

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

October 13, 2011
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 Permit for the Sale of Alcoholic Beverages:
CUP 746 (Attachment)**

RECOMMENDED ACTION: Review and discuss the proposed conditional use permit and conditions and recommend action to the City Council.

- B. Special Event and Temporary Use Permit Regulations
(Attachment)**

RECOMMENDED ACTION: Review and discuss proposed modifications to special event and temporary use permit requirements and make a recommendation to the City Council.

- IV. PENDING PROJECT UPDATE**
 - A. Urban Activity Center Specific Plan
 - B. Santa Maria Multimodal Trail Temporary Closure

- V. COMMITTEE MEMBER COMMENTS**

- VI. PUBLIC COMMENTS**

- VII. ADJOURN**

The next regularly scheduled meeting is November 10, 2011; meetings may be cancelled if there is a lack of agenda items.

City of Laguna Woods Agenda Report

DATE: October 13, 2011 Land Use and Design Review Committee Meeting

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

FROM: Deborah Drasler, City Planner

AGENDA ITEM: Conditional Use Permit for the Sale of Alcoholic Beverages (CUP 746)

Recommendation

Review and discuss the proposed conditional use permit and conditions and recommend action to the City Council.

Background

The Golden Rain Foundation is seeking approval for the sale of alcohol at the newly constructed Golf Starter Building facility (SDP 602/CUP 603) approved in August of 2010 and anticipated to be complete by early November 2011. The original Golf Starter Building did retain a Type 51 "Club" permit (license no. 9866). However, at the time of construction, Golden Rain Foundation changed the address of the Golf Starter Building from 24112 Moulton Parkway to 24122 Moulton Parkway, thus requiring a new application for an ABC license from the Alcoholic Beverage Control Board.

The Golf Starter Building is located at 24122 Moulton Parkway within the Gate 12 entrance of the Laguna Woods Village. The zoning on the property is Open Space-Recreational (OS-R), which is intended to provide for the development and preservation of public and private parks and associated recreation facilities within open space areas. Clubhouses and dining facilities are permitted in open space recreation districts subject to a conditional use permit. The sale of alcohol is an accessory use to the Golf Starter Building clubhouse and dining operations.

Discussion

Issue 1: Alcohol Sales

The sale of alcoholic beverages is regulated by the State Department of Alcoholic Beverage Control (ABC). Any business within the State that desires to sell alcoholic beverages must first obtain a license from ABC. Prior to the issuance of an alcohol sales permit, ABC requires that the local land use authority provide authorization. In the City of Laguna Woods, the sale of alcoholic beverages requires a conditional use permit.

There are many types of alcohol sales. Depending on the type of alcohol sales, there are varying potential impacts that might significantly affect surrounding land uses or create law enforcements issues. For example, bars and liquor stores tend to create certain concerns with local law enforcement agencies such as excessive noise, loitering, driving under the influence (DUI) and litter. The Golden Rain Foundation is seeking a Type 51 "Club" license which authorizes the sale of beer, wine and distilled spirits to organization members and guests. Under the Type 51 license, food service is not required and consumption is limited to the subject premises. Alcohol sales associated with private clubs tend to be more passive and less of an enforcement concern. The Golf Starter Building facility is only available to Laguna Woods Village residents and their guests. The facility will have a cafe open from 6:00 a.m. to 6:00 p.m. with beer, wine, and spirits being available. Additionally, the banquet room which may be reserved until 9:00 p.m. is available for private events where alcohol beverages would be available by reservations only. Under the use restriction and terms of a "club" license, there is more control over who can purchase alcohol and under what conditions.

The Golf Starter Building facility is - for the most part - surrounded by private recreational uses which would not be expected to be impacted by the addition of alcohol sales.

Surrounding Land Uses:

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	OS-R Open Space Recreation	Golf Course
South	OS-R Open Space Recreation	Golf Course & Tennis Courts
East	OS-R Open Space Recreation	Golf Course
West	OS-R Open Space Recreation	Parking lot & Clubhouse II

From a law enforcement perspective, there is often a concern with over saturation of alcohol-related uses and businesses. In an effort to limit over saturation associated with new applications, many jurisdictions establish minimum distance separations from sensitive land uses and existing alcohol sales. The City of Laguna Woods currently has not adopted standards that would place limitations on approving an application based on saturation. However, when reviewing discretionary permits, the decision makers may consider saturation concerns when considering alcohol permit applications. For the purpose of looking at the saturation issue, Staff has identified the ABC license holders within a 1000' radius. Use of the 1000' radius for review is based on previous City applications, as well as past experiences with other jurisdictions.

Existing Alcohol Sales within 1000' Radius

Business	Type of Sales
Clubhouse 7 - 24111 Moulton Parkway	Type 51 "Club"
Clubhouse 2 - 24112 Moulton Parkway	Type 51 "Club"
ARCO Station AM/PM - 24181 Moulton Parkway	Type 20 "Off-Sale beer & wine"

The ABC license review shows there are two Type 51 "Club" permits in the review area and one Type 20 "Off-Sale Beer and Wine" associated with ARCO Station AM/PM. Typically saturation is a concern when there is an excessive amount of one license type or a combination of license types that might result in a cumulative negative impact. Based on the 1000' ABC license review, the area does not appear to be saturated.

In addition to Clubhouse 2 and Clubhouse 7, the applicant GRF, possesses four additional Type 51 "Club" licenses for Clubhouses 1, 3, 5, and 6 which are spread throughout the Laguna Woods Village community. These licenses pre-date the adoption of the current City zoning standards and did not require a conditional use permit at the time of issuance. A review of all licenses maintained by the applicant indicates that there is no history of violations or disciplinary action.

Issue 2: Police Services Input

The Orange County Sheriff's Department (OCSD) provides the City's police services. The Chief of Police Services was contacted to comment on the proposed application. Because of the nature of the application and lack of alcohol related problems in the area, Police Services has no concerns associated with approval of this application.

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.

Fiscal Impact

There is no impact to the City finances. The City recovers expenses through the established permit processing fees. The City may experience a slight increase in sales tax revenue associated with the sale of beer, wine, and distilled spirits.

Conclusion

Approval of the proposed conditional use permit will result in the ability of Golden Rain Foundation to obtain a State license from ABC for the sale of alcohol associated with activities at the Golf Starter Building facility. It is unlikely that there will be any negative impact to surrounding land uses and there is not an over-saturation of alcohol licenses within the area. There are no fiscal, environmental or police service concerns associated with the application. Staff recommends that the Land Use Design Review Committee support Conditional Use Permit CUP 746, subject to the attached draft conditions of approval, and recommend approval to City Council. The Committee’s comments will be presented when this application is considered by the City Council at its October 19, 2011 meeting.

Attached: 1. Draft Conditions
 2. Vicinity Map

CUP 746
Draft Conditions of Approval

When reviewing conditional use permits for alcohol sales, the City seeks to impose conditions of approval to ensure that there are no negative impacts to the adjacent properties and that law enforcement issues do not result from the issuance of the license. The following special conditions related to alcohol sales are recommended in addition to the standard project conditions:

GENERAL PROJECT CONDITIONS

1. 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.
2. 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.
3. The permit is granted for the property as described in the application and shall not be transferable from one parcel or suite to another.
4. This 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 State Alcoholic Beverage Control license shall constitute evidence of diligent pursuit.
5. 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.

6. 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.
7. 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.
8. 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 requirement.

SPECIAL PROJECT CONDITIONS

9. Consumption of alcohol shall be limited to the interior of the establishment and established outdoor seating areas associated with the primary clubhouse facility. No off premise alcohol sales are permitted.
10. The applicant shall post warning signs at each temporary or permanent bar, dining table as required by the City Health and Sanitation Code stating the danger associated with drinking. The warning shall contain the following message: "WARNING: Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk and During Pregnancy, Can Cause Birth Defects."
11. There shall be no advertising of alcoholic beverages visible to the outside of the facility
12. Smoking in unenclosed areas shall be prohibited within a reasonable distance of 20 feet from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited.



Vicinity Map

24122 Moulton Parkway

City of Laguna Woods Agenda Report

FOR: October 13, 2011 Land Use and Design Review Committee Meeting

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

FROM: Leslie Keane, City Manager

AGENDA ITEM: Special Event and Temporary Use Permit Regulations

Recommendation

Discuss proposed modifications to special event and temporary use permit requirements and make a recommendation to the City Council.

Background

Prior to incorporation in 1999, temporary use and special event permit regulations for the Laguna Woods area fell under the zoning standards of the County of Orange. In 2003, the City of Laguna Woods adopted its own land use and development code (zoning code) and zoning map. As a result of this process, new land use, development standards and permit requirements were created to better reflect the vision of residents of Laguna Woods; however, significant changes were not made at that time to existing special event and temporary use regulations. During the last six months, staff has reviewed the regulations in other cities and several legal decisions related to the use of public and private property and has determined that modifications to existing requirements would be advisable.

Discussion:

Currently, temporary use and special events regulations are found in Section 13.26.180 of the Municipal Code. Since the two types of uses are lumped together, it is difficult to ascertain which restrictions apply to which type of permits. In reality temporary uses relate to land use and zoning restrictions, while special events imply a time limited use of property such as an outdoor sale, health fair, parade or other temporary gathering. Staff is proposing that the two types of permits be separated and distinct and relevant regulations crafted for each. As drafted, temporary uses would remain a part of the

Zoning Code and special events would be moved to Title 6, the Business section of the Municipal Code.

The following bullet points summarize the proposed changes to each section:

Temporary Uses

- Clarified that temporary uses require an approved site development permit.
- Added a provision allowing the City to inspect temporary uses for compliance.
- Added conditions under which permits can be denied or revoked.
- Limited the amount of time the City Manager can approve a temporary use to a maximum of 18 months in six-month terms. Longer uses, except for temporary real estate offices and construction trailers, will require a conditional use permit and City Council approval.
- Eliminated the separate length of time restrictions for temporary fencing.
- Allowed temporary real estate offices to be located offsite upon a showing of good cause subject to the City Manager's discretion.
- Prohibited temporary real estate offices from displaying banner signs.
- Clarified temporary sign requirements, including that temporary signs can be permitted in conjunction with a temporary use at no additional cost and that the City Manager can exercise discretion on the placement.

