



AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
March 20, 2013
2:00 P.M.**

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

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action. Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 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. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: ☐ Connors ☐ Hack ☐ Hatch
☐ Robbins, Mayor Pro Tem ☐ Ring, Mayor

IV. PRESENTATIONS

None

V. CITY COMMENDATIONS AND PROCLAMATIONS

5.1 Proclamation – National Donate Life Month, April 2013

5.2 Proclamation – Amateur Radio Appreciation Month, April 2013

VI. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the February 20, 2013 special meeting, February 20, 2013 regular meeting and the March 6, 2013 special meeting.

6.2 Approve the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Reports

RECOMMENDED ACTION: Receive and File the February 2013 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the March 20, 2013 Warrant Register in the amount of \$533,103.00.

6.5 Code Enforcement Services

RECOMMENDED ACTION: Authorize the City Manager to execute a one year agreement with Charles Abbott Associates, Inc. for as needed code enforcement services for the 2013-2014 fiscal year, subject to approval as to form by the City Attorney.

6.6 City Hall Low Impact Development Retrofit Project

RECOMMENDED ACTION: Authorize the City Manager to execute an agreement with obrARCHITECTURE, Inc. for architectural and engineering services for the City Hall Low Impact Development Retrofit Project, in an amount not to exceed \$71,820, subject to approval as to form by the City Attorney.

6.7 Audit Ad Hoc Committee

RECOMMENDED ACTION: Appoint Mayor Ring and Mayor Pro Tem Robbins to an ad hoc audit committee.

VII. PUBLIC HEARINGS

7.1 Reasonable Accommodations for Persons with Disabilities

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Adopt an ordinance establishing a policy with respect to reasonable accommodations for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR
REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES

VIII. CITY COUNCIL

None

IX. CITY MANAGER

9.1 Moulton Parkway Improvements

RECOMMENDED ACTION: Approve a Memorandum of Understanding between the City and the Golden Rain Foundation regarding modifications to the Moulton Parkway Smart Street project; and authorize the City Manager to execute the agreement, subject to minor modifications and approval as to form by the City Attorney.

9.2 Density Bonus Regulations

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance modifying the City's density bonus regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING CHAPTER 13.26 OF THE
LAGUNA WOODS MUNICIPAL CODE PERTAINING TO
RESIDENTIAL DENSITY BONUS STANDARDS

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

10.2 Orange County Library Board (Mayor Pro Tem Robbins)

10.3 Orange County Fire Authority (Councilmember Hatch)

10.4 Southern California Water Committee (Councilmember Hack)

10.5 Coastal Greenbelt Authority (Councilmember Connors)

10.6 Vector Control District Board (Mayor Pro Tem Robbins)

XI. PUBLIC COMMENTS

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

State law requires Councilmembers to provide a report on all meetings or events they attend for which the City pays fees, travel or other expenses. These are informational reports and no action is taken on the item.

A. Water Advisory Committee of Orange County, February 1, 2013 and
March 1, 2013: Councilmember Hack

12.2 Other Meetings, Comments and Announcements

XIII. CLOSED SESSION

None

XIV: ADJOURNMENT

The meeting will be adjourned to 2:00 p.m. on Wednesday, April 17, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

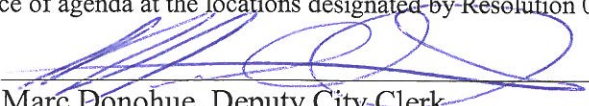
AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

AGENDA: The City Council agenda and agenda back-up materials are available from the Office of the City Clerk, after 4:30 p.m., on the Friday prior to the City Council meeting. The office of the City Clerk is located at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Copies of the agenda are provided at no cost. Agenda back-up materials are available at City Hall for inspection and copies are available at no charge prior to the meeting. A per page copy cost does apply after the meeting. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made to the City Clerk in writing. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The City of Laguna Woods mailing address is 24264 El Toro Road, Laguna Woods, CA 92637. Phone: (949) 639-0500, FAX (949) 639-0591.

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

Date

3/14/13


Marc Donohue, Deputy City Clerk

5.1
PROCLAMATION
NATIONAL DONATE LIFE MONTH,
APRIL 2013

Proclamation City of Laguna Woods

National Donate Life Month April 2013

WHEREAS, as Americans we can demonstrate our commitment to one another in the most difficult of circumstances through organ, tissue, stem cell and blood donations; and

WHEREAS, over 100,000 Americans wait for donation from the Organ Procurement and Transplantation Network and for many help will not come fast enough; and

WHEREAS, a single individual's donation of organs can save up to eight lives; and the donation of tissue can save and enhance the lives of up to 50 others and a single blood donation can help three people in need; and

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim April 2013 as "National Donate Life Month" in the City of Laguna Woods and does suggest that residents consider designating themselves as organ, eye and/or tissue donors.

Dated this 20th day of March, 2013.

Robert Ring
Mayor

Attest: Marc Donohue
Deputy City Clerk

5.2
PROCLAMATION
AMATEUR RADIO APPRECIATION MONTH
APRIL 2013

Proclamation

City of Laguna Woods

Amateur Radio Appreciation Month

April 2013

WHEREAS, Amateur radio operators have a long standing tradition of supporting their communities, responding to emergencies, and training the next generation of knowledgeable and experienced communications volunteers; and

WHEREAS, in times of crisis that render other forms of communication unavailable, amateur radio operators relay critical emergency information; and

WHEREAS, the City of Laguna Woods Radio Amateur Communications Emergency System (RACES) Team has committed countless volunteer hours training and assisting with emergency drills and election communications in the City; and

WHEREAS, Amateur Radio Month will acknowledge the contributions the Laguna Woods RACES Team and other local radio operators make to the city, the county and the nation as a whole;

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim April 2013 as Amateur Radio Appreciation Month and encourages residents to learn more about amateur radio and recognize the contributions amateur radio operators make, both in times of crisis and in times of peace.

Dated this 20th day of March, 2013

Robert Ring, Mayor

Attest: Marc Donohue, Deputy City Clerk

6.1-6.7
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: March 20, 2013 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager
Agenda Item: Consent Calendar

Recommendation:

Approve all proposed actions on the March 20, 2013 Consent Calendar by single motion and Council action.

Discussion:

In general, the Consent Calendar contains routine matters or matters that have already been discussed by Council. It is adopted in total with a single motion and Council action. However, if any councilmember or member of the public has questions or wishes to discuss an item further, it may be removed from the Consent Calendar and placed later in the agenda for discussion and action. The way to remove an item from the Consent Calendar is to request its removal, by agenda item number, immediately prior to the adoption of the Consent Calendar. Members of the public may fill out a request to speak on the item they wish removed and the City Clerk will note the item. No reason need be given with the request. Items pulled from the Consent Calendar are not discussed at the time they are pulled; they are scheduled for discussion immediately after action on the balance of the Consent Calendar.

The March 20th Consent Calendar contains the following seven items:

- 6.1 Approval of the minutes from the February 20, 2013 regular and the February 20, 2013 and March 6, 2013 special City Council meetings, as submitted.

ITEMS 6.1 – 6.7

- 6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.
- 6.3 Approval of a motion to receive and file the February 2013 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of February, the City had approximately \$8.2 million in cash on hand and in other liquid assets.
- 6.4 Approval of the March 20, 2013 Warrant Register, as submitted, in the total amount of \$533,103. A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.
- 6.5 Authorization for the City Manager to execute a one year agreement with Charles Abbott Associates, Inc. (CAA) for code enforcement services. CAA has provided as needed code enforcement services to the City since January 2013 when the City's code enforcement division was reorganized. CAA was selected at that time to provide these services on a temporary basis due to their existing agreement with the City for water quality enforcement and consulting services. The proposed extension through the end of the 2013-2014 fiscal year will allow the City time to solicit proposals for both code enforcement and water quality services prior to June 30, 2014. Staff believes that combining the two services will yield the most competitive and cost effective proposals.
- 6.6 Authorization for the City Manager to execute an agreement with obrARCHITECTURE, Inc. for architectural and engineering services related to the City Hall Low Impact Development Retrofit Project, in an amount not to exceed \$71,820. The City issued a Request for Proposal (RFP) for these services on January 18, 2013 and six proposals were received. After a review of the proposals and interviews with four of the proposers, obrARCHITECTURE, Inc. was selected due to their cost effectiveness, understanding of the project scope, and previous experience designing green roofs.
- 6.7 Appointment of an ad hoc Council committee consisting of the Mayor and Mayor Pro Tem for the purpose of communicating with the City Auditors

ITEMS 6.1 – 6.7

regarding the Fiscal Year 2011-12 annual audit prior to and upon completion.

The above matters are routine and/or have been reviewed by the Council on other occasions. Staff recommends that they be approved as part of the March 20, 2013 Consent Calendar.

If you have questions about any of the above items, feel free to call me prior to the meeting so that I may provide additional information.

6.1
MINUTES

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
SPECIAL MEETING
February 20, 2013
12:00 P.M.

I. CALL TO ORDER

Mayor Ring called the Special Meeting of the City Council of the City of Laguna Woods to order at 12:00 p.m.

II. FLAG SALUTE

Mayor Ring led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Public Safety
 Director Macon; Deputy City Clerk Donohue; City Attorney
 Cosgrove

IV. CLOSED SESSION

The City Council met in closed session to confer with legal counsel, pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location: Along the east and west sides of Moulton Parkway in the vicinity of
 Santa Maria Avenue.

