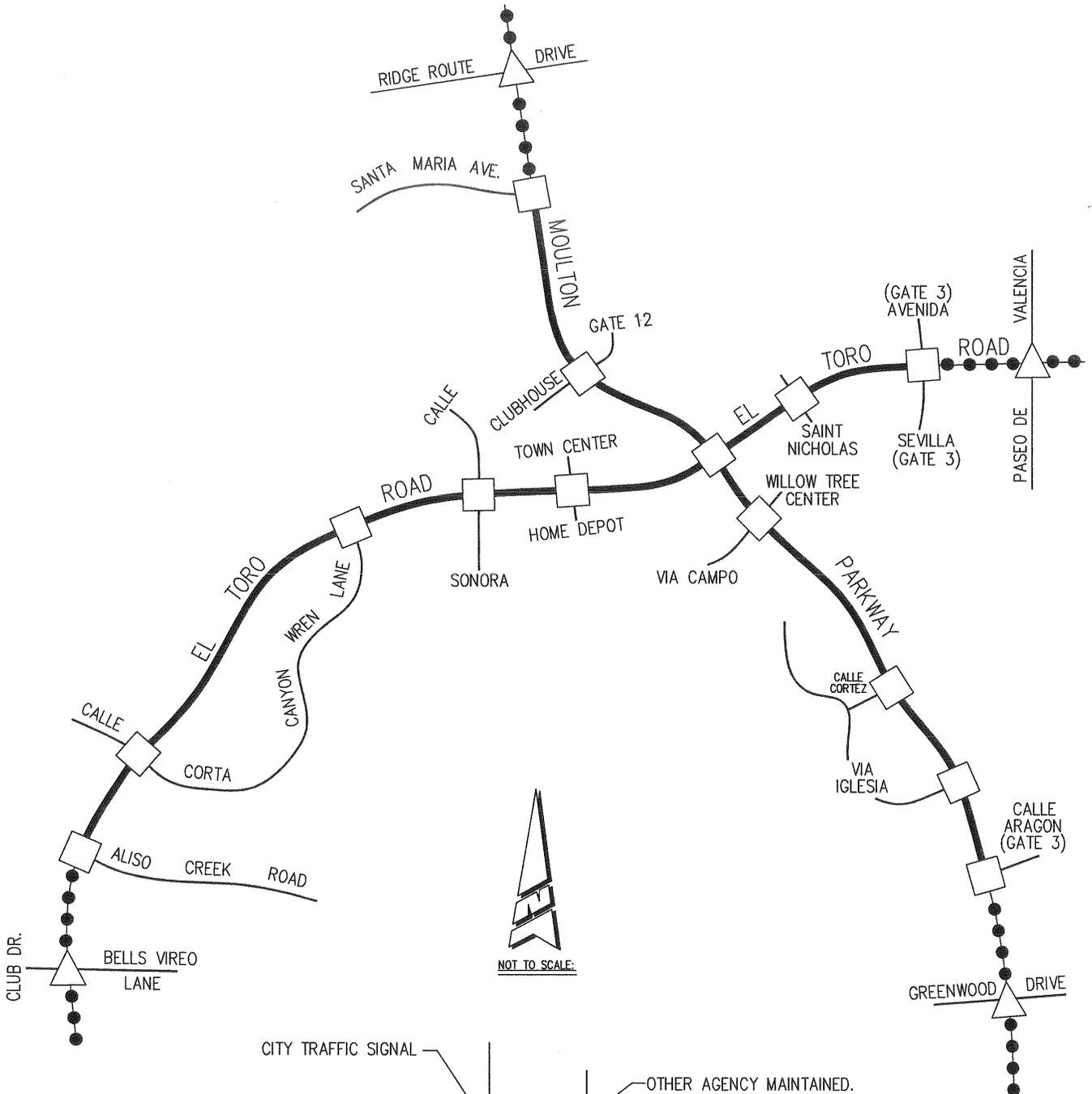
Assistant City Manager / Director of Public Works
Title

