

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

March 14, 2013
9:00 A.M.

**Laguna Woods City Hall
Council Chambers
24264 El Toro Road
Laguna Woods, CA 92637122**

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. Any person wishing to address the Land Use and Design Review Committee on any matter, whether or not it appears on this agenda, may do so under the appropriate section of the agenda. Whenever possible, lengthy testimony should be presented to the Committee in writing (12 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

I. CALL TO ORDER

II. ROLL CALL AND INTRODUCTION OF MEMBERS

III. COMMITTEE BUSINESS

A. City Planning Process – General Plan Housing Element

RECOMMENDED ACTION: This is a discussion only item.

B. Reasonable Accommodations for Persons with Disabilities

RECOMMENDED ACTION: Discuss and recommend that the City Council adopt an ordinance establishing a procedure for reasonable accommodations for persons with disabilities.

C. Aggressive Solicitation

RECOMMENDED ACTION: Discuss the various components of panhandling and aggressive solicitation regulations and provide recommendations to staff for follow-up legislation.

V. PENDING PROJECTS

- A. Moulton Parkway Widening
- B. El Toro/Aliso Creek Improvements
- C. Village Activities Center Specific Plan

VI. COMMITTEE MEMBER COMMENTS

VII. PUBLIC COMMENTS

VIII. ADJOURN

The next regularly scheduled meeting is April 11, 2013; meetings may be cancelled if there is a lack of agenda items.

MEETING RECAP

LAND USE AND DESIGN REVIEW COMMITTEE

February 14, 2013
9:00 A.M.

Laguna Woods City Hall
Council Chambers
24264 El Toro Road
Laguna Woods, CA 92637122

I. CALL TO ORDER

The Meeting was called to order by Chair Hamm.

II. ROLL CALL AND INTRODUCTION OF MEMBERS

Present: Hamm, Strom, Hatch, Lo, Joss, Malone, Schneider,
Lindstrom, Holman

Absent: Preli, Glick

III. ORIENTATION

City Manager Keane provided an overview of the Brown Act, Conflict of Interest regulations and the role of the Committee and Committee members. She distributed the City Council/Committee Member Code of Ethics and Values.

IV. COMMITTEE BUSINESS

- A. Change Plan CP-854: Modifications to Valencia Center**
Planning Manager Kurnow provided a summary of the project application. The Valencia Center proposes to add a 305 square foot fenced outdoor seating area to one of the buildings in the center. The seating area is designed to meet ABC regulations, although the affected suite is currently unoccupied. A future tenant will need to go through both a city and state permit process before alcohol can be served. The project also includes a modification to the front landscaped area to add steps up to the building and additional parking. Committee members asked questions about the type and location of fencing and its

relationship to the wall along the walkway near Starbucks, and whether or not the proposed improvements would detract from the appearance of the building. Following discussion, the Committee voted 7-1-1 in favor of the project. Member Hatch abstained, stating he did not have sufficient information to make a decision. Member Malone voted in opposition, stating that the proposed fence material would make the front of the building look fragmented and unattractive.

B. Change Plan CP-831: Modifications to Existing Wireless Facility (El Toro Water District Monopine)

Planning Manager Kurnow provided a summary of the project application. Sprint is proposing to replace and relocate three existing antennas and to add an additional 3 antennas to a monopine cell tower located adjacent to the El Toro Water District facility at the corner of El Toro Road and Moulton Parkway. Staff explained that recent federal law has preempted much of the City's authority in this matter; however, all existing conditions (approved as a part of prior conditional use permits) must be maintained. Following discussion, the Committee voted 8-0-1 in favor of the project. Member Hatch abstained, stating he did not have sufficient information to make a decision.

C. Committee Vice-Chair

The Committee elected Member Lindstrom to serve as Vice Chair.

D. Landscape Subcommittee

The Committee appointed Members Strom and Malone to serve on the Landscape Advisory Committee.

E. Greening the Woods Committee

The Committee appointed members Joss and Holman to serve as liaisons to the Greening the Woods Committee.

V. COMMITTEE MEMBER COMMENTS

Committee members Lo suggested that staff provide educational information about the City's planning process and the types of projects on which the Committee will be asked to make recommendations. Committee member Schneider requested that complete information be provided in future agenda packets and reminded members that they need to visit project sites before meetings. City Manager Keane discussed upcoming projects, including the Village Activities Center specific plan and the General Plan update.

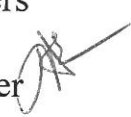
VI. PUBLIC COMMENTS

Marty Rhodes, former councilmember, welcomed new members to the committee and commended them for their service.

VII. ADJOURN

The next regularly scheduled meeting is March 14, 2013; meetings may be cancelled if there is a lack of agenda items.

**City of Laguna Woods
Agenda Report**

FOR: March 14, 2013 Land Use/Design Review Committee Meeting
TO: Chair and Committee Members
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Reasonable Accommodations for Persons with Disabilities

Recommendation

Discuss and recommend City Council approval of an ordinance establishing a policy with respect to reasonable accommodations for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Background

The City's housing element serves as a policy guide that addresses the comprehensive housing needs of the City. It is one of the seven mandatory elements of the City of Laguna Woods General Plan. Unlike the other elements, state law requires that local jurisdictions update their Housing Elements periodically to outline the existing and projected housing needs of their community, the barriers or constraints to providing that housing and actions proposed to address these concerns. The current housing element, which was certified by the state Department of Housing and Community Development, covers the period 2006-14. The City must update this document by October 2013 for the period 2014 – 2021.

The current housing element, approved by the City Council in 2009, commits the City to a variety of policies and programs. With the exception of the following, these are underway or have been completed:

1. Establish reasonable accommodation procedures in the Zoning Code to improve mobility and accessibility and to provide the flexibility necessary for developing housing for individuals with disabilities.
2. Revise density bonus provisions in the City's Zoning Code to be consistent with state density bonus law.

The City Council introduced and approved first reading of the proposed accommodation policy at its February 20, 2013 meeting. The density bonus modifications are expected to be agendaized for first reading at Council's March 2013 meeting and referred to the Committee in April prior to Council adoption.

Discussion

While fair housing laws intend that all people have equal access to housing, the law also recognizes that people with disabilities may need extra tools to achieve equality. The attached ordinance is based on the model ordinance provided by the California Department of Housing and Community Development. It establishes a policy for reasonable accommodations to City policies, requirements and/or procedures for people with disabilities. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to the housing of their choice.

In granting a request for reasonable accommodation, the City may impose conditions to ensure that the reasonable accommodation will comply with the findings required by this section. The City must also find that the requested accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning; and that the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

Examples of accommodations might include the number of non-related individuals allowed to occupy a residential unit; the location of residential group homes in non-residential districts; and the modifications of standards for fences, building setbacks and handicap ramps. These types of action often require a conditional use permit or variance; the reasonable accommodation process eliminates the need for those discretionary permit processes in instances where it can be shown that City regulations have a disparate impact on people with disabilities.

Fiscal Impact

There is no anticipated fiscal impact.

Conclusion

Adoption of the proposed policy will support the City's housing element and bring the City into conformance with state and federal housing discrimination regulations. The City Council approved introduction and first reading at its February 20, 2013 meeting and is expected to consider adoption following a March 20, 2013 public hearing.

Attachment: Proposed Ordinance

ORDINANCE NO. 13-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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

SECTION 1. Adoption of New Regulations

Chapter 13.15 is hereby added to Title 13 (Zoning) of the Laguna Woods
Municipal Code as follows:

**CHAPTER 13.15 - REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES**

Sections:

- 13.15.010 Purpose and intent.
- 13.15.011 Definitions.
- 13.15.012 Applicability.
- 13.15.013 Reviewing authority.
- 13.15.014 Application for reasonable accommodation.
- 13.15.015 Public notice.
- 13.15.016 Required findings.
- 13.15.017 Notice of decision.
- 13.15.018 Expiration, time extension, and revocation.
- 13.15.019 Discontinuance.
- 13.15.020 Appeals.

13.15.010 Purpose and intent.

It is the policy of the City of Laguna Woods to comply with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (collectively referred to hereafter as “fair housing laws”) to provide reasonable accommodation to disabled persons in the application of its zoning and land use regulations, policies, and practices for persons with disabilities seeking fair access to housing. The purpose of this chapter is to establish procedures for the receipt and evaluation of requests for reasonable accommodation.

A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to the housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 13.15.014 (Application for reasonable accommodation).

13.15.011 Definitions.

As used in this chapter, the following items shall have meanings as set forth below:

- (a) “Director” means the City Manager or his/her designee.
- (b) “Disabled” or “disability” means any person who has a physical or mental impairment that substantially limits one or more major life activities, as may be defined by state or federal law.
- (c) “Fundamental alteration” means a modification that alters the essential nature of a provider’s operations.
- (d) “Major life activity” means those activities that are of central importance to daily life including, but not limited to, seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking.
- (e) “Physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.
- (f) “Reasonable accommodation” means a change, exception, or adjustment to a rule, policy, practice, or procedure that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- (g) “Reviewing authority” means the City Manager or his/her designee.

13.15.012 Applicability.

- (a) A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for

individuals with disabilities, when the application of zoning and land use regulations, policies, and practices acts as a barrier to fair housing opportunities.

(b) Providing reasonable accommodation in the land use and zoning context may include a modification or exemption from zoning and land use regulations, policies, and practices when it is necessary to eliminate barriers to housing opportunities.

13.15.013 Reviewing authority.

(a) The Director shall review each application for reasonable accommodation within thirty (30) days of deeming the application as complete. Pursuant to the findings set forth in Section 13.15.016, the Director may approve, approve subject to conditions, or deny the request.

(b) In the event that the applicant also seeks a concurrent approval, permit, or entitlement that will be reviewed by the Planning Agency, then the Planning Agency shall also act as the reviewing authority for the application for reasonable accommodation.

(c) If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

13.15.014 Application for reasonable accommodation.

(a) An application for reasonable accommodation shall be submitted in writing on a form prescribed by the Director.

(b) A fee shall not be required for a reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for the other discretionary permit(s) in compliance with the city's adopted fee schedule.

(c) If the project for which the application for reasonable accommodation is being made also requires some other approval, permit or entitlement, the applicant shall file the request together with the application for such approval, permit or entitlement.

(d) An application for reasonable accommodation shall include all of the following:

- (1) The applicant's name, address, and telephone number;
- (2) Documentation that the applicant is:
 - a. An individual with a disability;
 - b. Applying on behalf of one or more individuals with a disability; or
 - c. A developer or provider of housing for one or more individuals with a disability;
- (3) Address of the property for which accommodation is requested;
- (4) The name, address, and telephone number of the property owner(s), if different from the applicant;
- (5) The current use of the subject property;
- (6) The specific basis for the claim that the applicant is considered disabled under the fair housing laws;
- (7) A description of the accommodation requested including reference to the zoning and development code provision, policy or procedure from which accommodation is sought;
- (8) A detailed written explanation of why the requested accommodation is necessary for the individual(s) with a disability to use and enjoy the dwelling; and
- (9) Any other information that the Director reasonably concludes is necessary to determine whether the findings required by Section 13.15.016 can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

13.15.015 Public notice.

After the Director has deemed an application for reasonable accommodation as complete, the Director shall provide notice of the request for reasonable accommodation as follows:

(a) In the event that there is no approval, permit, or entitlement sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are immediately adjacent to the property that is the subject of the request.

(b) In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.

13.15.016 Required findings.

(a) The written decision to approve, approve with conditions, or deny an application for reasonable accommodation shall be based upon the following findings, all of which are required for approval:

- (1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws;
- (2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
- (3) The requested accommodation will not impose an undue financial or administrative burden on the city;
- (4) The requested accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning; and
- (5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

(b) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this section.

13.15.017 Notice of decision.

(a) The reviewing authority shall notify the applicant of his/her decision by mailing a written determination to the applicant. The notice of decision shall include factual findings, conclusions, and reasons for the decision; and notify the applicant of the right to appeal the reviewing authority's decision pursuant to Section 13.15.020.

(b) Notice of the reviewing authority's decision shall also be given to adjoining property owners and/or other interested persons in the same manner as provided in Section 13.15.015 (a) and (b).

13.15.018 Expiration, time extension, and revocation.

(a) Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within twenty-four (24) months from the effective date of the approval or at an alternative time specified as a condition of approval unless:

- (1) A building permit has been issued and construction has commenced;
- (2) A certificate of occupancy has been issued;
- (3) The use is established consistent with the terms of any permit or condition of approval; or
- (4) A time extension has been granted.

