

# AGENDA

## LAND USE AND DESIGN REVIEW COMMITTEE

May 9, 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**

**III. COMMITTEE BUSINESS**

**A. Conditional Use Permits (CUP)**

RECOMMENDED ACTION: This is a discussion only item.

**B. Conditional Use Permit application CUP-872: Geneva Presbyterian Church Preschool located at 24301 El Toro Road (Attachment)**

RECOMMENDED ACTION: Review and recommend approval of Conditional Use Permit Application CUP-872 to City Council subject to conditions of approval.

**C. Aggressive Solicitation (Attachment)**

RECOMMENDED ACTION: Discuss and consider modifications and/or recommending adoption as submitted of an ordinance restricting aggressive solicitation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA  
WOODS, CALIFORNIA, ESTABLISHING  
REGULATIONS RESTRICTING AGGRESSIVE  
SOLICITATION

**V. PENDING PROJECTS**

- A. Moulton Parkway Widening
- B. El Toro/Aliso Creek Improvements
- C. Village Activities Center Specific Plan
- D. Committee Role in the Annual Budget Process

**VI. COMMITTEE MEMBER COMMENTS**

**VII. PUBLIC COMMENTS**

**VIII. ADJOURN**

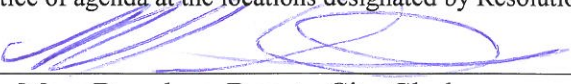
The next regularly scheduled meeting is June 13, 2013; meetings may be cancelled if there is a lack of agenda items.

AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need 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 Land Use and Design Review Committee 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 Committee 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.

I declare under penalty of perjury that I posted this notice of agenda at the locations designated by Resolution 02-33.

5/3/13  
Date

  
Marc Donohue, Deputy City Clerk

# LAND USE AND DESIGN REVIEW COMMITTEE RECAP

April 11, 2013  
9:00 A.M.

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

## I. CALL TO ORDER

The meeting was called to order by Vice Chair Lindstrom.

## II. ROLL CALL

**Present:** Preli, Strom, Hatch, Lo, Schneider, Lindstrom, Holman

**Absent:** Hamm, Joss, Malone, Glick

## III. COMMITTEE BUSINESS

### A. City Planning Process – Mandatory vs. Voluntary Affordable Housing Regulations

City Manager Keane made a presentation on affordable housing regulations focusing on inclusionary housing law and the City's inclusionary housing ordinance. She noted that the Inclusionary Housing Ordinance must be modified in the near future due to a court decision about rental housing. Committee members discussed inclusionary housing regulations as they pertain to existing and proposed new development.

### B. Density Bonus Regulations

Planning Manager Kurnow made a presentation on the proposed update to the City's Density Bonus Ordinance. Members raised issues regarding the relationship of state to local requirements as it pertains to density bonuses, and requested clarification on what is voluntary and mandatory

in the proposed regulations. Upon a motion, the committee voted 7-0-0 to recommend approval to the City Council.

#### **IV. PENDING PROJECTS**

City Manager Keane provided an update on several pending projects. With respect to the Village Activities Center Specific Plan, she noted that staff can provide a presentation on the California Environmental Quality Act (CEQA) as it pertains to the Specific Plan to the committee at a future meeting.

#### **V. COMMITTEE MEMBER COMMENTS**

Committee Member Hatch asked if the members of the committee would be notified regarding nearby Irvine Company residential projects. City Manager Keane replied that the Irvine Company projects he was referencing were approved by the City Council several years ago in conjunction with the annexation of the Laguna Laurel property into the City of Laguna Woods. The two cities have subsequently cooperated in the proposed removal of Santa Maria from the Master Plan of Arterial Highways (MPAH), also a part of the former agreement.

City Manager Keane acknowledges an error in the prior recap that identified member Strom as absent from the April 11, 2013 meeting.

#### **VI. PUBLIC COMMENTS**

None


#### **VII. ADJOURN**

The meeting was adjourned next regularly scheduled meeting is May 9, 2013; meetings may be canceled if there is a lack of agenda items.

## City of Laguna Woods Agenda Report

**FOR:** May 9, 2013 Land Use and Design Review Committee

**TO:** Chairman and Members of the Land Use and Design Review Committee

**FROM:** Brian Kurnow, Planning Manager 

**AGENDA ITEM:** Conditional Use Permit application CUP-872: Geneva Presbyterian Church Preschool located at 24301 El Toro Road

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### Recommendation

Review and recommend approval of Conditional Use Permit Application CUP-872 to City Council, subject to conditions of approval.

### Background

The Geneva Presbyterian Church, located at 24301 El Toro Road, was established on November 23, 1966 by CP-1274 and modified by C-1312 (July 1967), CP-1416 (January 1971) UP85-02Z (July 1985). All of these permits were issued by the County of Orange prior to the City's incorporation.

In July 1999, the church obtained Use Permit PA99-0066 from the City of Laguna Woods, which permitted the construction of a 100 seat chapel, two level choir/multipurpose structure located next to the sanctuary, enclosure of an outdoor space into an additional classroom and a new below grade parking structure to add 88 parking stalls. Of the items in this approval, only the chapel was completed.

The following table outlines the existing structures permitted and the current uses at the Geneva Presbyterian Church site:

**Existing Buildings On-Site**

<b>Building</b>	<b>Number of Stories</b>	<b>Uses</b>
Sanctuary Building "A"	1	Church Services
Christian Education Building Building "B"	2	Offices, Assembly Hall, Kitchen, Meeting Rooms, Classrooms
Chapel Building "C"	1	Chapel – Special Ceremonies
Administration Building	1	Administrative Offices

Two hundred and sixty-six (266) parking spaces are currently provided on-site and vehicular access to the site is provided via one driveway along El Toro Road and one driveway along Calle Sonora. The current zoning for the subject property is "CF-P" Community Facilities–Private which allows preschools with the approval of a Conditional Use Permit.

Surrounding land uses include the following:

<b>Location</b>	<b>Land Use designation</b>	<b>Land Use</b>
North	RC- Residential Community	Laguna Woods Village
South	HDR – High Density Residential	Whispering Fountains Senior Residential
East	C – Commercial	Town Center Shopping Center
West	RC- Residential Community	Laguna Woods Village

**Discussion:**

The Church is proposing to operate a preschool – Early Childhood Education (ECE) Center – which would utilize existing classroom space in the Christian Education Building, Building "B" identified on the attached site plan.

**Preschool Operation**

The ECE, as proposed, would operate from 6:30 a.m. to 6:30 p.m., Monday through Friday, with a maximum of 45 children. The program would utilize the existing outdoor playground area (noted on the site plan) and existing classroom space within Building “B”.

Eight parking spaces, near the proposed ECE entrance are designated for drop-off and pick-up of children, Monday through Friday only so as to not obstruct weekend parking for the sanctuary use.

The previously approved uses located within Building “B” would not occur at the same time as use of the Sanctuary (Building “A”); however, other uses within Building “B” and the Administrative Offices building would operate at the same time as the ECE. The Chapel (Building “C”) would not be used by others during the ECE operation, but might be used by the ECE classes while in session.

**Site Alterations**

No physical alterations of the site are proposed with this application.

**Parking**

The existing site currently has 266 parking stalls on-site with access from both El Toro Road and Calle Sonora. The uses currently operating on site was conditioned on this number of parking spaces. For example, Building “A” the sanctuary cannot be used at the same time as Building “B” since the parking lot was designed to accommodate peak use of the sanctuary only without the use of the other buildings on-site. This also means the sanctuary may not be used while other buildings are in use.

As a result of the operational characteristics of the proposed new use, only Building “B” and the Administrative Offices building needed to be evaluated to identify maximum parking demand. The following table provides a breakdown of the parking demand for each respective use within Building “B” and the Administrative Offices in comparison with the total number of parking stalls available on-site.

**Parking Calculation Table**

<b>Building</b>	<b>Use</b>	<b>Area</b>	<b>Parking Ratio</b>	<b>Total Required</b>
<b>Building "B"</b>	Preschool	45 students 9 employees	1 loading space/8 students plus 2 spaces/3 employees	11.7
	Assembly	5,656 sf.	1 space/35 sf.	207.3
	Storage	659 sf.	1 space/500 sf.	1.3
	Office	2,890 sf.	1 space/250 sf.	19.5
<b>Administration Building</b>	Administrative Office	3,345 sf.	1 space/250 sf.	13.4
<b>*Building "A"</b>	Sanctuary	N/A	N/A	N/A
<b>*Building "C"</b>	Chapel	N/A	N/A	N/A
<b>Total Parking Required</b>				<b>254</b>
<b>Total Parking Provided</b>				<b>266</b>

\*These buildings will not be used in conjunction with operations within Building "B" or the Administration Building and will not have an impact on parking.

The proposed project will not exceed the amount of parking provided on-site. The total number of parking stalls required as a result of the proposed new use is 254; 266 spaces are currently provided, resulting in a surplus of 12 parking stalls during the operational period of the ECE.

The proposed project will not require any alteration to the existing parking lot with the exception of the identification of eight loading spaces to be used for drop-off and pick-up.

**Noise**

The project is not located within the immediate vicinity of any sensitive receptors and should not have a substantial noise impact on any surrounding uses.

**Traffic**

As proposed, there would be nine employees, each with one AM trip and one PM trip and there would be a maximum of 45 students. Based upon the number of children and staff, a total of 198 trips will be produced by this use. The addition of trips associated with the proposed project has been evaluated by staff in accordance with current traffic levels within the City and the City's CEQA thresholds, and is not expected to have a significant impact on traffic within the City of Laguna Woods.



**Environmental Review:**

The proposed project is categorically exempt from the requirements for the preparation of environmental documents under section 15301 “Existing Facilities” of the California Environmental Quality Act.

**Conclusion:**

The proposed preschool will not be an expansion of the physical building footprint; instead it represents an additional use of existing facilities. The primary concerns pertain to parking, noise, and traffic generation. Based upon the operation of the facility, there should be no significant impacts related to the use in relation to these concerns. As proposed there will be no impact on City finances or significant negative impacts to the environment. Prior to actual operation, the Church will need to obtain a Child Care Center License from the Orange County Regional office of the State Department of Social Services (DSS).

Attached:   1. Draft Conditions of Approval  
              2. Project plans



# GENEVA :: ECE Center

Geneva Presbyterian Church  
 24301 El Toro Road  
 Laguna Woods, CA 92637

### SHEET INDEX

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SHEET CS	SCOPE OF WORK
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SHEET CS	VICINITY MAP
SHEET 01	EXISTING SITE AREA
SHEET 01	FIRST FLOOR PLAN
SHEET 02	SECOND FLOOR PLAN
SHEET 03	PHOTOS

### OWNER (MAIN CONTRACT)

Earl Robertson  
 Geneva Presbyterian Church  
 24301 El Toro Road  
 Laguna Woods, CA 92637  
 (949) 243-9146  
 earl@geneva.org  
 www.genevapres.org

### VICINITY MAP



### EASEMENT(S)

I, \_\_\_\_\_ (property owner or owner's authorized agent) certify that the subject property contains no easements, which would affect the use of my property.  
 Signature (owner or authorized agent)  
 Date \_\_\_\_\_

### SCOPE OF WORK

USE EXISTING FACILITIES FOR A  
 PRESCHOOL. NO CONSTRUCTION  
 REQUIRED.

### BUILDING DATA

EXISTING USE: CHURCH/OFFICE  
 Two story building  
 SQUARE FOOTAGE  
 EXISTING:  
 ECE Center - Approximate: 106,000 sq ft  
 (NO CHANGES)  
 OCCUPANCY GROUP:  
 TYPE OF CONSTRUCTION: VB 1 HR

### SITE INFORMATION

Assessor Parcel Number: 06-191-04  
 Lot of Tract 3 - C.S.P.  
 Environmental Conditions - None  
 Site Coverage Limitation - N/A  
 Height Limitation - 40' 0"  
 Permitted Use - 309 Aves  
 FAR Limitation - 0.3  
 Existing Building Footprint - (NO CHANGES)  
 Site Area = 42,000 sq ft  
 Existing Coverage - (NO CHANGES)

### CODE DATA

2010 California Building Code  
 2010 California Electrical Code  
 2010 California Mechanical Code  
 2010 California Plumbing Code  
 2010 California Fire Code  
 2010 California Energy Code  
 2010 California Title 24  
 2010 California Green Code



**GENEVA :: ECE Center**  
 24301 El Toro Road  
 Laguna Woods, Ca 92637

CONDITIONAL USE PERMIT :: CUP-872

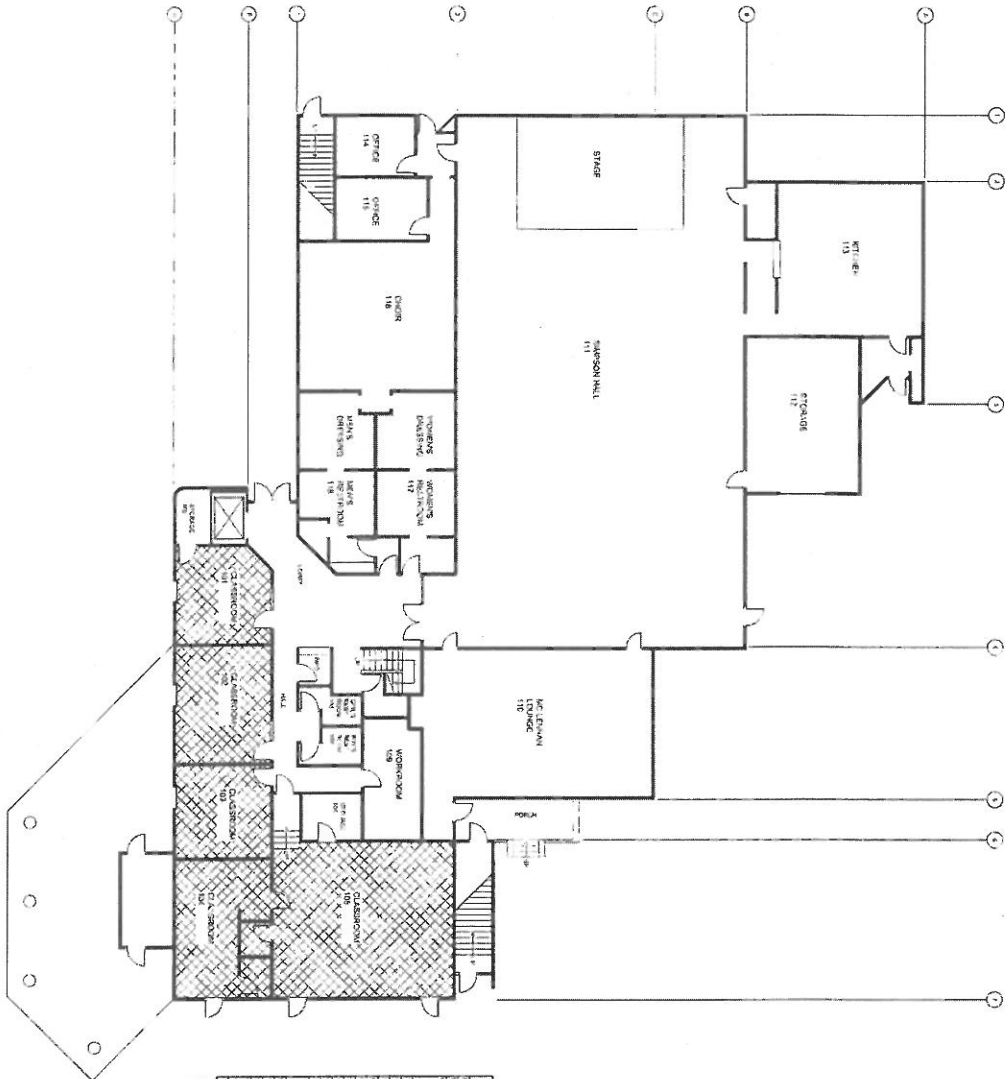
No.	Description	Date
3	CLP Application	10/30/13
2	CLP Application	10/14/13
1	CLP Application	10/14/13

**MENARCH**  
 ARCHITECTURE  
 10000 Wilshire Blvd., Suite 1000  
 Los Angeles, CA 90024  
 Tel: 310.271.1111 Fax: 310.271.1112  
 www.menarch.com  
 Email: info@menarch.com

COVER SHEET

CUP ~ 872





**REQUIRED PARKING**

NO.	DESCRIPTION	AREA	TYPE	NO. OF SPACES	REMARKS
1	CLASSROOM	119-138	STANDARD	100	
2	MEETING ROOM	116A-116Z	STANDARD	50	
3	REHEARSAL	113	STANDARD	10	
4	OFFICE	114	STANDARD	5	
5	STAGE	112	STANDARD	5	
6	RESTROOM	114	STANDARD	5	
7	KIT	115	STANDARD	5	
8	MEETINGS	116	STANDARD	50	
9	WORKSHOP	118	STANDARD	10	
10	CLASSROOM	117	STANDARD	10	
11	CLASSROOM	119-138	STANDARD	100	
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FIRST FLOOR PLAN  
Scale: 1/8" = 10'-0"  
1

PROJECT: GENEVA-CUP  
NO. 80913  
DATE: 01

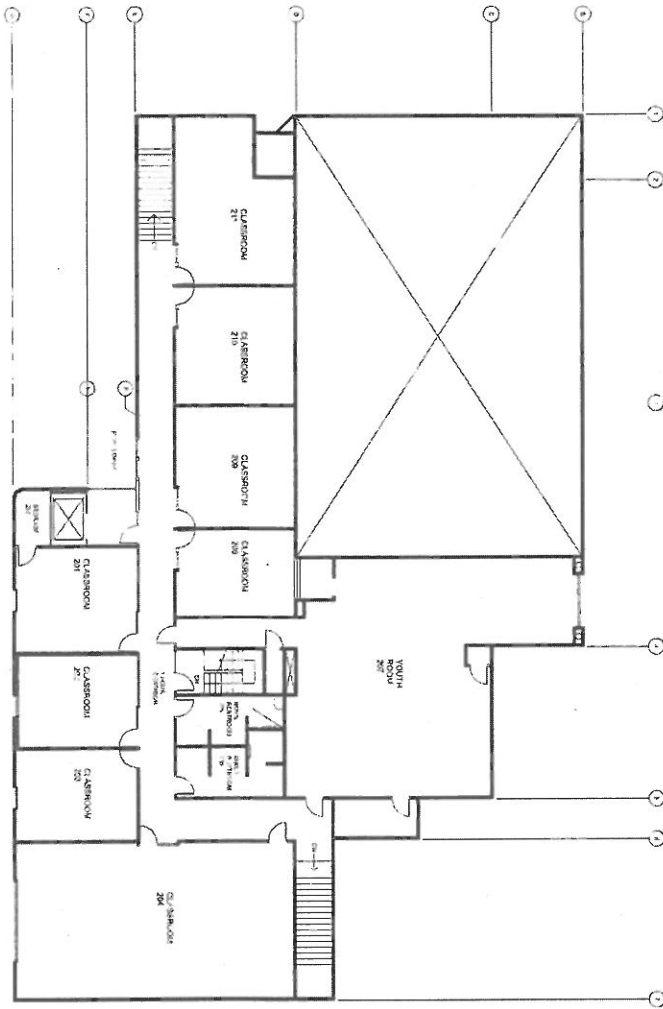
FLOOR PLAN

MEVARCH  
24301 EL TORO ROAD  
LAGUNA WOODS, CA 92653  
TEL: 949.499.1111  
WWW.MEVARCH.COM

1. CUP Application  
2. CUP Application  
3. CUP Application

GENEVA :: ECE Center  
24301 El Toro Road  
Laguna Woods, Ca 92637

CONDITIONAL USE PERMIT :: CUP-872



**REQUIRED PARKING**

Item	Description	Quantity	Notes
1	CLASSROOM	11	
2	CLASSROOM	1	
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4	CLASSROOM	1	
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SECOND FLOOR PLAN  
Scale: 1/8" = 10'-0"

**MEMNARCH**  
MEMNARCH ARCHITECTS  
1000 S. GARDEN STREET  
LAGUNA BEACH, CA 92653  
TEL: 949.499.1000  
WWW.MEMNARCH.COM