SECTION TWO
TRAFFIC SIGNAL SYNCHRONIZATION STREET ROUTES

CITY OF LAGUNA WOODS

LOCAL SIGNAL SYNCHRONIZATION PLAN

November 4, 2010



LEGEND

SECTION THREE
TRAFFIC SIGNAL INVENTORY

SECTION FOUR
TRAFFIC SIGNAL SYNCHRONIZATION THREE YEAR PLAN

**TRAFFIC SIGNAL SYNCHRONIZATION
REPORTING FORM
(Required Funding for Synchronized Operation)**

Reporting Jurisdiction Expenditures: City of Laguna Woods

Type of Traffic Signal Synchronization Expenditures in Year of Expenditure Dollars

MAINTENANCE

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Communication and Software Maintenance	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000
Subtotal Maintenance	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000

CONSTRUCTION

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Citywide Signal Synchronization	\$0	\$0	\$0	\$150,000	\$150,000
Subtotal Construction	\$0	\$0	\$0	\$150,000	\$150,000

OPERATIONS

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Citywide Signal Timing Maintenance	\$25,000	\$25,000	\$25,000	\$25,000	\$100,000
Subtotal Operations	\$25,000	\$25,000	\$25,000	\$25,000	\$100,000

**TRAFFIC SIGNAL SYNCHRONIZATION
REPORTING FORM
(Available Funding for Synchronized Operation)**

Reporting Jurisdiction Expenditures: City of Laguna Woods

Type of Traffic Signal Synchronization Expenditures in Year of Expenditure Dollars

MAINTENANCE

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Communication and Software Maintenance	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000
Subtotal Maintenance	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000

CONSTRUCTION

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Citywide Signal Synchronization	\$0	\$0	\$0	\$0	\$0
Subtotal Construction	\$0	\$0	\$0	\$0	\$0

OPERATIONS

PROJECT	FY10/11	FY11/12	FY12/13	FY13/14	TOTAL
Citywide Signal Timing Maintenance	\$25,000	\$25,000	\$25,000	\$25,000	\$100,000
Subtotal Operations	\$25,000	\$25,000	\$25,000	\$25,000	\$100,000

8.1
CITY COUNCIL ADVISORY COMMITTEE
APPOINTMENTS

City of Laguna Woods Agenda Report

DATE: January 19, 2011 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: City Council Advisory Committee Appointments

Recommendation

Approve Councilmember nominations and Committee Chair appointments to the Land Use/Design Review, Public Safety and Community Services Committees.

Background

Appointees to the City's Council advisory committees serve two year terms which expire in December of even years.

Each Councilmember may nominate two members to each committee, subject to ratification by the Council as a whole. Committee chairs are appointed by the Council as a whole and are generally senior members of each committee.

The attached list represents Councilmember nomination to committees and staff recommendations for committee chairs. All positions have been nominated with the exception of one nominee to the Public Safety Committee from Mayor Bert Hack and two nominees to the Land Use Committee from Mayor Pro Tem Connors and Councilmember Robbins.

Attachment: Nomination List

Community Services

Joan Coles	Chair	
Mike Strazuiso		Conners
Mimi Singer		Conners
Dick Robecheck		Hack
Bobby Oaks		Hack
Ros Rhodes		Rhodes
Shirley Greenes		Rhodes
Mel Gorman		Ring
Loretta Sheppard		Ring
Maion Levine		Robbins
Irena Lawyer		Robbins

Public Safety

Mary Stone	Chair	
Nate Rosenblatt		Conners
Joanne Leuck		Conners
Jay Krueger		Hack
Vacant		Hack
George Henderson		Rhodes
Ed Pollard		Rhodes
Hal Horne		Ring
Virginia Templeton		Ring
Pat Feney		Robbins
Judy Malone		Robbins

Land Use

Michelle Lindstrom	Chair	
Vacant		Conners
Linda Ham		Conners
Bevann Strom		Hack
Noel Hatch		Hack
Ira Joss		Rhodes
Ted Loveder		Rhodes
Al Preli		Ring
Marilyn Sortino		Ring
Seldon Heilbronner		Robbins
Vacant		Robbins

9.1
CITY OF LAGUNA WOODS SMOKING
REGULATIONS

City of Laguna Woods Agenda Report

FOR: January 19, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager 

Agenda Item: City of Laguna Woods Smoking Regulations

Recommendation

- A. Approve introduction and first reading of an ordinance that would make modifications to current Laguna Woods' smoking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND
ESTABLISHING CHAPTER 7.16 – SMOKING IN PUBLIC
PLACES AND PLACES OF EMPLOYMENT

- B. Approve an enforcement policy for smoking regulation violations.