Special Events

- Added an indemnification requirement.
- Clarified security deposit requirements for use of City-owned property.
- Required applicants to pay for the cost of additional City services incurred.
- Added an on-site posting requirement for approved permits.
- Added a provision allowing the City to inspect events for compliance.
- Added conditions under which permits can be denied or revoked.
- Explicitly stated that events that include sales may be required to submit proof of compliance with Board of Equalization sales tax regulations.
- Modified the restriction concerning the timing of special events to allow four per year (instead of one per quarter) with at least 30 days between events.
- Increased the maximum length of a special event from 5 to 10 days.
- Increased the amount of time allowed for setup and cleanup of Christmas tree lots and pumpkin patches from 48 hours to eight business days and three business days, respectively.

- Added a requirement that outdoor exhibitions, like sales, on commercial properties must be directly related or accessory to the tenant's normal business activities.
- Made participation in a multi-tenant outdoor sale or exhibition count toward a businesses' maximum number of special events per year.
- Clarified temporary sign requirements, including that temporary signs can be permitted in conjunction with a temporary use at no additional cost and that the City Manager can exercise discretion on the placement thereof.
- Added exemptions for lawful free speech-type events protected by federal or state laws; funeral processions; and events sponsored by the City on City-owned property.
- Clarified that events held indoors in clubhouses and meeting facilities that do not exceed six hours do not require a City permit.

It should be noted that the City Attorney is currently reviewing special events such as parades, processions and other public use of City property to assure that the proposed requirements are consistent with other governmental regulations; and, there may be some modifications the special events section prior to final approval.

Conclusion:

Current regulations for temporary uses and special events are confusing. The proposed modifications to the Zoning Code related to temporary uses and establishment of a new section in the Business Code related to special events should clarify the regulations related to each type of use.

Attached: Draft Municipal Code Revisions

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

SECTION 1. Section 13.06.010 (c) (805) of Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code are hereby amended in their entirety to read:

(805) *Temporary use:* For the purpose of this Title, the words “temporary use” shall refer to a use which is established for a specified period of time and which is discontinued at the end of such specified time.

SECTION 2. Section 13.06.010 (c) (11) is hereby added to Chapter 13.06 (Definitions) of the Laguna Woods Municipal Code as follows:

(11) *Days, business* means any day excluding Saturday, Sunday, and federal holidays.

SECTION 3. Section 13.26.180 of Chapter 13.26 (Special Regulations) of the Laguna Woods Municipal Code is hereby amended in its entirety to read:

Sec. 13.26.180. Temporary uses.

(a) *Purpose and intent.* The purpose and intent of this section is to ensure conformance with zoning regulations; ensure compatibility with community character and aesthetics; and promote and protect public health, safety and welfare by regulating temporary uses in order to ensure that they do not cause detrimental effects to City property and services, surrounding properties, the environment and the community.

(b) *Permit required.* Each person or entity wishing to conduct a temporary use shall first obtain a site development permit (“temporary use permit” for the purpose of this section) from the City. No permit issued under the provisions of this section shall be transferable to another location or permittee.

(c) *Inspection by government officials.* The City Manager and his or her authorized representatives shall have the right to enter temporary uses, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this section and any applicable laws or regulations.

(d) *Denial or revocation.* The City Manager or his or her designee shall deny or revoke a temporary use permit if any of the following are found to exist. Such denial or revocation shall become effective immediately upon order.

- (1) The temporary use conflicts with this section or any other local law or regulation.
- (2) The applicant fails, neglects, or otherwise refuses to fulfill one or more of the conditions imposed upon the granting of the permit.
- (3) The permit was obtained in a fraudulent manner.
- (4) The temporary use will substantially disrupt public transportation or vehicular or pedestrian traffic, in the area of its location.
- (5) The ability of persons to enter or exit properties impacted by the temporary use will be unreasonably disrupted considering factors such as the duration, size and scope of the temporary use.
- (6) The temporary use is proposed to be located, or is located, in or upon a premises, building or structure, substantially lacking adequate parking to accommodate both the event and the “day to day” use of the property.
- (7) The temporary use will require the diversion of police, fire, public works or other City services from normal duties, so as to unreasonably reduce adequate levels of service to any other portion of the City.
- (8) The temporary use will have a substantial adverse impact on public health, safety or welfare, including but not limited to the environment.
- (9) The City shall not issue permits to persons or entities with outstanding civil fines for violations of any kind, unless such fines are being appealed in accordance with the provisions of this Code.
- (10) Any other reason deemed by the City Manager or his or her designee in the interest of protecting public health, safety or welfare.

(e) *Special conditions.* Conditions may be placed on the issuance of temporary use permits to accomplish the purpose and intent of this section, at the sole cost and responsibility of the applicant.

(f) *General restrictions.* Temporary uses shall be restricted as follows unless otherwise noted herein:

- (1) The City Manager or his or her designee may issue a temporary use permit for a maximum of six months for the initial permit term and two additional six month permit terms. Subsequent terms and temporary uses for periods of longer than 18 months shall require approval by the City Council and issuance of a conditional use permit. At his or her sole discretion, the

City Manager may require City Council approval and/or issuance of a conditional use permit for any temporary use.

(2) Use of the City seal is prohibited without prior written approval from the City Manager.

(g) *Special restrictions.* The following temporary uses shall be restricted as follows:

(1) Temporary construction trailers and facilities may be permitted for the duration of construction for a given development project when associated with an active building or grading permit.

(2) Stationary food carts may be permitted only when associated with “big box” retailers. The intent is to permit food carts to be located on the premises of the warehouse type retailers (e.g. Home Depot, Sam's Club) as an accessory service for customers and employees. A food cart may not block pedestrian or automobile circulation and must be removed daily. Carts must meet all County of Orange Health Care Agency, Orange County Fire Authority and other regulatory agency requirements. Stationary food carts shall be limited to one per shopping center and the permit period shall not exceed six months per permit.

(3) Temporary real estate offices and related signs may be established within the area of an approved tentative tract or offsite upon a showing of good cause, subject to the discretion of the City Manager or his or her designee, to be used solely for the first sale of homes or the first rental of apartments in projects of 20 or more units within the same tract, subject to the provisions of this section.

a. *Building site not required.* Notwithstanding the provisions of the Subdivision Code, the parcel of land on which a temporary real estate office is established is not required to be a building site provided that the parcel is precisely described.

b. *Permitted structures and facilities.* The following structures and facilities may be permitted in conjunction with the establishment of a temporary real estate office:

1. Model homes in compliance with the zoning regulations applicable to the properties that are being sold.
2. Garages, attached and detached with the zoning regulations applicable to the properties that are being sold.
3. Temporary sales office buildings, or commercial coach.

4. Accessory buildings and structures in compliance with the zoning regulations applicable to the properties that are being sold.
5. Recreation facilities that will be a permanent portion of the subdivision in compliance with the zoning regulations applicable to the properties being sold.
6. Permanent streets and driveways that will be part of the subdivision after the abandonment of the real estate office use.
7. Temporary children's playgrounds.
8. Temporary and permanent fencing, walks and structural amenities.
9. Temporary vehicle parking and maneuvering area to provide off-street parking as necessary for employees and guests.
10. Temporary vehicle accessways.

c. *Time limitations.* The temporary use permit for a temporary real estate office may be approved by the City Manager or his or her designee for a maximum time period of two years from the date of approval. At the end of the period, the City Manager or his or her designee may extend the permit for one additional year provided it complies with the requirements of this Code.

d. *Signs.* Signs in connections with the uses permitted above shall be permitted within a tract on the following conditions:

1. The sign copy shall be limited to the matters relating to the tract within which the signs are located.
2. Such sign shall have a time limit concurrent with the use of the permitted temporary real estate office.
3. Signs up to 64 square feet (maximum area) are permitted at each street entrance.
4. Additional signage (exclusive of Subsection d.3 above) is allowed but shall not exceed a total of 100 square feet in area.
5. Banner signs shall not be permitted in conjunction with a temporary real estate office.

(h) *Temporary signs.* Subject to the City Manager or his or her designee's approval, temporary signs directly associated with a temporary use may be permitted by a temporary use permit at no additional charge to the applicant. Evaluation of requests for approval will consider site constraints, sight line considerations and the protection of public health, safety and welfare. Temporary signs must comply with Chapter 13.20 of this Code; however the City Manager or his or her designee can exercise discretion on the placement of temporary signs,

provided that they comply with Sections 13.20.030 of this Code. Temporary signs permitted by a temporary use permit shall not count toward the applicant's maximum number of temporary signs allowed under Section 13.20 of this Code.

(i) *Appeals.* Any decision regarding the approval, approval with conditions, denial, or revocation of a temporary use permit may be appealed to the City Council. Said appeal shall be made by a notice of appeal from the person appealing within 30 days from the date of the decision. The appeal shall be accompanied by a fee, which shall be established by resolution of the City Council, and a written declaration setting forth the basis for the claim that the permit was improperly approved, denied, conditioned or revoked. Filing of an appeal shall suspend the issuance or effectiveness of the associated site development permit until action is taken on the appeal.

(j) *Relationship.* Nothing in this section is in any way intended to limit or excuse any person from having to comply with any other provision of this Code.

(k) *Compliance disclaimer.* This section is not intended to be exclusive and compliance with its provision shall not excuse noncompliance with any other local laws or regulations, or federal or state laws or regulations.

SECTION 4 Section 6.02.010 (287) is hereby added to Chapter 6.02 (Definitions) of the Laguna Woods Municipal Code as follows:

(287) *Special event:* For the purpose of this Title, the term “special event” shall refer to any short-term temporary gathering or parade, except peaceful protests and similar conduct protected by law, that meets one or more of the following criteria:

- a. Occurs partially or completely on any City-owned property.
- b. Occurs partially or completely on any parking lot in any zoning district.
- c. Occurs partially or completely outdoors in any commercial zoning district, excluding outdoor spaces duly permitted to host temporary gatherings.
- d. Involves any one or more of the following outdoor activities: (i) balloons or (ii) mechanical, inflatable, or carnival-style rides or attractions.
- e. Is reasonably expected to impede, obstruct, impair, or interfere with the normal use of City-owned streets, sidewalks or other property.
- f. Is reasonably expected to require increased or substantially modified law enforcement, fire or other City services.
- g. Is deemed a special event by the City Manager in the interest of ensuring conformance with zoning regulations or protecting public health, safety or welfare.

SECTION 5 Section 6.23 Special Events is hereby added to Title 6 (Businesses) of the Laguna Woods Municipal Code:

Sec. 6.23.010 Purpose and intent.

The purpose and intent of this section is to ensure conformance with zoning regulations and protect public health, safety and welfare by regulating special events in order to ensure that they do not cause detrimental effects to City property and services, surrounding properties, the environment and the community.