**GENEVA :: ECE Center**  
24301 El Toro Road  
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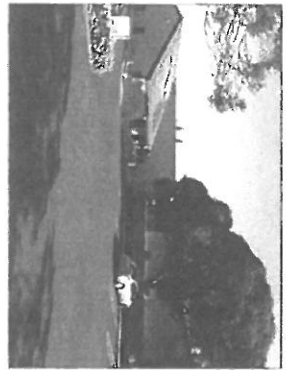
CONDITIONAL USE PERMIT :: CUP-872

**[m]**  
MEMNARCH ARCHITECTS

Project No. 02

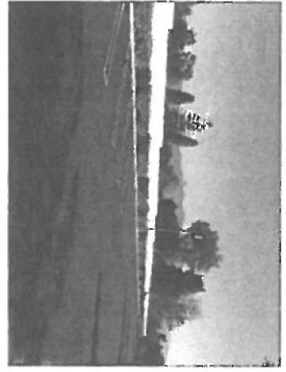
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Sheet No. 02



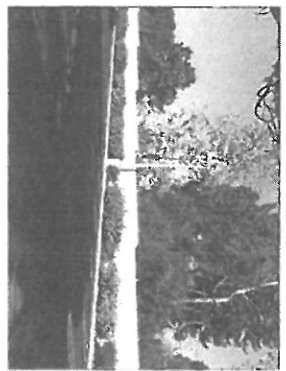
EXISTING BUILDING "B"  
(Parking lot view facing northwest)

10



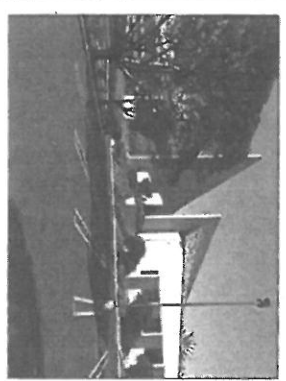
REAR PERIMETER WALL  
(Parking lot view facing northeast)

7



REAR PERIMETER WALL  
(Parking lot view facing northwest)

4



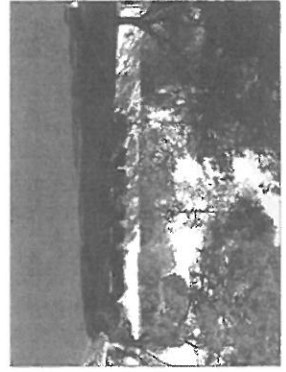
SANCTUARY & EDUCATION BUILDING  
(Parking lot view facing west)

1



PERIMETER USE - OFFICE BUILDING  
(Parking lot view facing east)

11



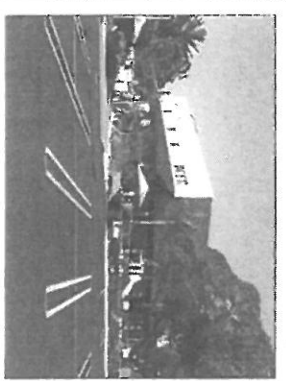
PERIMETER USE - SENIOR RESIDENTIAL  
(Parking lot view facing south)

8



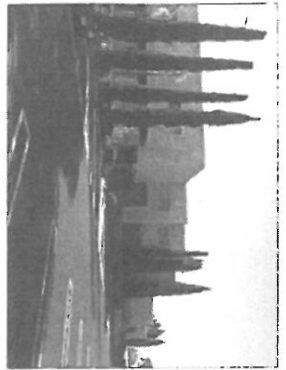
PERIMETER USE - SENIOR LIVING FACILITIES  
(Parking lot view facing southwest)

5



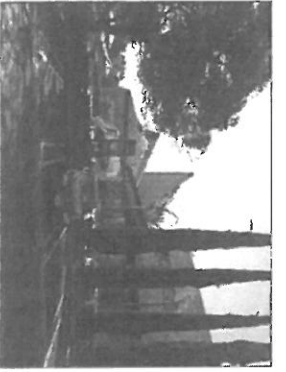
EXISTING CHRISTIAN EDUCATION BUILDING  
(Parking lot view facing west)

2



EXISTING BUILDING "B"  
(Parking lot view facing west)

12



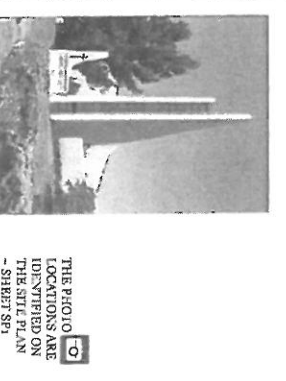
EXISTING PLAYGROUND  
(Parking lot view facing south)

9



EXISTING BUILDING "B"  
(Parking lot view facing south)

6



SANCTUARY BUILDING  
(Street view facing northwest)

3

THE PHOTO LOCATIONS ARE IDENTIFIED ON THIS SITE PLAN - SHEET SP1

GENEVA :: ECE Center  
24301 El Toro Road  
Laguna Woods, Ca 92637

CONDITIONAL USE PERMIT :: CUP-872



NO.	DESCRIPTION	DATE	BY
3	City Application	10/13	MM
2	City Application	10/13	MM
1	City Application	10/13	MM

**MENARCH**  
10000 El Toro Road  
Laguna Woods, CA 92653  
Tel: 714.766.1111  
Fax: 714.766.1112  
www.menarch.com

PHOTOS

03

CUP ~ 872

CUP ~ 872

***DRAFT CONDITIONS OF APPROVAL  
CUP 872***

**GENERAL PROJECT CONDITIONS**

1. This permit (Conditional Use Permit CUP 872) is issued to establish a preschool within the existing facilities at the Geneva Presbyterian Church with a maximum enrollment of 45 students. The preschool hours of operation are limited to Monday through Friday from 6:30am to 6:30pm with classes from 8:30am to 11:30am. All applicable City standards and conditions of that approval shall be in place unless specifically superceded by the project conditions referenced within. The proposed expansion shall be in conformance with the site plans stamped approved on May XX, 2013.
2. The applicant, or successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit constitutes grounds for revocation of said permit by the City of Laguna Woods City Council.
3. The applicant, or successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The applicant shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The applicant may at its sole discretion participate in the defense or any such action under this condition.
4. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made the challenger, the applicant shall be responsible to pay the full amount of such an award.

5. The conditional use permit is granted for the property as described in the application and shall not be transferable from one parcel to another.
6. This conditional use permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit.
7. The development or use by the Developer of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Developer by said acceptance waives any challenge as to the validity of these conditions.
8. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
9. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions. Fees shall be due within 60 days of approval or prior to final approval of related building permits, whichever occurs first.

**PLANNING STANDARD CONDITIONS**

10. This approval constitutes approval of the project only to the extent that it complies with the City Zoning Code and any other applicable City standards. Approval does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable Federal, State or Local ordinance, regulation or requirements.
11. Except as otherwise provided herein, this permit is approved as a precise plan for the location and design of the uses, structures, features, and materials shown on the approved plans. After an application has been approved, a change plan may be submitted to the City's



## Agenda Item III-B

Community Development Director for any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved in the original application. If the Community Development Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

12. The applicant and applicant's successors in interest shall record with the County of Orange Recorder a "**Notice of Land Use Restrictions and Conditions**" in a form acceptable to the Community Development Department. A copy of the recorded document shall be submitted to the Community Development Department prior to issuance of building permits or initiation of use.
13. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit. The applicant shall submit three (3) sets of plans stamped and signed by the architect or engineer to the Building Department for review, approval and issuance of a building permit.
14. The cover sheet of the building construction documents shall contain the City's conditions of approval and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.
15. Construction work may not commence before 7 a.m. and must cease by 7 p.m., Monday through Saturday, and no construction activity is permitted on Sundays or Federal holidays.
16. The site must be maintain free of trash, debris and refuse, all graffiti must be removed within 72 hours
17. All project signage shall be reviewed and constructed under separate permits, unless specifically referenced in the planning approval.
18. Prior to issuance of building permits, if applicable the applicant shall pay the applicable Major Thoroughfare and Bridge Fee Program fees in a manner meeting the approval of the Community Development

Director.

19. Prior to issuance of building permits, if applicable the applicant shall pay applicable school district developer fees.
20. Prior to issuance of building permits, if applicable the applicant shall pay applicable library developer fees.
21. Prior to issuance of building permits, if applicable the applicant shall submit to the City a “will serve” letter from ETWD for water and sewer.
22. Prior to issuance of building permits, the applicant shall receive approval if applicable from the Department of Health.

#### **PLANNING SPECIAL CONDITIONS**

23. The use of the sanctuary and chapel shall not be allowed during the operation of the preschool.
24. The eight loading spaces designated for student drop-off as identified on the approved plans shall only apply during the operation hours of the preschool classes (8:30am to 11:30am, Monday through Friday). During all other hours the loading spaces are to remain available for open usage. Ensure proper signage is provided to notify patrons and guests.
25. The applicant or successor in interest shall be limited to the land use and scheduling assumptions outlined in the agenda report. Any significant alteration to use or schedule shall require additional parking analysis prior to implementation. In the event a parking problem results for site activities, the applicant shall modify and limit the use of on-site facilities to correct the deficiency.

#### **BUILDING AND ENGINEERING**

26. All proposed construction and modification associated with the approved project shall comply with the provisions of the California

Building Code for new buildings and structures applicable at time of construction.

27. The potential exists that some of the solid waste resulting from the demolition, dismantling, or other deconstruction of the buildings and other structures at the property may be contaminated with materials that render it unsuitable for recycling or reuse. Prior to the issuance of any grading permit or building permit involving the demolition of the existing building, a technical evaluation shall be prepared and submitted to the Director of Public Works to determine the suitability of the solid waste generated by the demolition for recycling or other diversion programs. If it is determined by the technical evaluation that material from the deconstruction of the site is contaminated and prohibited from being recycled by ordinary means, a further evaluation must be conducted to identify and evaluate other feasible methods approved by State law to divert the material from landfills. This may include the delivery of the waste material to other appropriate non-disposal or transformation facilities, such as “waste-to-energy” (WTE) plants.
28. For that solid waste which is determined (through the technical evaluation required in Condition 27 above to be inappropriate for recycling (as that term is defined by California Public Resources Code Section 40180), the project applicant must submit a written plan to the Community Development Director and implement such plan to ensure that 50% of the solid waste material from the project, or the maximum amount feasible as determined by the technical evaluation, is diverted from the landfill through other methods that comply with State statutes and regulations.

### **STORMWATER CONDITIONS**

29. The applicant, or applicant’s successor in interest, shall take all necessary steps to prevent construction and all other non-storm water waste from entering the storm drain system. This may include structural BMPs (best management practices) such as gravel bags around storm drains, sweeping instead of washing down construction areas and the proper handling and disposal of construction materials.

30. The project contractor shall implement, but not be limited to, the following Best Management Practices:
- Construction work on the project shall be limited to the hours of 7:00 A.M. to 8:00 P.M. Monday through Saturday, with no construction allowed on Sundays or Federal holidays.
  - All construction equipment with a high noise generating potential, including all equipment powered by internal combustion engines, shall be muffled or controlled.
  - All stationary noise generating equipment, such as compressors, shall be located as far as possible to the northwest side of the site.
  - Machinery and mobile equipment, including motors, shall be turned off when not in use.
  - Warming up or positioning of vehicles and truck traffic shall not be permitted prior to the established work hours.
31. The City retains the right to inspect the premises for compliance with the City's storm water programs and NPDES permit requirements.

**FIRE CONDITIONS**

32. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the Orange County Fire Authority at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

**City of Laguna Woods  
Agenda Report**

**FOR:** May 9, 2013 Land Use/Design Review Committee Meeting  
**TO:** Chair and Committee Members  
**FROM:** Leslie A. Keane, City Manager   
**AGENDA ITEM:** Aggressive Solicitation Regulations

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**Recommendation**

Discuss and consider modifications and/or recommending adoption as submitted of an ordinance restricting aggressive solicitation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, ESTABLISHING REGULATIONS RESTRICTING  
AGGRESSIVE SOLICITATION

**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) on other public or private property.

**Discussion**

At the Committee's March meeting, staff presented a variety of concept related to aggressive solicitation. Based on that discussion and his review of current case law, the

## Agenda Item III-C

City Attorney crafted an ordinance that he believes is defensible. This proposed ordinance includes:

Prohibitions on solicitation at certain locations:

- Within 10 feet of any outdoor automatic teller machine and/or any device which accepts and dispenses cash.
- Within 10 feet of the entrance to any bank or banking institution.
- Within 10 feet of the entrance to any check cashing business.
- Within any enclosed parking structure.
- Within 10 feet of any public transit bus stop or shelter.
- In any public roadway or any public roadway median.

Prohibitions against aggressive solicitation in public locations, as defined, that:

- Are aggressive in manner – causing one to fear bodily harm or damage to property and/or intimidating one into giving money.
- Involve intentional touching or physical contact with a person or automobile without consent.
- Involve intentional blocking path of travel.
- Involve making violent or threatening gestures
- Involve persistent close following after donation is refused.
- Involve using profane or abusive language likely to provoke a violent reaction

The proposed ordinance does not include prohibitions at the following locations discussed by the Committee:

- Unenclosed parking lots during the day or after dark.
- In front of a restaurant or other business – current state law prohibits intentional blocking of an entrance or exit to any such business.

It should be noted that current state law requires liquor stores and grocery stores that sell alcohol to post “no loitering” signs in front of their entrances (CA Business and Professions Code 25612.5) upon a state-approved request by a local law enforcement agency. There is currently, no such signage in the City.

### **Conclusion**

The proposed ordinance addresses the majority of the issues raised by both the Land Use and Public Safety Committees. The Land Use Committee may approve the ordinance as drafted or suggest modifications for City Council consideration.

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,  
CALIFORNIA, ESTABLISHING REGULATIONS RESTRICTING  
AGGRESSIVE SOLICITATION

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

**SECTION 1.**      **Adoption of New Regulations**

Chapter 7.22 is hereby added to Title 7 (Public Safety and Welfare) of the  
Laguna Woods Municipal Code as follows:

**CHAPTER 7.22 – AGGRESSIVE SOLICITATION**

Sections:

- 7.22.010 Findings.
- 7.22.020 Definitions.
- 7.11.030 Aggressive solicitation prohibited.
- 7.22.040 Solicitation prohibited at specific locations.
- 7.22.050 Penalty.
- 7.22.060 Non-exclusivity.

**Section 7.22.010 Findings.** The City Council of the City of Laguna Woods finds as  
follows:

A. An increase in aggressive solicitation throughout the City has become extremely  
disturbing and disruptive to residents and businesses. Such aggressive solicitation has  
contributed not only to the loss of access to and enjoyment of various public places, but also to  
an enhanced sense of fear, intimidation, and disorder, and an erosion of perceptions of personal  
comfort and safety.

B. The presence of individuals who solicit money from person at or near banks,  
check cashing locations, and outdoor automated teller machines is particularly threatening and  
dangerous. Persons frequenting such establishments are frequently exposed to passersby at an  
area they either do, or are likely to have, ready cash in hand, can frequently not walk away  
without leaving accounts accessible to strangers and/or leaving automatic teller cards in  
machines, and are within an area where both their money and financial privacy are at stake. The  
solicitation of people while using automatic teller machines or in the immediate vicinity of a  
bank or check cashing location heightens feelings of duress and intimidation that can be felt by  
those solicited.

C. Motorists who find themselves confronted by persons who, without permission,  
wash automobile windows, or perform other “services” in exchange for cash, are often  
intimidated, because such activity often occurs with stopped vehicles, where the personal

movement of the driver and passengers is restricted, and such activity often carries with it an implicit threat to both person and property.

D. Aggressive solicitation, which includes approaching or following pedestrians, use of confrontational or abusive language, unsolicited or unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic, is disturbing and disruptive to both residents and businesses, and contributes not only to the loss of access and enjoyment of public places, but also to an enhanced sense of fear, intimidation, and disorder.

E. The increase of solicitation at locations where the recipient of such solicitation is part of a captive audience, from which it is impossible or difficult to exercise their right to decline to listen to, or avoid solicitation from others, intimidates persons who are approached, interferes with privacy and a personal sense of security, impedes vehicular and pedestrian traffic flow, and negatively impacts businesses within the City. Such places include bus shelters, or stops where parties must wait to access public transit, and enclosed parking structures where lighting, public visibility, and movement may be restricted.

F. Aggressive solicitation of potential customers as they enter and exit commercial establishments, has become increasingly disturbing to residents and businesses, and has generated an enhanced sense of fear, intimidation, and disorder, and has caused many residents or other potential customers to avoid shopping or dining within the City, which presents a threat to the economic vitality of the City.

G. Face-to-face solicitation presents risks of duress that are an appropriate target for regulation. Skillful or unprincipled solicitors can target vulnerable persons, including those accompanying children or those suffering physical impairment, who cannot easily avoid solicitation. Unsavory solicitors can commit fraud through concealment of affiliations or through deliberate efforts to shortchange those who may agree to immediately purchase goods or services.

H. The current laws and city ordinances are insufficient to address the above-mentioned problems. The restrictions contained herein are directed at the act, and in certain limited circumstances the location, of solicitation, and have no bearing whatsoever on the content of the solicitation nor the intended application of the funds or other benefits solicited. This chapter is not intended to limit any persons from the exercise of constitutional rights to solicit funds, picket, protest, or engage in other constitutionally protected activity. Rather, its goal is to provide reasonable time, place, and manner restrictions on such activity, directed toward the immediate exchange of funds or items of value, while leaving open ample alternative avenues of communication.

#### **Section 7.22.020 Definitions.**

A. "Solicit, ask, or beg" shall mean using spoken, written, or printed words, or bodily gestures, signs or other means, with the purpose of obtaining an immediate donation of money or other thing of value, or soliciting the immediate sale of goods or services, including but not limited to sales of books, newspapers, tracts, artwork, or the performance of actions such as the washing of automobile windows.



B. "Public place" shall mean a place to which the public or a substantial group of the public has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, doorway, entrance, hallway, lobby, or other portion of any business establishment, multifamily housing development or hotel, not including a room or apartment designated for actual residents.

C. "Aggressive manner" shall mean any of the following:

1. Approaching, confronting, speaking to, or following a person immediately before, during, or immediately after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:

(a) Fear bodily harm to one's self or to another, or damage to or loss of property; or

(b) Otherwise be intimidated into giving money or some other thing of value.

2. Intentionally touching or causing physical contact with another person without that person's consent, or with an occupied vehicle without the occupant's consent, in the course of soliciting, asking, or begging.

3. Intentionally blocking or interfering with the safe or free passage of pedestrian or vehicular travel by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact.

4. Making violent or threatening gestures as part of the process of soliciting, asking, or begging, toward a person solicited, either immediately before, during, or immediately after soliciting, asking, or begging.

5. Persisting in closely following or approaching a person as part of the process of soliciting, asking, or begging, after the person has been solicited and informed by the solicitor by clear words or conduct that such person does not want to be solicited, and does not want to give money or any other thing of value to the solicitor.

6. Using profane, offensive, or abusive language as part of the process of soliciting, asking, or begging, either immediately before, during, or immediately after soliciting, asking, or begging, which language is inherently likely to provoke an immediate violent reaction.

**Section 7.22.030. Aggressive solicitation prohibited.** No person shall solicit, ask, or beg in an aggressive manner in any public place.

**Section 7.22.040 Solicitation prohibited at specific locations.**

No person shall solicit, ask, or beg at any of the following locations:

(A) Within 10 feet of any outdoor automatic teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(B) Within 10 feet of the entrance of any bank, banking association, savings and loan, trust company, savings bank, credit union, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the federal deposit insurance incorporation, during the operating business hours of any such financial institution.

(C) Within 10 feet of the entrance of any check cashing or payday loan business, or other business duly licensed as a check seller, bill payer or similar establishment, during the operating business hours of any such business.

(D) Within any enclosed parking structure.

(E) Within 10 feet of any bus stop, bus shelter, or other designated area for the collection or dropping off of passengers of public transit vehicles, during such times as the transportation service for which the location is designated is operating.

(F) Within the designated travel lanes of any public roadway or bicycle lane or a public roadway median.

**Section 7.22.050. Penalty.** Violation of this Article is punishable as an infraction.

**Section 7.22.060. Non-exclusivity** Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.