

AGENDA

LAND USE AND DESIGN REVIEW COMMITTEE

November 8, 2012
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. Patio Enclosure Window Regulations

RECOMMENDED ACTION: Discuss allowing installation of dual pane windows in current and new patio enclosures, and recommend approval of modifications to Chapter 10.08 of the Laguna Woods Municipal Code to the City Council.

B. Temporary Signs Enforcement

RECOMMENDED ACTION: Discuss clarifying temporary sign enforcement regulations and recommend approval of modifications to Chapter 13.20 of the Laguna Woods Municipal Code to the City Council.

C. Committee Term and Reappointment

RECOMMENDED ACTION: This is an informational item only; no action will be taken.

IV. PENDING PROJECT UPDATE

- A. Moulton Parkway Smart Street – Phase II
- C. City Hall Exterior Renovations
- D. El Toro/Aliso Creek Intersection Improvements – Phase II
- E. Soliciting Regulations
- F. Occupancy Permits
- G. Modifications to Inclusionary Housing Regulations

V. COMMITTEE MEMBER COMMENTS

VI. PUBLIC COMMENTS

VII. ADJOURN

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

RECAP

LAND USE AND DESIGN REVIEW COMMITTEE

September 13, 2012
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: Doran, Glick, Hatch, Heilbronner, Joss, Lindstrom, Preli, Schneider, Sortino

Absent: Hamm

III. COMMITTEE BUSINESS

- A. Conditional Use Permit application CUP-745 – AT&T Wireless expansion on the Rossmoor Towers at 24055 Paseo del Lago.

The Committee heard the staff presentation by planner Brian Kurnow. The report acknowledged that while minor modifications to cell phone towers no longer require a conditional use permit (CUP), AT&T Wireless had already filed the CUP prior to the change in the law. Upon a motion, the Committee unanimously recommended that the City

Council approve CUP-745 subject to the recommended conditions of approval.

B. Initial Study/Negative Declaration ND 12-02 – Aliso Creek Pedestrian Bridge and Service Road Re-Construction.

The Committee heard the staff presentation by planner Brian Kurnow. In response to questions, staff explained that:

- ❖ The site of the improvements is entirely on private property and no City property or right of way is involved.
- ❖ The reason for the conduct of the initial study, which found that the appropriate environmental documentation to be a negative declaration instead of a categorical exemption, was that the new bridge was moved twenty feet from the original bridge location, a 140-foot long section of the service road was being removed and reconstructed, and Aliso Creek is an environmentally sensitive blue line stream that requires heightened scrutiny.

Upon a motion, the Committee unanimously recommended that the City Council approve ND 12-02.

IV. PENDING PROJECT UPDATE

A. Moulton Parkway Smart Street – Phase II – The County put the project out to bid on September 12, bids are due on October 10 and construction is still planned for early 2013.

C. City Hall Exterior Renovations – This project is underway, with most work being done initially on Saturdays to avoid noise interruptions during the week; the project will last through mid-November.

D. El Toro/Aliso Creek Intersection Improvements – Phase II – The project is underway and the contractor will focus initially on excavating the hillside along El Toro Road westbound and installing footings for a retaining wall; the two westbound lanes of traffic will be kept open during construction.

V. COMMITTEE MEMBER COMMENTS

None.

VI. PUBLIC COMMENTS

None.


VII. ADJOURN

The next regularly scheduled meeting is October 11, 2012; meetings may be cancelled if there is a lack of agenda items.

City of Laguna Woods Agenda Report

FOR: November 8, 2012 Land Use and Design Review Committee Meeting

TO: Chair and Committee Members

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Patio Enclosure Window Regulations

Recommendation

Discuss allowing installation of dual pane windows in current and new patio enclosures, and recommend approval of modifications to Chapter 10.08 of the Laguna Woods Municipal Code to the City Council.

Background

Every three years the California Building Standards Commission (BSC) updates the California Codes governing construction practices in the State of California. Affected state agencies review these codes, and the BSC adopts them in the California Administrative Code, Title 24. After the state Code is published, every city and county throughout the state has an opportunity to adopt the Codes with more stringent local amendments based on local geological, topographical and/or climatic conditions. The Codes contain both mandatory elements and appendices which are optional.

In November 2010, the City adopted the most recent Building Codes, with appropriate modifications related to the unique circumstances of the county and city. These codes included prohibition against the installation of dual pane windows in patio enclosures. This prohibition, contained in Appendix I, Section I101.1, was based on concerns about energy savings and stability of the enclosure structures.

At its October 17, 2012 meeting, the City Council approved introduction of an ordinance that would allow dual pane windows in patio enclosures. A public hearing on this proposal has been scheduled for November 14, 2012.