(b) The Director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three years. An application for a time extension shall be made in writing to the Director no less than thirty (30) days or more than ninety (90) days prior to the expiration date.

(c) Any reasonable accommodation approved in accordance with this chapter may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

13.15.019 Discontinuance.

(a) A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. If the disabled

persons vacate the premises, the reasonable accommodation shall remain in effect only if the Director determines that (1) the modification is physically integrated into the residential structure such that it would be impractical to require the property to be returned to its previous condition, or (2) the accommodation is necessary to give another disabled individual an equal opportunity for use and enjoyment of the dwelling.

(b) The Director may, at any time, request in writing the applicant or his successor-in-interest to the property to provide documentation demonstrating that the accommodation remains necessary to ensure the equal use and enjoyment of the property by a person with disabilities and/or continued compliance with any applicable conditions of approval. Failure to provide such documentation within fifteen (15) days of the date of the Director's request shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

13.15.020 Appeals.

The decision of the Director to approve, approve subject to conditions, or deny an application for reasonable accommodation shall be subject to appeal to the City Council pursuant to the procedures set forth in Chapter 13.24.050 of the Municipal Code.

SECTION 2. Effective Date

This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 3. City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2013.

ROBERT B. RING, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, 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. 13-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the ____ of _____ 2013, and that thereafter, said Ordinance was duly
adopted and passed at a Regular Meeting of the City Council on the _____ day of
_____, 2013 by the following vote to wit:

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

City of Laguna Woods Agenda Report

FOR: March 14, 2013 Land Use/Design Review Committee Meeting

TO: Chair and Committee Members

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Panhandling and Aggressive Solicitation Regulations

Recommendation

Discuss the various components of panhandling and aggressive solicitation regulations and provide recommendations to staff for follow-up legislation.

Background

Over the last two years, there has been an increase in the number of complaints from businesses and residents regarding panhandling and aggressive solicitors. Often residents say they feel threatened by individuals who follow them to their cars after they have declined to give money, and people blocking the entrance into businesses who are soliciting money and/or signatures on petitions. Currently, the City prohibits outdoor sales without a permit and soliciting for money in streets and on public medians. There are also regulations prohibiting placement of signs in landscaped areas and a requirements that walkways (private and public) maintain a four foot clear walking area. There are, however, no regulations prohibiting solicitation for money (panhandling) or signatures on petitions on other public or private property.

Discussion

In 2000, the California Supreme Court upheld Los Angeles' anti-panhandling law; since that time, a number of cities (including Laguna Beach) have adopted laws regulating aggressive solicitation. These regulations attempt to strike a balance between protecting rights and restricting intimidating and aggressive behavior. Typical regulations include:

1. Prohibitions on panhandling:

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- (a) Within 15-30 feet of the entrance to or exit from any financial institutions or check cashing business during business hours and any outdoor automated teller machines during the time it is available for customer use.
 - (b) Vehicles parked or stopped on a public street or ally.
 - (c) Public parking lots/structures; some cities limit this to after dark only.
 - (d) Within 20 feet of any public transportation vehicle and any posted/designated route stop.
 - (e) Within 20 feet of any public restroom.
 - (f) Within 20 feet of any crosswalk.
 - (g) In front of the entrance to any restaurants, if the panhandler is asked to leave by the owner, manager, or supervisor of the establishment.
 - (h) In front of the entrance to or exit from any businesses if posted with a no soliciting sign.
2. Prohibitions on aggressive soliciting (both for money and signatures) in any public place.

A “public place” is generally defined as a place to which the public or a substantial group of persons has access, including streets, sidewalks, parking lots, plazas, transportations facilities, schools, amusement parks, beaches, playgrounds, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel.

Aggressive solicitation is defined as:

- (a) Approaching, speaking to, or following a person solicited, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon property in the person’s possession.
- (b) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting.

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- (c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact.
- (d) Using violent or threatening gestures toward a person.
- (e) Following and/or continuing to solicit a person after such person has made a negative response.
- (f) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during or after solicitation.

Staff suggests that the Committee: 1) discuss the various components noted above and any other issues that members feel are relevant to this issue and 2) provide input with respect to potential regulations. This matter is also being discussed by the City's Public Safety Committee.

Conclusion

Following discussion with the Land Use and Public Safety Committees, staff will draft an ordinance outlining specific regulations and return to the Committees for formal recommendations to the City Council.