City Negotiator: Leslie A. Keane

Negotiating Party: Golden Rain Foundation

Under Negotiation: Instructions to negotiator regarding terms

At the close of the meeting, City Attorney Cosgrove announced that there was no reportable action taken in the meeting.

V. PUBLIC COMMENT

None

XII. ADJOURNMENT

The meeting was adjourned at 2:00 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday February 20, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

MARC DONOHUE, Deputy City Clerk

Adopted: March 20, 2013

ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
February 20, 2013
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Linda, resident, led the flag salute.

III. ROLL CALL

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

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Public Safety
 Director Macon; Deputy City Clerk Donohue; City Attorney
 Cosgrove

IV. PRESENTATIONS

- 4.1 Orange County Transportation Authority: I-5 widening project (south of El Toro Road to State Route 73/San Joaquin Hills Transportation Corridor).

Julie Taoledo, Community Relations Specialist and Hamid Torkamanha, Project Manager for Orange County Transportation Authority (OCTA), presented a power point presentation of the proposed project. They provided reasons why the project should move forward and what benefits it contains. The project is scheduled to begin in 2018, with completion by 2022.

Councilmember Hack stated that if you increase the number of lanes, the amount of traffic will also increase. With that said, he asked about the timeline of the project, plans for the area of San Juan Capistrano going south and if the road is going to be moving east.

Mr. Torkamanha responded that OCTA has another project that will extend the carpool lanes from San Juan Capistrano to Dana Point and San Clemente. These will extend from SR-73 to El Toro. He noted that with the more lanes, more cars can use the freeway at higher speeds, but that does not mean that traffic congestion will be reduced after the completion of the project.

Councilmember Hack asked if OCTA is talking about toll road extensions.

Mr. Torkamanha stated that there is not going to be toll road extension improvements in this project. Ms. Taoleo noted that all the affected agencies are communicating to make sure that their projects are seamless. She further noted that OCTA is not starting construction on this project till 2018 so there is 5 years to get the message about the project out to the community.

Councilmember Conners asked how the project to upgrade the on and off ramps at the El Toro Interchange will be accommodated with the current construction plan; if it cheaper to do them at the same time or is it likely that they will not be constructed at the same time.

Mr. Torkamanha stated that the project they are discussing is two years ahead of the project on the El Toro interchange. He said OCTA is considering having the I-5 improvement project completed in segments, and the segment near El Toro would then be completed in conjunction with the El Toro interchange project.

Councilmember Hatch asked about the continuous access car pool lanes.

Ms. Taoleo replied that a driver can enter or exit the carpool lane at any time without waiting for a break in the double yellow line.

Councilmember Hatch asked if OCTA plans to improve the carpool section that leads up to El Toro and Aliso.

Mr. Torkamanha replied that OCTA is considering extending the carpool lanes south and then merging them together.

Councilmember Hatch thanked OCTA staff for their presentation.

Katherine Freshly, resident, asked if there is any thought to having carpool lanes open to anyone during non-peak hours; some other states allow this.

Mr. Torkamanha stated there are no current plans to do that, but they will look into it in the future.

Harriet Arnest, resident, stated that the large amount of cars is the issue here and not what other states are doing.

V. CITY COMMENDATIONS AND PROCLAMATIONS

5.1 Commendation for retiring employee Rosalind Fox, Administrative Coordinator.

Moved by Mayor Pro Tem Robbin, seconded by Councilmember Conners, and carried unanimously to approve the City Commendation to Rosalind Fox, Administrative Coordinator.

City Manager Keane made brief remarks about Ms. Fox's contributions and duties while she served with the City. She thanked Ms. Fox and noted that she will be almost impossible to replace.

Mayor Ring presented Ms. Fox with a commendation plaque and City Manager Keane presented her with a symbolic heart to the City.

Ms. Fox thanked the Council for their recognition and talked about her early days with the City.

VI. CONSENT CALENDAR

Councilmember Hatch requested that Item 6.1 be pulled for separate consideration.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins and carried unanimously to approve Consent Calendar Items 6.2 – 6.8.

- 6.2 Approved the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

- 6.3 Treasurer's Report

Received and filed the January 2013 monthly Treasurer's Report.

- 6.4 Warrant Register

Approved the February 20, 2013 Warrant Register in the amount of \$562,112.62.

- 6.5 Approved **Ordinance No. 13-01**, clarifying councilmember compensation, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING SECTION 2.02.010, TO ALLOW FOR AN
ALTERNATIVE VEHICLE REIMBURSEMENT ALLOWANCE FOR
CITY COUNCILMEMBERS

- 6.6 Approved **Resolution No. 13-04**, declaring a portion of Moulton Parkway to be a county highway during the period of construction of the Moulton Smart Street Project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, DECLARING A PORTION OF MOULTON
PARKWAY LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS TO
BE A COUNTY HIGHWAY DURING THE PERIOD OF CONSTRUCTION
OF THE MOUTON SMART STREET PROJECT

- 6.7 El Toro Road/Aliso Creek Road Phase II Bicycle and Pedestrian Enhancement Project Contract Increase.

Approved an increase in the contract amount with Yakar General Contractors, Inc. from \$535,809.89 to \$685,809.89, and authorized the City Manager to approve change orders

not to exceed 10% of the new base amount.

6.8 Liability Claim

Denied the claim against the City of Laguna Woods by Ann Povey.

6.1 Approved the minutes from the January 16, 2013 regular meeting.

Councilmember Conners, seconded by Councilmember Hack, approved 4-0-1. Councilmember Hatch abstained because he did not attend the January 16, 2013 City Council meeting due to illness.

VII. PUBLIC HEARING

None

VIII. CITY COUNCIL

None

IX. CITY MANAGER

9.1 Reasonable Accommodations for Persons with Disabilities

City Manager Keane summarized the Agenda Report. She stated the Housing Element has to be updated on a periodic basis and the City is required by state law to update this document by October 2013 for the period 2014-2021. She noted that the City has not yet addressed the following policies and programs:

1. Establishing reasonable accommodation procedures in the Zoning Code to improve mobility and accessibility and to provide the flexibility necessary for developing housing for individuals with disabilities.
2. Revising density bonus provisions in the City's Zoning Code to be consistent with state density bonus law.

She noted that the proposed ordinance will address the reasonable accommodation requirement. . The ordinance provides allowing individuals request an accommodation from the City instead of going through a conditional use permit process. These accommodations relate to City building permits, not to the policies related to private property ownership.

Councilmember Hatch asked if this policy would apply to new construction or to existing housing that is being renovated.

City Manager Keane stated it would apply to existing housing as well as new construction. She provided examples of the types of accommodations that might be requested and considered.

Councilmember Hatch asked who the Planning Agency is in the City.

City Manager Keane stated the Planning Agency is the Community Development Department.. She acknowledged the confusion and recommended replacing the term "Planning Agency" with "Community Development Department."

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve introduction and first reading of an ordinance establishing a policy with respect to reasonable accommodation for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack stated the Toll Road Agency is on schedule to have cash-less activity for all its toll roads by the beginning of 2014. He noted that the Agency's CEO recently retired and they are looking at final 6 candidates for the position.

10.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins stated that there was no meeting.

10.3 Orange County Fire Authority (Councilmember Hatch)

Councilmember Hatch noted that this was his first Orange County Fire Authority (OCFA) meeting and it was a fascinating meeting. He reported that Lorie Zeller presented a report dealing with a long-term liability study, which indicated that OCFA's unfunded long-term liability has doubled in dollars during the last 7 years. He went on to describe the different individual long-term liabilities. He stated 5 to 6 years ago, there was no negative long-term liability, this year OCFA will begin to take steps to reduce long-term liability. He stated that contract negotiations with the Fire Department employees will be an issue in 2013. He also noted that about how Station 22 firefighters who are assigned to other stations always want to come back because they enjoy being a part of the Laguna Woods community.

Katherine Freshly, resident, remarked that she believes that ambulances would be a far less expensive way to provide services to the community instead of having fire trucks respond to every service call.

City Manager Keane noted that she met with OCFA consultants recently and raised the same question and concern. She understands that there are reasons why Station 22 is staffed as it is, but asked that the issues be restudied.

Fire Chief Brice acknowledged that this is an issue raised by residents. OCFA believes that staffing paramedics on the fire truck allows the trucks to be ready for any situation, but that they will continue to assess the effectiveness of their deployment methods.

Councilmember Hatch asked if they send out whatever vehicle is available at the time when they receive a service call.

Fire Chief Brice stated they want to respond to calls as soon as possible and that is why they send out whatever they have available at that time.

10.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack reported discussion at the last meeting regarding the Bay Delta Conservation Plan (BDCP); this is an effort for southern and northern California to work about preserving the bay and moving water down south. He talked about the heavy snowfall in December in the mountains that is now melting, flowing into the bay and not being used effectively. He noted that Governor Brown is in support of a transportation system that would bring water south, but that there is concern that pipes used to transport the water would harm the fish. He noted that some people want the water stored in dams and some people want it stored underground in aquifers. There are no aquifers in south Orange County.

10.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners reported that the Coastal Greenbelt Authority serves as the County Board of Supervisors designated forum for dealing with issues concerning wilderness parks and that they are trying to expand the use of the wilderness area by introducing guided hikes and The Laguna Canyon Foundation is also looking to include bus transportation for residents to the wilderness areas and to improve trail hedges and signage.