Discussion

Many residents have installed dual pane windows in their homes – including patio enclosures - to improve energy efficiency. The City Building Official has reviewed standard plans for building enclosures and believes that the stability/load concern is no longer valid and that dual windows can be accommodated safely in patio enclosures. Although dual pane windows installed in patio enclosures may not provide the energy efficiency expected by property owners due to the construction type and lack of installation, they do provide some energy savings and contribute to the overall aesthetic consistency of structures in which other dual pane windows have been installed.

Since appendices to the state Building Code need not be adopted by local agencies, no findings of a unique local condition are required for their deletion and no notification to the state Building Standards Commission of the modification is required.

Conclusion

The City is required to adopt the California Building Code as is or with more stringent requirements; however, appendices to the code are considered optional. Since the prohibition against dual pane windows is found in an appendix to the state code, the City may revise its Building Code to allow this type of window. The City Council will consider adoption of this revision following a public hearing at its November 14, 2012 meeting. If the proposal is adopted, new regulations will become effective in mid-December.

Attached: Proposed ordinance

ORDINANCE NO. 12-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 10.08, OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO WINDOW REQUIREMENTS IN PATIO ENCLOSURES

WHEREAS, Health and Safety Code Section 17922 requires that, except as otherwise specifically provided by law, local agencies must adopt by reference the regulations contained in Title 24 of the California Code of Regulations, as adopted, amended, or repealed from time; and

WHEREAS, regulations found within appendices of Title 24 are not mandated by the state; and

WHEREAS, the Laguna Woods Building Official has recommended that the City consider a modification to building regulations associated with patio enclosures that would allow the installation of dual pane windows.

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

SECTION 1. **Modification to Existing Code Section**

Chapter 10.08.240 of the City of Laguna Woods Municipal Code (California Building Code, Appendix I, Section I101.1 amended) is hereby modified to read in its entirety as follows:

I101.1 General. Patio covers shall be permitted to be detached from or attached to *dwelling units*. Patio Covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms. Openings shall be permitted to be enclosed with insect screening, approved translucent or transparent plastic not more than 0.125 inch (3.2 mm) in thickness, glazing conforming to the provisions of Chapter 24, or any combination of the foregoing. Multiple glazing may be allowed when meeting the requirements of all other sections of this code.

SECTION 2. **Effective Date**

This Ordinance shall take effect and be in full force and operation thirty (30) days after the second reading of the adopted ordinance.

SECTION 3. 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 of 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 4. City Clerk’s Certification.

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

PASSED, APPROVED AND ADOPTED this *** day of **** 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

ITEM III-A

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 12-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ** day of *** 2012, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ** day of *** 2012 by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:


ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

City of Laguna Woods Agenda Report

FOR: November 8, 2012 Land Use and Design Review Committee Meeting

TO: Chair and Committee Members

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Temporary Sign Enforcement

Recommendation

Discuss clarifying temporary sign enforcement regulations and recommend approval of modifications to Chapter 13.20 of the Laguna Woods Municipal Code to the City Council.

Background

Municipal Code Chapter 13.20 Section contains regulations for temporary signs. These regulations anticipate that: 1) illegal signs on public property can be removed and fines issued immediately and 2) fines can be levied immediately for illegal signs on private property, but the signs themselves must be removed by the sign or property owner. Staff has established an enforcement policy which allows for warnings prior to the issuance of fines for signs on both public and private property. At its October 17, 2012 meeting, the City Council approved introduction of an ordinance that would exempt temporary signage from California Government Code requirements regarding Zoning Code violations. A public hearing on this proposal has been scheduled for November 14, 2012.

Discussion

The City's temporary sign regulations are found in its zoning code. Generally, state law establishes that code enforcement of zoning code violations requires a five day "notice to correct" period prior to issuance of a citation and subsequent fines. With respect to temporary signs, strict interpretation of this requirement could allow sign proponents to put up illegal signs repeatedly for five day periods, and the City would

have no ability to remove – or have removed – illegal signs or to issue citations. Although the City Attorney’s Office believes that temporary signs are not subject to the five day requirement, they have suggested the addition of language that would clarify the City’s right to require immediately removal of temporary signs.

Conclusion

Existing regulations prohibiting certain types of temporary signage are found in the City’s Zoning Code. Generally, Zoning Code regulations require certain notice periods prior to citation issuance. The proposed ordinance would exempt temporary signage violations from these notice requirements. The City Council will consider adoption of this revision following a public hearing at its November 14, 2012 meeting. If the proposal is adopted, new regulations will become effective in mid-December.

Attached: Proposed ordinance

ORDINANCE NO. 12-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO TEMPORARY SIGN REGULATIONS

WHEREAS, the City Council of the City of Laguna Woods wishes to protect and preserve the quality of the residential and commercial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and

WHEREAS, on March 16, 2011, the City Council adopted Ordinance 11-04 which enacted a new Chapter 13.20 to the Laguna Woods Municipal Code relating to signs; and

WHEREAS, the City desires to amend Chapter 13.20 of the Laguna Woods Municipal Code by adding specific language that will clarify standards; and

WHEREAS, Section 1.02.060 of the Laguna Woods Municipal Code prescribes a method of repealing, amending, and adding portions of the Laguna Woods Municipal Code, which shall be made by Ordinance.