Background

In August 2004, the City adopted smoking regulations, by ordinance, prohibiting smoking in enclosed and unenclosed areas used by members of the public. These regulations were modified in November 2006 to prohibit smoking in carports shared by more than two residential units and in shared entryways in multifamily residential buildings. At its December 8, 2010 meeting, the City's Public Safety Committee recommended that smoking regulations be revised to include a prohibition on smoking in and on unenclosed patios and balconies in multifamily residential unit. The Council discussed this recommendation at its December 15, 2010 meeting and directed staff to come back with a draft ordinance that would make these changes. In addition, staff was asked to include a provision that would prohibit smoking in multifamily residential units unless all windows and doors to the unit were closed.

Discussion

The proposed ordinance would:

1. Clarify that the definition of multi-family residential facility includes, apartments, condominiums, cooperatives and group homes (Section 7.16.020 (35)).
2. Clarify that smoking in enclosed game rooms, meeting rooms and laundry rooms in multifamily residential facility is prohibited (Section 7.16.030 1.g).
3. Add a prohibition against smoking in individual units in multi-family residential developments unless all windows and doors to the unit are securely closed (Section 7.16.030 1.h).
4. Clarify that smoking is prohibited in unenclosed breezeways and other common areas accessible and available to more than one residence in a multifamily development (Section 7.16.030 2.d).
5. Add a prohibition against smoking in or on unenclosed patios and balconies in multi-family residential developments (Section 7.16.030 2.e).

The City receives numerous complaints about smoking regulation violations that are not witnessed by a code enforcement officer. The proposed policy would allow the City to issue citations upon receipt of complaints from more than one individual and following a warning and education process. This policy is similar to that used for animal complaints.

Fiscal Impact

The City's enforcement of the smoking regulations is primarily on a complaint basis. Code enforcement activity is supported by fines associated with actual citations. To date, the City has given numerous warnings about smoking violations, but no citations.

Conclusion

The proposed ordinance was drafted in conformance with Council's December 15, 2010 direction to staff. If introduced and approved, as submitted or modified, the ordinance would come back in February for action on its adoption. The enforcement policy would be effective upon adoption.

Attachment: Draft Ordinance
Proposed Enforcement Policy

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, RESCINDING, REPLACING AND ESTABLISHING
CHAPTER 7.16 – SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. Findings and Intent - Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.)

The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," *U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program*, 2000.)

A study of hospital admissions for acute myocardial infarction in Helena, Montana before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smokefree workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study," *British Medical Journal* 328: 977-980, April 24, 2004.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter, 1997.)

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9.)

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. The Health Consequences of Involuntary Smoking: A Report of the Surgeon General. Public Health Service, Centers for Disease Control, 1986.) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," *Washington, D.C.: Environmental Protection Agency (EPA)*, June 1989.)

The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" *British Medical Journal* 328: 980-983, April 24, 2004.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002.)

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree

workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. The effect of ordinances requiring smokefree restaurants on restaurant sales in the United States. *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," *GPI Atlantic*, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

Accordingly, the City Council of the City of Laguna Woods finds and declares that the purposes of this Chapter are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

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

SECTION 2. Laguna Woods Municipal Code Chapter 7.16 is hereby rescinded and replaced with Chapter 7.16 – Smoking in Public Places and Places of Employment

Section 7.16.010. Purpose

The purpose of this chapter is to protect the public health and welfare by regulating smoking in places available to and used by members of the public and in places of employment.

Section 7.16.020. Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (05) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- (10) "Business" means a sole proprietorship, partnership, joint venture, corporation, association, or other entity formed either for-profit or not-for-profit making purposes, that is open to members of the public and/or has an employee as defined in this section.