10.6 Vector Control District Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins reported that in the month of January a dead bird was found in Laguna Hills, was tested for the West Nile Virus and found not to be infected. He urged the community to try to prevent water from accumulating around flowerpots because it is a good source for mosquitos to breed. He noted that he would present more information after the next Vector Control District Board meeting.

XI. PUBLIC COMMENTS

Harriet Arnest, resident, stated that the City should not be the scapegoat regarding the Smart Street reengineering. She expressed her concern that residents and board members are telling people what is wrong with the project and who is to blame. Bike lanes are necessary and required; street improvements are an ongoing project in the entire state of California; there is a need for elevated golf nets to protect cars on Moulton Parkway. She complained that pertinent information has not been available to the public in a timely

matter and the Golden Rain Foundation (GRF) has not addressed these issues until just recently. She wanted to commend the President of GRF for considering alternatives. She does not believe that the proposed new netting height will impact neighboring residents since the hillside elevation is considerable.

Bert Moldow, resident, discussed the amount of dollars being spent by the City, the homeowners associations, and the residents of the community on electric bills. He stated that if you look at your power bill there is no way to see what you are paying.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

City Manager Keane introduced Marc Donohue as the new Deputy City Clerk.

Deputy City Clerk Donohue stated he is looking forward to working with City Council, staff, and the residents of the community.

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Water Advisory Committee of Orange County, February 1, 2013: Councilmember Hack

Councilmember Hack stated he will report on this matter at next month's meeting.

B. Municipal Water District of Orange County, January 23, 2013: Councilmember Hack

Councilmember Hack reported about a discussion at the meeting about the raised height on the Pradel Dam. He talked about the runoff that goes into the dam. He noted that there is a lot of water stored in Lake Mead, but it is not always accessible. He expressed concern that we are at the beginnings of a very dry period for the southwestern United States and that MWDOC is looking at a series of ways to get more water, most of which will cost an immense amount of energy to produce.

C. Southern California Water Committee, January 25, 2013: Councilmember Hack

Councilmember Hack reported that issues were raised at the meeting about the BDCP and the proposed 2014 water bond. He talked about the difference between how much water is used by agriculture and how much is used by metropolitan areas for populations and that it is the rate payers who will end up paying in the end.

12.2 Other Meetings, Comments and Announcements

Mayor Ring announced the free showing of the movie, Salmon Fishing in the Yemen on Sunday, February 24th at city hall.

XIII. ADJOURNMENT

The meeting was adjourned at 3:15 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday March 20, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

MARC DONOHUE, Deputy City Clerk

Adopted: March 20, 2013

ROBERT B. RING, Mayor

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
SPECIAL MEETING
March 6, 2013
3:00 P.M.**

I. CALL TO ORDER

Mayor Ring called the Special Meeting of the City Council of the City of Laguna Woods to order at 3:00 p.m.

II. FLAG SALUTE

Councilmember Hack led the flag salute.

III. ROLL CALL

COUNCILMEMBERS: PRESENT: Hack, Hatch, Robbins, Ring
 ABSENT: Connors

STAFF PRESENT: City Manager Keane; Deputy City Clerk Donohue; City Attorney Cosgrove

IV. CLOSED SESSION

Councilmember Connors arrived in Closed Session at 3:16 p.m.

The City Council met in closed session to confer with legal counsel, pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Location: Along the east and west sides of Moulton Parkway in the vicinity of Santa Maria Avenue.

City Negotiator: Leslie A. Keane

Negotiating Party: Golden Rain Foundation

Under Negotiation: Instructions to negotiator regarding terms

At the close of the meeting, City Attorney Cosgrove announced that there was no reportable action taken in the meeting.

V. PUBLIC COMMENT

None

XII. ADJOURNMENT

The meeting was adjourned at 4:08 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday March 20, 2013 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

MARC DONOHUE, Deputy City Clerk

Adopted: March 20, 2013

ROBERT B. RING, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3 TREASURER'S REPORTS

City of Laguna Woods
Monthly Treasurer's Report
February 28, 2013

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	\$ 7,496,317
Subtotal	\$ 7,496,317

2. Investments/Transportation Fund

Local Agency Investment Fund	\$ 526,899
Subtotal	\$ 526,899

3. Other Interest & Non-Interest Bearing/General & Transportation

Petty Cash Funds	\$ 805
Analyzed Checking Account	\$ 142,900
Subtotal	\$ 143,705
TOTAL	\$ 8,166,921

Note: LAIF reports interest earnings quarterly.

6.4 WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER
March 20, 2013

Check Number	Check Date	Vendor Name	Description	Amount
PREPAID WARRANTS:				
<i>Automatic Bank Debits</i>				
Debit	02/14/2013	ADP PAYROLL SERVICES	Pay Period Ended 2/8/2013	30,139.01
Debit	02/14/2013	ICMA RETIREMENT CORPORATION	Pay Period Ended 2/8/2013	1,679.43
Debit	02/14/2013	ADP PAYROLL SERVICES	Processing Charges/Payroll 2/8/2013	122.12
Debit	02/21/2013	TAKE CARE	AFLAC FSA 125/Employee Reimbursement	325.18
Debit	02/28/2013	ADP PAYROLL SERVICES	Pay Period Ended 2/22/2013	32,370.85
Debit	02/28/2013	ICMA RETIREMENT CORPORATION	Pay Period Ended 2/22/2013	1,679.43
Debit	02/28/2013	ADP PAYROLL SERVICES	Processing Charges/Payroll 2/22/2013	124.05
<i>Other</i>				
113058	02/12/2013	BRIAN KURNOW	Manual Check/Pay Period Ending 2/8/13	1,392.96
113059	02/20/2013	AFLAC	Employee Benefit Program/March 2013	153.50
113060	02/20/2013	AT&T	Telephone/581-3974/January 2013	82.69
113061	02/20/2013	AT&T	Telephone/583-1105/January 2013	15.92
113062	02/20/2013	BALLIET, MICHAEL	Waste Consulting/December 2012-January 2013	5,907.50
113063	02/20/2013	CASEY O'CALLAGHAN	Consulting Services/Moulton Phase II	11,746.09
113064	02/20/2013	CIVIL SOURCE	Engineering Services/September 2012	32,968.98
113065	02/20/2013	INTERNATIONAL CODE COUNCIL	Membership Dues/2013/Gates	125.00
113066	02/20/2013	LASER IMPRESSIONS	Engraved Bricks/City Walk	196.80
113067	02/20/2013	CHRISTOPHER MACON	Cell Phone Reimbursement	160.00
113068	02/20/2013	MAW'N PAW KETTLECORN	Sunday Movie Matinee/Refreshments/February 2013	60.00
113069	02/20/2013	NIEVES LANDSCAPE, INC.	Landscape Maintenance	14,219.41
113070	02/20/2013	HAN PARK	Waste Diversion Deposit Refund/BP 34374B	900.00
113071	02/20/2013	PATIO MASTERS	Waste Diversion Deposit Refund/BP 34658D	250.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
March 20, 2013

Check Number	Check Date	Vendor Name	Description	Amount
113072	02/20/2013	PV MAINTENANCE INC	City Hall Domes/Street Maintenance	5,495.50
113073	02/20/2013	REILLY, DOUGLAS C.	Employee Benefit Program	320.74
113074	02/20/2013	RUTAN & TUCKER, LLP	Attorney Services/December 2012-January 2013	10,182.48
113075	02/20/2013	SIERRA INSTALLATIONS, INC	Change-Out Banners	1,920.00
113076	02/20/2013	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers/February 2013	100.80
113077	02/20/2013	WAGE WORKS	Plan Administration Fees/February 2013	50.00
113078	02/20/2013	WARE DISPOSAL	Waste Collection	3,249.76
113079	02/20/2013	WEST COAST REMODEL	Waste Diversion Deposit Refund/BP 34129C	1,150.00
113080	02/26/2013	AT&T	Telephone/458-3487/February 2013	32.50
113081	02/26/2013	THE BEE DETECTIVE	Building Maintenance/Door Stops	100.00
113082	02/26/2013	CALPERS - HEALTH	Employee Benefit Program/March 2013	4,828.92
113083	02/26/2013	CALPERS - RETIREMENT	Retirement Contributions/Pay Period Ending 2/8/13	5,150.30
113084	02/26/2013	CAPTIONING UNLIMITED	Closed Captioning/Council Meeting/February 2013	200.00
113085	02/26/2013	CIVIL SOURCE	CBDG Projects/Storm Drain	4,245.00
113086	02/26/2013	CIVIL SOURCE	Professional Services/January 2013	43,835.43
113087	02/26/2013	DAVID EVANS & ASSOCIATES INC.	Consulting Services/Moulton Phase II/January 2013	1,844.52
113088	02/26/2013	EL TORO WATER DISTRICT	Ridge Route Park/February 2013	178.70
113089	02/26/2013	EL TORO WATER DISTRICT	Dog Park/February 2013	39.08
113090	02/26/2013	EL TORO WATER DISTRICT	City Hall Utilities/February 2013	28.00
113091	02/26/2013	EL TORO WATER DISTRICT	City Hall Utilities/February 2013	136.88
113092	02/26/2013	JLS PROFESSIONAL SERVICES	Waste Diversion Deposit Refund/BP 34153C	900.00
113093	02/26/2013	LEAGUE OF CALIFORNIA CITIES	Membership Dues/Calendar Year 2013	6,342.00
113094	02/26/2013	MANAGED HEALTH NETWORK	Employee Benefit Program/March 2013	22.23
113095	02/26/2013	NIEVES LANDSCAPE, INC.	Landscape Maintenance	2,118.21
113096	02/26/2013	RAPHAEL NUSSDORF	Taxi Voucher Refund	29.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
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Check Number	Check Date	Vendor Name	Description	Amount
113097	02/26/2013	PRINCIPAL FINANCIAL GROUP	Employee Benefit Program/March 2013	380.68
113098	02/26/2013	SCOTT FAZEKAS & ASSOCIATES	Plan Check Services/ January 2013	800.00
113099	02/26/2013	SOUTHERN CALIFORNIA EDISON	City Hall Utilities/February 2013	958.40
113100	02/26/2013	SOUTHERN CALIFORNIA EDISON	City Centre Park/February 2013	25.86
113101	02/26/2013	STANDARD TEL	Telephone System Maintenance	542.24
113102	02/26/2013	VANTAGEPOINT TRANSFER AGT-457	457 Plan Contributions/February 2013	1,950.00
113103	02/26/2013	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program/February 2013	50.75
113104	02/26/2013	WLC ARCHITECTS	City Hall Accessibility/January 2013	337.50
113105	03/01/2013	STL LANDSCAPE, INC.	Moulton Phase I/Retention	21,900.49
113106	03/06/2013	CAA	Water Quality Consult/Code Enforcement/January 2013	3,398.00
113107	VOID	VOID	VOID	
113108	03/06/2013	CALIFORNIA YELLOW CAB	NEMT/Taxi Voucher Services/January 2013	19,618.00
113109	03/06/2013	CITY OF LAGUNA BEACH	Animal Services/February 2013	7,232.75
113110	03/06/2013	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program/February 2013	497.29
113111	03/06/2013	DEPARTMENT OF JUSTICE	New Employee Screening/Donohue	32.00
113112	03/06/2013	ETICO SOLUTIONS, INC.	Police Services Deployment/Efficiency Study	5,000.00
113113	03/06/2013	GHL SMS, LLC	Waste Diversion Deposit Refund/BP 34630C	250.00
113114	03/06/2013	JAMES HASTON	Mileage Reimbursement/February 2013	26.16
113115	03/06/2013	KEANE, LESLIE A.	March 2013 Auto Allowance	450.00
113116	03/06/2013	KENLEY KIM	Waste Diversion Deposit Refund/BP 26634C	250.00
113117	03/06/2013	KONICA MINOLTA	Copier Lease/March 2013	484.34
113118	03/06/2013	ROBERTA MOSES	Taxi Voucher Refund	20.00
113119	03/06/2013	NIEVES LANDSCAPE, INC.	Landscaping Maintenance	275.00
113120	03/06/2013	OCEAN CONSTRUCTION	Waste Diversion Deposit Refund/Multiple Permits	3,210.00
113121	03/06/2013	TERESE S OLIVER	Attorney Services/Red Light/January 2013	4,284.79

CITY OF LAGUNA WOODS
WARRANT REGISTER
March 20, 2013

Check Number	Check Date	Vendor Name	Description	Amount
113122	03/06/2013	ORKIN	Pest Control/March 2013	92.93
113123	03/06/2013	PEAK LIGHTING & ELECTRIC, INC	Streetlight Maintenance/February 2013	704.52
113124	03/06/2013	SADDLEBACK WINDOWS AND DOORS	CDBG Energy Efficiency Program	18,879.00
113125	03/06/2013	SONITROL	Alarm Monitoring/March 2013	58.91
113126	03/06/2013	SOUTHERN CALIFORNIA EDISON	Residential Streetlights/United/February 2013	1,836.19
113127	03/06/2013	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers/February 2013	893.09
113128	03/06/2013	SOUTHERN CALIFORNIA EDISON	Ridge Route Park/February 2013	53.46
113129	03/06/2013	WEST COAST REMODEL	Waste Diversion Deposit Refund/BP 34674C	250.00
113130	03/06/2013	WLC ARCHITECTS	City Hall Generator Project	2,484.37
113131	03/12/2013	AT&T	452-0600/Telephone/February 2013	354.76
113132	03/12/2013	AT&T	770-9359/Telephone/February 2013	16.17
113133	03/12/2013	AT&T	White Pages/March 2013	3.81
113134	03/12/2013	EDYTH BASSETT	Taxi Voucher Refund	40.00
113135	03/12/2013	BOARD OF EQUALIZATION	Use Tax/Calendar Year 2012	124.00
113136	03/12/2013	CALIFORNIA EMERGENCY PHYSICIAN	New Employee Physical/Donohue	45.00
113137	03/12/2013	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 3/8/13	5,574.91
113138	03/12/2013	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 2/22/13	5,389.97
113139	03/12/2013	CIVIL SOURCE	Building Inspection/February 2013	6,437.50
113140	03/12/2013	COPPOLA CONSTRUCTION	Waste Diversion Deposit Refund/BP 34653C	250.00
113141	03/12/2013	COUNTY OF ORANGE - WATER QUAL	NPDES/Cost-Share/Fiscal Year 2012-13	22,674.67
113142	03/12/2013	GARY GATES	Employee Benefit Program/February 2013	277.19
113143	03/12/2013	GRUBER & ASSOCIATES	Audit Services/Progress Billing #1	9,850.00
113144	03/12/2013	ICC ORANGE EMPIRE CHAPTER	Safety Assessment Program Training/Gates	55.00
113145	03/12/2013	MARY LAPADAT	Waste Diversion Deposit Refund/BP 34271C	250.00
113146	03/12/2013	LAUBACH CONSTRUCTION, INC.	Waste Diversion Deposit Refund/BP 30673F	1,350.00

**CITY OF LAGUNA WOODS
WARRANT REGISTER
March 20, 2013**

Check Number	Check Date	Vendor Name	Description	Amount
113147	03/12/2013	MICHAEL BRANDMAN ASSOCIATES	Plan Check Services/January 2013	10,071.50
113148	03/12/2013	OCEAN CONSTRUCTION	Waste Diversion Deposit Refund/BP 32165C	250.00
113149	03/12/2013	O. C. TREASURER - SHERIFF	Sheriff Services/February 2013	110,992.00
113150	03/12/2013	SCHAEF AIR	CDBG Energy Efficiency Program	1,700.00
113151	03/12/2013	SCHAEF AIR	CDBG Energy Efficiency Program	1,700.00
113152	03/12/2013	SCHAEF AIR	CDBG Energy Efficiency Program	1,700.00
113153	03/12/2013	SCHAEF AIR	CDBG Energy Efficiency Program	1,700.00
113154	03/12/2013	SKYLIGHT SPECIALTIES	CDBG Energy Efficiency Program	745.00
113155	03/12/2013	SOUTH COAST FIRE PROTECTION	Fire Extinguisher/Annual Inspection and Recharge	133.08
113156	03/12/2013	SOUTHERN CALIFORNIA EDISON	Residential Streetlights/Third/February 2013	4,490.26
113157	03/12/2013	SOUTHERN CALIFORNIA EDISON	Right of Way/February 2013	2,170.13
113158	03/12/2013	SYNOPTIK	IT Services/March 2013	1,215.00
113159	03/12/2013	BRUCE H. WEIR	Waste Diversion Deposit Refund/BP 33940C	500.00
Total Prepaid Warrants				514,405.64

REGULAR WARRANTS:

113160	03/13/2013	ALISO CREEK PRINTING	Business Cards/Kurnow	59.40
113161	03/13/2013	AT&T	639-0500/Telephone/February 2013	186.40
113162	03/13/2013	BANK OF AMERICA - CC	Credit Card Charges/February 2013	89.96
113163	03/13/2013	COMMPRO	Website Hosting/March 2013	295.00
113164	03/13/2013	COUNTY OF ORANGE	November 2012 Election	13,059.94
113165	03/13/2013	GREAT CLEANING SERVICE	Janitorial Services/February 2013	616.04
113166	03/13/2013	JONES, ERNESTINE	Employee Benefit Program/February 2013	347.30
113167	03/13/2013	KONE INC.	Elevator Maintenance/March 2013	227.37

**CITY OF LAGUNA WOODS
WARRANT REGISTER
March 20, 2013**

Check Number	Check Date	Vendor Name	Description	Amount
113168	03/13/2013	OFFICEMAX INC	Office Supplies/Paper	263.15
113169	03/13/2013	ORANGE COUNTY REGISTER-NOTICES	Public Notices/February 2013	232.65
113170	03/13/2013	O.C. TREASURER - STREETS	Street Maintenance/December 2012	3,147.24
113171	03/13/2013	THE GAS COMPANY	City Hall Utilities/February 2013	172.91
Total Regular Warrants				18,697.36
Total Register				533,103.00

February Credit Card Statement Detail

Debit	NOTARYCLASSES.COM	Notary Class/Donohue	79.95
Debit	TOMO SUSHI	Dinner/Residents Voice Meeting/Ring/Keane/Macon	42.60
Debit	OVERNITE EXPRESS	Delivery Services	34.14
Debit	NORCO DELIVERY	Delivery Services	35.48
Credit	THE HOME DEPOT	Supplies/CDBG Energy Efficiency Program	-145.41
Debit	ORANGE COUNTY REGISTER	Newspaper Delivery	43.20

6.5
CODE ENFORCEMENT SERVICES
(No Report)

6.6
CITY HALL LOW IMPACT DEVELOPMENT
RETROFIT PROJECT
(No Report)

6.7
AUDIT AD HOC COMMITTEE
(No Report)

7.1
REASONABLE ACCOMODATIONS FOR
PERSONS WITH DISABILITIES

**City of Laguna Woods
Agenda Report**

FOR: March 20, 2013 City Council Meeting

TO: Mayor and City Councilmembers

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Reasonable Accommodations for Persons with Disabilities

Recommendation

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Adopt an ordinance establishing a policy with respect to reasonable accommodations for persons with disabilities entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Background

The City's housing element serves as a policy guide that addresses the comprehensive housing needs of the City. It is one of the seven mandatory elements of the City of Laguna Woods General Plan. Unlike the other elements, state law requires that local jurisdictions update their Housing Elements periodically to outline the existing and projected housing needs of their community, the barriers or constraints to providing that housing and actions proposed to address these concerns. The current housing element, which was certified by the state Department of Housing and Community

Development, covers the period 2006-14. The City must update this document by October 2013 for the period 2014 – 2021.

The current housing element, approved by the City Council in 2009, commits the City to a variety of policies and programs. With the exception of the following, these are underway or have been completed:

1. Establish reasonable accommodation procedures in the Zoning Code to improve mobility and accessibility and to provide the flexibility necessary for developing housing for individuals with disabilities.
2. Revise density bonus provisions in the City's Zoning Code to be consistent with state density bonus law.

The City Council introduced and approved first reading of the proposed accommodation policy at its February 20, 2013 meeting. The density bonus modifications are expected to be agendized for first reading at Council's March 2013 meeting and referred to the Committee in April prior to Council adoption.

Discussion

While fair housing laws intend that all people have equal access to housing, the law also recognizes that people with disabilities may need extra tools to achieve equality. The attached ordinance is based on the model ordinance provided by the California Department of Housing and Community Development. It establishes a policy for reasonable accommodations to City policies, requirements and/or procedures for people with disabilities. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to the housing of their choice.

In granting a request for reasonable accommodation, the City may impose conditions to ensure that the reasonable accommodation will comply with the findings required by this section. The City must also find that the requested accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning; and that the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

Examples of accommodations might include the number of non-related individuals allowed to occupy a residential unit; the location of residential group homes in non-residential districts; and the modifications of standards for fences, building setbacks and handicap ramps. These types of action often require a conditional use permit or variance; the reasonable accommodation process eliminates the need for those discretionary permit processes in instances where it can be shown that City regulations have a disparate impact on people with disabilities.

Fiscal Impact

There is no anticipated fiscal impact.

Advisory Committee Review

The Land Use and Design Review Committee discussed the proposed regulations at their March 14, 2013 meeting. Members raised issues related to the types of disabilities that might be accommodated and the relationship between City regulations and private property rights and preferences. Upon a motion, the Committee voted 8-0-1 to recommend approval to the City Council. Member Malone abstained, noting that she did not feel she had sufficient information to make an informed decision.

Conclusion

Adoption of the proposed policy will support the City's housing element and bring the City into conformance with state and federal housing discrimination regulations. If, following the public hearing, the City Council adopts the ordinance, it will be effective in mid-April.

Attachment: Proposed Ordinance

ORDINANCE NO. 13-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, ESTABLISHING A POLICY FOR REASONABLE
ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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

SECTION 1. Adoption of New Regulations

Chapter 13.15 is hereby added to Title 13 (Zoning) of the Laguna Woods
Municipal Code as follows:

**CHAPTER 13.15 - REASONABLE ACCOMMODATIONS FOR PERSONS
WITH DISABILITIES**

Sections:

- 13.15.010 Purpose and intent.
- 13.15.011 Definitions.
- 13.15.012 Applicability.
- 13.15.013 Reviewing authority.
- 13.15.014 Application for reasonable accommodation.
- 13.15.015 Public notice.
- 13.15.016 Required findings.
- 13.15.017 Notice of decision.
- 13.15.018 Expiration, time extension, and revocation.
- 13.15.019 Discontinuance.
- 13.15.020 Appeals.

13.15.010 Purpose and intent.

It is the policy of the City of Laguna Woods to comply with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (collectively referred to hereafter as “fair housing laws”) to provide reasonable accommodation to disabled persons in the application of its zoning and land use regulations, policies, and practices for persons with disabilities seeking fair access to housing. The purpose of this chapter is to establish procedures for the receipt and evaluation of requests for reasonable accommodation.

A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to the housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 13.15.014 (Application for reasonable accommodation).

13.15.011 Definitions.

As used in this chapter, the following items shall have meanings as set forth below:

- (a) “Director” means the City Manager or his/her designee.
- (b) “Disabled” or “disability” means any person who has a physical or mental impairment that substantially limits one or more major life activities, as may be defined by state or federal law.
- (c) “Fundamental alteration” means a modification that alters the essential nature of a provider’s operations.
- (d) “Major life activity” means those activities that are of central importance to daily life including, but not limited to, seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking.
- (e) “Physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.
- (f) “Reasonable accommodation” means a change, exception, or adjustment to a rule, policy, practice, or procedure that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- (g) “Reviewing authority” means the City Manager or his/her designee.

13.15.012 Applicability.

- (a) A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for

individuals with disabilities, when the application of zoning and land use regulations, policies, and practices acts as a barrier to fair housing opportunities.

(b) Providing reasonable accommodation in the land use and zoning context may include a modification or exemption from zoning and land use regulations, policies, and practices when it is necessary to eliminate barriers to housing opportunities.

13.15.013 Reviewing authority.

(a) The Director shall review each application for reasonable accommodation within thirty (30) days of deeming the application as complete. Pursuant to the findings set forth in Section 13.15.016, the Director may approve, approve subject to conditions, or deny the request.

(b) In the event that the applicant also seeks a concurrent approval, permit, or entitlement that will be reviewed by the Community Development Department, then that Department will also act as the reviewing authority for the application for reasonable accommodation.

(c) If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

13.15.014 Application for reasonable accommodation.

(a) An application for reasonable accommodation shall be submitted in writing on a form prescribed by the Director.

(b) A fee shall not be required for a reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for the other discretionary permit(s) in compliance with the city's adopted fee schedule.

(c) If the project for which the application for reasonable accommodation is being made also requires some other approval, permit or entitlement, the applicant shall file the request together with the application for such approval, permit or entitlement.

ITEM 7.1

(d) An application for reasonable accommodation shall include all of the following:

- (1) The applicant's name, address, and telephone number;
- (2) Documentation that the applicant is:
 - a. An individual with a disability;
 - b. Applying on behalf of one or more individuals with a disability; or
 - c. A developer or provider of housing for one or more individuals with a disability;
- (3) Address of the property for which accommodation is requested;
- (4) The name, address, and telephone number of the property owner(s), if different from the applicant;
- (5) The current use of the subject property;
- (6) The specific basis for the claim that the applicant is considered disabled under the fair housing laws;
- (7) A description of the accommodation requested including reference to the zoning and development code provision, policy or procedure from which accommodation is sought;
- (8) A detailed written explanation of why the requested accommodation is necessary for the individual(s) with a disability to use and enjoy the dwelling; and
- (9) Any other information that the Director reasonably concludes is necessary to determine whether the findings required by Section 13.15.016 can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

13.15.015 Public notice.

After the Director has deemed an application for reasonable accommodation as complete, the Director shall provide notice of the request for reasonable accommodation as follows:

- (a) In the event that there is no approval, permit, or entitlement sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are immediately adjacent to the property that is the subject of the request.
- (b) In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.

13.15.016 Required findings.

- (a) The written decision to approve, approve with conditions, or deny an application for reasonable accommodation shall be based upon the following findings, all of which are required for approval:
 - (1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws;
 - (2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
 - (3) The requested accommodation will not impose an undue financial or administrative burden on the city;
 - (4) The requested accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning; and
 - (5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.
- (b) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by this section.

13.15.017 Notice of decision.

(a) The reviewing authority shall notify the applicant of his/her decision by mailing a written determination to the applicant. The notice of decision shall include factual findings, conclusions, and reasons for the decision; and notify the applicant of the right to appeal the reviewing authority's decision pursuant to Section 13.15.020.

(b) Notice of the reviewing authority's decision shall also be given to adjoining property owners and/or other interested persons in the same manner as provided in Section 13.15.015 (a) and (b).

13.15.018 Expiration, time extension, and revocation.

(a) Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within twenty-four (24) months from the effective date of the approval or at an alternative time specified as a condition of approval unless:

- (1) A building permit has been issued and construction has commenced;
- (2) A certificate of occupancy has been issued;
- (3) The use is established consistent with the terms of any permit or condition of approval; or
- (4) A time extension has been granted.

(b) The Director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three years. An application for a time extension shall be made in writing to the Director no less than thirty (30) days or more than ninety (90) days prior to the expiration date.

(c) Any reasonable accommodation approved in accordance with this chapter may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

13.15.019 Discontinuance.

(a) A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. If the disabled persons vacate the premises, the reasonable accommodation shall remain in effect only if the Director determines that (1) the modification is physically integrated into the residential structure such that it would be impractical to require the property to be returned to its previous condition, or (2) the accommodation is necessary to give another disabled individual an equal opportunity for use and enjoyment of the dwelling.

(b) The Director may, at any time, request in writing the applicant or his successor-in-interest to the property to provide documentation demonstrating that the accommodation remains necessary to ensure the equal use and enjoyment of the property by a person with disabilities and/or continued compliance with any applicable conditions of approval. Failure to provide such documentation within fifteen (15) days of the date of the Director's request shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

13.15.020 Appeals.

The decision of the Director to approve, approve subject to conditions, or deny an application for reasonable accommodation shall be subject to appeal to the City Council pursuant to the procedures set forth in Chapter 13.24.050 of the Municipal Code.

SECTION 2. Effective Date

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

SECTION 3. 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 20th day of March 2013.

ROBERT B. RING, Mayor

ATTEST:

MARC DONOHUE, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

I, MARC DONOHUE, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 13-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the 20th of February 2013, and that thereafter, said Ordinance was duly
adopted and passed at a Regular Meeting of the City Council on the ____ day of
____, 2013 by the following vote to wit:

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

MARC DONOHUE, Deputy City Clerk

9.1 MOULTON PARKWAY IMPROVEMENTS

**City of Laguna Woods
Agenda Report**

FOR: March 20, 2013 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager
Agenda Item: Moulton Parkway Improvements

Recommendation

Approve a Memorandum of Understanding between the City and the Golden Rain Foundation (GRF) regarding modifications to the Moulton Parkway Smart Street project; and authorize the City Manager to execute the agreement, subject to minor modifications and approval as to form by the City Attorney.

Background

Construction on the final phase of the Moulton Parkway improvements began in February 2013. This project will widen Moulton Parkway to provide for bicycle lanes, ten to eleven foot sidewalks on both sides of the street and dedicated right turn lanes at Village gates 12 and 16, and into the Village Garden Center. A recessed bus turnout will be also be constructed on southbound Moulton Parkway.

Discussion

This project will impact a portion of the Village 27-hole golf course. The property acquisition agreement anticipated that safety netting would be installed at certain locations along and in the course. The current construction contract includes 350' of safety netting additional safety netting (70 – 80' high) south of the golf course entrance. In addition, four netting baffles are included north of the golf course entry, three of which are slightly perpendicular to the roadway and one which is parallel. The height of the baffle netting varies from 60' to 180' and the baffles are from 100' to 150'.

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long. One of the perpendicular baffles – approximately 100' long – has netting that runs from 170-180' high. The other three are 60'- 80' high (150' long); 80'- 120' high (100' long); and 60' – 120' high (100' long).

The Golden Rain Foundation (GRF) has submitted a proposal as an alternative to the netting baffles north of the course entry that would relocate the tees, reorient the fairway and close a portion of the adjacent garden center. To reduce financial damages, loss of grant funding and to assure that the Moulton improvements are completed on a timely basis, modifications to the baffle netting must be initiated prior to April 15, 2013 and substantially complete prior to May 31, 2013. The City Attorney has drafted the attached memorandum of understanding (MOU) that if approved, would allow GRF to proceed with its alternate plan. The proposed MOU commits GRF to begin and complete improvements within the required timeframe or close the affected golf hole until the work is complete.

Fiscal Impact

Right of way acquisition is funded by the County through the Moulton-Niguel road fee program. Construction of the project will be funded through a combination of County Measure M2 Fair Share and State and Local Partnership Program (SLPP) funds.

Conclusion

In July 2012, the City and GRF executed an agreement for the acquisition of property required for the final; phase of the Moulton Parkway improvements. That agreement notes the need for safety netting but is not specific to location or size. Approval of the proposed MOU will modify the project construction components, but will not affect the acquisition agreement.

Attachment: MOU Agreement

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MEMORANDUM OF UNDERSTANDING REGARDING SEGMENT 3, PHASE II OF MOULTON SMART STREET PROJECT

This Memorandum of Understanding regarding a portion of Segment 3, Phase II of the Moulton Smart Street Project ("MOU") is made by and between the Golden Rain Foundation of Laguna Woods ("GRF"), a California non-profit mutual benefit corporation, on the one hand, and the City Laguna Woods ("City"), a municipal corporation, on the other hand. GRF and the City shall be referred to individually as "Party" and collectively as the "Parties."

RECITALS

A. The Parties entered into a "Second Agreement Regarding a Portion of Segment 3, Phase II of the Moulton Smart Street Project" dated on or about July 6, 2012 ("Second Agreement"). The Second Agreement related to various portions of property GRF agreed to convey to the City, in order to effectuate construction of Segment 3/Phase II of the Moulton Smart Street Project ("Project"), and related matters on project construction and implementation.

B. The Second Agreement provided for the Parties to meet and confer regarding protective netting/screening between the Moulton Smart Street and GRF's adjacent golf course. Both Parties retained golf course architect consultants, who reviewed the situation and made recommendations regarding the location and height of protective netting and screening, which were approved by the respective Parties. The maximum height of the mutually recommended protective netting/screening was 180 feet.

C. In part due to community opposition to protective netting/screening at this height, GRF proposed an alternative protective netting/screening configuration, consisting of a proposal prepared by Rainville-Bye, golf course architects, dated February 14, 2013 ("Alternative Proposal"). A copy of the Alternative Proposal is attached hereto as Exhibit A.

D. The Alternative Proposal suggested a netting of 120 feet in height, with different materials and placement in different locations, but was dependent upon physical modifications to the adjacent golf course, Hole Number one, to improve errant ball safety relative to Moulton Parkway.

E. The City has requested its golf course architect, Casey O'Callaghan, to review the Alternative Proposal, and received a favorable professional opinion that the Alternative Proposal will provide proper mitigation for the project. A copy of the City's golf course architect letter is attached hereto as Exhibit B.

F. The Parties wish to effectuate the Alternative Proposal, but must do so consistent with the schedule of the contractor hired by the County of Orange to construct the Project.

G. The Parties now wish to memorialize their agreement regarding the Alternative Proposal and its modification of the protective netting/screening, and the adjacent golf course modifications that must occur to assure safety consistent with the professional golf course architect opinions received by the Parties.

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NOW, THEREFORE, in consideration of all of the foregoing, the Parties do hereby agree as follows:

1. City to Request Implementation of Alternative Proposal. City agrees to communicate to the County of Orange the City's request that the Alternative Proposal be incorporated into the Project's construction plans and specifications, in lieu of the earlier 180 foot netting proposal previously considered by the Parties. City will do so in writing, in a form as may be required by the County of Orange, promptly upon execution of this MOU by the Parties.
2. GRF Golf Course Modification. GRF shall, immediately upon execution of this MOU by the Parties, prepare such construction plans and permit applications as may be necessary to effectuate the golf course modifications described in the Alternative Proposal. City shall expedite, to the maximum extent reasonably practicable, any staff review, analysis, and scheduling of hearings or other proceedings or processes required for any approvals or permits that may be required by GRF from City to effectuate the Alternative Proposal. GRF shall bear all the costs of the preparation of such plans, and the approvals or permits relating to same, and shall likewise bear all costs of the ultimate construction of the golf course modifications described in the Alternative Proposal.
3. Golf Course Modification Schedule. The Parties have been advised by the County of Orange that the materials required for the protective netting/screening must be ordered by the Project's contractor no later than April 15, 2013, in order to stay consistent with the Project construction schedules. As such, GRF shall, by April 15, 2013, have secured all approvals or permits required to begin construction of the Alternative Proposal, and shall have initiated construction pursuant to the Alternative Proposal by that date. GRF shall complete all such golf course modification work required to implement the Alternative Proposal on or before May 31, 2013. In the event all such work is not completed by May 31, 2013, GRF shall close Hole Number One on that date, and suspend any and all golf play on the hole, until such work is completed.
4. Garden Center Mitigation. The Parties have met and conferred regarding the elements of the Second Agreement relating to the Garden Center Mitigation. GRF has indicated it anticipates closing or making other modifications to the Garden Center which may obviate the need for reconstruction of garden plots with the Garden Center, and potentially other mitigation improvements originally included as part of the Project. The Alternative Proposal will require closure of the Garden Center Annex, but the Parties have not yet clarified all of the other specifics of the GRF's plans with respect to the Garden Center, nor clarified all opportunities that may exist for cost savings to the Project in connection with GRF's contemplated modifications to the Garden Center. The Parties agree to continue to meet and confer on these topics. City also agrees to cooperate reasonably with GRF and the County of Orange in attempting to allow GRF to realize the value of any cost savings that may be realized to the Project from Garden Center changes or mitigation measures that the Project will not build as originally planned as may be mutually agreeable to the Parties, so long as such cost savings are recognized by the County of Orange as eligible for conveyance to GRF consistent with restrictions on the Project's project funding sources and County of Orange policies and procedures.

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5. Time of the Essence. Time is of the essence with respect to each and every provision hereof.

6. Attorneys' Fees. If any legal action, arbitration or other proceeding is brought for the interpretation or enforcement of this MOU, or because of any alleged dispute, breach, default or misrepresentation in connection with the MOU, the successful or prevailing party shall be entitled to recover actual attorneys' fees and other costs it incurs in that action or proceeding, in addition to any other relief to which it may be entitled.

7. Entire Agreement. This MOU contains the entire agreement of the Parties, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties hereto, relating to the subject matter contained in this Agreement which are not fully expressed herein. No amendment to or modification of this MOU will be valid unless made in writing and approved by the parties to be bound thereby. The parties agree that this requirement for written modifications may not be waived, and that any attempt at waiver will be void.

Dated: _____

GOLDEN RAIN FOUNDATION OF LAGUNA
WOODS, a California non-profit mutual benefit
corporation

By: _____
Name: _____
Title: _____

Dated: _____

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

Robert J. Mulvihill, Esq.

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Dated: _____

CITY LAGUNA WOODS, a municipal corporation

By: _____

Name: Leslie A. Keane

Title: City Manager

APPROVED AS TO FORM

RUTAN & TUCKER, LLP

By: _____

Name: David B. Cosgrove

Title: City Attorney

9.2 DENSITY BONUS REGULATIONS

City of Laguna Woods Agenda Report

FOR: March 20, 2013 City Council

TO: Honorable Mayor and Council Members

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Density Bonus Regulations

Recommendation

Approve the introduction and first reading of an ordinance establishing density bonus regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING THE LAGUNA WOODS
MUNICIPAL CODE BY AMENDING SECTION 13.26.040.
RESIDENTIAL DENSITY BONUS STANDARDS

Background

The City must update its Housing Element and have it certified by the California Housing and Community Development Department by October 13, 2013. To complete the Housing Element in a timely manner, the City is required to make several modifications to its Zoning Code, including changes to its density bonus regulations to meet current state requirements.

California Density Bonus Law (Section 65915 of the Government Code) was initially adopted in 1979. This law provides a density bonus (increased number of units) to developers that provide affordable units in a residential project.

In 2004, the State Legislature passed SB 1818, which significantly amended the Government Code, effective on January 1, 2005, to provide:

- A higher maximum market-rate unit density bonus of 35% for a lower percentage of affordable units provided.
- A sliding scale of market-rate density bonus percentages from 20%-35% depending on the percentage of affordable units provided.

- Provision for up to three (3) development concessions or incentives, depending on the percentage of affordable units provided.

Discussion

Staff is proposing an ordinance that would replace the current density bonus section (Section 13.26.040) of the City's Municipal Code. The proposed ordinance establishes procedures for processing density bonus applications; outlines projects eligible and specifies the density bonus available; identifies incentives and concessions available to developers utilizing density bonus provisions; and specifies regulatory agreement procedures to ensure long term affordability of affordable units.

Basic Density Bonus Provisions

Density refers to the number of residential units which can be constructed on a piece of property. Density bonus laws are intended as a tool to encourage developers to provide affordable housing. The concept is that a residential development receives concessions or incentives and the ability to construct additional housing units (density bonus), thereby making it more financially feasible to develop affordable units.

Current state law requires local jurisdictions to grant a density bonus and incentives and concessions to residential development projects which contain 1) 10 percent of total units for low income households; 2) 5 percent of total units for very low income households; 3) specified units for senior citizens; or 4) 10 percent of total units in a common interest development for families of moderate income. The specific density bonus allowed is detailed in the law, and the bonus increases as the number of affordable units increase. Affordable rental units provided must remain affordable for at least 30 years. The law also includes provisions which allow for a density bonus in return for land dedication, condominium conversions, and development of child care facilities.

Density bonus concession and incentive include 1) a reduction in site development standards or zoning code requirements such as lot size and setbacks; 2) approval of mixed use as part of the housing development; 3) priority processing of applications and permits; and other proposals made by a developer that would result in cost reductions. Upon meeting certain state-mandated requirements, a developer is eligible for at least one concession or incentive, with additional concessions or incentives allowed as the percentage of affordable units increase.

If conditions are met, the City must grant a concession or incentive unless findings can be made that they 1) are not needed to provide affordable housing; 2) would have a specific adverse impact upon health or safety, the environment, or a historic resource;

or 3) are contrary to state or federal law.

Density Bonuses for Land Donation, Condominium Conversion, Child Care

A density bonus may be provided in situations where land is dedicated to the City for future affordable housing, rental units are converted to ownership or when child care facilities are included in or adjacent to a housing development.

The proposed regulations require at least a one acre donation or sufficient land to construct 40 units for very low income households. The land must have a high density land use designation and zoning, be served by public facilities within the proposed development or within one-quarter mile, and have a source of funding for the affordable units. The land must also be dedicated prior to approval of the final map or development project.

A density bonus is also available for a condominium conversion if the conversion from apartments to condominiums reserves at least 33 percent of total units for low and moderate income households.

Finally, the proposed regulations provide additional density, incentives and concessions for housing developments that include a child care facility or are immediately adjacent to such a facility.

Residential Parking Requirement

In accordance with state law, the parking requirement for residential projects which seek and receive a density bonus cannot exceed the following:

- Zero to one bedroom: one onsite parking space.
- Two to three bedrooms: two onsite parking spaces.
- Four and more bedrooms: two and one-half parking spaces.

This would be an exception to existing City requirements for zero and one bedroom units, which require one and a half parking spaces. The parking exception would only apply to projects that meet density bonus requirements.

Permit Required

Residential development projects that include a request for a density bonus and/or incentive pursuant to the proposed regulation would require approval of a conditional use permit; however, the City would be unable withhold approval of the requested density bonus and associated concessions/incentives without making specific findings in conformance with state law.

Relationship to Inclusionary Regulations

Chapter 13.25 of the Laguna Woods Municipal Code contains the City's inclusionary housing provisions, which require developers to include a certain percentage of very low and low income units in new projects. While state-mandated density bonus requirements are voluntary, inclusionary requirements are mandatory. Both contain provisions for increased density; however, density bonus units are in addition to units required by inclusionary provisions. Inclusionary requirements also only apply to for sale housing.

Environmental Review

The Density Bonus Ordinance is exempt from CEQA based on Section 15061 (b)(3), which states that where it can be seen with certainty that there is no possibility that an activity has the potential to have a significant effect on the environment that it is not subject to CEQA. The activity to be evaluated by CEQA is the Zoning Code revision. The revision to the density bonus section of the Zoning Code will not result in any physical development in and of itself, and thus will not have an impact on the environment. Further, any future development which utilizes the density bonus ordinance will require environmental review specific to the proposed site.

Fiscal Impact

The proposed Zoning Code Amendment has been developed by City staff to address regulatory needs of the City. The costs associated with Zoning Code Amendments are part of the routine operation of the City and have been anticipated and included as part of the current Community Development Department budget. State law prohibits the City from charging an application fee for the review of a density bonus. In most cases the density bonus would accompany another application which would offset any staff costs associated with processing a project with density bonus provisions.

Conclusion

Affordable housing is recognized as a significant issue at both the state and local levels. To address housing needs, the state requires that cities include affordable housing in their housing elements and that they provide developers incentives to encourage construction. The proposed ordinance outlines a specific process by which a developer may take advantage of density bonus provisions in exchange for affordable housing. The density bonus provisions are not mandatory; however, they do help to make lower income housing projects economically viable to private developers. The adoption of the proposed density bonus provisions satisfies state housing requirements.

Report Prepared by: Brian Kurnow, Planning Manager

Attached: Proposed Ordinance

ORDINANCE NO. 13-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING CHAPTER 13.26 OF THE LAGUNA WOODS MUNICIPAL
CODE PERTAINING TO RESIDENTIAL DENSITY BONUS
STANDARDS

WHEREAS, the City Council of the City of Laguna Woods wishes to encourage the provision of affordable housing in accordance with state guidelines.

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

SECTION 1. **Municipal Code Section Repealed**

Section 13.26.040 Residential density bonus standards of Chapter 13.26 of the Laguna Woods Municipal Code is hereby repealed.

SECTION 2. **Municipal Code Section Added**

A replacement Section 13.26.040 of Chapter 13.26 of the Laguna Woods Municipal Code is hereby added to read as follows:

(a) Purpose and intent. This chapter is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code Sections 65915 and 65917, as amended or superseded. In enacting these provisions, it is the intent of the city to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city's housing element.

(b) Definitions. For the purpose of this chapter, the following definitions shall apply:

(05) Affordable Housing Development means any housing subsidized by the federal or state government, or any housing development in which at least 20 percent of the housing units are affordable dwelling units.

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(07) Affordable Housing Development Density Agreement means a written agreement between an applicant for a development and the City of Laguna Woods containing specific requirements to ensure the continuing affordability of housing included in the development.

(09) Affordable Housing Development Plan means that plan prepared by an applicant for an Affordable Housing Development under this ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.

(11) Affordable Dwelling Unit means a dwelling unit within a residential development project that is reserved for sale or rent and offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053 (as amended or superseded), to persons and families of very low, lower and moderate income.

(13) Density Bonus means those additional residential units granted which exceed the maximum residential density for the development site.

(15) Maximum Residential Density means the maximum number of residential units permitted by this zoning code and the land use element of the city's general plan at the time of application excluding the units added by a Density Bonus.

(17) Median Gross Household Income means the median income level for the City of Laguna Woods, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

(19) Renovation means physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

(21) Residential Development means the entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a planned unit development, parcel map, site plan, or subdivision.

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(c) Eligibility for bonus and incentives. To be eligible for a density bonus and other incentives as provided by this chapter, a proposed residential development project shall:

(1) Consist of five or more dwelling units; and

(2) Include one or more of the following within the development:

a. Ten percent of the total dwelling units reserved for lower income households, as defined in California Health and Safety Code Section 50079.5; or

b. Five percent of the total dwelling units reserved for very low income households, as defined in California Health and Safety Code Section 50105; or

c. A senior citizen housing development as defined in California Civil Code Sections 51.3 and 51.12; or

d. Ten percent of the total dwelling units in a condominium project or in a planned development as defined in California Civil Code Section 1351(f) and (k), respectively, reserved for persons and families of moderate income, as defined in California Health and Safety Code Section 50093.

(d) Types of Bonuses and Incentives Allowed:

A residential development project that satisfies all relevant provisions of this chapter shall be entitled to a density bonus and one or more incentives described below. If the density bonus units cannot be accommodated on a parcel due to strict compliance with the provisions of this title, the city council shall waive or modify development standards to accommodate the density bonus units and/or grant the incentives to which the development would be entitled pursuant to this chapter, unless such waiver, modification or incentive would have a specific adverse impact, as defined herein, upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact.

(1) Minimum Density Bonus. The minimum density bonus granted to a residential development project that is eligible for a density bonus pursuant to this chapter shall be equal to at least:

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- a. A 20 percent increase in density, when the development meets the requirements of subsection (c)(2) a, b or c of this section;
- b. A five percent increase in density, when the development meets the requirements of subsection (c)(2) d of this section;
- c. A 15 percent increase in density, when an applicant for a residential development project donates land to the city in accordance with the requirements of California Government Code Section 65915(g)(1); and (2) of sufficient acreage to permit construction of units affordable to very low income households equal to at least 10 percent of the total dwelling units. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development; or
- d. The city may, in its discretion, grant a density bonus that is proportionately greater than that described in subsections (d)(1) a through c of this section for a development that meets the requirements therein, or proportionately lower than that described in subsections (d)(1) a through c of this section for a development that does not meet the requirements therein.

(2) Additional Density Bonus. A residential development project that satisfies all relevant provisions of this chapter and that includes affordable housing units in excess of the base percentage established in subsection (c)(2) of this section shall be entitled to an additional density bonus and one or more incentives described below. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in subsection (c)(2) of this section. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by California Government Code Section 65915(g).

- a. Lower Income Households. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent.
- b. Very Low Income Households. For each one percent increase above five percent in the percentage of units affordable to very low income

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households, the density bonus shall be increased by two and one-half percent.

c. Moderate Income Households. For each one percent increase above 10 percent in the percentage of units affordable to moderate income households in a condominium project or a planned development, the density bonus shall increase by one percent.

d. Donation of Land. The density bonus shall be increased by one percent for each one percent increase in the donation of land above the minimum 10 percent requirement of subsection (d)(1) c of this section. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

(3) The Density Bonus units shall not be included when determining the total number of dwelling units in the residential development project. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the city be required to grant more than a 35 percent increase over the otherwise maximum allowable residential density under the applicable provisions of this code and the land use element of the City's General Plan. The density bonus percentages available pursuant to the requirements of this chapter are shown in the following table:

Table 15.58.010

Density Bonus Percentages

	Qualifying Percentage (of total units)	Minimum Density Bonus (above maximum allowable density)	Increase in Density Bonus (for each 1% over qualifying percentage)
Lower	10%	20%	1.5%
Very Low	5%	20%	2.5%
Moderate	10%	5%	1%
Senior Citizen	n/a	20%	n/a
Donation	10%	15%	1%

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(4) Incentives – Number. An eligible residential development project shall receive the incentives described in subsection (d)(5) of this section, as follows:

a. Lower Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for lower income households;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for lower income households; and
- iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for lower income households.

b. Very Low Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least five percent of the total dwelling units are reserved for very low income households;
- ii. Two incentives for a residential development project in which at least 10 percent of the total dwelling units are reserved for very low income households; and
- iii. Three incentives for a residential development project in which at least 15 percent of the total dwelling units are reserved for very low income households.

c. Moderate Income Households. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for persons

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and families of moderate income in a condominium project or a planned development; and

iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development.

(5) Incentives – Description. A residential development project that is eligible to receive incentives pursuant to subsection (d)(4) of this section shall be entitled to the following incentives in the number specified in subsection (d)(4) of this section:

a. A reduction in the applicable development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).

b. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.

c. Other regulatory incentives or concessions proposed by the applicant or the city that would result in identifiable cost reductions.

(6) Nothing in this chapter shall be construed to require the city to provide, or limit the city's ability to provide, direct financial incentives for housing developments, including the provision of publicly owned land by the city or the waiver of fees and dedication requirements.

(7) Limitations and Exceptions.

a. In order to receive incentives as described in subsections (d)(4) and (5) of this section, an applicant must submit a proposal to the city requesting the specific incentives that the applicant desires.

b. The city shall grant the eligible incentives requested by the applicant pursuant to subsection (d)(7) a of this section and required pursuant to subsection (d)(4) of this section, unless the city makes a written finding, based upon substantial evidence, of either of the following:

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i. The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053; or

ii. The incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. As used in this subsection, a “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

c. The city’s granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

d. Nothing in this chapter shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific adverse impact upon health, safety or the physical environment for which there is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

e. The affordable units shall be generally dispersed throughout the residential development project and shall not differ in appearance from the other dwelling units in the project.

(e) Continued Affordability – Equity Sharing.

(1) Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been granted pursuant to this chapter, the developer shall identify the affordable units and shall enter into a written covenant with the city to guarantee one or both of the following, as applicable:

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a. Lower and very low income households: The lower and very low income units shall continue to be offered and available at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053, for a minimum of 30 years, which 30-year restriction shall survive the sale or transfer of the units.

b. Moderate income households: The initial occupant of any moderate income unit in a condominium project or a planned development shall be a person or family of moderate income. The moderate income unit shall be offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053. An equity-sharing agreement will be required indicating that upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Upon resale, the city shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price of the unit to the person or family of moderate income was less than the fair market value of the unit at the time of initial sale. The city shall spend such recaptured funds within three years for the construction, rehabilitation, or preservation of affordable housing for very low, low and moderate income persons or families, as described in California Health and Safety Code Section 33334.2(e).

c. The terms and conditions of the covenant required by subsection (e)(1) a of this section and the equity-sharing agreement required by subsection (e)(1) b of this section shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsections (e)(1) a and b of this section, the covenant or agreement shall include the following provisions:

- i. The city shall have a continuing right of first refusal to purchase or lease any or all of the affordable units at the current fair market value; and
- ii. The deeds to the affordable units shall contain a covenant stating that the owner shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sell or rental price of the unit is consistent

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with the limits established by this chapter for lower, very low and moderate income persons and families; and

iii. The city shall have the authority to enter into other agreements with the developer or purchasers of the affordable units, as may be necessary to ensure that the lower and very low income units are continuously occupied by persons or families of lower and very low income.

(f) Child Care Facilities.

(1) When an applicant proposes to construct a residential development project described in subsection (c) of this section that includes a child care facility located on the premises of, as part of, or adjacent to the project, the city shall grant either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility, as determined by the city in its discretion.

(2) The city shall require, as a condition of approving the residential development project, that the following occur:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to subsection (E) of this section.

b. Of the children who attend the child care facility, the children of very low, lower and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, lower or moderate income households pursuant to subsection (c)(2) of this section.

(3) Notwithstanding subsections (f)(1) and (2) of this section, the city shall not be required to provide a density bonus or incentive for a child care

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facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(g) Condominium Conversions.

(1) An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with State law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in the density bonus housing agreement.

(2) For purposes of this Subsection, a density bonus means an increase in units of 25 percent over the number of units to be provided within the existing structure or structures proposed for conversion.

(3) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this Chapter or Government Code § 65915.

(h) Processing of Bonus Request.

(1) Permit Required. Residential development projects that include a request for a density bonus and/or incentive pursuant to this chapter shall require the approval of a conditional use permit, which shall be approved by the city council, provided, however, that in no event shall city council withhold approval of a Density Bonus to which an Affordable Housing Development is entitled to under State law.

(2) Initial Review of Density Bonus Request. The director shall notify the applicant within 90 days of the filing of the conditional use permit application whether the residential development project qualifies for the density bonus and incentives described in this chapter.

(3) Criteria to Be Considered. Criteria to be considered in analyzing a request for a density bonus shall include whether the applicant has agreed to

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construct affordable units that meet the requirements of subsection (c) of this section. Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

(4) Findings for Approval. In addition to the findings required for the approval of a conditional use permit, the following additional findings must be made for the approval of a density bonus:

- a. The residential development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the general plan;
- b. The number of dwelling units can be accommodated by existing and planned infrastructure capacities;
- c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;
- d. In the event that the city does not grant at least one incentive described in subsection (d)(5) of this section, that additional concessions or incentives are not necessary to provide housing at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053; and
- e. There are sufficient provisions to guarantee that the lower and very low income units will remain affordable in the future.

(h) Vehicular Parking Ratio. Upon approval of a density bonus application and at the request of the developer, the City shall grant the following parking concessions:

- (1) Zero to one bedroom: one onsite parking space
- (2) Two to three bedrooms: two onsite parking spaces
- (3) Four or more bedrooms: two and one-half parking spaces

SECTION 3. Effective Date

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

SECTION 3. 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 ____ 2013.

ROBERT B. RING, Mayor

ATTEST:

MARC DONOHUE, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

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

I, MARC DONOHUE, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 13-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ____ of _____, 2013 and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ____ day of _____, 2013 by the following vote to wit:

AYES: COUNCILMEMBERS:

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NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARC DONOHUE, Deputy City Clerk