

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

February 14, 2013
9:00 A.M.

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

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

I. CALL TO ORDER

II. ROLL CALL AND INTRODUCTION OF MEMBERS

III. ORIENTATION – discussion only

- A. Role of Committee
- B. Brown Act
- C. Conflicts of Interest – Economic and Land Use
- D. City Council Code of Ethics and Values

IV. COMMITTEE BUSINESS

- A. Change Plan CP-854: Modifications to Valencia Center

RECOMMENDED ACTION: Approve Change Plan CP-854 for the addition of a 305 square foot fenced outdoor dining area to the existing commercial building located at 24100 El Toro Road and re-configuring one section of angled parking to 90 degree parking with the addition of three golf cart parking spaces.

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

RECOMMENDED ACTION: Approve Change Plan CP-831 to an existing mono-pine cellular tower at 24141 Mouton Parkway to permit the replacement of three existing antennas and add three new antennas for a total of nine antennas, and upgrade the ground equipment to accommodate the new antennas.

- C. Committee Vice-Chair

RECOMMENDED ACTION: Elect a member to serve as Vice-Chair and act in the absence of the Chair.

- D. Landscape Subcommittee

RECOMMENDED ACTION: Appoint two members to the Landscape Subcommittee

- E. Greening the Woods Committee

RECOMMENDED ACTION: Appoint a liaison to the Greening the Woods Committee

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

VII. ADJOURN

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

What is the Brown Act?

Last year there was significant discussion about the Brown Act following the legislature's suspension of portions of the Act's requirements. Adoption of Proposition 30 in November re-enacted those sections that had been suspended.

The Brown Act is based on the philosophy that public agencies exist for the purpose of conducting public business, and the public has the right to know how its "collaborative decisions" are being made.

Who is Covered?

The legislative bodies (boards, commissions, councils and committees) of all public agencies are subject to Brown Act requirements, as are all elected and appointed members of these bodies when they act collectively. Employees and employee-formed committees are not covered, nor are elected and appointed officials when they are not acting collectively. "Local agencies" include cities, counties, school districts, special districts and municipal corporations. There are different and less restrictive requirements for the state legislature. "Legislative bodies" includes governing bodies and their subsidiary bodies, e.g., boards, commissions, committees and other bodies that are created by charter, ordinance, resolution or "formal action" of a legislative body. There is an exception for ad hoc or "non-standing" advisory committees that are composed of less than a quorum of the legislative body.

What is a Meeting?

Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate on any matter within its jurisdiction is considered a meeting. This can include lunches, social gatherings or retreats; however, there are exceptions for 1) conferences open to the general public that involve issues of interest to the body; 2) public meetings of other agencies; 3) meetings of committees and other bodies appointed by the public agency; and 4) social or ceremonial occasions, ***as long as a majority of the members in attendance do not discuss any issues related to their office.***

Serial meetings are included within the Brown Act prohibitions. A serial meeting is a series of communications, (whether in person, by phone, email or other media) each of which individually involves less than a quorum, but which, taken as a whole, involves a majority of the board's members and involves the business of the agency. Individual contacts between members of the public and board members are exempt from the definition of meeting.

Location of Meetings

The location of meetings must generally be within the geographic location of the public agency. There are some limited exceptions to inspect real property, conduct meetings of multi-agency significance, meet with state or elected officials, and if the agency has no meeting facility available. It is also possible for individual members to participate via telephone or video conference if certain conditions are met.

Notice and Agenda Requirements

Generally, public agencies must post an agenda containing a brief general description of each action or discussion item to be considered, including items to be considered at closed sessions, at least 72 hours prior to meeting. The purpose is to notify members of the public of discussion and action in which they may wish to participate.

If the agency maintains a website, the agenda and related materials must also be posted on the website. There are exceptions to the 72-hour notice for 1) emergencies (requires specific findings and majority vote); 2) need for immediate action arising after publication of agenda (requires findings and a 2/3-vote of the entire body); and 3) matters that have been carried over from a previous meeting that occurred no more than five days before.

Public Input

All agendas for public meetings must contain an opportunity for public testimony on matters listed and not listed on the agenda; however, the agency cannot take action on a matter raised if the item is not on its agenda. The agency may impose reasonable time limitations on comment periods. Members of the public may provide their name and contact information when voicing their opinions, but this cannot be required.

Closed-Session Meetings

The majority of the public agency's business must be conducted in a noticed, public meeting. There are the following closed session exceptions:

1. Personnel and labor negotiations – with the exception of salary, which must be discussed in public.
2. Actual, pending or exposure to litigation.
3. Real estate negotiations
4. Public security



City of Laguna Woods Conflicts of Interest

Conflict-of-interest laws are based on the notion that government officials owe paramount loyalty to the public and that personal and financial considerations should not be allowed to enter into the decision making process.

Financial Impact - Income

No public official may make, participate in making, or attempt to influence a governmental decision if the decision would have a material financial effect on him or herself, their immediate family or any of their economic interests.

Economic interest is defined as:

- Having any direct or indirect interest in real property worth \$2,000 or more
- Receiving \$500 or more in income
- Serving as a director, officer, partner, trustee, employee or in any management position
- Receiving \$340 or more in gifts in any 12 month period
- If the Council's action would cause any expense, income, asset or liability to change in the following 12 month period

Exceptions:

"Public generally" – the public official is not affected by a decision any more than the majority of the public within the jurisdiction.

"Legally required participation" – an action is required, the agency lacks a quorum without the member and there is no alternative means of making a decision other than for the member to participate.

Annual Financial Disclosure

Councilmembers must file economic disclosure statements upon election or appointment to office and annually thereafter. These reports identify:

- investments in business entities (e.g., stock holdings, owning a business, a partnership)
- Interests in real estate (real property)
- Sources of personal income, including gifts, loans and travel payments
- Positions of management or employment with business entities

Disclosure is made on a form called a "statement of economic interests" (Form 700). These forms are public information and must be made available to anyone who requests them. **Committee members are bound by conflict of interest regulations but need not fill out annual economic statements.**

Financial Impact – Contracts

Public officials may not have a financial interest in any contract made by any legislative body on which they are a member. A councilmember cannot simply recuse themselves from the decision; the legislative body is prevented from approving the contract.

Exception: "Remote interest" – the public official is:

- an officer/employee of non-profit corporation
- a board member who has been employed for more than three years by the company prior to his/her assuming office and the company has more than 10 employees
- a supplier of goods or services that have been provided to the agency for at least 5 years prior to his/her assuming office

Travel

State law strictly forbids elected and appointed officials from accepting free or discounted travel from transportation companies. This prohibition applies only if the travel was provided due to a person's position. If the discount is provided equally to all members of the public, there is no prohibition.

Incompatible Positions

An individual cannot be both a project applicant or applicant agent/representative and a member of the reviewing/approving body (city council or advisory committee).

Contact with Applicant Disclosure

The public has the right to be aware of all information provided to legislative bodies that may influence their decisions. If a member of a legislative body has a meeting or receives information about a project outside of the public process, all such information must be disclosed in a public meeting.

CITY OF LAGUNA WOODS

ADMINISTRATIVE POLICY 1.3

**CODE OF ETHICS AND VALUES – COUNCILMEMEBRS AND
COUNCIL APPOINTED ADVISORY COMMITTEE MEMBERS**

1.1.01 PURPOSE

The City Council of the City of Laguna Woods believes that city residents and businesses are entitled to responsible, fair and honest city government that operates in an atmosphere of respect and civility consistent with the Council's Mission Statement. Accordingly, the Council has adopted a code of ethics for itself and its advisory committee members to:

- A. Describe the standards of behavior to which its leaders aspire; and
- B. Provide an ongoing source of guidance to city officials in their day-to-day service to the city; and
- C. Promote and maintain a culture of ethics.

1.1.02 RESPONSIBILITY

- A. As a community leader, I serve with dignity and respect for my office and I am an agent of the democratic process.
- B. I avoid actions that might cause the public to question my independent judgment.
- C. I do not use my office or the resources of the city for personal or political gain.
- D. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its residents.

1.1.03 FAIRNESS

- A. I promote consistency, equity and non-discrimination in public agency decision-making.

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- B. I make decisions based on the merits of an issue, including research and facts.
- C. I encourage diverse public engagement in our decision-making processes and support the public's right to know.

1.1.04 RESPECT


I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

1.1.05 HONESTY

- A. I am honest with my fellow officials and members of the public.
- B. I am prepared to make decisions when necessary for the public's best interests, whether those decisions are popular or not.
- C. I take responsibility for my actions, even when it is uncomfortable to do so.

Adopted by City Council: December 21, 2005

**City of Laguna Woods
Agenda Report**

FOR: February 14, 2013 Land Use and Design Review Committee
TO: Chair and Committee Members
FROM: Brian Kurnow, Planning Manager 
Agenda Item: Change Plan (CP-854): Modifications to Valencia Center

Recommendation:

Approve Change Plan CP-854 for the addition of a 305 square foot fenced outdoor dining area to the existing commercial building located at 24100 El Toro Road and re-configuring one section of angled parking to 90 degree parking with the addition of three golf cart parking spaces.

Background:

On August 7, 1968 the building located at 24100 El Toro was approved by the County of Orange with Conditional Permit CP-1349 as a Belmont Savings and Loans bank. Subsequently in July of 2001 the bank use was discontinued and the building was split into multiple tenant spaces for retail and service related uses. Currently unit B is vacant and the applicant is proposing to add an outdoor dining area in front of the unit to make it more attractive to future dining establishments.

Discussion:

The subject property's land use designation is Commercial and zoning designation is Community Commercial. The proposed alterations are for the building at 24100 El Toro Road which is a multi-tenant building. In an effort to make the vacant tenant space more attractive to future eating establishments the applicant is proposing the addition of a 305 square foot outdoor dining area directly connected to unit B.

The subject property is surrounded by commercial uses located in City of Laguna Woods and City of Laguna Hills.

| Location | Land Use Designation | Land Use |
|----------|----------------------|-----------------|
| North | Commercial | Bank |
| South | Commercial | Shopping Center |
| East | City of Laguna Hills | Gas Station |
| West | Commercial | Shopping Center |

Overview of Alterations

The applicant is proposing an outdoor dining patio which will be connected directly to unit B with direct access into the unit. The interior space of unit B will remain unchanged with a total square footage of 1,416 square feet. The outdoor dining patio will add 305 square feet of area, increasing the square footage to a total of 1,721 square feet. As a restaurant use, the increase in square footage requires three additional parking spaces in accordance with the City of Laguna Woods Municipal Code.

The outdoor dining area is proposed in the current walkway area adjacent to Paseo De Valencia. The scope of the alterations includes:

- A 305 square foot fenced outdoor dining area
- Re-grading of the walkway area around the proposed dining area
- A new staircase to maintain direct access to Paseo De Valencia
- A minor reduction in the existing landscaped area fronting Paseo De Valencia
- Modification to one row of parking in order to accommodate three additional golf cart parking spaces, with a minor reduction in parking lot landscaping

The alterations have been designed to maintain proper accessibility from the parking lot and public sidewalk areas.

Outdoor Dining Area

The outdoor dining area is located adjacent to unit B fronting Paseo De Valencia enclosed with 3 foot high fencing composed of steel posting and stainless steel aircraft cable railing. The minimum clearance around the dining area is 6 feet to maintain proper access along the sidewalk area and will maintain a slope of no more than 5%. To maintain this maximum slope minor grading will be required and will result in the installation of a small staircase providing direct access from Paseo De Valencia. A new door into the tenant space is also proposed with the Change Plan to provide direct access from unit B into the outdoor dining area.

The fencing around the dining area is being installed to comply with Alcoholic Beverage Control (ABC) regulations in the event a future tenant is interested in on-site alcohol sales. Please note, alcohol sales are not proposed with this application and will require a Conditional Use Permit (CUP).

The re-configuration of the walkway area will reduce the landscaped area in front of the building by approximately 130 square feet. The proposed alterations to the landscaping are compatible with the existing landscaping.

Parking Lot Area

The applicant has accommodated for the three additional parking spaces in the existing parking lot area to the west of the building. One row of parking has been altered from angled parking to 90 degree parking which has allowed for the addition of three golf cart spaces counted towards the parking requirement. As a result of the re-configured parking area there will be a small reduction of parking lot landscaping of approximately 65 square feet. The proposed alterations to the landscaping are compatible with the existing landscaping.

Environmental Review:

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

Conclusion:

The proposed improvements are compatible with the City's land use and zoning designations. The outdoor dining area as proposed will allow for additional seating and is intended to improve the quality of the tenant space located at the subject property. Additionally, the area has been designed in a way to accommodate proper accessibility and be harmonious in design with the existing building and landscaped areas. Approval by the Land Use Committee would allow this project to proceed to the building permit stage and does not require City Council approval.

Approved by:


Leslie Keane, Community Development Director

CONDITIONS OF APPROVAL
CP-854

GENERAL PROJECT CONDITIONS

This permit (Change Plan CP-854) is issued for the addition of a 305 square foot fenced outdoor dining area at 24100 El Toro Road and re-configuring one section of angled parking to 90 degree parking with the addition of three golf cart parking spaces. 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 February 14, 2013.

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 constitute grounds for revocation of said permit by the Community Development Director.
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 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 grading, foundation, or building permit for structural construction shall be a minimum requirement for 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. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Laguna Woods City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail.
7. 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.
8. 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

9. 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.
10. 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 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/she may approve the changed plan without requiring a new public hearing.

11. 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.
12. 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.

PLANNING SPECIAL CONDITIONS

13. The applicant shall ensure that all appropriate accessibility standards are met including providing the proper path of travel from both the parking lot and public right-of-way.
14. The outdoor dining area must be properly maintained and ensure that there is no debris left by patrons of the establishment.


STORMWATER CONDITIONS

15. The applicant, or 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.
16. The City retains the right to inspect the premises for compliance with the City's storm water programs and NPDES permit requirements.

FIRE CONDITIONS

17. Prior to the issuance of a grading or building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."
18. Prior to the issuance of a building permit, the applicant shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire Authority Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.
19. 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: February 14, 2013 Land Use and Design Review Committee
TO: Chair and Committee Members
FROM: Brian Kurnow, Planning Manager 
Agenda Item: Change Plan CP-831: Modifications to Existing Wireless Facility (El Toro Water District Monopine)

Recommendation:

Approve Change Plan CP-831 to an existing mono-pine cellular tower at 24141 Mouton Parkway to permit the replacement of three existing antennas and add three new antennas for a total of nine antennas, and upgrade the ground equipment to accommodate the new antennas.

Background:

On July 19, 2000, the City Council approved CUP 00-03 allowing Sprint Wireless to construct a 60' high mono-pine wireless tower with 12 panel antennas on property owned by El Toro Water District. Since initial installation there have been four modifications to this facility:

- CUP-33 (July 17, 2002) – authorized co-location of six AT&T antennas on the mono-pine.
- CUP-286 (July 15, 2006) – authorized Cingular Wireless (who had since acquired AT&T Wireless) to co-locate three additional antennas on the mono-pine.
- CUP-325 (September 20, 2006) – authorized co-location of 6 antennas owned by Royal Street.
- CUP-580 (December 2, 2009) – authorized the relocation of two antennas and addition of three new antennas and three new microwave dishes for Sprint/Nextel.

- CP-814 (August 9, 2012) – authorized the replacement of nine existing antennas with twelve new antennas and an increase in height to the existing equipment storage enclosure for AT&T Wireless.

The applicant, Sprint is requesting a Change Plan to replace and expand the number of antennas originally approved with CUP 00-03.

In early 2012, the legislature adopted the Middle Class Tax Relief and Job Creation Act, which among other provisions modified local governments’ ability to regulate wireless communications facilities. Current City regulations require a conditional use permit for modifications to existing facilities; the new federal regulations exempt addition of new antennas or transmission equipment and the removal or replacement of existing antennas or transmission equipment from local discretionary review. Although the new law leaves some room for interpretation and the FCC is currently drafting specific regulations, staff believes that this proposed modification to the mono-pine falls is subject to the new exemption. Therefore, rather than a conditional use permit, the applicant has submitted a change plan request.

Discussion:

The existing mono-pine utilizes a stealth design in camouflaging the structure to simulate a pine tree that blend with other trees onsite. In Addition, an approximately 21 foot high earthen berm screens the antenna structure and related equipment cabinets. As a result, only the upper two-thirds (approximately 40 foot) of the mono-pine can be seen from the public right of way.

The wireless facility is surrounded by property designated open space and community commercial.

| Location | Land Use designation | Land Use |
|-----------------|-----------------------------|--|
| North | Open Space | City Centre Park Location- Gate 12 |
| South | Community Commercial | Laguna Hills Animal Hospital |
| East | Community Commercial | Extra Space Self-Storage Facility and Arco Station |
| West | Community Commercial | Town Centre Development |

As currently existing, Sprint maintains three sectors of two panel antennas (six panel antennas total) at 55’1” on center. As proposed, the applicant would relocate

3 existing antenna panels and add three new antenna panels (at the 55'1" level) on the upper portion of the mono-pine structure. Each new antenna panel is 6 feet tall, 12 inches wide and 7 inches deep and is capable of sending and receiving signals.

In addition, the wireless facility will continue to have capabilities for GPS (Global Positioning System) and is part of the 911 emergency systems. New antennas will have 4G and 3G capabilities opposed to the current antennas which only have 3G capabilities.

The proposed antennas will be installed at the same location on the mono-pine as the existing antennas, and there will be no increase in height to the mono-pine. All proposed panel antennas will be camouflaged with "pine needle antenna socks" to blend in with the simulated tree and reduce visual obtrusiveness, thus minimizing the aesthetic impact to the residents of Laguna Woods.

The equipment enclosure will remain in the same foot print but will be outfitted with new ground equipment. The enclosure will remain to be properly screened from view as it is located behind an existing 21 foot high berm.


Environmental Review:

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

Conclusion:

The expansion of the proposed wireless telecommunication facility intended to improve cellular service for Sprint customers within the City of Laguna Woods and adjacent areas. The additional antennas have been designed to match the existing site conditions and camouflage and will not result in any significant visual impacts. The original conditions of approval from the previous Conditional Use Permits remain in effect. Approval by the Land Use Committee would allow this project to proceed to the building permit stage and would not require City Council approval.

Approved by:



Leslie Keane, Community Development Director

CONDITIONS OF APPROVAL
CP-831

GENERAL PROJECT CONDITIONS

1. This permit (Change Plan CP-831) is issued for the expansion of the existing wireless facility co-location approved by CUP00-03 on July 19, 2000. 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 February 14, 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 constitute grounds for revocation of said permit by the Community Development Director.
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. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another.
5. 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 grading, foundation, or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit.

6. 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.
7. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Laguna Woods City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail.
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 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/she may approve the changed plan without requiring a new public hearing.

12. 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.
13. 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.

PLANNING SPECIAL CONDITIONS

14. Prior to issuance of a building permit, the applicant shall incorporate the following information on the final approved architectural plans:
 - a. All existing and proposed panel antennas shall be camouflaged with "pine needle antenna socks"

WIRELESS PERMIT CONDITIONS

15. The City may require modification or removal of wireless antenna facilities for various reasons such as, but not limited to, changes in technology, safety hazards or new environmental concerns, etc. All costs of installation, modification to and removal of wireless antenna facilities and related equipment shall be borne by the applicant, whether required by the City or otherwise.
16. The applicant and applicant's successors in interest shall cease operation of this facility, upon expiration of a 24-hour cure period, should it cause interference with the City or City agent's Public Safety radio equipment. Failure to cease operation will result in automatic suspension of the permit and grounds for revocation by the Community Development Director.

17. The proposed facility shall not bear any signs or advertising devices except those required for certification, public safety, warning or other required seals or signage.
18. The facility shall not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agency.
19. The applicant and applicant's successors in interest shall be required to completely dismantle and remove the proposed antennas and equipment cabinets, if abandoned for a period of six months or more.
20. A Radio-Frequency testing report shall be provided after the initial installation. At the time a Temporary Certificate of Occupancy will be issued and then once the site is operable, an additional report shall be submitted within 45 days to demonstrate that the facility is in compliance with government safety standards.
21. The applicant and applicant's successors in interest shall submit to a post-installation test to confirm that the facility does not interfere with the City of Laguna Woods Public Safety radio equipment (including contract services). This test will be conducted by the Communications Division of the Orange County Sheriff's Department or a Division-approved contractor at the expense of the applicant. Proof of compliance shall be provided the Community Development Director.
22. The applicant and applicant's successors in interest shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and e-mail address of that person shall be provided to the Communications Division of the Orange County Sheriff's Department.

STORMWATER CONDITIONS

23. The applicant, or 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.

24. The City retains the right to inspect the premises for compliance with the City's storm water programs and NPDES permit requirements.

FIRE CONDITIONS

28. Prior to the issuance of a grading or building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."
29. Prior to the issuance of a building permit, the applicant shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire Authority Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.
30. 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.