- (15) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and/or a person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.
- (20) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- (25) "Enclosed" means closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening for ingress and egress.
- (30) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.
- (35) "Multi-unit" Residential Facility means a building or portion thereof that contains more than one dwelling space consisting of essentially complete independent living facilities for one or more persons and includes apartments, condominiums, cooperatives and group homes. A single family residence shared by roommates is not considered a multi-use residence for the purpose of this Chapter.
- (40) "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
- (45) "Public Place" means any enclosed area, public or private, to which the public is permitted, regardless of any fee or age requirement. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- (50) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is

prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.

- (55) "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (60) "Service Area" means any area designated to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not the service involves the exchange of money.
- (65) "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (70) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

Section 7.16.030. Prohibition of Smoking in Public Places

Except as otherwise hereinafter provided by this chapter, smoking shall be prohibited in all:

1. Enclosed areas of all public places, including lobbies, elevators, reception, waiting and service areas, hallways, and other areas used by members of the public, located within the City, including but not limited to the following:
 - a. Any portion of a museum, aquariums, gallery, library, or museums which is open to and used by members of the general public;
 - b. Any portion of a grocery store, supermarket or other retail food marketing establishment which is open to and used by the general public;
 - c. Any restroom open to and used by the general public;
 - d. Any portion of a theater, auditorium, clubhouse or hall which is open to the general public and used for exhibiting a motion picture, live theatrical performance, religious or spiritual service, banquet, lecture, musical recital or similar performance;
 - e. Hallways, examination rooms, rooms used for treatment, wards and semi-private rooms of health care facilities;
 - f. Any licensed child care or adult day care facility;

ITEM 9.1

- g. Lobbies, hallways, game rooms, meeting rooms, laundry rooms, and other common areas in multi-unit residential facilities. ;
 - h. Individual units of multi-unit residential facilities, unless all windows and doors in the unit are completely closed.
 - i. Public transportation facilities, including buses and taxicabs, under the authority of the City of Laguna Woods, and ticket, boarding, and waiting areas of public transit depots;
 - j. Any restaurant or bar, including those in private clubs;
 - k. Any portion of a building owned, leased and/or operated by a public agency or entity which is open to and used by the public and is subject to the jurisdiction of the city;
 - l. Polling places;
 - m. Any recreation or sports facility, including but not limited to gymnasiums, enclosed swimming pools, roller skating and ice skating rinks, bowling alleys, pool halls, health spas, clubhouses and other similar places where members of the public assemble whether to engage in physical exercise, participate in athletic events or participate in sports events;
 - n. Any other business or establishment or portion of a business or establishment which is open to and used by the general public, including but not limited to banks, professional offices, retail stores, enclosed shopping malls, laundromats, beauty and barber shops, nails salons, professional offices, hotels and motels.
2. Unenclosed areas of the following public places, subject to the reasonable distance requirement in Section 7.16.050:
- a. Any service area where one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money;
 - b. Outdoor dining areas of restaurants;
 - c. Unenclosed swimming pools in a multifamily residence;
 - d. Unenclosed hallways, entryways, breezeways, stairways and other common areas accessible and useable by more than one residence in a multifamily residential facility;
 - e. Unenclosed balconies and patios in multifamily residential facilities.
 - f. Covered and semi-covered carports shared by more than one residential unit.

- g. Ticket, boarding and waiting areas for public transportation services;
- h. Entrances and exits to enclosed public areas;
- i. City parks and preserves;
- j. Sites of public events sponsored or co-sponsored by the City, including sports events, entertainment, ceremonies, speaking performances, pageants and fairs.

Section 7.16.040. Prohibition of Smoking in Places of Employment

- (a) Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- (b) This prohibition on smoking shall be communicated to all existing employees by the effective date of the ordinance from which this chapter is derived and to all prospective employees upon their application for employment.

Section 7.16.050. Reasonable Distance

Smoking in unenclosed areas shall be prohibited within a reasonable distance of 20 feet from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

Section 7.16.060. Where Smoking Not Regulated

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of Section 7.16.030 of this chapter:

- (1) Private residences, except when used as a licensed child care, adult day care, or health care facility.
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (3) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter.

- (4) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Chapter.
- (5) Outdoor areas except those covered by the provisions of Sections 7.16.030 and 7.16.040.

Section 7.16.070. Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 7.16.080 of this chapter is posted.

Section 7.16.080. Posting of Signs

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person having control of the area.

Section 7.16.090. Nonretaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.

Section 7.16.100. Enforcement

- (a) The provisions of this chapter shall be enforced by the City Manager and/or his or her authorized designee.
- (b) Notice of the provisions of this chapter shall be given to all applicants for a business license in the City of Laguna Woods.
- (c) Any citizen who desires may register a complaint under this chapter with the City Manager and/or his or her authorized designee who will determine if enforcement is warranted based on the facts of the complaint.
- (d) The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- (e) An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- (f) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.
- (g) In addition to the remedies provided by the provisions of this section, the City Manager or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 7.16.110. Violations and Penalties

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- (b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter shall be guilty of an infraction, punishable by:
 - (1) A fine not exceeding one hundred dollars (\$100) for a first violation.
 - (2) A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - (3) A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- (c) In addition to the fines established by this section, violation of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of

employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(d) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation.

Section 7.16.120. Public Education

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.

Section 7.16.130. Governmental Agency Cooperation

The City Manager shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all Federal, State, County and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Section 7.16.140. Other Applicable Laws

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 7.16.150. Liberal Construction

This chapter shall be liberally construed so as to further its purposes.

SECTION 3. This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 4. Severability If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Deputy City Clerk's Certification. The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the Deputy City Clerk may cause to be published a summary of this Ordinance and post a certified copy

of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the Deputy City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this ___ day of _____ 2011.

Bert Hack, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

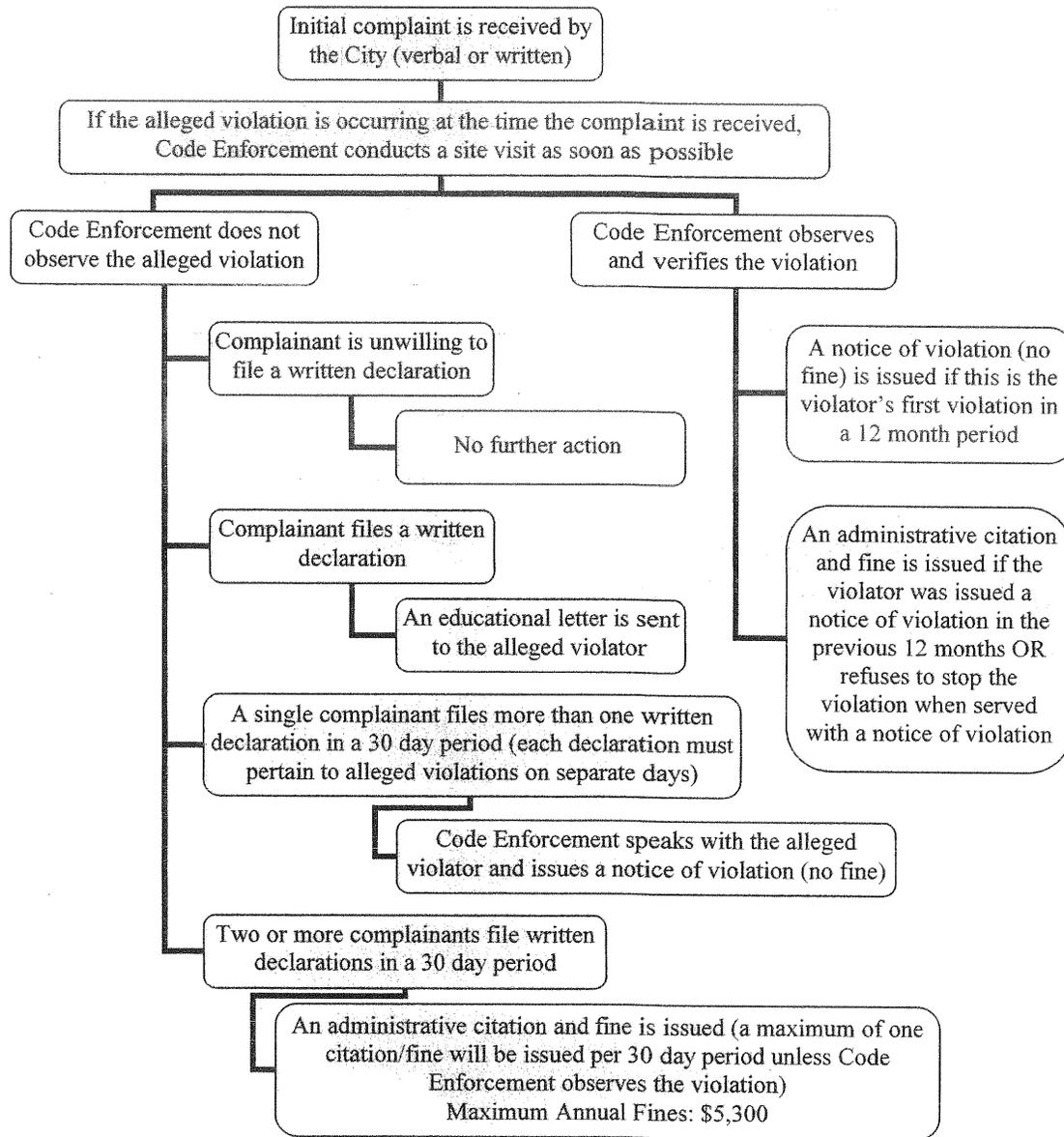
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, Yolie Trippy, Deputy City Clerk of the City of Laguna Woods, do hereby certify that the foregoing Ordinance No. 11-XX was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ___ day of _____ 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of _____ 2011, by the following vote, to wit:

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

YOLIE TRIPPY, Deputy City Clerk

ENFORCEMENT POLICY FOR SMOKING REGULATION VIOLATIONS



- Written declarations must be filed by complainants reasonably affected by the alleged violation and from different households. Declarations must contain the following minimum information:
 - Complainant's contact information
 - Complainant's signature and date signed
 - Name or description of the alleged violator
 - Means by which the complainant became aware of and is affected by the alleged violation
 - Address of the alleged violation
 - Date and time of the alleged violation
 - Description of the alleged violation
- All written declaration information is public record.*

9.2
TEMPORARY AND PERMANENT SIGN
REGULATIONS

City of Laguna Woods Agenda Report

FOR: January 19, 2011 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager 
Chris Macon, Special Projects Manager 

AGENDA ITEM: Temporary and Permanent Sign Regulations

Recommendation

Discuss proposed revisions to current City sign regulations and provide direction to staff.

Background

The majority of the City's sign regulations were inherited from the County of Orange. Since incorporation, the City Council has made a number of incremental changes to the regulations to deal with immediate concerns. In some instance this has resulted inconsistencies within the regulations and/or the need to refer to multiple documents for clarification. In 2009 and 2010, staff worked with an intern from the University of California to review the current regulations and compare them with other Southern California cities. During this process, staff identified a number of areas of concern. Prior to preparing a draft ordinance, staff suggests that the Council discuss the proposed recommendations and provide direction as to how to proceed.

Discussion

Staff is proposing a number of changes to current regulations; these are intended to 1) reorganize the sign code sections in the Municipal Code for ease of use and clarity; 2) make regulations internally consistent and more reflective of current municipal and business practices; 3) prohibit the use of the City Seal without prior written approval of the City Manager; and 4) clarify that only permanent signs may be illuminated.

Specific recommendations are summarized below.

Permanent Signs

- Increase the maximum height of freestanding monument signs and center identification signs from 4 feet to 5 feet; 5 ½ feet including base.
- Allow residential tract developments and gas stations to apply for freestanding monument sign permits pursuant to the following minimum design standards:

Sign type and eligible sites	Maximum number	Maximum area	Maximum height	Additional requirements
Freestanding monument signs: for residential tract developments.	1 per entrance	Shall not exceed a maximum aggregate area of 40 square feet per sign.	5 feet for sign face; 5 ½ feet including base	Signs on decorative garden walls or retaining walls (e.g. curved, angled or similar walls integrated into a project entry or perimeter) are encouraged. In cases where such walls are on both sides of a dedicated entry drive, 2 signs are permitted per entrance.

Sign type and eligible sites	Maximum number	Maximum area	Maximum height	Additional requirements
Freestanding monument signs: for individual gas stations or "combination" uses, which combine a gas station with a car wash, fast food restaurant, convenience store, etc.	1 per street frontage; no more than 2 per site	Shall not exceed a maximum aggregate area of 40 square feet per sign.	5 feet for sign face; 5 ½ feet including base	Gas prices must display the actual price per gallon of all grades of gasoline, including taxes and other charges.

- Allow country clubs (e.g., Laguna Woods Village clubhouses, golf courses), congregate care facilities (e.g., The Regency, Las Palmas), and apartment/condominium complexes (e.g., Whispering Fountains, San Sebastian, Rossmoor Towers) to apply for wall sign permits). Continue to allow non-residential uses to apply for wall sign permits.
- Remove “highway commercial,” add “residential community” and add “community facilities” districts to the section regulating freestanding flag poles. [This would align the existing regulations with recent zoning code modifications]

Temporary Signs

- Add a new permit type titled “interim identification banner signs” for tenants to use for a maximum of 30 days during permanent sign change outs where new permanent signage has been approved by the City Manager but is not yet installed, or for new tenants where permanent signage has been approved by the City Manager but is not yet installed.
- Remove the three color restriction on banner signs.

- Allow the City Manager to authorize banner sign placement in locations other than flush against the building based on sight line constraints (including hung between two firm and sturdy object such as trees). [This would not apply to real estate banner signs]
- Base the number of days a banner sign can be displayed on a calendar year, instead of a rolling 12 month period. [Easier to explain and track, as well as for businesses to understand]
- Prohibit more than 30% of the tenants in a multi-tenant building or a shopping center from displaying banners at the same time.
- Clarify that banner signs are for use by tenants, not non-tenant property managers/owners.
- Clarify the use of sandwich boards signs, allowing their continuous use for restaurants in lieu of outdoor menu signs and the use by other retail businesses for 30 day periods in lieu of banner signs.
- Allow the City Manager to waive a single 30-day removal requirement for banners signs for commercial businesses that are going out of business (i.e., if a business is going out of business, they could display a “going out of business” banner for 60 consecutive days, if they have at least 60 of their 120 day display limit left – this would not allow for more than 120 days of display per year).
- Remove the requirement that freestanding temporary signs be made of wood or metal.
- Increase the display period for temporary window signs from 30 days to 60 days.
- Clarify that temporary window signage includes any sign temporarily attached, painted, posted, or displayed flush against a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located.

- Prohibit commercial center decorative signs (e.g., pennants) from linking light standards.
- Prohibit banner signs from being used as real estate signs except as provided for under the real estate banner sign section of the Code.
- Prohibit banner signs from being displayed concurrent with real estate banner signs.
- Allow shopping centers with five or more units to display real estate banner signs in lieu of a real estate sign if they have 60% or higher vacancy. Use of temporary tenant banners would not be allowed in conjunction with these.
- Add new temporary sign types not requiring a sign permit for:
 - *Construction entrance and exit signs* – Not to exceed 24 square feet each; limited to a maximum of one entrance and exit per construction site.
 - *Garage, estate, and yard sale signs* – Subject to the same regulations as open house signs, including: (i) may be displayed between dawn to dusk, while the sale is in progress; (ii) limited to a total of three per common interest development unit and one per single family home, and (iii) shall not exceed four square feet.
 - *Residential decorative signs* (noncommercial banners, flags, garland, pennants, and other signs related to a holiday, season, noncommercial event or affiliation) – Shall not exceed 20 square feet each but otherwise permitted without limitation.
 - *Incidental signs* (e.g., street address, “protected by alarm,” “beware of dog”) – Shall not exceed three square feet each but otherwise permitted without limitation.
 - *Private traffic control signs* – May contain content similar to a traffic signs so long as the signage does not interfere with, mislead or confuse traffic on City-owned streets. Permitted as required by a site development permit or at the discretion of the private property owner.

- *Club function signs* (e.g., “club meeting today” displayed outside a room and/or onsite directing guests to a room) – Freestanding temporary signs and temporary easel signs are permitted without limitation, subject to the following:
 - Must be temporary in nature and only identify short-term functions of a noncommercial and limited-term nature.
 - Only permitted in the community facilities districts and at country clubs (e.g., Laguna Woods Village clubhouses, golf courses) located in open space or residential community districts, and only if sponsored by non-profit community service organizations, clubs, religious and spiritual organizations, and governmental agencies.
 - Shall be displayed no more than two hours prior to the function and removed no later than two hours after the function.
 - Shall not obstruct entrances, walkways or parking areas.
- Specify that temporary real estate signs are permitted for residential developments and nonresidential buildings. Nearby nonresidential buildings of a similar purpose that are represented by the same agent may be limited to less than one sign per building.
- Remove the limit of three election signs per residentially zoned property.

Special Sign Permits

- Change the name of “Signs and banners for religious institutions and other 501(c)(3) nonprofit organizations” to “community facilities sign permits.” Tenants in community facilities zoning districts would be eligible to apply for a permit allowing a maximum of two temporary signs that would otherwise require individual permits at any one time.
 - Due to the availability of nonprofit community service organization banner sign permits, remove 501(c)(3) organizations from eligibility for community facilities sign permits unless they are tenants of community facilities zoning districts.

- Change community facilities sign permits to calendar year, rather than 12 months.
- Events advertised must be for the facilities primary use, not an incidental or accessory use such as a book sale.
- Prohibit community facilities sign permit holders from displaying temporary signs requiring a permit except those permitted by the community facilities sign permit.
- Permit only one rigid mounting structure per community facilities sign permit.
- Prohibit tenants with permanent changeable copy signs from holding community facilities sign permits.
- Add temporary sign regulations for special events and temporary uses. Signs would be approved concurrent with special event/temporary use sign permits at no additional cost.
 - The City Manager would be able to exercise discretion in approving any of the temporary signs (including standards thereof) allowed by the sign regulations.
 - Include balloon regulations based on the existing regulations in Section 13.26.180. Specify that balloons may be staked into the ground or attached to permanent building features provided that public health, safety, and welfare is protected. [Outdoor use of balloons is only permitted with a special event/temporary use permit]

Prohibited Signs

- Add a prohibition against inflatable signs and signs that emit noise.
- Add a prohibition against signs with illegal, sexual, profane, or nude copy.
- Codify existing policy that no signs shall be permitted in conjunction with outdoor restaurant seating located in a common area walkway, including copy on umbrellas.

- Add a prohibition against neon and non-standard building lighting.

Legal Nonconforming Signs

- Clarify that sign copy cannot be changed except for on changeable copy signs.
- Base the determination of whether a sign is damaged or destroyed beyond 50% of the actual value on the actual cost of replacing the sign (not the original value of the sign).

Exemptions

- Exempt signs erected, displayed or approved by the City (i) pursuant to a federal, state or local law, rule or agreement; (ii) relating to public safety, health or welfare; (iii) serving any directional, way-finding, informational or decorative purpose and located on City-owned property; (iv) advertising a City-sponsored activity, special event or temporary use; or (v) relating to a public works or maintenance project, from the sign regulations.

Fiscal Impact

The cost for staff time to review and prepared modifications to the City's sign regulations is included in the current year budget; services provided by the UCI intern were provided at no cost to the City. The City collects fees which offset the cost to process sign permits, and the fines associated with code enforcement violations are intended to cover the cost of enforcement of the City's regulations.

Conclusion

Following discussion, and direction from the City Council, staff will prepare a draft ordinance for consideration at the February City Council meeting.