



AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
September 19, 2012
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: Hack Rhodes Robbins
 Ring, Mayor Pro Tem Conners, Mayor

IV. PRESENTATIONS

4.1 2011 Food Facility Awards to:

- Bon A Pita – 24310 Moulton Parkway
- Carl's Jr. – 24342 El Toro Road
- Guckenheimer Ent./Rossmoor Towers – 24055 Paseo del Lago
- Hometown Buffet – 24381 El Toro Road
- Jack-in-the-Box – 23562 Moulton Parkway
- Moulton ARCO AM/PM – 24181 Moulton Parkway
- Olive Garden, 24256 El Toro Road
- Papa John's Pizza – 23582 Moulton Parkway
- Starbucks Coffee – 24338 El Toro Road
- Starbucks Coffee – 24100 El Toro Road
- Subway Sandwiches – 24338 El Toro Road
- Subway Sandwiches – 23582 Moulton Parkway

V. CITY COMMENDATIONS AND PROCLAMATIONS

5.1 Fire Prevention Week, October 7-13, 2012

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 August 15, 2012 regular 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 Report

RECOMMENDED ACTION: Receive and File the August 2012 monthly Treasurer's Report.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the September 19, 2012 Warrant Register in the amount of \$495,898.39.

6.5 Employee Compensation

RECOMMENDED ACTION: Approve a resolution modifying employee compensation, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO. 12-10 AND ESTABLISHING A COMPENSATION SCHEDULE FOR CITY EMPLOYEES

6.6 Polystyrene Foam Exception Policy

RECOMMENDED ACTION: Approve Administrative Policy 4.23, establishing a process for granting exceptions to the ban on polystyrene foam food service ware.

6.7 Moulton Smart Street Roadway Jurisdiction

RECOMMENDED ACTION: Approve a resolution transferring ownership to the City of portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACCEPTING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, AS CITY HIGHWAYS AFTER COMPLETION BY

THE COUNTY OF ORANGE OF CONSTRUCTION OF
PORTIONS OF THE MOULTON SMART STREET PROJECT

6.8 Orange County Transportation Authority Cooperative Agreement

RECOMMENDED ACTION: Approve Amendment No. 12 to Agreement No. C-0-0936, an agreement between the Orange County Transportation Authority and City of Laguna Woods regarding City eligibility to receive Combined Transportation Funding Program (CTFP) and Bicycle and Pedestrian Facilities Program (BFPF) funding; and authorize the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.9 Memorandum of Understanding with Orange County Transportation Authority, County of Orange and cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest to Amend the Master Plan of Arterial Highways.

RECOMMENDED ACTION: Approve Memorandum of Understanding No. C-2-1592 with the Orange County Transportation Authority, County of Orange and cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest to amend the Master Plan of Arterial Highways; and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Cell Tower Modification (CUP-745)

RECOMMENDED ACTION (Staff and Land Use and Design Review Committee):

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing

- E. Approve a resolution issuing conditional use permit CUP-745 with associated conditions, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 745 FOR THE EXPANSION OF AN EXISTING "MINOR" WIRELESS FACILITY LOCATED ON THE ROSSMOOR TOWERS BUILDINGS AT 24055 PASEO DEL LAGO

- 7.2 Initial Study/Negative Declaration ND 12-02 – Aliso Creek Pedestrian Bridge and Service Road Reconstruction

RECOMMENDED ACTION (Staff and Land Use and Design Review Committee):

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

- E. Approve a resolution issuing Negative Declaration ND 12-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION 12-02 FOR THE RECONSTRUCTION OF THE ALISO CREEK PEDESTRIAN BRIDGE AND SERVICE ROAD

- 7.3 Community Development Block Grants

RECOMMENDED ACTION:

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

E. Prioritize project proposals and authorize staff to submit applications to the County of Orange for funding consideration under the federal Community Development Block Grant (CDBG) Program.

1. Rehabilitation Projects:

First Priority: Low Income Residential Energy Efficiency Improvements Project (\$150,000)

2. Public Facilities and Improvements Projects:

First Priority: Phase VI Emergency Power and Appurtenances – Laguna Woods designated Severe Weather Shelter (\$250,000)

Second Priority: City Centre Park Safety Lighting (\$200,000)

VIII. CITY COUNCIL

None

IX. CITY MANAGER

None

X. COMMITTEE REPORTS

10.1 Transportation Corridor Agencies (Councilmember Hack)

10.2 Orange County Library Board (Councilmember Robbins)

10.3 Orange County Fire Authority (Councilmember Rhodes)

10.4 Southern California Water Committee (Councilmember Hack)

- 10.5 Coastal Greenbelt Authority (Mayor Conners)
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 10.7 Vector Control District Board (Councilmember 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. League of California Cities/Orange County Division Quarterly Meeting, August 23, 2012: Mayor Pro Tem Ring, Councilmember Hack
- B. Water Advisory Committee Orange County (WACO), September 7, 2012: Councilmember Hack

12.2 Other Meetings, Comments and Announcements

XIII. CLOSED SESSION

13.1 The City Council will meet in closed session to confer with legal counsel regarding two matters of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

XIV. ADJOURNMENT

The meeting will be adjourned to 2:00 p.m. on Wednesday, October 17, 2012 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.

**5.1
PROCLAMATION -FIRE PREVENTION WEEK**

Proclamation

City of Laguna Woods

Fire Prevention Week
October 7-13, 2012

WHEREAS, the week of October 7-13 has been designated as Fire Prevention Week by the National Fire Protection Association and the International Association of Fire Chiefs; and

WHEREAS, Fire Prevention Week was established to commemorate the Great Chicago Fire of October 8, 1871, and is designed to focus on fire prevention and educational services, identification of the cause and contributing factors of all fires, and practicing exit drills in the home; and

WHEREAS, each year, approximately 1,100 Americans ages 65 and older die as a result of a home fire; and

WHEREAS, with a few simple steps of practicing fire-safe behaviors when smoking, cooking and heating, older people can dramatically reduce their risk of death and injury from fire.

NOW, THEREFORE, BE IT RESOLVED, that the Laguna Woods City Council does hereby declare the week of October 7-13 as Fire Prevention Week, and urges all its citizens to visit an Orange County Fire Authority open house to get acquainted with their fire department and its fire prevention and educational services.

Dated this 19th day of September, 2012

Cynthia S. Connors, Mayor

Attest: Yolie Trippy, Deputy City Clerk

6.1-6.9
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: September 19, 2012 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 September 19, 2012 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 September 19, 2012 Consent Calendar contains the following nine items:

- 6.1 Approval of the minutes from the August 15, 2012 regular meeting, as submitted.

- 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 August 2012 monthly Treasurer's Report. This report identifies the City's current liquid assets and their location. At the end of August, the City had approximately \$7.7 million in cash on hand and in other liquid assets.
- 6.4 Approval of the September 19, 2012 Warrant Register, as submitted, in the total amount of \$495,898.39; of this amount, \$34,604.66 relates to Fiscal year 2011- 12 and \$461,293.73 relates to Fiscal Year 2012-13. 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 Approval of a resolution: 1) requiring employees to make a 7% contribution to the CALPers retirement system and modifying salaries to maintain current total compensation and 2) increasing the eligibility period for City contribution to retiree medical to 10 years of service with the City.
- 6.6 Approval of a policy establishing a procedure for exceptions to the City's ban on polystyrene food service ware. The ban, which will become effective in July 2013, permits the City Manager to grant limited exceptions for cause. This policy identifies the causes and process for granting exceptions.
- 6.7 Approval of a resolution returning portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde to the City of Laguna Woods. The County has completed construction of the Moulton Smart Street Phase 1 improvements and has relinquished control of the affected streets. Adoption of the proposed resolution will return streets to Laguna Woods. It is anticipated that the City will need to declare portions of Moulton Parkway and Santa Maria Avenue as County highways in December to facilitate construction of the final phase of the Moulton Smart Street project.
- 6.8 Approval of Amendment No. 12 to Agreement No. C-0-0936, an agreement between the Orange County Transportation Authority and City of Laguna Woods regarding City eligibility to receive Combined Transportation Funding Program (CTFP) and Bicycle and Pedestrian Facilities Program

(BFPF) funding. This is a technical amendment that clarifies OCTA's ability to conduct technical and/or field review before processing final project payments, and to perform independent audits within five years of the release of final project payments.

- 6.9 Approval of Memorandum of Understanding (MOU) No. C-2-1592 with the Orange County Transportation Authority, County of Orange and cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest to amend the Master Plan of Arterial Highways (MPAH). This MOU provides for deletion from the MPAH of: 1) Santa Maria Avenue, from Santa Vittoria Drive to State Route 133 (Laguna Canyon Road); 2) Bake Parkway, from Lake Forest Drive to State Route 133; and 3) Ridge Route Drive, from Santa Vittoria Drive to Bake Parkway. The MOU also identifies Santa Vittoria Drive, from Lake Forest Drive to Santa Maria Avenue, as a collector (two-lane, undivided) arterial roadway. The OCTA Board has already approved the proposed MPAH changes; however, they will not take effect until each affected agency approves the proposed MOU and an amendment to its General Plan circulation element. Staff anticipates initiating the required amendment to the Laguna Wood General Plan during the next six months. Once that is complete, the extension of Santa Maria from its current end to Laguna Canyon Road will be officially eliminated from the MPAH and the City may proceed with changes to the configuration and speed limit on the existing roadway.

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 September 19, 2012 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
REGULAR MEETING
August 15, 2012
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Councilmember Rhodes led the flag salute.

III. ROLL CALL

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

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

IV. PRESENTATIONS – None

V. CITY COMMENDATIONS AND PROCLAMATIONS

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to approve City Commendation:

5.1 Commendation – Postal Service Letter Carrier Regina Wallace

Mayor Connors presented the Certificate of Commendation to Ms. Wallace for her heroic efforts in saving the life of a Laguna Woods resident. Orange County Fire Authority Chief Bryce also presented Ms. Wallace with a Certificate of Merit from that agency.

Moved by Councilmember Hack, seconded by Councilmember Rhodes, and carried unanimously to approve City Proclamation:

5.2 National Alzheimer’s Disease Awareness Month – September 2012

Mayor Connors presented the proclamation to Patty Mouton, Vice-President of the Alzheimer’s Association – Orange County Chapter and Laguna Woods resident volunteer Pat Maruzewski. Ms. Mouton thanked the Council for commending the Alzheimer’s Association. She provided a summary of the organization’s mission and encouraged everyone to participate in the Walk to End Alzheimer’s event at Doheny Beach on October 6th.

VI. CONSENT CALENDAR

Councilmember Rhodes requested that Item 6.1 be removed from the Consent Calendar.

Moved by Councilmember Robbins, seconded by Councilmember Hack, and carried unanimously to approve Consent Calendar Items 6.2 – 6.6.

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 Reports

Received and filed the July 2012 monthly and the Fiscal Year 2011-12 Fourth Quarter Treasurer's Reports.

6.4 Warrant Register

Approved the August 15, 2012 Warrant Register in the amount of \$525,886.26.

6.5 National Joint Powers Alliance

Approved a cooperative purchasing agreement with the National Joint Powers Alliance; and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.6 EL Toro Road/Aliso Creek Road Phase II Bicycle and Pedestrian Enhancement Project

Awarded a contract to Yakar General Contractors, Inc. in the amount of \$535,809.89; and authorized the City Manager to execute the contract and approve change orders not to exceed 15% of the base amount, subject to approval as to form by the City Attorney.

6.1 City Council Minutes

Councilmember Rhodes noted a correction to Item 10.3 that should reflect "Local 36-31".

Moved by Councilmember Rhodes, seconded by Councilmember Hack, and carried unanimously to approve Consent Calendar Item 6.1

VII. PUBLIC HEARING

7.1 Medical Marijuana Dispensary Regulations

City Manager Keane noted that staff continues to analyze the proposed changes in light of several judicial determinations and recommends that the public hearing be continued to October 17, 2012.

Moved by Councilmember Hack, seconded by Councilmember Robbins, and carried unanimously to continue the Public Hearing to October 17, 2012.

VIII. CITY COUNCIL – None

IX. CITY MANAGER – None

X. COMMITTEE REPORTS

- 10.1 Transportation Corridor Agencies (Mayor Hack)
Councilmember Hack reported that there was no meeting; however, the Agency is continues to work on automating its toll collection process.
- 10.2 Orange County Library Board (Councilmember Robbins)
Councilmember Robbins reported that there will be no meeting until October.
- 10.3 Orange County Fire Authority (Councilmember Rhodes)
Councilmember Rhodes discussed a residential fire that occurred on July 31st and reminded residents not to place items on top of stoves. He reported that the Board approved an agreement to transfer property and 2011 Homeland Security grant funds in the amount of \$277,468 between the Orange County Sheriff-Coroner and OCFA. The funds are to be used to build capabilities to prepare, response, and recover from terrorist attack or man-made or natural disaster. He also discussed OCFA's participation in regional and national fire rescue and defense teams. He noted that the expense for defending wildfires is reimbursed by the Federal Government; however, training is at the expense of OCFA.
- Mayor Connors emphasized the need for homeowner insurance and urged residents to consider insurance that might include coverage for alternative living arrangements.
- 10.4 Southern California Water Committee (Mayor Hack)
Councilmember Hack reported that the Committee discussed the Bay Delta Conservation Plan that delivers water both to Southern California and the Bay area.
- 10.5 Coastal Greenbelt Authority (Mayor Pro Tem Connors)
Mayor Connors reported that there was no meeting.
- 10.6 Laguna Canyon Foundation (Councilmember Rhodes)
Councilmember Rhodes reported that there was no meeting.
- 10.7 Vector Control District Board (Councilmember Robbins)
Councilmember Robbins reported that the Board's monthly report of the West Nile Virus was not provided at the last meeting; however, it is listed in tomorrow's agenda and he will provide a report at the September Council meeting.

XI. PUBLIC COMMENTS

Bert Moldow, resident, discussed the letter he previously sent to the City Council asking

it to support a resolution that urges the California Public Utilities Commission (CPUC) to move forward with their investigation of Southern California Edison. He suggested that further delays of the investigation could have a serious financial impact on the City and the homeowners associations. He discussed the possible closure of the San Onofre Nuclear Generating Station and its affect to rate payers.

Mayor Conners stated that Council will take his request into consideration; however, she cannot guarantee that it will be placed on the agenda.

XII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

12.1 Reports on Meetings Attended per Government Code §53232.3

A. Municipal Water District of Orange County July 25, 2012 – Councilmember Hack

Councilmember Hack reported that a professor from the University of California San Diego spoke regarding problems between San Diego and the Metropolitan Water District in terms of water development.

B. Southern California Water Committee July 27, 2012 – Councilmember Hack

Councilmember Hack reiterated the report he provided with regard to the Bay Delta Conversation Plan. He stated that it is an important issue worth noting during the November election.

Mayor Conners asked Councilmember Hack if the ballot proposition has a number.

Councilmember Hack stated that it is a part of the Governor's tax increase plan.

12.2 Other Meetings, Comments and Announcements

Councilmember Rhodes announced that the El Toro Water Advisory group discussed their recycled water expansion program, which would increase recycled water up to 20%. The project includes a tertiary treatment facility adjacent to Ridge Route and residents should be aware of possible disruption in traffic and street closures during project construction.

Councilmember Hack noted that he is pleased to see El Toro Water District (ETWD) moving forward with the expansion of their recycled water capacity; and that the City would like to use recycled water in its medians.

Councilmember Rhodes noted that the Municipal Water District of Orange County has been exploring the possibility of developing a desalination pilot plant in South Orange County. He visited the demonstration projects and discussed the possibility of an expanded project.

Councilmember Hack noted that there is a desalination plant in San Diego and one is also proposed in Huntington Beach. He stated that the cost of water from these facilities is

typically five times greater than normal water.

Mayor Connors addressed Councilmember Hack's report last month on California's agricultural economy. She reported that the state is the fifth largest agricultural economy in the world and that water is important to the state.

Councilmember Rhodes discussed ways to conserve water and announced that rebates are available for energy saving products such as clothes washer, toilets, sprinklers, and hose nozzles.

Councilmember Robbins cautioned that rebates may not be applicable to residents in the Village because water is not individually metered.

Councilmember Rhodes suggested that residents contact the El Toro Water District for a list of available programs.

Councilmember Hack acknowledged Mr. Moldow's earlier comments pertaining to the San Onofre generator failure's effect on ratepayers. He noted that there is a process in place and this matter could be resolved by the CPUC in October. He also discussed the state's Independent Systems Operator (ISO) main objectives in determining the available use of electricity.

XIII. CLOSED SESSION

- 13.1 The City Council met in closed session to confer with legal counsel regarding one matter of pending litigation: Joe Schwarz vs. City of Laguna Woods, Case No. 30-2012-00568159, pursuant to the provisions of Government Code Section 54956.9(a).
- 13.2 The City Council met in closed session with its employee compensation negotiator, Leslie Keane, to give direction with regard to unrepresented employees, pursuant to the provisions of Government Code Section 54957.6.
- 13.3 The City Council met in closed session to confer with legal counsel regarding one matter of potential litigation, pursuant to the provisions of Government Code Section 54956.9(c).

The City Council reconvened in open session at 4:25 p.m. City Attorney Cosgrove advised that there was no reportable action.