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

SECTION 1. Section 13.20.160 of Chapter 13.20 of the Laguna Woods Municipal Code is hereby repealed as follows:

~~Sec. 13.20.160. — Enforcement.~~

~~(a) *Consecutive violations.* Each day in which a violation occurs and each separate sign in violation of this chapter shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith.~~

~~(b) *Illegal signs.* Any sign that does not have a required permit or otherwise violates this chapter shall be deemed illegal. If the City Manager determines a sign to be illegal, he/she may order the property owner and/or sign owner to remove the sign or may require such other actions to ensure compliance with this chapter.~~

~~(c) *Signs on City property.* The City Manager may remove any illegal signs on City property summarily and without prior notice. Illegal signs may be disposed if they are not claimed within five working days of removal.~~

~~(d) *Signs on private property.* The City Manager may order the property owner and/or sign owner to remove any illegal signs on private property or may require such other actions to ensure compliance with this chapter. Upon failure to comply with a removal order from the City Manager, the City Manager may exercise the nuisance abatement process described in this Code to remove illegal signs. Illegal signs may be disposed if they are not claimed within ten working days of removal.~~

~~(e) *Fees.* The City Council may establish by resolution fees as are necessary and reasonable to cover the cost of removing and storing illegal signs. Such fees shall be collected at the time of claim. The City Manager is authorized to use collection proceedings to recover uncollected fees after the claim period has ended.~~

~~(f) *Liability.* Neither the City nor any of its agents shall be liable for any damage to a sign which is removed under this section.~~

~~(g) *Non-exclusive remedies.* Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the City Manager to seek cumulative remedies. The remedies available to the City pursuant to this Code and chapter, including but not limited to removal authority, shall not limit the right of the City to seek any other remedy that may be available by law.~~

~~(Ord. No. 11-04, § 4, 3-16-2011)~~

SECTION 2. A replacement Section 13.20.160 of Chapter 13.20 of the Laguna Woods Municipal Code is hereby added to read as follows:

Sec. 13.20.160. - Enforcement.

(a) *Illegal signs.* Any sign that does not have a required permit, or otherwise violates this chapter, shall be deemed illegal.

(b) *Administrative Fines.* If the City Manager determines a sign is illegal, he/she may impose an administrative fine against the property owner, the sign owner, or both in accordance with chapters 1.04 and 1.06 of this Code. Consistent with section 1.04.010(i)(5) of this Code, any violation of this chapter may be deemed to be an infraction and may be punished as such, notwithstanding the fact that, at the discretion of the District Attorney, any violation of this chapter may be filed as a

misdemeanor. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction. Notwithstanding section 1.06.040(b) of this Code and section 53069.4(2)(a) of the California Government Code, the City Manager may impose an administrative fine against the owner of an illegal temporary sign, the owner of the property where an illegal temporary sign is displayed, or both without providing said owner(s) with prior notice of violation and/or a correction period.

(c) *Abatement.*

(1) *Signs on private property.* The City Manager may order a property owner and/or sign owner to remove any illegal signs on private property. Upon failure to comply with a removal order from the City Manager, the City Manager may exercise the nuisance abatement process described in Title 1, sections 1.08.030 through 1.08.140 of this Code to remove illegal signs. Abated signs shall be retained at City Hall for a period of not less than ten (10) working days, after which the signs shall be considered abandoned, and may be discarded by the City.

(2) *Signs on City property.* To advance the City's interests in improving traffic safety and/or the appearance of the City, the City Manager may remove any illegal signs located within the public right-of-way or on public property immediately, without prior notice to the sign owner. Abated signs shall be retained at City Hall for a period of not less than ten (10) working days, after which the signs shall be considered abandoned, and may be discarded.

(d) *Enforcement Fees.* Should the City be required to remove any illegal or abandoned signs, the reasonable cost of such removal shall be assessed against the owner of such signs. The cost of removal shall be established by a Resolution of the City Council. The City Manager is authorized to use collection proceedings to recover uncollected fees.

(e) *Consecutive Violations.* Each separate sign in violation of this chapter and each day in which a violation occurs and shall constitute a separate violation of this chapter punishable by separate enforcement fees and/or administrative fines.

(f) *Liability.* Neither the City nor any of its agents shall be liable for any damage to a sign which is removed under this section.

(g) *Non-exclusive remedies.* Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the City Manager to seek cumulative remedies. The remedies available to the City pursuant

to this Code and chapter, including but not limited to removal authority, shall not limit the right of the City to seek any other remedy that may be available by law.

SECTION 3. Effective Date.

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

SECTION 4. 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 of 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 5. City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this ** day of **** 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 12-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ** day of *** 2012, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ** day of *** 2012 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk