

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

August 13, 2009
9:00 A.M.

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

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

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

I. CALL TO ORDER

II. ROLL CALL

III. COMMITTEE BUSINESS

A. Alternative Vehicle Parking Space Standards (Attachment 1)

RECOMMENDED ACTION: Review proposed modifications to the Zoning Code and recommend approval to the City Council.

B. Local Environmental Guidelines (Attachment 2)

RECOMMENDED ACTION: Review proposed modifications to the City's Local Environmental Guidelines to address greenhouse gas emissions and recommend approval to the City Council.

IV. PENDING PROJECTS UPDATE

A. Saddleback Golf Cars

- B. San Sebastian Condominium Project
- C. Rite Aid Sign Program
- D. Laguna Hills General Plan

RECOMMENDED ACTION: Staff will provide an update on the above projects; there may be committee discussion and requests for future action, but no action will be taken at this meeting.

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

IX. ADJOURN

Next regularly scheduled meeting at 9:00 a.m., Thursday, September 10, 2009.

Recap
AGENDA
LAND USE AND DESIGN REVIEW COMMITTEE

June 11, 2009
9:00 A.M.

I. CALL TO ORDER

II. ROLL CALL

Present: DeBelles, Hatch, Heilbronner, Joss, Lindstrom, Miller,
Morton, Preli, Sortino

Absent: Vogt

III. COMMITTEE BUSINESS

A. Committee Vice-Chair

Upon a motion, Sally DeBelles was unanimously appointed as Committee Vice-Chair

B. Fiscal Year 2009-10 Capital Improvement Program

The Committee discussed current and proposed capital improvement projects. A member of the public questioned the viability of City Centre Park and asked the Committee to recommend against then project. Committee members noted that the concern about location and actual use and the possibility of leaving the property undeveloped was legitimate and should be passed onto the City Council. Upon a motion, the Committee voted unanimously to recommend approval of the Seven Year Capital Improvement Program, including the Fiscal Year 2009-10 budget, as proposed by staff. The resident concern about City Centre Park development will be noted in the report to Council.

C. Temporary Signs

The Committee discussed relaxing some temporary sign regulations, including extending the time that store front banners could be displayed. Staff will draft modifications to

existing regulations for discussion at the July meeting. Any changes will require a public hearing and action by the City Council.

D. Landscape Advisory Committee

Members Perli, DeBelles and Vogt were appointed to serve on a Landscape Advisory subcommittee. This subcommittee will begin work during the next few months on a landscape theme for Moulton Parkway.

IV. PENDING PROJECTS UPDATE

Staff reported on the following projects:

- A. San Sebastian Condominium Project
- B. Calvary Chapel Expansion (Aliso Viejo)
- C. Outdoor Restaurant Seating Permit Policy
- D. Ridge Route Linear Park
- E. Moulton Smart Street Improvements

V. COMMITTEE MEMBER COMMENTS

Member Morton asked for a correction to the April meeting recap; he noted that he arrived late at the April meeting, but should be reported as present.

VI. PUBLIC COMMENTS

None

IX. ADJOURN

Meeting adjourned at 10:50

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

**RECAP
AGENDA
LAND USE AND DESIGN REVIEW COMMITTEE**

July 9, 2009
9:00 A.M.

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

I. CALL TO ORDER

Meeting was called to order by Chair Miller at 9:00 a.m.

II. ROLL CALL

Present: DeBelles, Hatch, Heilbronner, Joss, Miller, Preli, Vogt
Absent: Lindstrom, Morton, Sortino

III. COMMITTEE BUSINESS

A. Rite Aid (Home Depot Center) Sign Program/SP 547
Committee members discussed the proposal; the applicant was not present. Staff did not recommend approval of the application as proposed because signage is excessive and approval would be contrary to the municipal code and past city action on similar proposals. Committee members discussed removal of some of the smaller signs proposed and upon a motion, voted 4-3 to approve change out of the two large signs if two existing small signs were removed. The minority (Heillbronner, Preli, Vogt) position was to approve the change out only if three or four of the smaller signs were removed.

B. Temporary Signs
Committee members discussed the proposal and corrected several typographical errors. The following changes were also made:

- Added to Section (2) d. – “The period may be extended by the Community development Director if acting construction is ongoing.”
- Deleted from (4) b. – “front yard”

Upon a motion, the Committee unanimously recommended approval of the proposal, as amended.

- C. Message Business Regulations
Committee discussed current regulations and proposed modifications. Upon a motion, the Committee unanimously recommended approval of the proposal.

IV. PENDING PROJECTS UPDATE

The City Manager provided an update on pending and current projects.

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

IX. ADJOURN

City of Laguna Woods
Agenda Report

DATE: August 13, 2009 Land Use and Design Review
Committee Meeting

TO: Land Use and Design Review Committee

FROM: Alex Gutierrez, Planning Department

AGENDA ITEM: Modifications to Off-Street Parking Regulations

Recommendation

Recommend that the Council approve the proposed modification to Off-street Parking regulations.

Background

The Laguna Woods City Council has expressed support for golf cart/car travel to a variety of destinations in the City. There are currently six approved crossing locations and a dedicated golf cart path adjacent to a portion of El Toro Road. In addition, the City has received grant funding to design an additional golf cart path along Santa Maria Road.

The City's Zoning Code requires specified parking at commercial, open space and residential areas. It does not currently include specifications or allowance for smaller spaces for golf cart or other alternative vehicles. All commercial centers in the City and several open space/recreational areas are accessible to some degree by existing public and private golf cart/car paths; motorcycles and motor scooters are allowed on all public streets. The implementation of alternative vehicle parking standards would provide residents with specific parking spaces as well as reduce the overall size of parking lots.

Discussion

Staff is proposing the following changes to current off-street parking regulations:

1. Revision to Section 13.06.010 – Definitions, adding a definition for alternative vehicles; alternative vehicles shall not exceed 55 inches in width and contain no doors.
2. Revision to Section 13.18.050 – Nonresidential off-street parking requirements, adding size requirements for spaces that will be utilized as alternative vehicle parking spaces and a percentage ratio for substitution of alternative vehicle spaces for standard vehicle spaces; uses that require more than 10 spaces shall be allowed to substitute alternative vehicles spaces for 10% of their required parking spaces.
3. Revision to Section 13.18.080 – Alternatives to off-street parking regulations; applicants may request additional alternative vehicle parking space substitution through a Use Permit process.

Conclusion

Proposed changes to the City's Zoning Code are consistent with:

Policy III. A of the General Plan Land Use Element: Identify opportunities in new construction and re-use projects for optimizing accessibility for people with special needs, and

General Plan land Use Element Implementation Measure III.A.2: Consider adopting zoning ordinance standards for alternative modes of transportation in commercial, institutional, and multiple family residential developments.

Attached: Proposed Modifications to Non-Residential Parking Regulations

Proposed Modifications to Non-residential Parking Regulations

Proposed additions are underlined.

Sec. 13.06.010. Definitions.

(432) Alternative Vehicle: An electric or gasoline powered motor vehicle, such as a golf cart, golf car, motor cycle or motor scooter, which does not exceed 55 inches in width and does not contain doors.

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.
- e. All covered and uncovered off-street parking spaces provided for the use of alternative vehicles as defined by this code shall be a minimum clear unobstructed five-feet, six-inches in width and ten feet in length.

(2) *Parking facility design.*

- f. All paved parking stalls, except parallel spaces and alternative vehicle 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.

(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.

c. Alternative vehicle parking spaces in-lieu may be substituted for standard spaces at a rate of 10% of the total standard spaces in locations where ten or more parking spaces are required. The permitted amount of alternative vehicle spaces shall be calculated based on total spaces required rounded to the nearest whole space.

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.

(3) The proposed alternative vehicle parking exceeds the maximum number of permitted alternative vehicle parking space alternatives as described in Nonresidential off-street parking requirements and the City Council finds that:

a. The site is accessible by an established golf cart path and/or golf cart/golf car crossing, or the particular use is accessible to and encourages the use of alternative vehicles.

b. Sufficient onsite parking is provided or proposed.

c. The proposed parking plan will not negatively impact public health and safety.

City of Laguna Woods
Agenda Report

DATE: August 13, 2009 Land Use and Design Review Committee Meeting

TO: Land Use and Design Review Committee

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Local Environmental Quality Act Procedures

Recommendation

Recommend approval of revisions to the City's Local Environmental Quality Act Procedures to address greenhouse gas emissions.

Background

The California Environmental Quality Act (CEQA) requires all public agencies to review and consider the environmental consequences of projects which they carry out or approve. CEQA calls for the state to adopt a comprehensive set of guidelines ("the State Guidelines"). Section 21082 of the California Public Resources Code also requires local agencies to adopt local procedures and criteria for the evaluation of projects and the preparation of environmental impact reports and negative declarations. The City of Laguna Woods established its current local guidelines by resolution (Resolution 08-10) on June 18, 2008.

Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of greenhouse gas emissions in the atmosphere. Some greenhouse gasses occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. State law defines greenhouse gasses to include the

following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g).) The most common Greenhouse gasses that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

Requirements of AB 32 and SB 97

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, establishes a state goal of reducing greenhouse gas emissions to 1990 levels by the year 2020 (a reduction of approximately 25 percent from forecast emission levels) with further reductions to follow. The law requires the California Air Resources Board to establish a program to track and report greenhouse gas emissions; approve a scoping plan for achieving the maximum technologically feasible and cost effective reductions from sources of greenhouse gas emissions; adopt early reduction measures to begin moving forward; and adopt, implement and enforce regulations – including market mechanisms such as “cap and-trade” programs – to ensure the required reductions occur. The Air Resources Board recently adopted a statewide greenhouse gas emissions limit and an emissions inventory, along with requirements to measure, track, and report greenhouse gas emissions by the industries it determined to be significant sources of such emissions.

The California Environmental Quality Act (CEQA) requires public agencies to identify the potentially significant effects on the environment of projects they intend to carry out or approve, and to mitigate significant effects whenever it is feasible to do so. Senate Bill 97, enacted in 2007, amended the CEQA statute to clearly establish that greenhouse gas emissions and their effects are appropriate subjects for CEQA analysis.

Requirements of the California Environmental Quality Act (CEQA)

CEQA is a public disclosure law that requires public agencies to make a good-faith, reasoned effort, based upon available information, to identify the potentially significant direct and indirect environmental impacts—including cumulative impacts—of a proposed project or activity. The CEQA process is intended to inform the public of the potential environmental effects of proposed government decisions and to encourage informed decision-making by public agencies. In addition, CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project’s significant impacts.

Although the CEQA Guidelines provide a checklist of suggested issues that should be addressed in an EIR, neither the CEQA statute nor the CEQA Guidelines

prescribe thresholds of significance or particular methodologies for performing an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable.

Legal Challenges

During the last year, there have been a number of lawsuits filed related to the insufficient analysis of greenhouse gases during the environmental review process. Among these are lawsuits brought by: 1) the state attorney general's office against San Bernardino; environmental groups against the Cities of Rialto (Rialto Citizens for responsible Growth), Yucca Valley and Banning (Center for Biological Diversity); and city against city suits (Colton v. Rialto). In all of these cases, the court found that the local government agency failed to adequately address greenhouse gas emissions. The attorney general's office has also submitted concerns letters to the County of Contra Costa and the Orange County Transportation Authority regarding recent projects.

In the settlement agreement resolving its case, San Bernardino County agreed to inventory historical, current and projected greenhouse gas emissions, to set a target for reducing emissions and to develop a means to actually reduce such emissions.

Discussion

Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate greenhouse gas emissions. A consistent approach should be applied for the analysis of all projects, and the analysis needs to be based on best available information. Compliance with CEQA entails three basic steps: 1) identify and quantify the emissions; 2) assess the significance of the impact on climate change; 3) and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. Typically, individual projects may not generate enough greenhouse gas emissions to influence global climate change; however, the Global Warming Solutions Act and CEQA require the lead agency to consider cumulative environmental impacts.

The state Office of Planning and Research (OPR) has drafted guidelines for the determination if the impacts from greenhouse gasses. These include:

- (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section

15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project and which model or methodology to use. The lead agency has the discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; or

(2) Rely on a qualitative analysis or performance based standards.

(b) A lead agency may consider the following when assessing the significance of impacts from greenhouse gas emissions on the environment;

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

City staff is proposing a modification to the City's Local Environmental Quality Procedures to address the analysis of greenhouse gas emissions as noted above. The proposal (attached) was developed by the City environmental legal counsel. It adds two definitions and a new section related to Global Climate Change. Local guidelines are not intended to replace state guidelines; they do, however, outline the process the City will follow in determining the level of review and completing the review process.

Public agencies are encouraged to establish and adopt thresholds of significance for environmental concerns. Since these are local thresholds, they are included in local guidelines. Thresholds mandate an environmental impact report. Laguna Woods currently has thresholds that relate to traffic, air pollution, urban run-off, sensitive habitat and grading. There are currently no generally accepted thresholds of significance for measuring the impact of greenhouse gas emissions. The California Air Pollution Control Officers Association has identified several alternatives, but adoption of particular thresholds is not required by state law. The proposed modification to the City's local environmental guidelines does not establish thresholds; rather, as noted above, it identifies the environmental impacts the City will consider and the process it will follow in reviewing projects

Conclusion

The City's special environmental legal counsel has prepared modifications to the City's Local Environmental Quality Act Procedures. Approval of the proposed modifications is a first step in meeting the new state requirements regarding the analysis of greenhouse gas emissions. If approved, the City's local guidelines will acknowledge the new requirement and outline the City's intent and options for project review.

Attachment: Proposed Modifications to City's Local Environmental Quality Act Procedures

PROPOSED MODIFICATIONS TO
LAGUNA WOODS LOCAL ENVIRONMENTAL GUIDELINES

Insert in the definition section:

“Global Climate Change” - A change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature.

“Greenhouse Gases” - Gases that trap heat in the atmosphere. The accumulation of greenhouse gases in the atmosphere regulates the earth’s temperature.

Reference gases include:Carbon dioxide (CO₂); Methane; Nitrous oxide (N₂O); Chlorofluorocarbons (CFCs); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs); Sulfur Hexafluoride (SF₆)

Insert Chapter in the CEQA Guidelines: Section X.

X. ENVIRONMENTAL IMPACT REPORT

D. Global Climate Change

Global Climate Change is a cumulative impact. A project participates in this potential impact through its incremental contribution combined with the cumulative increases of all other sources of Greenhouse Gases (GHG). In 2006, the California State Legislature adopted AB32, the California Global Warming Solution Act of 2006. AB32 requires California Air Resources Board (“CARB”), the state agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve Greenhouse Gas Emission equivalent to statewide standard levels in 1990 by 2020.

California Law provides that climate change is an environmental effect subject to CEQA. Lead agencies are therefore obligated to make a good faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including emissions associated with vehicular traffic, energy consumption, water usage and construction activities.

1. Assessment of Significance. The City shall consider the following, where applicable, in assessing the significance of impacts from greenhouse gas emissions, if any, on the environment:

(a) The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in the Global Warming Solutions Act of 2006. A project may be considered to help attainment of the state's goals by being consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006;

(b) The extent to which the project may increase the consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed;

(c) The extent to which the project may result in increased energy efficiency of and a reduction in overall greenhouse gas emissions from an existing facility;

(d) The extent to which the project impacts or emissions exceed any threshold of significance that applies to the project.

(e) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(f) Whether the project emissions exceed a threshold of significance that the City determines applies to the project.

(g) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency

through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

2. Description and Quantification. The City shall make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions associated with a project, including emissions associated with energy consumption and vehicular traffic. Because the methodologies for performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

(a) Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The City may include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

(b) Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions.

3. Mitigation Measures Related to Greenhouse Gas Emissions. Consistent with section 15126.4(a), the City shall consider feasible means of mitigating greenhouse gas emissions that may include, but not be limited to:

(a) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;

(b) Reductions in emissions resulting from a project through implementation of project features, project design, or other

measures, such as those described in Appendix F of the CEQA Guidelines;

(c) Off-site measures, including offsets, to mitigate a project's emissions;

(d) Measures that sequester greenhouse gases; and

(e) In the case of the adoption of a plan, such as a general plan, long range development plan, or greenhouse gas reduction plan, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis.

Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.