Sec. 6.23.020 Permit required.

Each person or entity wishing to conduct a special event shall first obtain a permit from the City. The City Manager or his or her designee shall be the reviewing and approval authority for all permits. No permit issued under the provisions of this section shall be transferable to another location or permittee.

Sec. 6.23.030 Application requirements.

Applications shall be submitted to the City no less than 15 business days prior to the event. Applications submitted to the City with less than 15 business days prior to the event may be considered at the discretion of the City Manager or his or her designee. Application materials and the process shall be as prescribed by the City including, but limited to the following:

- (1) Application form.
- (2) Written approval of the property owner or authorized agent thereof.
- (3) A written description of the special event and site plan.
- (4) Application fees prescribed by resolution of the City Council.
- (5) Proof of liability and property damage insurance.
- (6) Indemnification agreement.
- (7) Security deposit for use of public property (if applicable).

Sec. 6.23.040 Liability and property damage insurance requirements.

The applicant shall, prior to the issuance of a permit, submit to the City a certificate and endorsement of insurance issued by an insurance company authorized to do business in the State of California and having a policyholder's rating of "A" (excellent) or better, and a financial rate of "X" or better in "Best's Insurance Reports--Fire and Casualty," or by a company approved in writing by the City's risk manager, which shall evidence the fact that the applicant has in full force and effect a comprehensive general liability and property damage insurance policy covering every activity of the proposed special event in amounts to be

determined by the City's risk manager, based on the nature and liability potential of the event. Said documents shall name the City, its elected and appointed Boards, officials, officers, agents, employees and volunteers as additional insureds and shall indicate that the insurance is primary and any insurance which may be carried by the City shall be considered as excess thereto. The certificate and endorsement shall also indicate that the policy of insurance cannot be modified or canceled by the insurance carrier without at least 30 days' prior written notice to the City. Any certificates and endorsements shall be subject to approval by the City as to form, content, and financial ability of the insurer.

Sec. 6.23.050 Indemnification agreement.

Prior to the issuance of a special event permit, the applicant shall provide the City with an executed hold-harmless agreement in a form sufficient to the City's risk manager, which shall substantially state that the applicant agrees to indemnify, defend and hold the City of Laguna Woods and its elected and appointed boards, officials, officers, agents, employees, and volunteers harmless and free from any liability, penalty, expense or loss of any nature, including but not limited to liability for damage or injury to any persons or property caused by any participant to the special event.

Sec. 6.23.060 Security deposit for use of City-owned property requirements.

The amount of the security deposit shall be determined using the following criteria and secured by a cash deposit or surety bond payable to the City:

- (1) Five hundred dollars for every 500 people expected to attend, with a minimum of \$500 per event; or
- (2) Five hundred dollars for every mile of City right-of-way involved, with a minimum of \$500 per event.

The security deposit shall be refundable on full compliance with the provisions and requirements of this section. Failure to comply with any provision or requirement of this section shall result in the applicant's forfeiture of the security deposit and the charging thereof of any reasonable fines, fees, or expenses associated with acts of noncompliance. In the event that the City removes or causes to be removed any equipment, supplies, or temporary facilities or structures, notice shall be given to the applicant indicating that the City has removed such and that they will be destroyed and/or will become the property of the City within 30 calendar days of such notice if neither the applicant nor any authorized agent of the same has retrieved them from the City prior to the expiration of the 30-day period. All

notices shall be sent to the applicant's address as provided on the special event permit application.

Sec. 6.23.070 Fees for services required.

The applicant shall be responsible for paying for the actual costs of police, fire, public works or other City services conditioned or directly incurred by the City in connection with the event, as well as applicable overhead rates.

Sec. 6.23.080 Posting permit.

The special event permit must be posted on the premises in a conspicuous place, and a copy thereof must be in the possession of the person responsible for the on-site supervision of the special event throughout the event. The permit must be available for inspection by government officials upon request.

Sec. 6.23.090 Inspection by government officials.

The City Manager and his or her authorized representatives shall have the right to enter special events, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this section and any applicable laws or regulations.

Sec. 6.23.100 Denial or revocation.

The City Manager or his or her designee shall deny or revoke a special event permit if any of the following are found to exist. Such denial or revocation shall become effective immediately upon order.

- (1) The event conflicts with this section or any other local law or regulation.
- (2) The applicant fails, neglects, or otherwise refuses to fulfill one or more of the conditions imposed upon the granting of the permit.
- (3) The permit was obtained in a fraudulent manner.
- (4) The event will substantially disrupt public transportation or vehicular or pedestrian traffic, in the area of its location.
- (5) The ability of persons to enter or exit properties impacted by the event will be unreasonably disrupted considering factors such as the duration, size and scope of the event.
- (6) The event is proposed to be located, or is located, in or upon a premises, building or structure, substantially lacking adequate parking to accommodate both the event and the "day to day" use of the property.
- (7) The event is scheduled to occur at a location or time in conflict with another event, where such conflict would adversely impact the other event or the City's ability to provide adequate services.

- (8) The event will require the diversion of police, fire, public works or other City services from normal duties, so as to unreasonably reduce adequate levels of service to any other portion of the City.
- (9) The event will have a substantial adverse impact on public health, safety or welfare, including but not limited to the environment.
- (10) The event will take place in an area of the City scheduled for maintenance, monitoring, construction or repair and either (i) the conduct of the event would interfere with such maintenance, monitoring, construction or repair; or (ii) the maintenance, monitoring, construction or repair would represent a threat to the health, safety or welfare of event participants.
- (11) The City shall have the authority, based on cause, to deny use of City property to any person or entity who has abused previous use whether in conjunction with a special event or not, including failure to comply with any of the general policies and rules governing the use of City property.
- (12) The City shall not issue permits to persons or entities with outstanding civil fines for violations of any kind, unless such fines are being appealed in accordance with the provisions of this Code.
- (13) Any other reason deemed by the City Manager or his or her designee in the interest of protecting public health, safety or welfare.

Sec. 6.23.110 *Special conditions.*

Conditions may be placed on the issuance of special event permits to accomplish the purpose and intent of this section, at the sole cost and responsibility of the applicant. Conditions may apply to, but are not limited to:

- (1) Number of consecutive days of event.
- (2) Location or route of event.
- (3) Date or time of event.
- (4) Length or composition of parade.
- (5) Use of temporary signs.
- (6) Use of sound systems.
- (7) Use of first aid or sanitary facilities.
- (8) Use of additional police, fire or other City services.
- (9) Measures to promote aesthetic appeal.
- (10) Notification of adjacent property owners and occupants.
- (11) Submittal of documentation by vendors conducting sales at the event, certifying compliance with Board of Equalization regulations.
- (12) Additional permits or clearances (e.g., alcoholic beverage control, fire authority, environmental health, traffic engineer, etc.).

Sec. 6.23.120 *General restrictions.*

Special events shall be restricted as follows unless otherwise noted herein:

- (1) Special events shall be limited to a maximum of four per year, with no less than 30 calendar days between events, for any person or entity.
- (2) Special events shall not exceed 10 consecutive calendar days per event. A maximum of two additional days may be permitted for set-up and clean-up, respectively.
- (3) Use of the City seal is prohibited without prior written approval from the City Manager.

Sec. 6.23.130 *Special restrictions.*

Special events shall be restricted as follows:

- (1) Outdoor sales or exhibitions on commercial properties, with the exception of Christmas tree lots and pumpkin patches, shall be either directly related or accessory in use to the applicant's normal business activities. A building tenant's participation in a multi-tenant outdoor sale or exhibition shall count as that tenants' one special event per calendar quarter.
- (2) Exterior use of balloons may be permitted as an incidental or accessory use to a special event, except that planned or intentional releases are prohibited. The type, quantity, size, material and location is subject to the City Manager or his or her designee's approval and will be considered based on site constraints, sight line considerations and the protection of public health, safety and welfare. Use of metallic balloons is prohibited.
- (3) Christmas tree lots may not initiate sales until the first Friday following Thanksgiving, and shall end no later than December 26 of the same calendar year. A maximum of eight business days for setup and three business days for cleanup may be permitted. Christmas tree lots shall not engage in the sale of any merchandise not directly associated with Christmas trees.
- (4) Pumpkin patches may not initiate sales until October 1 and shall end no later than November 1 of the same calendar year. A maximum of eight business days for setup and three business days for cleanup may be permitted. Pumpkin patches shall not engage in the sale of any merchandise not directly associated with pumpkins.

Sec. 6.23.140 *Temporary signs.*

Subject to the City Manager or his or her designee's approval, temporary signs directly associated with a special event may be permitted by a special event permit at no additional charge to the applicant. Evaluation of requests for approval will

consider site constraints, sight line considerations and the protection of public health, safety and welfare. Temporary signs must comply with Chapter 13.20 of this Code; however the City Manager or his or her designee can exercise discretion on the placement of temporary signs, provided that they comply with Sections 13.20.030 of this Code. Temporary signs permitted by a special event permit shall not count toward the applicant's maximum number of temporary signs allowed under Section 13.20 of this Code.

Sec. 6.23.150 Appeals.

Any decision regarding the approval, approval with conditions, denial, or revocation of a special event permit may be appealed to the City Council. Said appeal shall be made by a notice of appeal from the person appealing within 30 days from the date of the decision. The appeal shall be accompanied by a fee, which shall be established by resolution of the City Council, and a written declaration setting forth the basis for the claim that the permit was improperly approved, denied, conditioned or revoked. Filing of an appeal shall suspend the issuance or effectiveness of the associated special event permit until action is taken on the appeal.

Sec. 6.23.160 Exempt activity.

The following temporary gatherings and parades do not require issuance of a special event permit:

- (1) In-home activities that are incidental or accessory to the use of homes, including private social gatherings.
- (2) Garage, yard and estate sales involving four or fewer households.
- (3) Lawful events conducted in accordance with all applicable laws and protected by the First Amendment of the United States Constitution; Article 1, Section 2 of the State Constitution; or other federal or state law, including but not limited to lawful picketing and protests. Only protected conduct is exempt from issuance of a special event permit.
- (4) Funeral processions.
- (5) Events sponsored by the City occurring on City-owned property.
- (6) Functions that occur in residential, open space, or community facilities zoning districts that may otherwise be considered inconsistent with the zoning district or zoning regulations applicable to the property provided that (i) the event is infrequent in occurrence; (ii) the length of the function does not exceed six-hours; (iii) legally established occupancy levels are adhered to; (iv) all activities take place indoors or on attached, enclosed patios; and

(v) there is no exterior use of balloons or outdoor signage requiring a sign permit.

Sec. 6.23.170 Relationship.

Nothing in this section is in any way intended to limit or excuse any person from having to comply with any other provision of this Code.

Sec. 6.23.180 Compliance disclaimer.

This section is not intended to be exclusive and compliance with its provision shall not excuse noncompliance with any other local laws or regulations, or federal or state laws or regulations.

SECTION 6. Effective Date

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

SECTION 7. Severability

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

SECTION 8. 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.

AGENDA
LAND USE AND DESIGN REVIEW COMMITTEE
Recap

July 14, 2011
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

Present: Hamm, Hatch, Heilbronner, Lindstrom, Loveder, Sortino, Straziuso

Absent: Joss, Preli

III. COMMITTEE BUSINESS

A. Site Development Permit SDP-713: Village Gate 1 Entrance
Following a presentation from City Planner Drassler, committee members discussed the proposed site plan and the proposed conditions. Comments were raised about adequacy of lighting, car stacking distance, replacement trees and monumentation. The applicant protested the addition of condition 48 which would require the interception of all drainage leaving the site. City Manager Keane noted that the City and the Village have a flooding problem at this area, but that it is a historical problem. She agreed with the applicant that the City cannot require the applicant to prohibit drainage, only

not to increase it. She indicated that staff would withdraw that condition. Upon a motion, the committee voted 7-2 to recommend approval of the project and conditions, as amended. Members Loevder and Sortino noted that the drainage issue was a significant problem and that condition 48 should have been revised rather than withdrawn.

IV. PENDING PROJECT UPDATE

Assistant City Manager Reilly discussed the current status of the El Toro/Moulton, Santa Maria multimodal trail and the City Centre Park projects. City Manager Keane noted that the Committee would meet in joint session with the City Council on August 17th to hear a presentation on the Urban Area specific plan from the applicant (GRF).

V. COMMITTEE MEMBER COMMENTS

None

VI. PUBLIC COMMENTS

None

VII. ADJOURN

The next regularly scheduled meeting is August 11, 2011; this meeting has been moved to August 17, 2011.

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL AND LAND USE AND DESIGN REVIEW COMMITTEE
REGULAR MEETING MINUTES**

**August 17, 2011
2:00 P.M.**

I. CALL TO ORDER

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

Chair Lindstrom called the Regular Meeting of the Land Use and Design Review Committee to order at 2:00 p.m.

II. FLAG SALUTE

Mayor Hack led the flag salute.

III. ROLL CALL

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

LAND USE AND DESIGN REVIEW COMMITTEE MEMBERS:
 PRESENT: Hamm, Hatch, Heilbronner, Loveder, Straziuso,
 Schneider, Sortino, Lindstrom
 ABSENT: Joss and Preli

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

IV. WORKSHOP: Urban Activity Center Specific Plan

Mayor Hack announced that the joint meeting with the City Council and the Land Use and Design Review (LUDR) Committee has been called to review a presentation from the Golden Rain Foundation (GRF) pertaining to the Urban Activity Specific Plan. He noted that neither the City Council nor the LUDR Committee will take action on the issue and instead, will reserve their discussions and recommendations for a later date after the actual application has been submitted and reviewed. He encouraged the City Council and the LUDR Committee to address their questions to GRF and informed the public that they may express opinions on the subject, as well as items not listed on the agenda, during the public comments portion of the agenda.

Lynn Borack, GRF Board Member, introduced Coralee Newman and Jess Harris,

consultants for GRF, who would make the presentation.

Coralee Newman discussed the community outreach program that began in January 2010 and included presentations to various community groups. A presentation to the entire Village community was broadcast on Channel 6. The GRF Board of Directors has approved the plan that is being presented today.

Jess Harris reviewed a Power Point presentation of the proposed specific plan. Planning Area (PA) 3 and PA 4 are designated as Community Center/Administrative Office, with the possibility of an urgent care facility, theater or commercial offices. PA 7 is proposed as Light Industry. PA 1 is identified as open space, with a possible use as solar panels; the intention would be to preserve the view from this site. PA 9 and PA 12 are designated to serve as expansion to the community gardens and/or outdoor meetings and concerts. Mr. Harris stated that the proposed plan is intended to reduce the Village's carbon footprint and promote a healthy community by designating nearly 70% of the available property as open space.

Mayor Hack reiterated that it would now be appropriate for Council and Committee members to direct any questions, pertaining to the land use, to the applicant.

Councilmember Rhodes asked about the shape of PA 10.

Mr. Harris clarified that PA 10 is a greenbelt with a legal easement for drainage purposes.

Councilmember Rhodes asked for clarification if the County required the easement.

Mr. Harris stated that he is not familiar with the history of the easement.

LUDR Committee Member Hatch asked if the reason for excluding Garden Center 1 is to reserve the area for affordable housing.

Mr. Harris responded that this property is not a part of the Urban Activity Center specific plan area.

LUDR Committee Member Hatch asked if the expanded garden centers areas would be automatically constructed if Garden Center 1 was converted to housing in the future.

Mr. Harris clarified that the garden centers would be expanded as needed. Depending on the future use of the Garden Center 1 property, the plots there could shift to the other sites or be consolidated.

LUDR Committee Member Hatch summarized his understanding that Garden Center 1 could remain at its current location, expand to Garden Center 2, or become one of three garden centers.

Mayor Pro Tem Conners asked if PA 7 has any underground fuel storage tanks.

Tim Huval with Professional Community Management stated that the underground tanks were removed at the time that the above-ground fuel station was constructed.

Mayor Pro Tem Connors asked if remediation occurred at that time.

Mr. Huval indicated that although he did not have specific details, it is likely that remediation was required.

City Manager Keane indicated that it is unlikely that something else could be built at the site if remediation was required but not completed.

Mayor Pro Tem Connors asked if the proposed plan has looked into alternate entrances from El Toro Road to alleviate average daily trips on Moulton Parkway.

Mr. Harris discussed the existing two points of access to PA 7 from Moulton Parkway, near Via Campo Verde, and El Toro Road at the equestrian center. He suggested that there might be a request to move the El Toro Road entrance to provide straight-through access, should the land be expanded as part of the final plan.

Mayor Hack discussed his concerns with hydrology and flooding on El Toro Road. He suggested that the issue be addressed as part of any land development.

Mr. Harris acknowledged that engineering analysis would be required as part of the specific plan and that such analysis would be subject to approval by the City Engineer.

Mayor Hack noted that the issue has been looked at with previous projects, but he was not certain if it has been reviewed in light of development proposed.

Mayor Pro Tem Connors asked if it would be possible to provide a golf cart path from the Home Depot Center through PA 7 at Via Campo Verde, to enhance golf cart access to PA 2, PA 3 and PA 4. She stated that if the path begins and ends on public property, access would be provided to the general public.

Mr. Harris stated that the residents have proposed the idea; however, the issue would be subject to land use discussions and require coordination with the City and Home Depot.

LUDR Committee Member Heilbronner asked what the advantage would be, if any, to residents of Laguna Woods Village to build on the Urban Activities Center.

Mayor Hack stated that the City Council cannot comment on that type of issue at this time.

LUDR Committee Member Sortino asked if the designation of PA 7 as Light Industry would open it up to a non-Village use.

Mr. Harris stated that the land use goal is to provide flexibility and expansion capability for GRF facilities.

LUDR Committee Member Hatch asked for clarification if all of the proposed uses are for "in-house" use by Laguna Woods Village.

Mr. Harris responded that they are.

City Manager Keane clarified that the City cannot zone uses specific to the gated community. The City's action would allow the Village to determine if they keep, sell or lease their property.

Mayor Hack concurred with City Manager Keane.

Mayor Pro Tem Connors noted that the City would take action to allow a certain use of the property but it would be up to the owner to restrict the use of the property.

Mayor Hack thanked Ms. Newman and Mr. Harris for the presentation.

V. PUBLIC COMMENTS

Mayor Hack reiterated that comments pertaining to the previous presentation or any other comments, in general, can be made at this time.

Phyllis Walker, resident, stated that she was confronted by a coyote near her front door and she would like "extreme measures" to continue year-round to control the problem.

Pam Grundke, resident, responded to Mr. Heilbronner's earlier inquiry and stated that it is her understanding that the purpose of the uses proposed in the specific plan is to limit the uses for "in-house use." She thanked Bob Hatch and Ms. Newman for their assistance and response throughout the community outreach process.

VI. ADJOURN LAND USE AND DESIGN REVIEW COMMITTEE MEETING

Chair Lindstrom adjourned the Land Use and Design Review committee meeting at 2:56 p.m. to the next regularly scheduled meeting on September 8, 2011 at 9:00 a.m.

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

Recap

September 8, 2011
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

Present: Hamm, Hatch, Joss, Lindstrom, Loveder, Preli, Sortino, Straziuso

Absent: Heilbronner

III. COMMITTEE BUSINESS

A. Conditional use permit: Temporary Chain Link Fencing (CUP-740)

Following a presentation from City Planner Drassler, committee members discussed the Moulton/El Toro intersection widening and the proposed conditional use permit conditions. Permanent chain link fencing is not allowed if it can be seen from a public roadway. The Municipal Code allows the city manager to allow such fencing on a temporary basis for up to two years. If fencing will exceed that timeframe, a conditional use permit is required. The fence was installed by

the County to provide screening for the Village equestrian center until adjacent landscape has matured. It is anticipated that the fencing may be required for three years. The Committee discussed the aesthetics of the fence and the anticipated maturity of trees and shrubs and whether or not they will provide adequate screening. There was also some discussion about whether the City or the Village was the applicant for the conditional use permit – the application was signed by a GRF representative and commits them to maintain and remove the fence at the end of the permit. Upon a motion, the Committee recommended unanimously to propose approval of the conditional use permit to the City Council.

IV. PENDING PROJECT UPDATE

Assistant City manager Reilly provided an update on the Santa Maria Multi-modal trail and its pending closure for Village wall repairs. City manager Keane summarized the joint City Council-Land Use Committee meeting and noted that the City anticipates receiving an application from GRF for the Urban Activity Center specific plan prior to the end of the current calendar year.

V. COMMITTEE MEMBER COMMENTS

None

VI. PUBLIC COMMENTS

None

VII. ADJOURN

The next regularly scheduled meeting is October 13, 2011; regular meetings are subject to cancellation if there are insufficient agenda items.