XIV. ADJOURNMENT

The meeting was adjourned at 4:25 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday September 19, 2012 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: September 19, 2012

CYNTHIA S. CONNERS, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORT

City of Laguna Woods
Monthly Treasurer's Report
August 31, 2012

CASH ON HAND1. Investments/General Fund

Local Agency Investment Fund	\$	6,236,250
		<hr/>
Subtotal	\$	6,236,250

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	725,731
		<hr/>
Subtotal	\$	725,731

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

Petty Cash Funds	\$	544
Analyzed Checking Account	\$	686,863
		<hr/>
Subtotal	\$	687,407

TOTAL	\$	7,649,388
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Note: LAIF reports interest earnings quarterly.

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 September 19, 2012

Check Number	Check Date	Vendor Name	Description	Amount
PREPAID WARRANTS:				
<i>Automatic Bank Debits</i>				
Debit	07/19/2012	ADP PAYROLL SERVICES	Pay period ended 8/10/12	33,919.33
Debit	07/19/2012	ICMA RETIREMENT CORPORATION	Pay period ended 8/10/12	1,594.03
Debit	07/19/2012	ADP PAYROLL SERVICES	Processing Charges/Payroll 8/10/12	125.40
Debit	08/02/2012	ADP PAYROLL SERVICES	Pay period ended 8/24/12	32,727.93
Debit	08/02/2012	ICMA RETIREMENT CORPORATION	Pay period ended 8/24/12	1,594.03
Debit	08/02/2012	ADP PAYROLL SERVICES	Processing Charges/Payroll 8/24/12	125.40
Other				
112290	08/08/2012	KEANE, LESLIE A.	August 2012 Auto Allowance	450.00
112291	08/15/2012	AT&T	White Pages/August 2012	3.79
112292	08/15/2012	CALIFORNIA YELLOW CAB	Taxi Voucher Service/July 2012	20,011.00
112293	08/15/2012	COPPOLA CONSTRUCTION	Waste Diversion Deposit Refund/BP 33124C	500.00
112294	08/15/2012	COPYFORCE	Office Supplies/Date Stamps	116.37
112295	08/15/2012	FOLEY, PATRICK	Employee Benefit Program/July 2012	320.00
112296	08/15/2012	KONE INC.	Elevator Maintenance/August 2012	227.37
112297	08/15/2012	TERESE S OLIVER	Attorney Services/July 2012	2,722.50
112298	08/15/2012	ONE WAY CONSTRUCTION	Waste Diversion Deposit Refund/BP 32894C	1,210.00
112299	08/15/2012	RUTAN & TUCKER, LLP	City Attorney/June 2012	32,522.58
112300	08/15/2012	SOUTHERN CALIFORNIA EDISON	Safety Lights Over Traffic Signals/July 2012	366.93
112301	08/15/2012	THE GAS COMPANY	City Hall Utilities/July 2012	24.49
112302	08/22/2012	AAA REMODELING	Waste Diversion Deposit Refund/BP 32795C	250.00
112303	08/22/2012	AFLAC	Employee Benefit Program/September 2012	310.80
112304	08/22/2012	ALLIED MECHANICAL AIR SYS, INC	Air Conditioning Maintenance	819.00

**CITY OF LAGUNA WOODS
WARRANT REGISTER
September 19, 2012**

Check Number	Check Date	Vendor Name	Description	Amount
112305	08/22/2012	AT&T	Telephone/581-3974/July 2012	78.36
112306	08/22/2012	AT&T	Telephone/583-1105/July 2012	15.65
112307	08/22/2012	BANK OF AMERICA - CC	Credit Card Charges/July 2012	357.89
112308	08/22/2012	CAA	Water Quality Consulting/July 2012	2,488.50
112309	08/22/2012	CALPERS - HEALTH	Employee Benefit Program/September 2012	3,305.09
112310	08/22/2012	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 8/10/12	5,218.02
112311	08/22/2012	ANN KOECK	Taxi Voucher Refund	45.00
112312	08/22/2012	MC FADDEN CONSTRUCTION	Waste Diversion Deposit Refund/BP 32192C	1,830.00
112313	08/22/2012	CAROLYN MCNICHOLAS	Taxi Voucher Refund	22.50
112314	08/22/2012	PRINCIPAL FINANCIAL GROUP	Employee Benefit Program/September 2012	452.30
112315	VOID	VOID	VOID	-
112316	08/22/2012	* REILLY, DOUGLAS C.	Mileage Reimbursement/June 2012	105.78
112317	08/22/2012	SCOTT FAZEKAS & ASSOCIATES	Plan Checking Services/July 2012	800.00
112318	08/22/2012	SONITROL	Alarm Monitoring/September 2012	58.91
112319	08/22/2012	SYNOPTEK	IT Services/September 2012	1,215.00
112320	08/22/2012	YOLIE TRIPPY	Employee Benefit Program/August 2012	389.00
112321	08/22/2012	CONSTANCE VAN WYCK	Taxi Voucher Refunds	45.00
112322	08/22/2012	VERRALL, SANDRA	Cell Phone Reimbursement/July 2012	25.00
112323	08/22/2012	REILLY, DOUGLAS C.	Employee Benefit Program/August 2012	264.11
112324	08/24/2012	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers/August 2012	91.38
112325	08/24/2012	UNITED STATES POSTAL SERVICE	Postage Stamps/25 Rolls	1,125.00
112326	08/29/2012	AT&T	Telephone/458-3487/August 2012	31.75
112327	08/29/2012	CALPERS - RETIREMENT	Retirement Contributions/Period Ending 8/24/12	5,217.60
112328	08/29/2012	CAPTIONING UNLIMITED	Close Captioning/Council Meeting/August 2012	100.00
112329	08/29/2012	DELTA DENTAL PLAN OF CA	Employee Benefit Program/Sept 2012	633.98

**CITY OF LAGUNA WOODS
WARRANT REGISTER
September 19, 2012**

Check Number	Check Date	Vendor Name	Description	Amount
112330	08/29/2012	EL TORO WATER DISTRICT	City Hall Utilities/July 2012	28.00
112331	08/29/2012	EL TORO WATER DISTRICT	City Hall Utilities/July 2012	147.30
112332	08/29/2012	FLEX ONE	Benefit Administration/August 2012	50.00
112333	08/29/2012	JONES, ERNESTINE	Employee Benefit Program/July 2012	462.84
112334	08/29/2012	KEANE, LESLIE A.	Cell Phone Reimbursement	1,101.30
112335	08/29/2012	DAVID LANGDON	Waste Diversion Refund/BP 32779C/BP33203C	500.00
112336	08/29/2012	MANAGED HEALTH NETWORK	Employee Benefit Program/August 2012	22.23
112337	08/29/2012	LEWIS MARCUS	Waste Diversion Refund/BP 33442C	250.00
112338	08/29/2012	MUNICIPAL CODE CORP	Codify Ordinance 11-06 - 12-05	2,996.24
112339	08/29/2012	OCEAN CONSTRUCTION	Cancelled Building Permit	141.93
112340	08/29/2012	OFFICE DEPOT	Office Supplies	74.90
112341	08/29/2012	OFFICEMAX INC	Office Supplies/Paper	262.54
112342	08/29/2012	ORANGE COUNTY TREASURER-SHERIF	Communication Charges/1st Quarter/Fiscal Yr 2012-13	221.00
112343	08/29/2012	PEAK LIGHTING & ELECTRIC, INC	Streetlight Maintenance/August 2012	704.52
112344	VOID	VOID	VOID	-
112345	08/29/2012	SOUTHERN CALIFORNIA EDISON	Ridge Route Park/August 2012	43.92
112346	08/29/2012	SOUTHERN CALIFORNIA EDISON	City Centre Park/August 2012	24.02
112347	08/29/2012	SOUTHERN CALIFORNIA EDISON	City Hall Utilities/August 2012	2,167.77
112348	08/29/2012	YOLIE TRIPPY	Employee Benefit Program	1,365.42
112349	08/29/2012	VANTAGEPOINT TRANSFER AGT-457	457 Plan Contribution/August 2012	1,475.00
112350	08/29/2012	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program/Sept 2012	199.14
112351	09/05/2012	AT&T	Telephone/452-0600/Aug 2012	326.46
112352	09/05/2012	AT&T	Telephone/639-0500/Aug 2012	183.06
112353	09/05/2012	AT&T	Telephone/770-9359/Aug 2012	16.33
112354	09/05/2012	CSMFO	CSMFO/CMTA Mtg/Sept 2012	35.00

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 September 19, 2012

Check Number	Check Date	Vendor Name	Description	Amount
112355	09/05/2012	EL TORO WATER DISTRICT	Irrigation/August 2012	5,567.25
112356	09/05/2012	EL TORO WATER DISTRICT	Ridge Route Park/Aug 2012	597.30
112357	09/05/2012	LILLIAN FREIS	Taxi Voucher Refund	18.80
112358	09/05/2012	JLS PROFESSIONAL SERVICES	Waste Diversion Dep/BP 28260C	900.00
112359	09/05/2012	LA OPINION	2012 Election Notice	287.50
112360	09/05/2012	SDB ENTERPRISES	Waste Diversion Ref/BP 31868C	810.00
112361	09/05/2012	BURNETTA SMITH	Taxi Voucher Refund	37.50
112362	09/05/2012	SOUTHERN CALIFORNIA EDISON	LS-3 2-23-196-1087/Aug 2012	1,498.88
112363	09/05/2012	SOUTHERN CALIFORNIA EDISON	TC-1 2-23-425-7061/Aug 2012	743.54
112364	09/05/2012	TAUBENPOST, INC	Mailing for CUP-745 Project	179.00
112365	09/05/2012	TYLER TECHNOLOGIES, INC.	Pervasive Software Upgrade	250.00
112366	09/05/2012	VERRALL, SANDRA	Cell Phone Reimb/August 2012	25.00
112367	09/05/2012	MARSHALL YAGAN	Waste Diversion Dep/BP 33925C	250.00
112368	09/11/2012	AT&T	White Pages/September 2012	3.79
112369	09/11/2012	THE BEE DETECTIVE	Bee Removal	350.00
112370	09/11/2012	ROBERT BURNETT	Cell Phone/Mileage Reimb/Aug12	261.43
112371	09/11/2012	CALPERS - RETIREMENT	1771 - Period End 9/7/12	5,217.60
112372	09/11/2012	CASEY O'CALLAGHAN	Moulton Phase 2 Design	16,776.70
112373	09/11/2012	COASTAL TRAFFIC SYSTEMS, INC.	Street Maintenance	1,595.63
112374	09/11/2012	DAVID EVANS & ASSOCIATES INC.	Moulton Phase II/July 2012	21,308.99
112375	09/11/2012	EL TORO WATER DISTRICT	Dog Park Irrigation/Aug 2012	22.98
112376	09/11/2012	GARY GATES	Employee Benefit Pgm/Aug 2012	431.77
112377	09/11/2012	KEANE, LESLIE A.	September 2012 Auto Allowance	450.00
112378	09/11/2012	KONICA MINOLTA	Copier Lease/September 2012	482.72
112379	09/11/2012	LYNN CAPOUYA	Landscaping/July 2012	681.36

CITY OF LAGUNA WOODS
WARRANT REGISTER
September 19, 2012

Check Number	Check Date	Vendor Name	Description	Amount
112380	09/11/2012	NIEVES LANDSCAPE, INC.	Landscape Maintenance	150.00
112381	09/11/2012	OCCMA	City Manager's Mtg/Sept 2012	35.00
112382	09/11/2012	REILLY, DOUGLAS C.	Employee Benefit Pgm/Sept 2012	109.49
112383	09/11/2012	RHA LANDSCAPE ARCHITECTS	City Hall Irrigation Conversn	150.00
112384	09/11/2012	FRANCIS RUPERT	Taxi Voucher Refund	13.00
112385	09/11/2012	SOUTHERN CALIFORNIA EDISON	LS-1 2-25-553-1949 - Aug 2012	4,267.81
112386	09/11/2012	SOUTHERN CALIFORNIA EDISON	LS-1 2-25-553-2392 - Aug 2012	2,036.25
112387	09/11/2012	SYNOPTEK	IT Services/Server Upgrade	1,587.19
112388	09/11/2012	TAUBENPOST, INC	Public Notices	231.79
112389	09/11/2012	THE GAS COMPANY	City Hall Utilities/Aug 2012	17.16
112390	09/11/2012	TRAUMA INTERVENTION PROGRAM	Comm Svcs Grant/3Q 2012	875.00
112391	09/11/2012	ANA LUISA VIDALES	Taxi Voucher Refund	75.00
112392	09/11/2012	WATERFALL EQUITIES, LLC	Waste Diversion Ref/BP 32775B	250.00
112393	09/11/2012	WM CURBSIDE, LLC	Waste Collection/July 2012	5,167.80
112394	09/11/2012	SHIRLEY WOLK	Taxi Voucher Refund	40.00
Total Prepaid Warrants				240,408.92
REGULAR WARRANTS:				
112395	09/11/2012	BALLIET, MICHAEL	Waste Consulting/August 2012	2,720.00
112396	09/11/2012	BANK OF AMERICA - CC	Credit Card Charge/Aug 2012	280.73
112397	09/11/2012	CALIFORNIA YELLOW CAB	NEMT/August 2012	7,002.00
112398	09/11/2012	CIVIL SOURCE	Engineering/Inspection/July 12	45,358.28
112399	09/11/2012	CIVIL SOURCE	Engineering/Inspection/Aug 12	40,912.52
112400	09/11/2012	CIVIL SOURCE	Engineering/Inspection Service	11,111.25

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 September 19, 2012

Check Number	Check Date	Vendor Name	Description	Amount
112401	09/11/2012	COMMPRO	Website Hosting/Sept 2012	295.00
112402	09/11/2012	CYNTHIA CONNERS	September 2012 Compensation	300.00
112403	09/11/2012	COPYFORCE	Water Quality Inspection Forms	964.37
112404	VOID	VOID	VOID	-
112405	09/11/2012	GREAT CLEANING SERVICE	Janitorial Service/August 2012	577.76
112406	09/11/2012	HACK, BERT	September 2012 Compensation	300.00
112407	09/11/2012	KONE INC.	Elevator Maintenance/Sept 2012	227.37
112408	09/11/2012	NIEVES LANDSCAPE, INC.	Landscape Maint/Sept 2012	10,725.41
112409	09/11/2012	ORANGE COAST PLUMBING	Building Maintenance	200.00
112410	09/11/2012	ORANGE COUNTY TREASURER-SHERIF	Sheriff Services/August 2012	110,992.00
112411	09/11/2012	REDFLEX TRAFFIC SYSTEMS	Redlight Camera/August 2012	15,000.00
112412	09/11/2012	MARTIN RHODES	September 2012 Compensation	300.00
112413	09/11/2012	RING, ROBERT	September 2012 Compensation	300.00
112414	09/11/2012	ROBBINS, MILTON	September 2012 Compensation	300.00
112415	09/11/2012	MOLLY SNITZER	Taxi Voucher Refund	50.00
112416	VOID	VOID	VOID	-
112417	09/11/2012	CIVIL SOURCE	Engineering Consulting Service	630.00
112418	09/11/2012	SYNOPTEK	IT Services/Server Upgrade	6,942.78
Total Regular Warrants				<u>255,489.47</u>

Total Register 495,898.39

* FY 2011-12 Expenditures

CITY OF LAGUNA WOODS
 WARRANT REGISTER
 September 19, 2012

Check Number	Check Date	Vendor Name	Description	Amount
July Credit Card Statement Detail				
	Debit	OC REGISTER	Newspaper Delivery	37.72
	Debit	AMAZON	HP LaserJet Printer	175.04
	Debit	THE UPS STORE	PEG Equipment/Shipping	125.14
	Debit	APPLE	PEG Equipment/Software	19.99
August Credit Card Statement Detail				
	Debit	OC REGISTER	Newspaper Delivery	37.72
	Debit	NORCO	Delivery Service	17.12
	Debit	LEAGUE OF CALIFORNIA CITIES	City Clerk New Law & Election Seminar	34.91
	Debit	APPLE	Channel 31 Bulletin Board Software	19.99
	Debit	PRESENTA PLAQUE	Plaque Certificate Holders	120.51
	Debit	AMAZON	HP LaserJet Printer Ink Cartridge	50.48

6.5
EMPLOYEE COMPENSATION

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO. 12-10 AND ESTABLISHING A COMPENSATION SCHEDULE FOR CITY EMPLOYEES

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Effective September 22, 2012, the salary schedule for City employees is established as follows:

Full Time Employees

Exempt Employees (Annual Equivalent)

Assistant City Manager	98,020 – 137,228
Building Official	61,256 – 85,748
City Manager*	169,676
Community Services Manager	61,256 – 85,748
Deputy City Clerk	46,618 – 65,234
Finance Manager*	61,256 – 85,748
Public Safety Director*	79,638 – 111,488

* Denotes confidential employee

Non-Exempt (Hourly Rate)

Administrative Coordinator	22.40 – 31.36
Code Enforcement Officer	22.40 – 31.36

Part-Time Employees (Hourly Rate)

Accountant	20.00 -- 25.00
Administrative Intern	12.00 -- 17.00
Building Inspector	30.00 -- 40.00
Clerical Assistant	12.00 -- 17.00
Intern	12.00 -- 17.00

The City Manager is authorized to hire, promote and compensate employees within appropriate salary ranges, consistent with the approved budget and this resolution.

SECTION 2. All employees who work 20 (twenty) or more hours per week on a regularly assigned basis shall be considered "full-time employees". Full time employees shall receive the following benefits prorated to the percentage of time they work:

- A. Retirement: All City employees shall participate in the Social Security system. In addition, the City shall contract with the California Public Employees Retirement System (CalPERS) for retirement benefits for all full time employees. Effective September 22, 2012, employees shall be responsible for paying the 7% employee contribution for the CalPERS retirement system; employee salaries shall be adjusted one-time by 7% to maintain existing total compensation.
- B. Disability Insurance: The City shall contract for the provision of a long term disability (LTD) insurance program at no cost to employees. Program shall provide full time employees 60% of applicable salary amounts.
- C. Health Insurance: All employees must be covered by basic health insurance. The City shall contract for health insurance through the California Public Employees Retirement System (CalPERS). Employees who do not wish to enroll in the CalPERS program must provide proof of alternate health insurance.
- D. Retiree Medical: The City will provide a contribution towards CalPERS retiree health insurance, in an amount determined by California Government Code Section 22892, for retiring full time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part time to full time with the City may be

used to calculate the 10 year requirement, with each 174 hours counting as one month.

- E. Employee Assistance Program: The City shall contract for an employee assistance program; membership in this program shall be mandatory for all full time employees. The City shall contribute \$2.47 per month, as adjusted annually by the program provider, for each active full time employee enrolled in the employee assistance program.
- F. Cafeteria Benefit Plan: The City shall provide each full time employee with a flexible benefit allowance that may be used for the following City authorized programs: health insurance (City offered programs or reimbursement for a non-City plan on which employee is carried as a spouse), dental insurance, vision care insurance, employee assistance or mental health plan, contribution to a defined deferred compensation plan, child care reimbursement, life insurance, long and short term disability insurance, long term care insurance, health club membership, health equipment and devices, educational reimbursement for professional development, professional memberships not included in the City budget, additional annual leave (at current hourly rate, up to 5 days per year³), purchase of personal computer or digital equipment and accessories (laptops, PDAs, text messengers, digital cameras, etc.) and cellular or regular telephones that will be used for City as well as personal business, and such other programs as the City Council may from time to time authorize.

The above programs may not all be available at any one time, and it may be that some programs are not available to all classes of employees. Employees shall be required to use their entire allowance on available programs on an annual basis; no cash reimbursement shall be provided. The allowance amount is established as \$1,000 per month for salaried employees and hourly employees working forty hours per week. Full time employees working less than forty hours shall receive a prorated portion of the cafeteria benefit allowance. These amounts shall be less the amount required for the mandatory employee assistance contributions, as noted in Section E above.

- G. Leave with pay: City employees shall accrue twenty days per year of annual leave, which may be used for doctors' appointments, personal and family

³ Annual leave may only be purchased if it will be used in the calendar year purchased, and if it will not result in an annual leave accrual above an employee's cap.

sick time, bereavement leave, vacation and personal business. Employees may maintain a balance of no more than 480 hours of annual leave, and shall be compensated for excess annual leave at the end of each calendar year. Upon termination from the City, employees shall be compensated for the entire balance in their annual leave account.

H. Holidays:

- New Years Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving and Friday after Thanksgiving When a designated holiday falls on a Saturday, it shall be observed on the prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- December Holiday (December 24 through January 1).

SECTION 3. In accordance with her employment agreement, the City shall deposit the sum of \$9,730 per year into a 401 (a) program on behalf of the City Manager. Said funds shall be deposited during the year on a pay period basis. In addition, the City Manager shall receive a car allowance of \$450 per month, and shall accrue twenty-five days per year of annual leave, with a maximum balance of 600 hours. Payment on termination and for excess leave shall be handled in accordance with Section G above.

SECTION 4. The Deputy City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS __ DAY OF _____ 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ day of _____, 2012, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

6.6

POLYSTYRENE FOAM EXCEPTION POLICY

CITY OF LAGUNA WOODS**ADMINISTRATIVE POLICY 4.23
POLYSTYRENE FOAM – UNDUE HARDSHIP EXCEPTION****1.0 PURPOSE**

To provide clarification regarding the process for temporarily exempting a food facility from regulations prohibiting the use of single use polystyrene foam food service ware.

2.0 AUTHORITY

Ordinance No. 12-06, adopted June 20, 2012 (Municipal Code Chapter 4.23), prohibits the use of single use polystyrene foam service ware in all food service establishments within the City of Laguna Woods, beginning on July 1, 2013. The City regulations permit the City Manager to grant a temporary exception to this policy based on undue hardship.

3.0 POLICY

The City Manager may grant temporary exceptions to the City's polystyrene food service ware ban based on undue hardship situations, as defined below:

- A. Where compliance with the regulations would cause a severe economic hardship.
- B. Where no reasonably feasible available alternative exists to a specific and necessary Polystyrene Foam product.
- C. Where the applicant was required to purchase Polystyrene Foam food service ware items under a contract entered into prior to the adoption of Ordinance No. 12-06 (June 20, 2012); and
 1. Said contract does not expire and cannot be amended/terminated without financial penalty before July 1, 2013; or
 2. The contract food service ware supplier is unable to supply a reasonable alternative.

- D. Where the existence of a franchise or other contractual obligation commits the applicant to use a corporate logo or other products which are not available in non-Polystyrene Foam form.

4.0 PROCESS

- A. A food facility requesting an undue hardship exemption shall submit an exemption application indicating how compliance with the regulations would cause an undue hardship situation. The application shall include one of the following:
1. If the exemption request relates to a contract for purchase of a product, entered into prior to July 1, 2013, and that the contract food service ware supplier is unable or unwilling to supply a reasonable non-polystyrene foam alternative, the applicant shall provide a copy of the contract and a statement from the supplier.
 2. If the exemption request relates to use of a corporate logo or other company product which are not available in non-polystyrene foam form, the applicant shall provide a copy of the agreement/contract requiring the logo or use of other product.
 3. If no reasonable and feasible alternative to a polystyrene foam product exists, the applicant shall provide a statement regarding the need for the polystyrene product and a list of suppliers contacted.
 4. If use of polystyrene products would cause a significant financial hardship, the applicant shall provide documentation showing the factual support for that fact.
- B. The applicant shall include a description of the steps the business will take during the one-year temporary exemption period to find and use non-polystyrene foam food service ware alternatives.
- C. Upon receipt of an application for hardship, the City Manager or his/her designee shall review the information provided and prepare a written decision granting or denying the exemption within 30 days of receipt of the application.

- D. An exemption may be approved in whole or in part, with or without conditions.
- E. An applicant may appeal an unfavorable decision to the City Council. Appeals must be made within 30 days of receiving written notification of determination.

5.0 Enforcement

- A. The City will not enforce any violation of Code Chapter 4.23 while a hardship application is under review.
- B. If an exemption request is denied, the applicant shall have 90 days to come into compliance with City regulations.
- C. Exemptions shall be granted for a period of 12 months. A separate application for extension shall be required prior to the end of the exemption for an extension and shall include a summary of the efforts undertaken to come into compliance.

Adopted by City Council:

6.7
MOULTON SMART STREET ROADWAY
JURISDICTION

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACCEPTING PORTIONS OF MOULTON PARKWAY, SANTA MARIA AVENUE, RIDGE ROUTE DRIVE, EL TORO ROAD AND VIA CAMPO VERDE, LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS, AS CITY HIGHWAYS AFTER COMPLETION BY THE COUNTY OF ORANGE OF CONSTRUCTION OF PORTIONS OF THE MOULTON SMART STREET PROJECT

WHEREAS, the County of Orange constructed roadway improvements along portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road and Via Campo Verde, hereinafter referred to as PROJECT; and

WHEREAS, the City of Laguna Woods and the County of Orange have entered into Agreement No. D99-100 and Agreement No. D03-071 to define responsibilities of the City and the County with respect to the PROJECT;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The County of Orange has completed construction of the PROJECT.

SECTION 2. Pursuant to the provisions of Section 1700, Article 3, Chapter 9, Division 2 of the Streets and Highways Code, City streets within the PROJECT area were declared to be County highways during the period of construction of the PROJECT by the County of Orange.

SECTION 3. The County of Orange Board of Supervisors has declared that the streets within the PROJECT area are no longer County highways.

SECTION 4. The City Council acknowledges and accepts the County of Orange declaration that the streets within the PROJECT area are no longer County highways and are City highways.

SECTION 5. The Deputy City Clerk is hereby authorized to forward a certified copy of this Resolution to the Orange County Board of Supervisors.

PASSED, APPROVED AND ADOPTED this ____ day of September 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-**____ was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the _____ day of September 2012, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

YOLIE TRIPPY, Deputy City Clerk

6.8

**ORANGE COUNTY TRANSPORTATION
AUTHORITY COOPERATIVE AGREEMENT
No. C-0-0936**

performed within 5 years of AUTHORITY releasing the final payment for each PROJECT(s). If the audit determines that any of the activities performed are ineligible for CTFP funding or did not comply with CTFP policies and procedures, AGENCY shall return the amount of funding used to perform ineligible activity to AUTHORITY.”

The balance of Agreement No. C-0-0936 remains unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 12 to Agreement No. C-0-0936 to be effective as of the date first above written.

CITY OF LAGUNA WOODS

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____

By: _____

Cynthia S. Conners
Mayor

Meena Katakia
Manager, Capital Projects

ATTEST:

APPROVED AS TO FORM:

By: _____

By: _____

Leslie Ann Keane
City Clerk

Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

By: _____

David B. Cosgrove
City Attorney

Dated _____

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6.9
MEMORANDUM OF UNDERSTANDING
No. C-2-1592

1 MEMORANDUM OF UNDERSTANDING NO. C-2-1592

2 BETWEEN

3 ORANGE COUNTY TRANSPORTATION AUTHORITY

4 AND

5 CITIES OF IRVINE, LAGUNA HILLS, LAGUNA WOODS, LAKE FOREST,

6 AND COUNTY OF ORANGE

7 FOR

8 AMENDMENT OF THE MASTER PLAN OF ARTERIAL HIGHWAYS

9 THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as "MOU") is effective
10 this _____ day of _____, 2012, by and between the Orange County Transportation
11 Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584 (hereinafter referred
12 to as "AUTHORITY"), and the City of Irvine, the City of Laguna Hills, the City of Laguna Woods, the
13 City of Lake Forest, and the County of Orange (hereinafter collectively referred to as "AGENCIES" and
14 individually as "AGENCY"). AUTHORITY and each AGENCY are sometimes referred to collectively in
15 this MOU as the "PARTIES" and individually as "PARTY."

16 RECITALS

17 WHEREAS, AUTHORITY administers the Master Plan of Arterial Highways (hereinafter
18 referred to as "MPAH") including the review and approval of amendments requested by local agencies;
19 and

20 WHEREAS, the City of Irvine has requested an Amendment to the MPAH to delete
21 Bake Parkway from Lake Forest Drive to State Route 133; to delete Ridge Route Drive from
22 Santa Vittoria Drive to Bake Parkway; to delete Santa Maria Avenue from Santa Vittoria Drive to
23 State Route 133; and to add Santa Vittoria Drive from Lake Forest Drive to Santa Maria Avenue as a
24 collector (two-lane, undivided) arterial (hereinafter referred to as the "Amendment to the MPAH"); and

25 /
26 /

1 **WHEREAS**, the City of Irvine in association with the City of Laguna Hills, the City of
2 Laguna Woods, the City of Lake Forest, the County of Orange, and AUTHORITY initiated the MPAH
3 Cooperative Study Process; and

4 **WHEREAS**, traffic analyses conducted as part of the MPAH Cooperative Study Process
5 determined that the Amendment to the MPAH would result in projected changes to future traffic
6 patterns; and

7 **WHEREAS**, these projected changes in future traffic patterns resulted in a determination that
8 appreciable impacts would occur at the intersections of Bake Parkway/Research Drive (City of Irvine),
9 Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills), El Toro Road/Avenida de la Carlota
10 (City of Laguna Hills), and Ridge Route Drive/Rockfield Boulevard (City of Lake Forest); and

11 **WHEREAS**, an appreciable impact is defined in the AUTHORITY's Guidance for Administration
12 of the Orange County MPAH, as an increase in Intersection Capacity Utilization ("ICU") of 0.01 for
13 intersections exceeding Level of Service "D" or the General Plan standard adopted by the respective
14 jurisdiction; and

15 **WHEREAS**, Exhibit A titled "SUMMARY OF MPAH AMENDMENT APPRECIABLE IMPACTS
16 and TRAFFIC SHARE", provides a summary of the appreciable impacts occurring as a result of the
17 Amendment to the MPAH; and

18 **WHEREAS**, improvements have been identified to mitigate appreciable impacts and maintain
19 the operational integrity of the MPAH system; and

20 **WHEREAS**, AUTHORITY's Board of Directors approved this Amendment to the MPAH on
21 July 23, 2012, contingent upon full execution of this MOU, as well as amendments to appropriate
22 AGENCIES' general plans including California Environmental Quality Act requirements; and

23 **WHEREAS**, all PARTIES wish to enter into an MOU to identify the roles, responsibilities and
24 commitments of the PARTIES in processing the Amendment to the MPAH and mitigating the related
25 appreciable impacts; and

26 /

1 **NOW, THEREFORE**, it is mutually understood and agreed by the PARTIES as follows:

2 **ARTICLE 1. COMPLETE AGREEMENT:**

3 A. This MOU, including all exhibits and documents incorporated herein and made
4 applicable by reference, constitutes the complete and exclusive statement of the term(s) and
5 condition(s) of the MOU between the PARTIES concerning the Amendment to the MPAH and
6 supersedes all prior representations, understandings and communications between the PARTIES. The
7 invalidity, in whole or part, of any term or condition of this MOU shall not affect the validity of other
8 term(s) or conditions(s) of this MOU. The above referenced Recitals are true and correct and are
9 incorporated by reference herein.

10 B. AUTHORITY'S failure to insist on any instance(s) of any AGENCY'S performance of any
11 term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of
12 AUTHORITY's right to such performance or to future performance of such term(s) or condition(s), and
13 AGENCY'S obligation in respect thereto shall continue in full force and effect.

14 C. Any AGENCY'S failure to insist on any instance(s) of AUTHORITY's performance of any
15 term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of AGENCY's
16 right to such performance or to future performance of such term(s) or condition(s), and AUTHORITY's
17 obligation in respect thereto shall continue in full force and effect.

18 **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY:**

19 AUTHORITY agrees to the following responsibilities:

20 A. AUTHORITY shall administer the MPAH, including updating the MPAH to reflect the
21 Amendment to the MPAH, upon fulfillment of all of the following conditions:

22 1. AUTHORITY's Board of Directors conditional approval of the Amendment to the
23 MPAH. The AUTHORITY's Board of Director approval of the Amendment to the MPAH will not
24 become final until conditions 2 and 3 below have been satisfied; and

25 2. Receipt of an original, fully executed MOU (signed by all PARTIES); and

26 3. Receipt of documentation that that the Cities of Irvine, Laguna Hills,

1 Laguna Woods, and County of Orange have amended their general plans to reflect the
2 Amendment to the MPAH.

3 B. AUTHORITY shall file a Notice of Exemption from the provisions of the California
4 Environmental Quality Act in support of the amendment to the MPAH.

5 **ARTICLE 3. RESPONSIBILITIES OF CITY OF IRVINE:**

6 The CITY of Irvine agrees to the following responsibilities:

7 A. The CITY of Irvine acknowledges that the AUTHORITY has determined the amendment
8 to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has
9 caused a Notice of Exemption to be filed, posted, and recorded.

10 B. The CITY of Irvine shall implement one of the two mitigation measures identified below.

11 1. Bake Parkway/Research Drive: conversion of a westbound through lane on
12 Research Drive to shared through/second right-turn lane; or

13 2. Bake Parkway/Research Drive: addition of a second westbound right-turn lane
14 on Research Drive.

15 C. This mitigation measure is to be implemented before the ICU at this intersection reaches
16 the pre-Amendment to the MPAH ICU of 0.94. These improvements are not meant to be prescriptive.
17 If the CITY of Irvine is able to identify alternative improvements which meet the overall objective of
18 achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be
19 considered acceptable alternatives and shall be implemented as substitute solutions.

20 D. The CITY of Irvine shall amend the Circulation Element of its General Plan to reflect the
21 Amendment to the MPAH, and in doing so, shall comply with the requirements of the California
22 Environmental Quality Act.

23 E. The CITY of Irvine enters into this MOU in order for the above mitigation measure to be
24 implemented.

25 F. The Share Cost Allocation for this mitigation, as identified in Exhibit B titled "IMPACTED
26 INTERSECTIONS SHARE COST ALLOCATION," will be funded through the County of Orange's

1 Coastal Area Roadway Improvements and Traffic Signal Program (hereinafter referred to as the
2 "CARITS Program").

3 **ARTICLE 4. RESPONSIBILITIES OF CITY OF LAGUNA HILLS:**

4 The CITY of Laguna Hills agrees to the following responsibilities:

5 A. The CITY of Laguna Hills acknowledges that the AUTHORITY has determined the
6 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
7 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

8 B. The CITY of Laguna Hills shall implement the mitigation measures identified below.

9 1. Paseo de Valencia/Avenida de la Carlota: restripe the southbound approach on
10 Paseo de Valencia to provide 2.5 left-turn lanes, 1.5 through lanes and no right-turn lane, and
11 construct a third eastbound receiving lane on Avenida de la Carlota for the third southbound left-
12 turn lane; and

13 2. El Toro Road/Avenida de la Carlota: restripe the westbound approach on
14 Avenida de la Carlota to provide a shared left-turn/through lane and two right-turn lanes,
15 retaining the existing westbound right-turn overlap with the southbound left-turn movement.

16 C. These mitigation measures are to be implemented before the ICU at these intersections
17 reaches the pre-Amendment to the MPAH ICU of 1.01 for the Paseo de Valencia/Avenida de la Carlota
18 intersection and 1.02 for the El Toro Road/Avenida de la Carlota intersection, respectively. These
19 improvements are not meant to be prescriptive. If the CITY of Laguna Hills is able to identify alternative
20 improvements, which meet the overall objective of achieving and/or maintaining the pre-Amendment to
21 the MPAH ICU, then those improvements shall be considered acceptable alternatives and shall be
22 implemented as substitute solutions.

23 D. The CITY of Laguna Hills shall amend the Circulation Element of its General Plan to
24 reflect the Amendment to the MPAH, and comply with the requirements from the California
25 Environmental Quality Act.

26 E. The CITY of Laguna Hills enters into this MOU in order for the above mitigation

1 measures to be implemented.

2 F. The Share Cost Allocation for this mitigation is identified in Exhibit B, and will be funded
3 through the CARITS Program.

4 **ARTICLE 5. RESPONSIBILITIES OF CITY OF LAGUNA WOODS:**

5 The CITY of Laguna Woods agrees to the following responsibilities:

6 A. The CITY of Laguna Woods acknowledges that the AUTHORITY has determined the
7 amendment to the MPAH to be exempt from the California Environmental Quality ACT, and that the
8 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

9 B. The CITY of Laguna Woods shall amend the Circulation Element of its General Plan to
10 reflect the Amendment to the MPAH, and comply with the requirements from the California
11 Environmental Quality Act.

12 **ARTICLE 6. RESPONSIBILITIES OF CITY OF LAKE FOREST:**

13 The CITY of Lake Forest agrees to the following responsibilities:

14 A. The CITY of Lake Forest acknowledges that the AUTHORITY has determined the
15 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
16 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

17 B. The CITY of Lake Forest shall implement the following mitigation measure identified
18 below.

19 1. Ridge Route Drive/Rockfield Boulevard: narrowing of the existing raised
20 median on Ridge Route Drive to four feet in both the northbound and southbound directions to
21 create left turn pockets, and also provide defacto right turn lanes in both directions.

22 C. This mitigation measure is to be implemented before the ICU at this intersection reaches
23 the pre-Amendment to the MPAH ICU of .98. This improvement is not meant to be prescriptive. If the
24 CITY of Lake Forest is able to identify alternative improvements which meet the overall objective of
25 achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be
26 considered acceptable alternatives and shall be implemented as substitute solutions.

1 D. The CITY of Lake Forest enters into this MOU in order for the above mitigation measure
2 to be implemented.

3 E. The Share Cost Allocation for this mitigation is identified in Exhibit B and will be funded
4 through available CITY of Lake Forest non-general fund and/or grant sources.

5 **ARTICLE 7. RESPONSIBILITIES OF COUNTY OF ORANGE:**

6 The COUNTY of Orange agrees to the following responsibilities:

7 A. The COUNTY of Orange acknowledges that the AUTHORITY has determined the
8 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
9 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

10 B. The COUNTY of Orange, contingent upon the finalized Amendment to the MPAH, will
11 reprogram CARITS Program mitigation funds originally identified for the intersection of Bake
12 Parkway/Laguna Canyon Road as part of the Aliso Creek Road MPAH amendment (now being deleted
13 as a result of the Amendment to the MPAH).

14 C. These CARITS funds, when reprogrammed, will be allocated to the Share Cost
15 Allocations for improvements at the intersections of Bake Parkway/Research Drive (City of Irvine),
16 Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills), and El Toro Road/Avenida de la
17 Carlota (City of Laguna Hills) as identified in Exhibit B.

18 D. The COUNTY of Orange shall amend the Transportation Element of the County of
19 Orange General Plan, including the Circulation Plan to reflect the Amendment to the MPAH, and
20 comply with the requirements from the California Environmental Quality Act.

21 E. The COUNTY of Orange enters into this MOU in order for the above mitigation
22 measures to be implemented.

23 F. Upon receipt of evidence of the finalized MPAH Amendment, the COUNTY, within 60
24 days, will make reprogrammed CARITS funding available to the eligible jurisdictions identified in this
25 MOU.

26 /

1 **ARTICLE 8. DELEGATED AUTHORITY:**

2 The actions required to be taken by the CITIES of Irvine, Laguna Hills, Lake Forest, and Laguna
3 Woods in the implementation of this MOU are delegated to each CITY's City Manager, or designee.
4 The actions required to be taken by COUNTY in the implementation of this MOU are delegated to its
5 Chair of the Board, or designee. The actions required to be taken by AUTHORITY in the
6 implementation of this MOU are delegated to AUTHORITY's Chief Executive Officer, or designee.

7 **ARTICLE 9. INDEMNIFICATION:**

8 A. Each AGENCY shall indemnify, defend and hold harmless AUTHORITY, its officers,
9 directors, employees and agents from and against any and all claims (including attorney's fees and
10 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
11 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
12 negligent acts, omissions or willful misconduct by each AGENCY, its officers, directors, employees or
13 agents in connection with or arising out of the performance of this MOU.

14 B. AUTHORITY shall indemnify, defend and hold harmless each AGENCY, its officers,
15 directors, employees and agents from and against any and all claims (including attorney's fees and
16 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
17 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
18 negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors, employees or
19 agents in connection with or arising out of the performance of this MOU.

20 C. AGENCIES shall indemnify, defend and hold harmless each AGENCY, its officers,
21 directors, employees and agents from and against any and all claims (including attorney's fees and
22 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
23 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
24 negligent acts, omissions or will misconduct by AGENCIES, their officers, directors, employees or
25 agents in connection with or arising out of the performance of this MOU.

26 /

1 D. Indemnification and defense obligations of this MOU shall survive its expiration or
2 termination.

3 **ARTICLE 10. MUTUAL RESPONSIBILITIES OF ALL AGENCIES:**

4 A. Each PARTY to this MOU agrees to cooperate and coordinate with the other PARTIES
5 to this MOU and their respective staff, contractors, consultants, and vendors, etc. providing services
6 required under this MOU to the extent practicable.

7 B. All PARTIES to this MOU agree to work diligently together, and in good faith, toward the
8 resolution of any unforeseen issues and disputes arising out of the performance of this MOU.

9 **ARTICLE 11. ADDITIONAL PROVISIONS**

10 The PARTIES agree to the following:

11 A. Termination: This Agreement shall continue in full force and effect through
12 June 30, 2032. This MOU shall not be terminated without the written consent of all PARTIES.

13 B. This MOU may be amended in writing at any time by the consent of all PARTIES. No
14 amendment shall have any force or effect unless executed in writing by all PARTIES.

15 C. AUTHORITY and AGENCIES shall comply with all applicable federal, state, and local
16 laws, statues, ordinances and regulations in the performance of this MOU.

17 D. Successors in Interest: This MOU shall be binding upon and shall inure to the benefit of
18 the parties hereto and their respective heirs, personal representatives, successors, and assigns.

19 E. Attorney's Fees: In the event any action is brought between the parties hereto relating to
20 this MOU or the breach thereof, the prevailing party in such action shall be entitled to recover from the
21 other party reasonable expenses, attorneys' fees and costs in connection with such action or
22 proceeding.

23 D. Legal Authority: Each of the undersigned represents and warrants that they are
24 authorized to execute this MOU on behalf of said PARTIES and that, by so executing this MOU, the
25 PARTIES hereto are formally bound to the provisions of this MOU.

26 /

1 E. Severability: If any term, provision, covenant or condition of this MOU is held to be
2 invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the
3 remainder of this MOU shall not be affected thereby, and each term, provision, covenant or condition of
4 this MOU shall be valid and enforceable to the fullest extent permitted by law.

5 F. Counterparts of Agreement: This MOU may be executed and delivered in any number of
6 counterparts, each of which, when executed and delivered shall be deemed an original and all of which
7 together shall constitute the same agreement. Facsimile signatures will be permitted.

8 G. Force Majeure: Any PARTY shall be excused from performing its obligations under this
9 MOU during the time and to the extent that it is prevented from performing by an unforeseeable cause
10 beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering
11 of material, products, plants or facilities by the federal, state or local government; national fuel shortage;
12 or a material act or omission by any other PARTY; when satisfactory evidence of such cause is
13 presented to the other PARTIES, and provided further that such nonperformance is unforeseeable,
14 beyond the control and is not due to the fault or negligence of the PARTY not performing.

15 H. Assignment: Neither this MOU, nor any PARTY's rights, obligations, duties, or authority
16 hereunder may be assigned in whole or in part by any PARTY without the prior written consent of all
17 other PARTIES in their sole and absolute discretion. Any such attempted assignment shall be deemed
18 void and of no force and effect. Consent to one assignment shall not be deemed consent to any
19 subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

20 I. Obligations To Comply with Law: Nothing herein shall be deemed nor construed to
21 authorize or require any PARTY to issue bonds, notes or other evidence of indebtedness under terms,
22 in amounts, or for purposes other than as authorized by local, state or federal law.

23 J. Governing Law: The laws of the State of California and applicable local and federal
24 laws, regulations and guidelines shall govern this MOU.

25 K. Notices: Any notices, requests, or demands made between the PARTIES pursuant to
26 this MOU are to be directed as follows:

To CITY OF IRVINE:	To AUTHORITY:
City of Irvine	Orange County Transportation Authority
P.O. Box 19575 Irvine CA 92623	550 South Main Street P. O. Box 14184 Orange, CA 92863-1584
Attention: Manuel Gomez Director of Public Works Tel: (949) 724-7509 Email: mgomez@cityofirvine.org	Attention: Meena Katakia, Manager, Capital Programs Tel: (714) 560-5694 Email: mkatakia@octa.net

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To CITY OF LAGUNA HILLS:	To CITY OF LAGUNA WOODS:
City of Laguna Hills	City of Laguna Woods
24035 El Toro Road Laguna Hills, CA 92653	24264 El Toro Road Laguna Woods, CA 92637
Attention: Bruce Channing City Manager Tel: (949) 707-2610 Email:	Attention: Leslie A. Keane City Manager Tel: (949) 639-050 Email:

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To CITY OF LAKE FOREST:	To COUNTY OF ORANGE:
City of Lake Forest	County of Orange
25550 Commercecentre Drive, Suite 100 Lake Forest, CA 92630	300 N. Flower Street P.O. Box 4048 Santa Ana, CA 92702
Attention: Robert Dunek City Manager Tel: (949) 461-3400 Email:	Attention: Ignacio Ochoa Director/Chief Engineer Tel: (714) 667-3213 Email:

/

L. Successors and Assigns: The provisions of this MOU shall bind and inure to the benefit of each of PARTY hereto, and all successors or assigns of any PARTY hereto.

This MOU shall continue in full force and effect until all terms and conditions of this MOU are implemented, unless terminated earlier by written consent of all the PARTIES.

The above understandings are a guide to the intent and policies of the PARTIES to this MOU. This MOU shall be effective upon execution by all PARTIES.

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1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF IRVINE**

ORANGE COUNTY TRANSPORTATION AUTHORITY

5 By: _____
6 Manuel Gomez
7 Director of Public Works

By: _____
Will Kempton
Chief Executive Officer

8 **ATTEST:**

10 By: _____
11 Sharie Apodaca
12 City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

14 By: _____
15 Phil Kohn
16 City Attorney

By: _____
Kennard R. Smart, Jr.
General Counsel

APPROVAL RECOMMENDED:

18 By: _____
19 Kia Mortazavi
20 Executive Director, Planning

21 Dated: _____

Dated: _____

22 Attachments:

23 Exhibit A: Summary of MPAH Amendment, Appreciable Impacts and Traffic Share

24 Exhibit B: Impacted Intersections Share Cost Allocation

25 Exhibit C: MPAH Amendment Map

26

1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAGUNA HILLS**

4
5 By: _____
6 Bruce Channing
7 City Manager

8 **APPROVED AS TO FORM:**

9
10 By: _____
11 Gregory E. Simonian
12 City Attorney

13
14
15 Dated: _____
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1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAGUNA WOODS**

4
5 By: _____
6 Leslie A. Keane
7 City Manager

8 **APPROVED AS TO FORM:**

9
10 By: _____
11 David B. Cosgrove
12 City Attorney

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14
15 Dated: _____

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1 IN WITNESS WHEREOF, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAKE FOREST**

4
5 By: _____
6 Robert Dunek
7 City Manager

8 **APPROVED AS TO FORM:**

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10 By: _____
11 Scott Smith
12 City Attorney

13
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15 Dated: _____

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1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **COUNTY OF ORANGE**
4 **A political subdivision of the State of California**

5
6 By: _____
 Chair, Board of Supervisors

7
8 Date: _____

9
10 SIGNED AND CERTIFIED THAT A COPY
11 OF THIS DOCUMENT HAS BEEN
12 DELIVERED TO THE CHAIRMAN OF
13 THE BOARD OF SUPERVISORS

14 By: _____
15 Susan Novak
16 Clerk of the Board of Supervisors
17 Orange County, CA

18 Date: _____

19 APPROVED AS TO FORM:
20 COUNTY COUNSEL
21 ORANGE COUNTY, CALIFORNIA

22 By _____
23 Deputy

24 Date: _____



**EXHIBITA: SUMMARY OF MPAH AMENDMENT
 APPRECIABLE IMPACTS and TRAFFIC SHARE**

Intersection	Jurisdiction	Peak Hour	Post-2030 Level of Service				Difference in LOS (Level of Appreciable Impact)	Share ¹
			Current MPAH		Amendment to MPAH			
			ICU	LOS	ICU	LOS		
Bake Parkway/Research Drive	Irvine	PM	0.94	E	0.96	E	0.024	5%
Paseo de Valencia/Avenida de la Carlota	Laguna Hills	PM	1.01	E	1.04	F	0.03	15%
El Toro Road/Avenida de la Carlota	Laguna Hills	PM	1.02	F	1.03	F	0.013	15%
Ridge Route/Rockfield Boulevard	Lake Forest	PM	.98	F	1.01	F	0.034	7%

¹ Shares are based on the percentage of trips from the deleted Amendment to the MPAH roads, which are assigned onto the circulation system without these roads, to the total growth in traffic at the intersection from existing to Post-2030.




EXHIBIT B: IMPACTED INTERSECTIONS SHARE COST ALLOCATION

Impacted Intersection	Total Improvement Cost	Share	Share Cost Allocation
Bake Parkway/ Research Drive (City of Irvine)	\$1,184,000	5%	\$1,184,000 * .05 = \$59,200
Paseo de Valencia/ Avenida de la Carlota (City of Laguna Hills); and El Toro Road/ Avenida de la Carlota (City of Laguna Hills)	\$2,349,560	15%	\$2,349,560 * .15 = \$352,434
Ridge Route Drive/Rockfield Boulevard (City of Lake Forest)	\$190,000	7%	\$190,000 * .07 = \$13,300¹

¹ The City of Lake Forest is not a CARITS Program participant. As a result, funding for this mitigation is not available through the CARITS Program. Instead, the City of Lake Forest agrees that it will fund this improvement, if needed in the future, through non-General Fund, grant-funding sources.

7.1
CELL TOWER MODIFICATION (CUP-745)

City of Laguna Woods Agenda Report

FOR: September 19, 2012 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
AGENDA ITEM: Cell Tower Modification (CUP-745)

Recommendation (Staff and Land Use and Design Review Committee)

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Approve a resolution issuing conditional use permit CUP-745 with associated conditions, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 745 FOR THE EXPANSION OF AN EXISTING "MINOR" WIRELESS FACILITY LOCATED ON THE ROSSMOOR TOWERS BUILDINGS AT 24055 PASEO DEL LAGO

Background

The applicant, on behalf of AT&T Wireless, is requesting a Conditional Use Permit to modify an existing rooftop wireless facility previously approved in 2002 (CUP-23). The overall proposal entails changing out the existing nine – six foot antennas for 12

new eight foot antennas in three sectors and the addition of two radio equipment cabinets within the existing equipment area.

Co-location of antennas or the expansion of a wireless facility is considered “minor” facilities because of their minimal potential for physical and visual impact to the surrounding properties. Even though the proposal is minor, at the time of application, the Municipal Code required that the project obtain a conditional use permit.

This application, if approved, would be the 4th entitlement related to wireless telecommunications facilities at the subject site.

On June 19, 2002, the City Council approved Conditional Use Permit CUP-23 allowing for the construction of six antennas and four equipment cabinets for AT&T Wireless. These facilities were later sold to Cingular Wireless prior to its becoming a part of AT&T Wireless.

On January 2003, the City Council approved Conditional Use Permit CUP-68 for the co-location of an additional facility to be operated by Cingular Wireless. The facility installation was in approximately the same location and utilized much of the same equipment screening as the former AT&T facilities approved under CUP-23. After the establishment of the facilities approved under CUP-68 they were sold and are currently operated by T-Mobile.

On June 21, 2006, the City Council approved Conditional Use Permit CUP-302 allowing Cingular Wireless to expand the existing facilities approved under CUP-23 by adding three additional antennas for a total of nine antennas and increase the size of each individual antenna from four feet to six feet in length. Cingular Wireless subsequently became part of AT&T Wireless and the Cingular Wireless facilities have since become AT&T Wireless facilities.

Adjacent Land Uses to the proposed site

Location	Land Use designation	Land Use
North	RC-Residential Community District	Laguna Woods Village
South	RC-Residential Community District	Laguna Woods Village
East	RC-Residential Community District	Laguna Woods Village
West	RC-Residential Community District	Laguna Woods Village

Discussion

Issue 1: Antenna and Equipment Revisions

The site is currently permitted for nine antennas, each six feet in length. The proposed modification seeks to add three additional antennas for a total of 12 antennas associated with the site. The size of each individual antenna will be increased to approximately eight feet in length, in order to launch its new technology Long Term Evolution (LTE) also known as 4G or 4th Generation technology, a mobile broadband that is meant to improve coverage and quality and increase download speed for internet capability to AT&T cell phone consumers. Each antenna will be mounted vertically to the building facade or parapet and screened behind new transparent material painted and textured to blend in with the existing building. Antennas in Sector A (Attachment 3, Views 1 and 4), will be moved from an existing parapet wall above the 3rd floor with a RAD center elevation of 31' and relocated to a new location above the 4th floor with a RAD center of 57'6" and 67'6" in elevation. Antennas in Sectors B (Attachment 3, View 3) and C (Attachment 3, View 2) will be replaced at the same location with the new larger eight foot antennas and screened behind the new screen box, painted to match the building. The proposed modifications will maintain the stealth appearance and will continue to blend with the existing building architecture. The specific orientation and height of each antenna sector has been determined by technical analysis to achieve the network requirements of the applicant.

Issue 2: Interference with Public Safety Equipment

In recent years there has been concern that the increased use of cell phone technology may result in interference with public safety radio frequencies. As a result of this concern, a set of project conditions has been developed to resolve conflicts between public safety equipment and cell phone technology. These conditions contain provisions for testing proposed sites for non-interference with public safety radios and enforcement of non-interference standards. These conditions were incorporated into the prior project approval and remain a condition of the cellular site expansion approval (see wireless conditions).

Issue 3: Location of Equipment Cabinets

In addition to the antenna array, the existing roof mounted equipment will be modified within the existing equipment lease area to accommodate the additional antennas. Currently, AT&T maintains three cabinets. As proposed, one cabinet is to be removed

and replaced with two smaller cabinets. The modifications to the equipment cabinets will have no visual impact to the surrounding area and will continue to fully be screened from public view.

Issue 4: Required Findings for City Council

In addition to the required finding for conditional use permits, City Council must make the following findings when approving permits for wireless facilities based on the application and conditions of approval:

1. The proposed facility will not create any significant blockage of public views.
2. The proposed facility will be an enhancement to the City due to its ability to provide additional communication capabilities.
3. The proposed facility will be aesthetically integrated into its surrounding land use.
4. The proposed facility will comply with FCC regulations regarding interference with the reception or transmission of other wireless service signals within the City and surrounding community.
5. The proposed facility will operate in compliance with all other applicable federal regulations for such facilities, including safety regulations.
6. The public need for the use of the antenna facility has been documented.

Environmental Review:

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

Committee Action:


The Land Use and Design Review Committee reviewed the proposed cellular site modifications at its September 13, 2012 meeting and voted unanimously to recommend that the City Council approve CUP-745.

Fiscal Impact:

There is no anticipated fiscal impact for this project. The City does not receive any revenue from the location of this type of facility within the City, and it recovers staff costs associated with processing the planning entitlements and building permits through the collection of standard processing fees paid by the applicant.

Conclusion:

The applicant has satisfied the minimum submittal requirements for a conditional use permit established in the City's Municipal Code, and the proposed modifications are compatible with the prior wireless facility approvals on the property. There are no significant impacts to City finances and the project is categorically exempt from the requirements of the California Environmental Quality Act. The Land Use and Design Review Committee voted unanimously to recommend approval of the conditional use permit by the City Council, and staff recommends that the City Council approve CUP-745.

Report prepared by: Brian Kurnow 

- Attachments:
1. Draft Resolution
 2. Coverage Analysis
 3. Photo Simulations
 4. Project Plans

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP 745 FOR THE EXPANSION OF AN EXISTING "MINOR" WIRELESS FACILITY LOCATED ON THE ROSSMOOR TOWERS BUILDINGS AT 24055 PASEO DEL LAGO

WHEREAS, the City Council of the City of Laguna Woods has considered Conditional Use Permit application CUP 745 for a wireless facility located at 24055 Paseo del Lago filed by AT&T Wireless in accordance with Section 13.24.030 of the Municipal Code; and

WHEREAS, the proposed project is categorically exempt from the requirements for the preparation of environmental documents under Section 15301 of the California Environmental Quality Act; and

WHEREAS, the City Council has reviewed and considered the information presented by the applicant, public testimony at the public hearing and staff report analysis, all of which are included in the public record and incorporated herein by reference; and

WHEREAS, the City Council makes the following findings subject to the conditions of approval:

1. The proposed use and project is consistent with the City of Laguna Woods General Plan; and
2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code; and
3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act; and
4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity; and

5. The approval of the permit application will not result in conditions or circumstances contrary to the public health, safety and the general welfare; and
6. The approval of the permit application is in compliance with all City-required public facilities regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Based on the application received, the proposed project is consistent with the following findings for wireless facilities:

1. The proposed facility will not create any significant blockage of public views; and
2. The proposed facility will be an enhancement to the City due to its ability to provide additional communication capabilities; and
3. The proposed facility will be aesthetically integrated into its surrounding land use; and
4. The proposed facility will comply with FCC regulations regarding interference with the reception or transmission of other wireless service signals within the City and surrounding community; and
5. The proposed facility will operate in compliance with all other applicable federal regulations for such facilities, including safety regulations; and
6. The public need for the use of the antenna facility has been documented.

SECTION 3. Based on the information presented by the applicant, public testimony at the public hearing and staff report analysis, the City Council approves conditional use permit application CUP 745 subject to the following conditions:

GENERAL PROJECT CONDITIONS

1. This permit (Conditional Use Permit CUP 745) is issued for the expansion of the existing wireless facility approved by CUP 23 on June 19, 2002 and CUP 302 approved on June 21, 2006. All applicable City standards and conditions of that approval shall be in place unless specifically superseded by the project conditions referenced within. The proposed expansion shall be in conformance with the site plans stamped approved on September XX, 2012.
2. The applicant, or successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit will constitute grounds for revocation of said permit by the City of Laguna Woods City Council.
3. The applicant, or successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The applicant shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The applicant may at its sole discretion participate in the defense or any such action under this condition.
4. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another.
5. This permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building

permit for structural construction shall be a minimum requirement for evidence of diligent pursuit.

6. The development or use by the Developer of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Developer by said acceptance waives any challenge as to the validity of these conditions.
7. Any covenants, conditions, and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Laguna Woods City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail.
8. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
9. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions. Fees shall be due within 60 days of approval or prior to final approval of related building permits, whichever occurs first.

PLANNING STANDARD CONDITIONS

10. This approval constitutes approval of the project only to the extent that it complies with the City Zoning Code and any other applicable City standards. Approval does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable Federal, State or Local ordinance, regulation or requirements.
11. Except as otherwise provided herein, this permit is approved as a precise plan for the location and design of the uses, structures, features, and materials shown on the approved plans. After an application has been approved, a change plan may be submitted to the City's Community Development Director for any relocation, alteration, or addition to any use, structure, feature, or material not specifically

approved in the original application. If the Community Development Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

12. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit. The applicant shall submit three (3) sets of plans stamped and signed by the architect or engineer to the Building Department for review, approval and issuance of a building permit.
13. The cover sheet of the building construction documents shall contain the City's conditions of approval and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.

PLANNING SPECIAL CONDITIONS

14. Prior to final Certificate of Occupancy, the RF screen color and texture shall match the architectural detail of the surrounding building and look like part of the original building design.
15. Prior to final Certificate of Occupancy, all support equipment and cables shall be concealed, where possible. All screening and visible cables shall be finished and painted to match the existing structure.

WIRELESS PERMIT CONDITIONS

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

equipment. Failure to cease operation will result in automatic suspension of the permit and grounds for revocation by City Council.

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

STORMWATER CONDITIONS

- 25. The applicant, or successor in interest, shall take all necessary steps to prevent construction and all other non-storm water waste from entering the storm drain system. This may include structural BMPs (best management practices) such as gravel bags around storm drains, sweeping instead of washing down construction areas and the proper handling and disposal of construction materials.
- 26. The City retains the right to inspect the premises for compliance with the City’s storm water programs and NPDES permit requirements.

FIRE CONDITIONS

- 27. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the “Orange County Fire Authority Plan Submittal Criteria Form.” Please contact the Orange County Fire Authority at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF _____ 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ day of _____ 2012, by the following vote:

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

YOLIE TRIPPY, City Clerk

LTE Justification Plots

Market Name: Los Angeles

Site ID: CLL03477 (LA3095)

Site Name: Rossmoor Tower

ATOLL Plots Completion Date: 06/05/2011

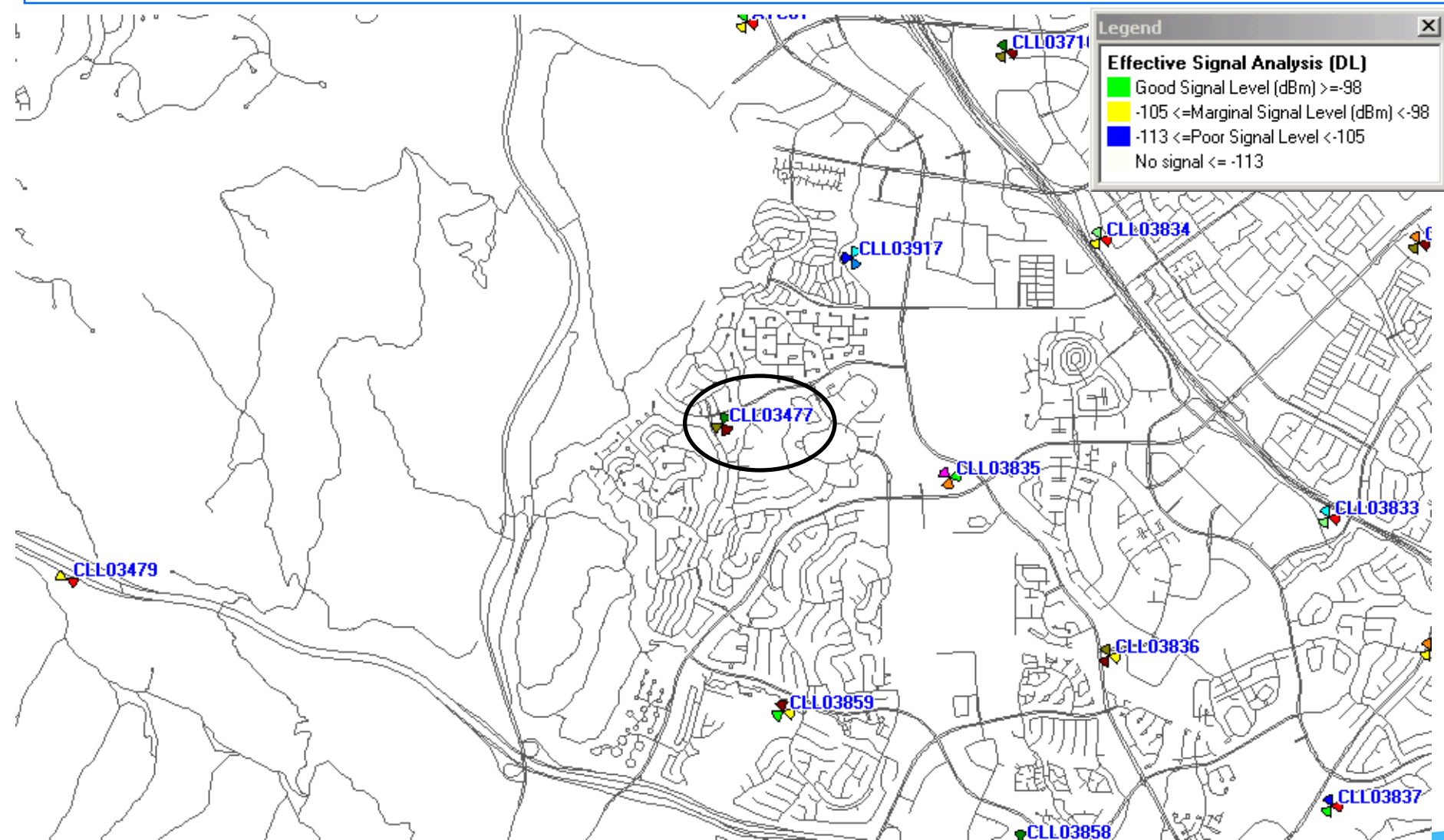


Assumptions

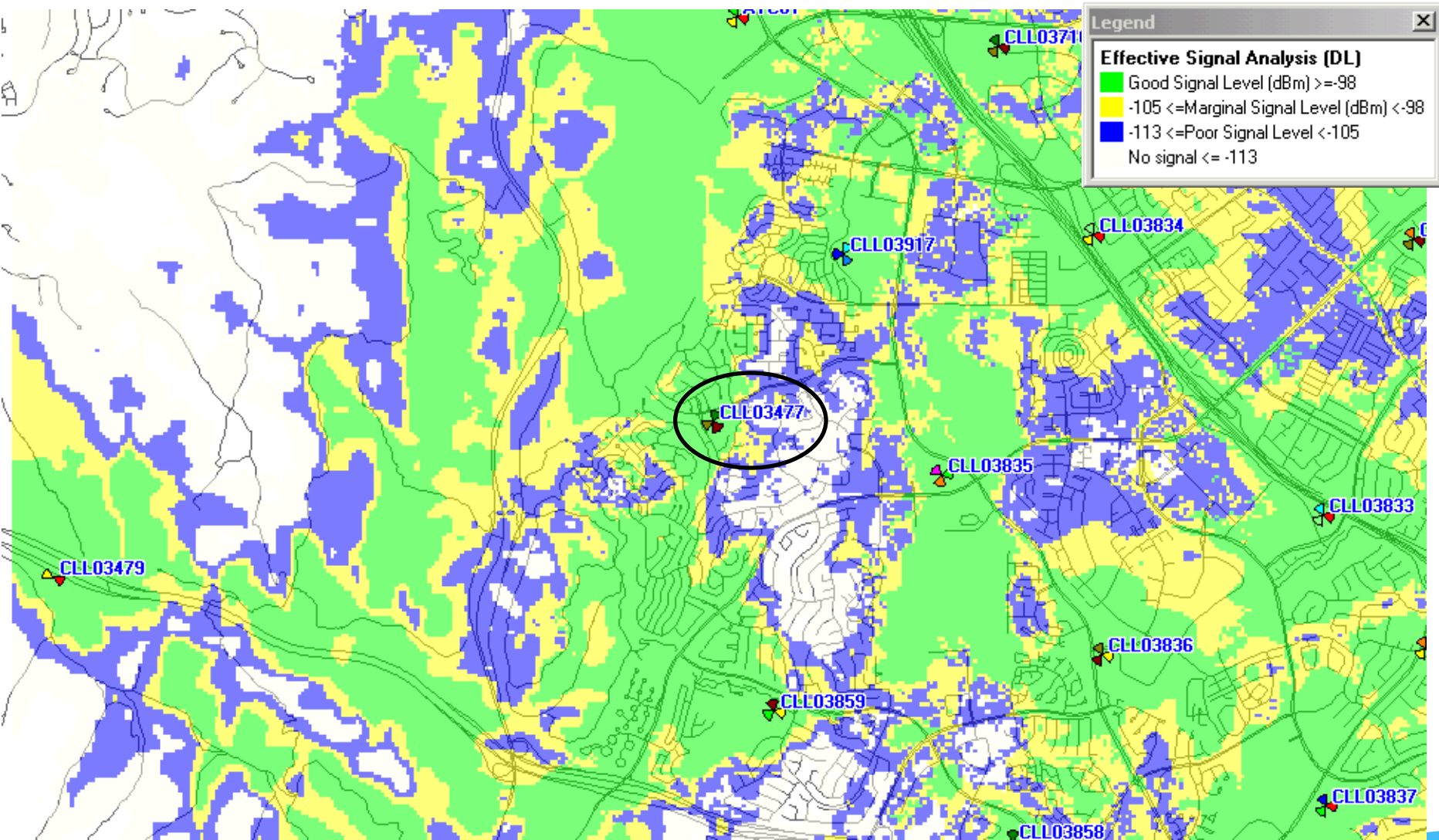
- Propagation of the site plots are based on our current Atoll (Design tool) project tool that shows the preferred design of the AT&T **4G-LTE** network coverage.
- The propagation referenced in this package is based on proposed LTE coverage of AT&T users in the surrounding buildings, in vehicles and at street level . For your reference, the scale shown ranges from good to poor coverage with gradual changes in coverage showing best coverage to marginal and finally poor signal levels.
- The plots shown are based on the following criteria:
 - **Existing:** Since LTE network modifications are not yet **On-Air**. The first slide is a snap shot of the area shows the existing site without LTE coverage in the AT&T network.
 - **The Planned LTE Coverage with the Referenced Site:** Assuming all the planned neighboring sites of the target site are approved by the jurisdiction and the referenced site is also approved and **On-Air**, the propagation is displayed with the planned legends provided.
 - **Without Target site:** Assuming all the planned neighboring sites are approved by the jurisdiction and **On-Air** and the referenced site is **Off-Air**, the propagation is displayed with the legends provided.
 - **Clutter Classes:** Morphology of the area is added at the end of the document with the legend displaying different colors for the different topography of the area.

PROPAGATION PLOTS

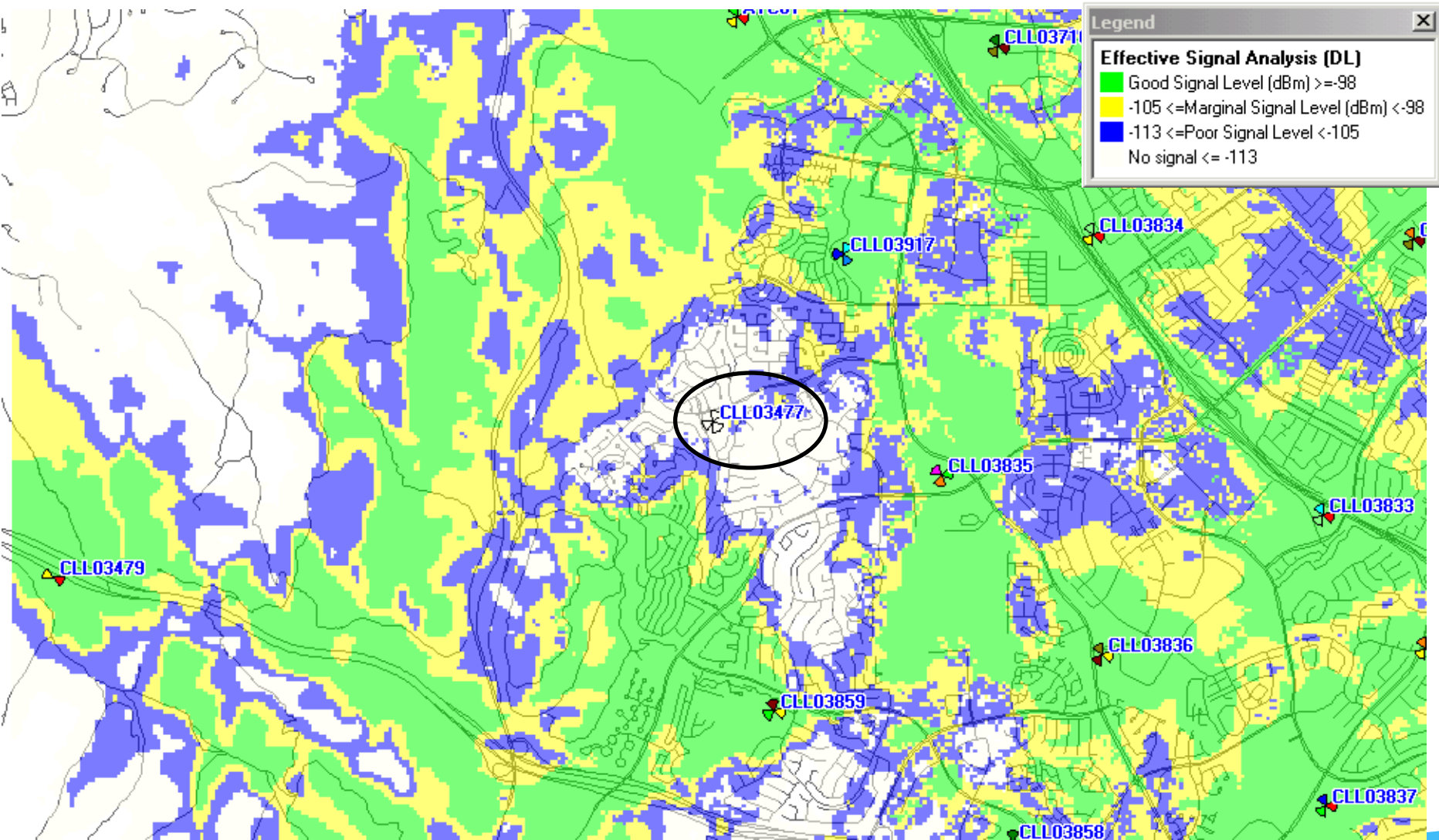
LTE Coverage - Existing



LTE Coverage – Planned LTE coverage with the referenced site and other proposed sites. RSRP Plots with CLL03477 (dBm)



LTE Coverage – Planned LTE Coverage without referenced site RSRP Plots without CLL03477 (dBm)

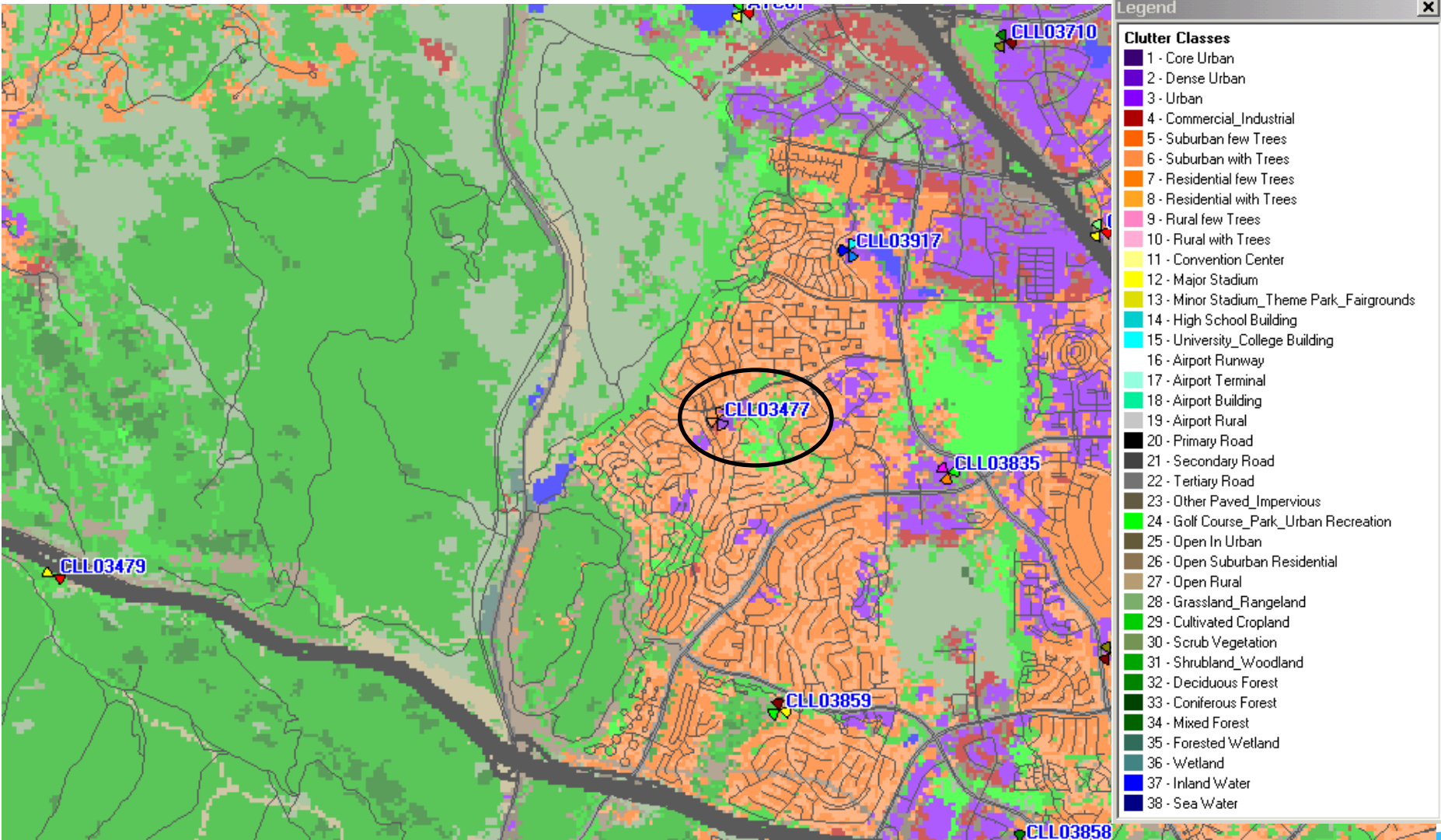


Legend

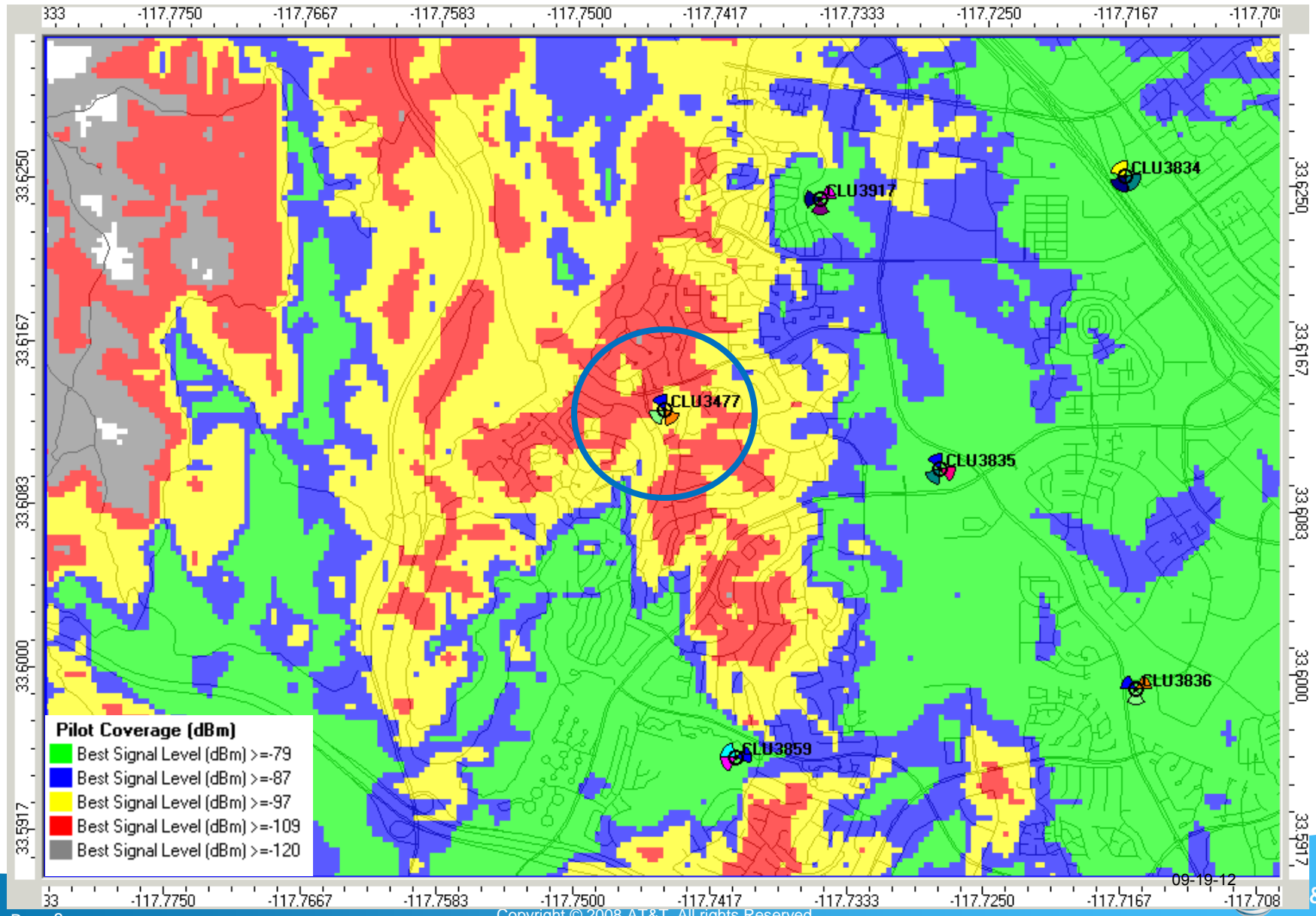
Effective Signal Analysis (DL)

- Good Signal Level (dBm) ≥ -98
- $-105 \leq$ Marginal Signal Level (dBm) < -98
- $-113 \leq$ Poor Signal Level < -105
- No signal ≤ -113

Clutter Classes

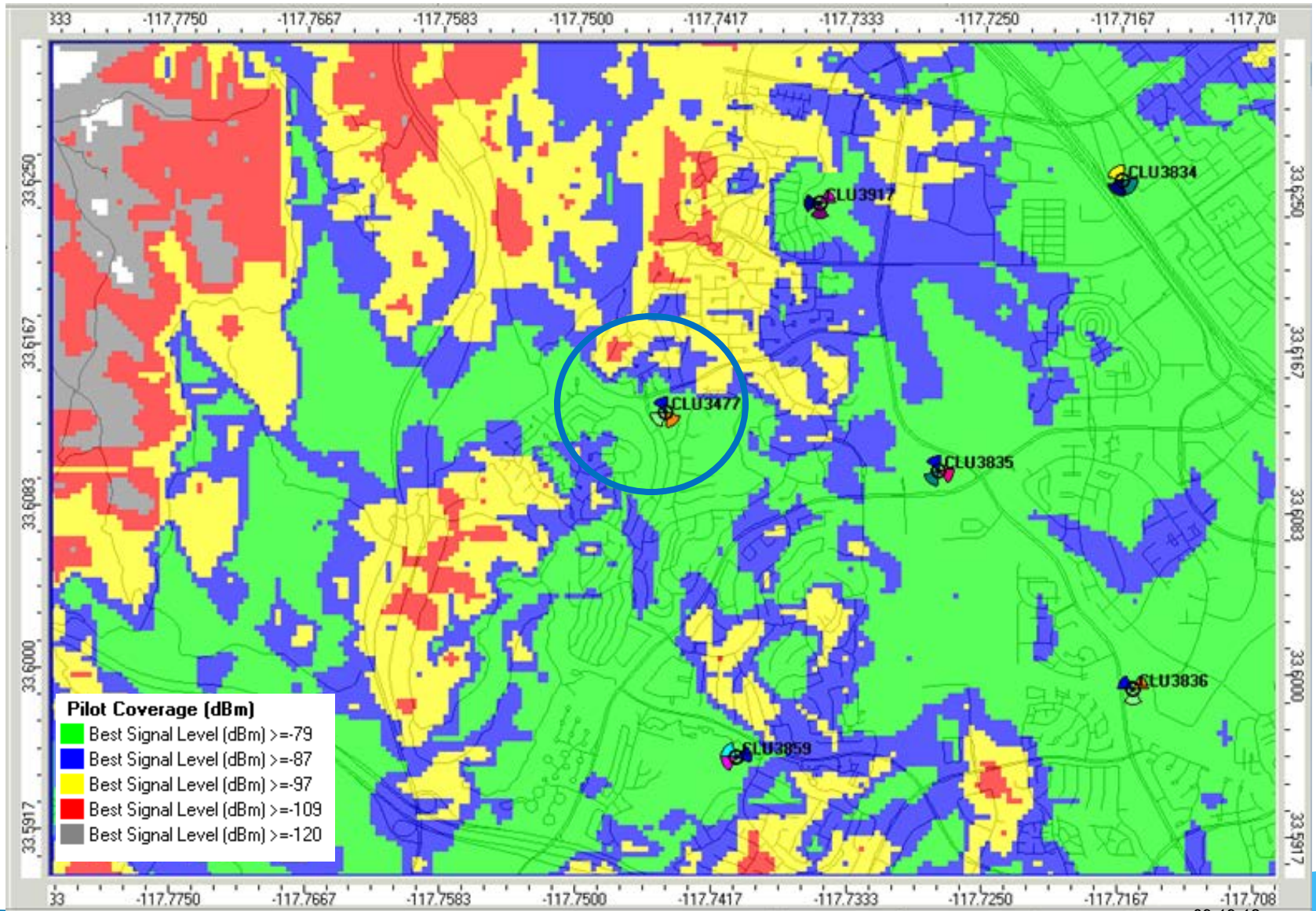


3G Coverage without LA3095_CLU3477



3G Coverage with LA3095_CLU3477

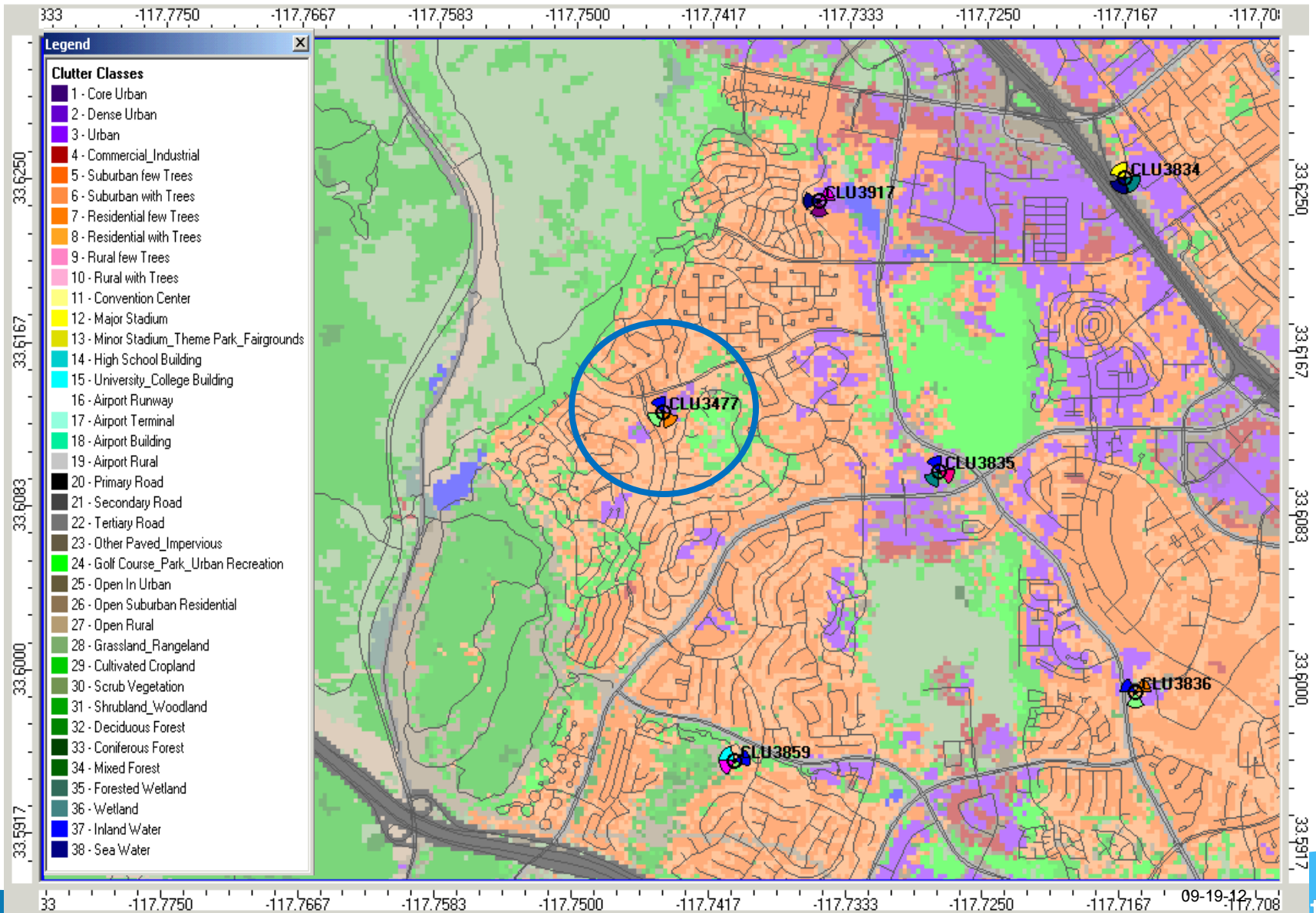
ITEM 7.1/Atch. #2



09-19-12



LA3095_CLU3477_Clutter Class





LOCATION



View from the Southeast looking Northwest

EXISTING



PROPOSED



Completed December 05, 2011

LA3095

Rossmoor Tower

24055 Paseo Del Lago
Laguna Woods, CA 92653

VIEW 1

APPLICANT

at&t Mobility
12900 Park Plaza Drive
Cerritos, CA 90703

CONTACT

Coastal Business Group Inc.
Jordon DiBiase
16150 Scientific Way
Irvine, CA 92618
p 949.336.1550



BLUE WATER DESIGN

bluewater-design.net
michelle@bluewater-design.net
p 714.473.2942
f 949.271.2316

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



LOCATION



View from the Northwest looking Southeast

EXISTING



PROPOSED



Completed December 05, 2011

LA3095

Rossmoor Tower

24055 Paseo Del Lago
Laguna Woods, CA 92653

VIEW 2

APPLICANT

at&t Mobility
12900 Park Plaza Drive
Cerritos, CA 90703

CONTACT

Coastal Business Group Inc.
Jordon DiBiase
16150 Scientific Way
Irvine, CA 92618
p 949.336.1550



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p 714.473.2942
f 949.271.2316

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



LOCATION



View from the Southwest looking Northeast

EXISTING



PROPOSED



Completed December 05, 2011

LA3095
Rossmoor Tower
24055 Paseo Del Lago
Laguna Woods, CA 92653

VIEW 3

APPLICANT

at&t Mobility
12900 Park Plaza Drive
Cerritos, CA 90703

CONTACT

Coastal Business Group Inc.
Jordon DiBiase
16150 Scientific Way
Irvine, CA 92618
p 949.336.1550



BLUE WATER DESIGN

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michelle@bluewater-design.net
p 714.473.2942
f 949.271.2316

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



LOCATION



View from the Southeast looking Northwest

EXISTING



PROPOSED



Completed December 05, 2011

LA3095
Rossmoor Tower
24055 Paseo Del Lago
Laguna Woods, CA 92653

VIEW 4

APPLICANT

at&t Mobility
12900 Park Plaza Drive
Cerritos, CA 90703

CONTACT

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Jordon DiBiase
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p 949.336.1550



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f 949.271.2316

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.



LTE PROJECT

SITE NUMBER: LA3095

SITE NAME: ROSSMOOR TOWER

A&E DESIGN PACKAGE REVIEW STATUS

- 1 ACCEPTED - NO COMMENTS, PROCEED
- 2 COMMENTS
- A SAC INFORMATION MISSING/INCOMPLETE
 - B A&E DID NOT FOLLOW ORDINANCE PROVIDED
 - C SITE OWNER REQUESTED CHANGES
 - D DESIGN INPUT CHANGES (E.G., RE-ZONING REQ'D)
 - E REVISED SITE DESIGN
 - F DESIGN DEVIATION FROM STANDARD
 - G OMISSIONS
 - H A&E GENERATED CHANGE IN DESIGN
 - I AT&T CHANGED SITE DESIGN
 - J OTHER

PERMISSION TO PROCEED DOES NOT CONSTITUTE ACCEPTANCE OR APPROVAL OF DESIGN DETAILS, CALCULATIONS, ANALYSES, TEST METHODS OR MATERIALS SPECIFIED OR SELECTED BY THE SUPPLIER AND DOES NOT RELIEVE THE SUBMITTER FROM FULL COMPLIANCE WITH CONTRACTUAL OBLIGATIONS.

REVIEWED BY: **Arnold De Guzman**

DATE	DATE	DATE	DATE
BY ENGINEER	DATE COMPLIANCE	SAC	MARKET LEAD
BY (TECHNICAL)	BY (CODE)	POWER	PLANNING

DRAWING INDEX

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION
LA-LA3095-101	3	DRIVING DIRECTIONS FROM AT&T WIRELESS, CERRITOS	SCOPE OF WORK: AT&T IS PROPOSING MODIFICATIONS TO THE EXISTING, PREVIOUSLY ENTITLED TELECOMMUNICATION FACILITY, PROPOSING TO REMOVE AND REPLACE EXISTING ANTENNAS WITH 3 SECTORS OF (4) 8' ANTENNAS, TOTAL OF (12) 8' ANTENNAS. ANTENNAS WILL BE SCREENED BEHIND EXTENDED FAUX BRICK DESIGN, SIMILAR TO THE EXISTING FAUX BRICK SCREENING. ADDITION OF (2) OUTDOOR CABINETS WITHIN AN EXISTING ENCLOSED TELECOM FACILITY.
LA-LA3095-201	3	TAKE I-5 SOUTH, EXIT EL TORO BLVD (LEFT ON CARLOTA, RIGHT ON EL TORO). GO WEST ON EL TORO, PAST MOUTON. NEXT STREET, TURN RIGHT ON CALLE SONOMA. GO THRU THE GUARD CHECK OF GATE 7, LET THEM KNOW YOU'RE GOING TO THE ROSSMOOR TOWERS. PASS THE GUARD CHECK GO STRAIGHT, THEN LEFT ON VIA VISTA. THIS BECOMES ALTA VISTA. LEFT ON VIA CARROZA, MAKE A RIGHT ON THE NEXT BLOCK (PASEO DEL PASO - EAST), GO STRAIGHT ON PASEO DEL LAGO FOR ABOUT 1/2 MILE. ROSSMOOR TOWERS ARE 2 (HIGH-RISE/15 FLOOR) BUILDING ON THE RIGHT HAND SIDE. SITE LOCATED ON TOWER 1, ROOF TOP OF 3RD FLOOR. CHECK IN WITH THE RECEPTIONIST'S DESK, ASK FOR BUILDING ENGINEER TO PROVIDE ACCESS TO 3RD FLOOR ROOF TOP.	SITE ADDRESS: 24055 PASEO DEL LAGO LAGUNA WOODS, CA 92653
LA-LA3095-202	3	VICINITY MAP	PROPERTY OWNER: LAGUNA WOODS MUTUAL
LA-LA3095-203	3		CONTACT: JAMES DAVID (949) 597-1174
LA-LA3095-204	3		AGENT: BECHTEL COMMUNICATIONS 6111 ORANGEDORFHE AVE, 5TH FL BUENA PARK, CA 90720
LA-LA3095-205	3		APPLICANT: AT&T WIRELESS 12000 PARK PLAZA DRIVE CERRITOS, CA 90703
			LATITUDE: 33.6100 LONGITUDE: -117.747 LAT/LONG TYPE: NAD 83 ELEVATION: JURISDICTION: CITY OF LAGUNA WOODS A.P.N.: 616-361-05 CURRENT ZONING: PC - PLANNED COMMUNITY PROPOSED USE: TELECOMMUNICATION FACILITY

CODE COMPLIANCE

** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- 1. 2010 CALIFORNIA ADMINISTRATIVE CODE (CAC)
- 2. 2010 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 (2010 EDITION INTERNATIONAL BUILDING CODE WITH 2010 CALIFORNIA AMENDMENTS)
- 3. 2010 CALIFORNIA ELECTRICAL CODE (2008 EDITION NATIONAL ELECTRICAL CODE WITH 2010 CALIFORNIA AMENDMENTS)
- 4. 2010 CALIFORNIA MECHANICAL CODE (CMC) (2010 EDITION UNIFORM MECHANICAL CODE WITH 2010 CALIFORNIA AMENDMENTS)
- 5. 2010 CALIFORNIA ENERGY CODE (2008 EDITION CALIFORNIA ENERGY COMMISSION BUILDING ENERGY EFFICIENCY STANDARDS)
- 6. 2010 CALIFORNIA FIRE CODE (CFC) (2014 EDITION OF INTERNATIONAL FIRE CODE WITH 2010 CALIFORNIA AMENDMENTS)
- 7. 2010 CALIFORNIA GREEN CODE
- 8. 2010 CALIFORNIA REFERENCE STANDARDS CODE

DCI PACIFIC
A/E/C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
10000 PARK PLAZA DRIVE
CERRITOS, CA 90703

ROSSMOOR TOWER
LA3095
USID: 25799
24055 PASEO DEL LAGO
LAGUNA WOODS, CA 92653



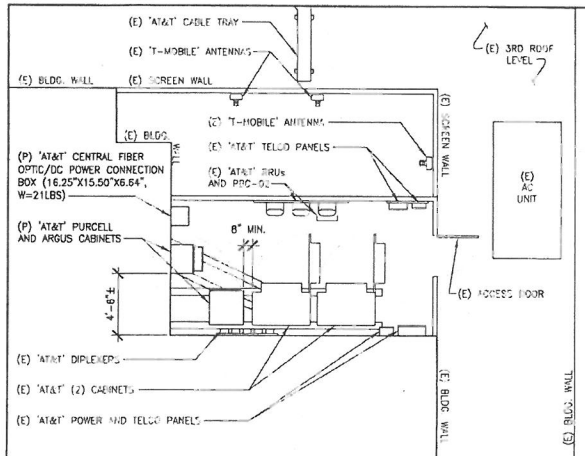
NO.	DATE	REVISION	BY	CHK	APP'D
1	12/28/12	UPDATED PER PLANNING COMMENTS CHANGES	IV	KDK	DVD
2	11/16/11	DRW PLANNING COMMENTS CHANGES	IV	BOE	DVD
3	07/23/11	FEED-BACK SOLUTION	IV	DWE	DVD
4	06/24/11	ISSUED FOR 2D APPROVAL	IV	DWE	DVD
			TV	CHK	APP'D

LTE PROJECT	
TITLE SHEET	
DRAWING NUMBER	REV
25471-F10-1E	LA-LA3095-101
3	3

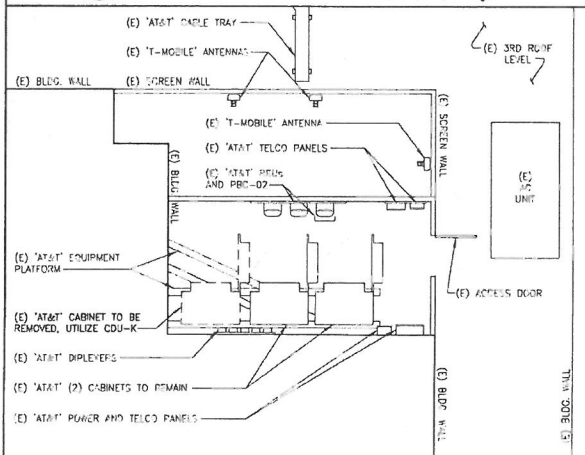
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ITEM 7.1/Attach #4

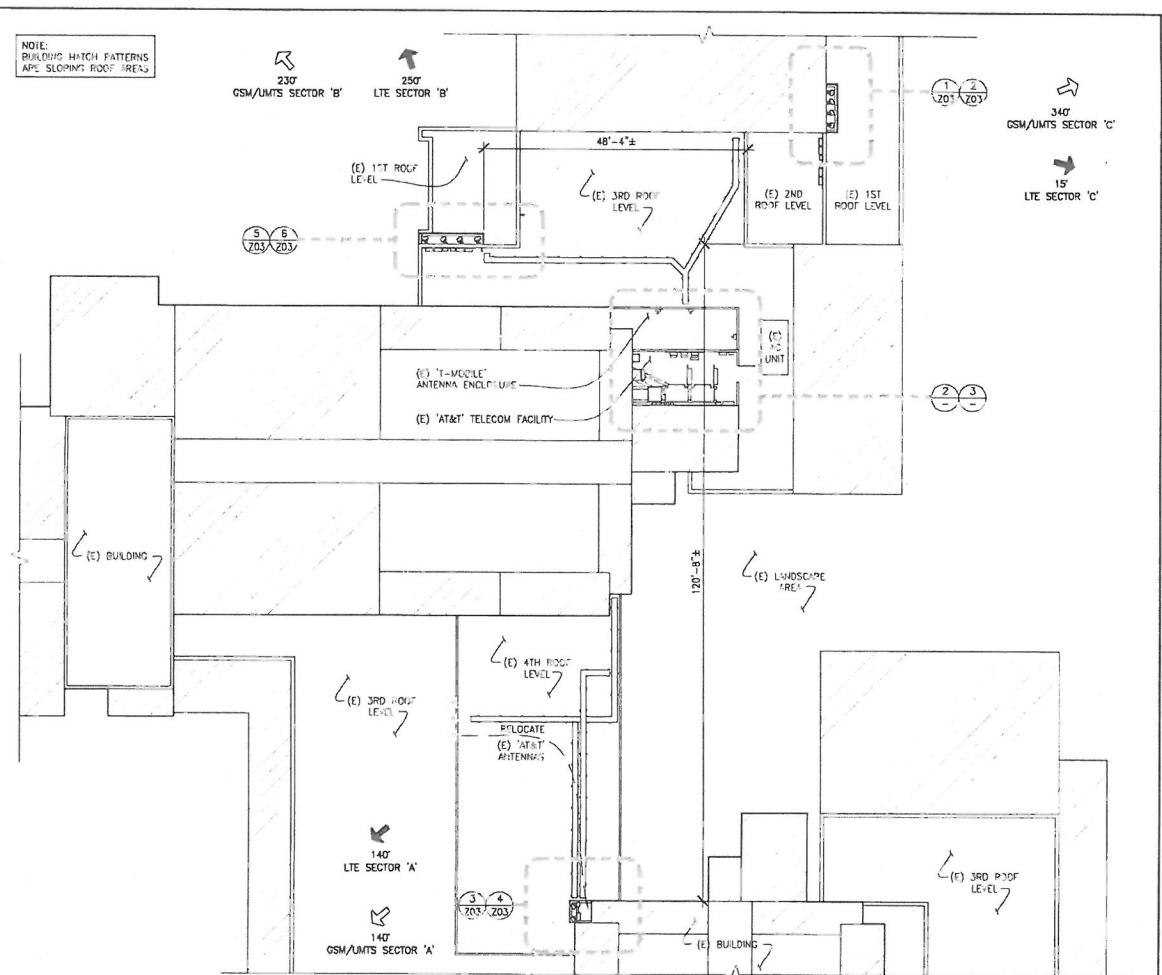
09-19-12
 THIS ITEM CONTAINS CONFIDENTIAL INFORMATION PROPRIETARY TO BECHTEL THAT IS NOT TO BE USED, DISCLOSED, OR REPRODUCED IN ANY FORM BY ANY NON-BECHTEL PARTY WITHOUT BECHTEL'S PRIOR WRITTEN PERMISSION. NOTWITHSTANDING THE ABOVE, "AT&T MOBILITY" HAS THE RIGHT TO USE THE INFORMATION CONTAINED IN THIS DOCUMENT PURSUANT TO CONTRACT 35471 BETWEEN BECHTEL CORPORATION AND "AT&T MOBILITY". ALL RIGHTS RESERVED.



PROPOSED EQUIPMENT LAYOUT PLAN
 SCALE: 1/4" = 1'-0"
 NORTH



EXISTING EQUIPMENT LAYOUT PLAN
 SCALE: 1/4" = 1'-0"
 NORTH



PARTIAL ENLARGED ROOF PLAN
 SCALE: 1/20" = 1'-0"
 NORTH

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AIEIC WORKS
 ARCHITECTURE | ENGINEERING | CONSULTING
 1000 PARK PLAZA DRIVE
 CERRITOS, CA 94530

ROSSMOOR TOWER
LA3095
USID: 25799
 24055 PASEO DEL LAGO
 LAGUNA WOODS, CA 92653

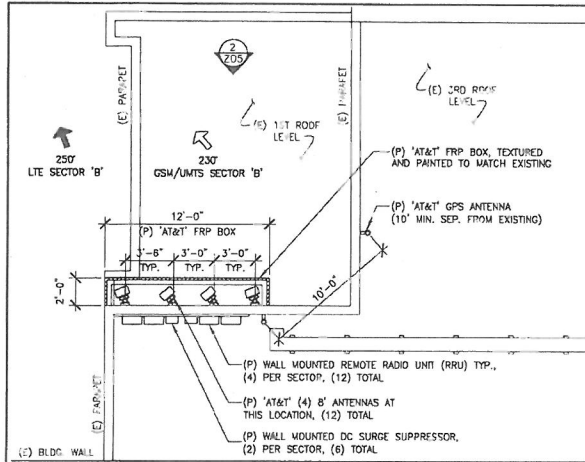
at&t
 MOBILITY
 1100 PARK PLAZA DRIVE
 CERRITOS, CA 94530

NO.	DATE	DESCRIPTION	BY	CHK	APP'D
3	12/28/12	REPORTED FOR PLANNING COMMENTS CHANGE	IV	BOX	FJD
2	11/19/12	DRW PLANNING COMMENTS CHANGE	IV	BOX	DRD
1	07/25/11	CONTRACT SOLUTION	IV	BOX	DRD
0	05/24/11	ISSUED FOR 2D APPROVAL	IV	BOX	DRD

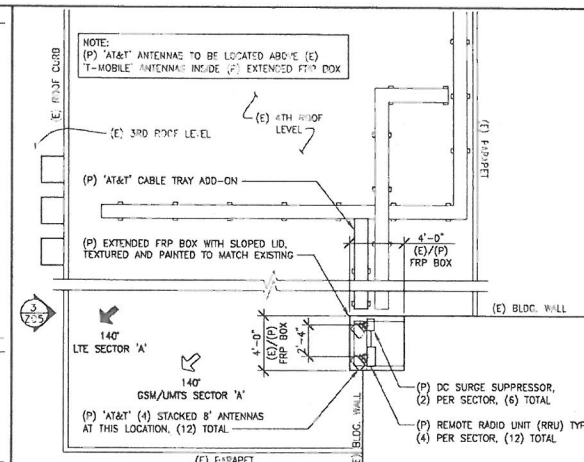
LTE PROJECT
PARTIAL ENLARGED ROOF & EQUIPMENT LAYOUT PLANS
 SHEET NUMBER: LA-3095-202
 35471-610-TE

ITEM 7.1/ATCH #4

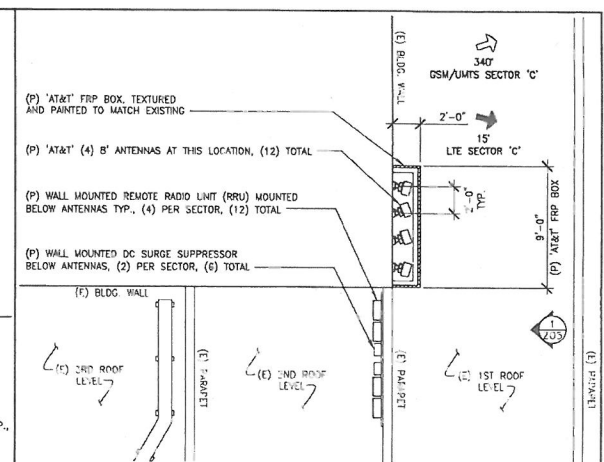
09-19-12
 COPYRIGHT © BECHTEL CORPORATION. THIS ITEM CONTAINS CONFIDENTIAL INFORMATION PROPRIETARY TO BECHTEL THAT IS NOT TO BE USED, REPRODUCED, OR DISSEMINATED IN ANY MANNER BY ANY NON-BECHTEL PARTY WITHOUT BECHTEL'S PRIOR WRITTEN PERMISSION. NOTWITHSTANDING THE ABOVE, "AT&T MOBILITY" HAS THE RIGHT TO USE THE INFORMATION CONTAINED IN THIS DOCUMENT PURSUANT TO CONTRACT 254711 BETWEEN BECHTEL CORPORATION AND "AT&T MOBILITY". ALL RIGHTS RESERVED.



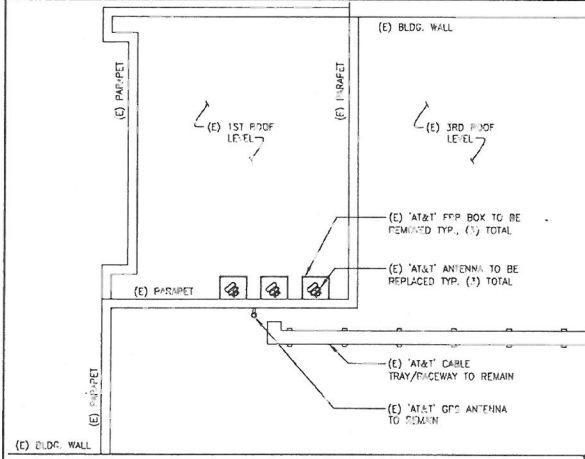
PROPOSED ANTENNA LAYOUT PLAN
 SCALE: 1/4"=1'-0"
 NORTH
 6
 LEGEND:
 (P) LTE ANTENNA
 (P) GSM/UMTS ANTENNA



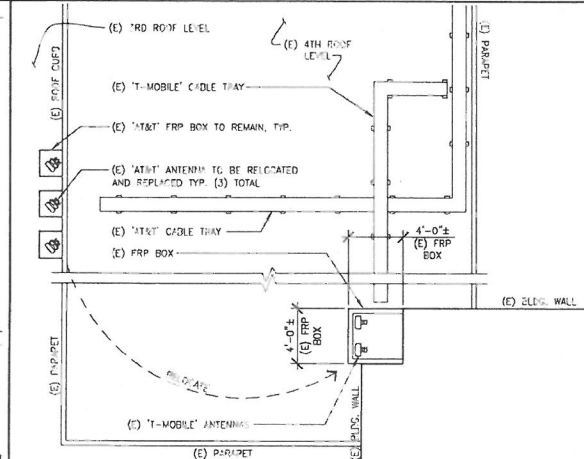
PROPOSED ANTENNA LAYOUT PLAN
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 NORTH
 4
 LEGEND:
 (P) LTE ANTENNA
 (P) GSM/UMTS ANTENNA



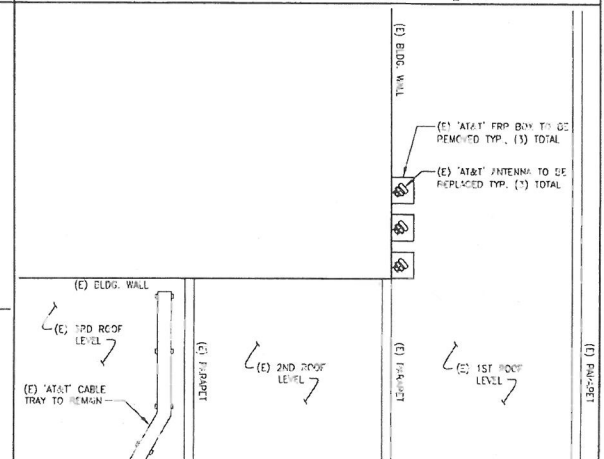
PROPOSED ANTENNA LAYOUT PLAN
 SCALE: 1/4"=1'-0"
 NORTH
 7
 LEGEND:
 (P) LTE ANTENNA
 (P) GSM/UMTS ANTENNA



EXISTING ANTENNA LAYOUT PLAN
 SCALE: 1/4"=1'-0"
 NORTH
 5



EXISTING ANTENNA LAYOUT PLAN
 SCALE: 1/4"=1'-0"
 NORTH
 3



EXISTING ANTENNA LAYOUT PLAN
 SCALE: 1/4"=1'-0"
 NORTH
 1

DCI PACIFIC
 AIEIC WORKS

ROSSMOOR TOWER
 LA3095
 USID: 25799
 24055 PASEO DEL LAGO
 LAGUNA WOODS, CA 92653

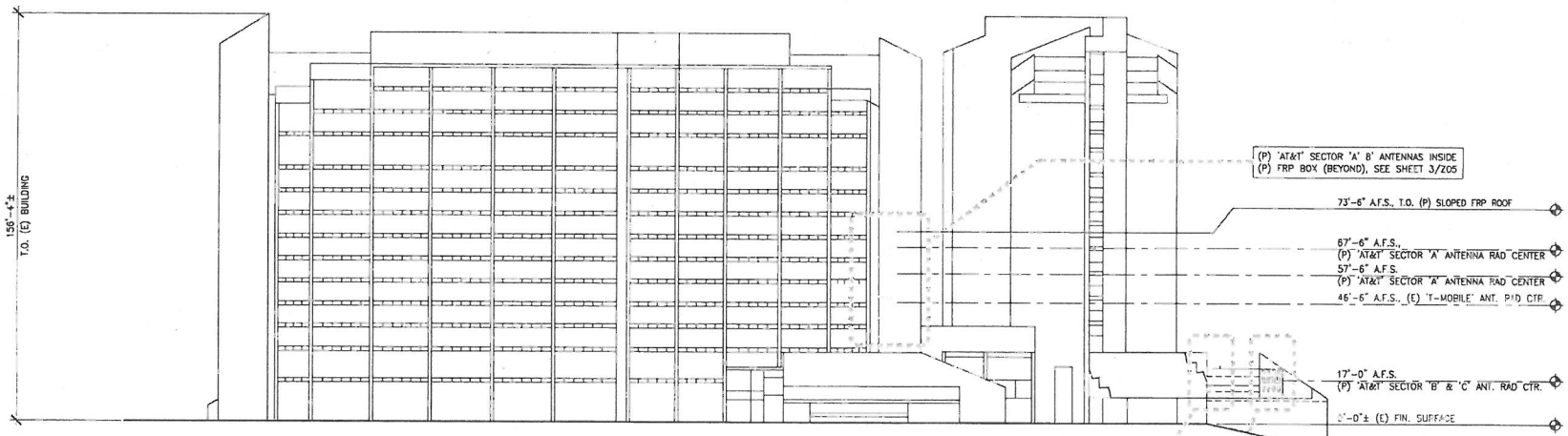


NO.	DATE	ISSUES FOR APPROVAL	REVISIONS	BY	CHK	APP'D
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LTE PROJECT ANTENNA LAYOUT PLANS	
20471-610-TE	LA-LA3095-203
3	3

ITEM 7.1/ATCH #4

09-19-12
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NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

DCI PACIFIC
 AIEIC WORKS
 ARCHITECTURE | ENGINEERING | CONSULTING

ROSSMOOR TOWER
 LA3095
 USID: 25799
 24055 PASEO DEL LAGO
 LAGUNA WOODS, CA 92653

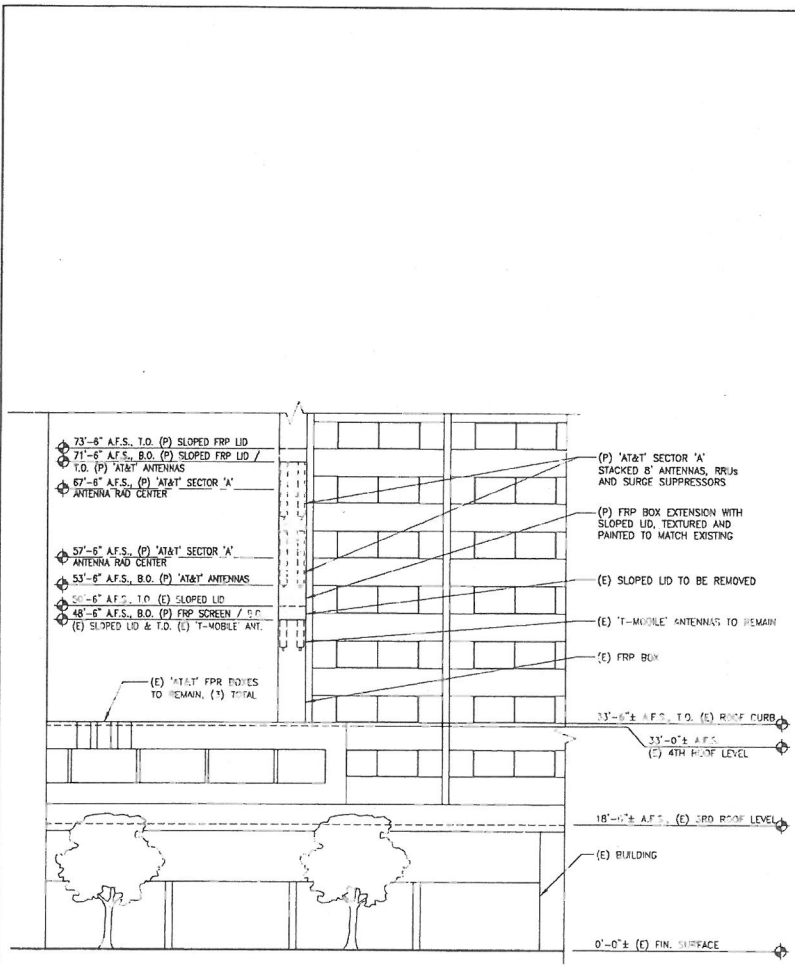


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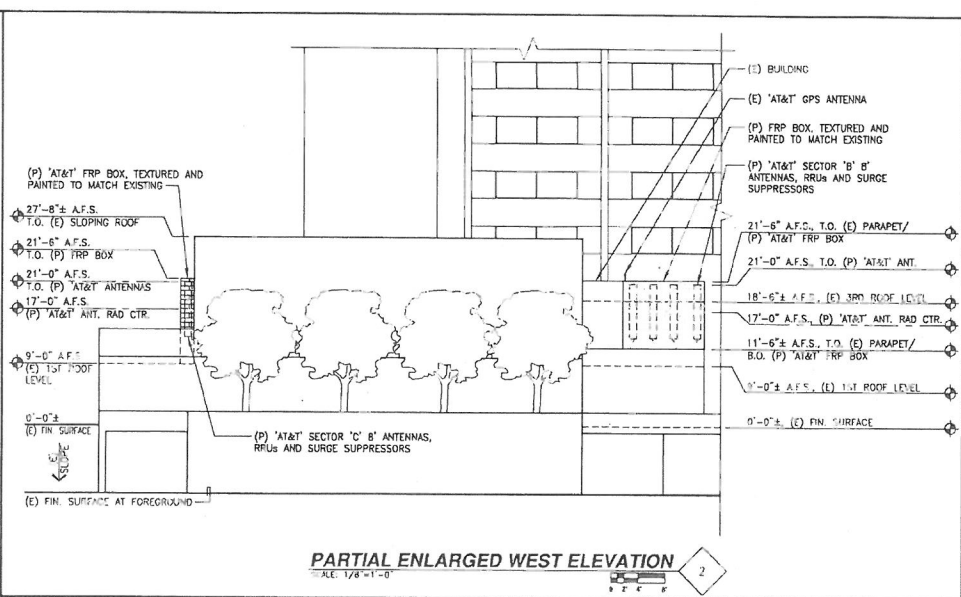
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25471-G10-TE	LA-LA3095-Z04
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ITEM 7.1/Atch #4

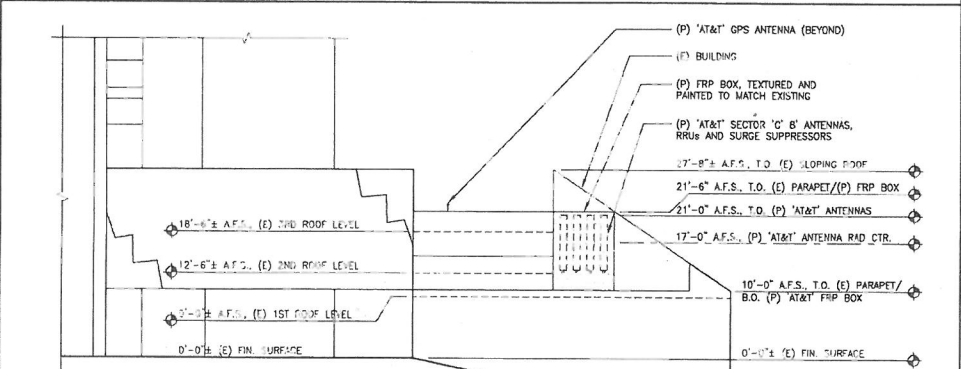
09-19-12
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PARTIAL ENLARGED SOUTH ELEVATION
SCALE: 1/8"=1'-0"



PARTIAL ENLARGED WEST ELEVATION
SCALE: 1/8"=1'-0"



PARTIAL ENLARGED NORTH ELEVATION
SCALE: 1/8"=1'-0"

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ROSSMOOR TOWER
LA3095
USID: 25799
24055 PASEO DEL LAGO
LAGUNA WOODS, CA 92653



NO.	DATE	REVISIONS	BY	CHK	APPV
3	12/21/12	UPDATED PER PLANNING COMMITTEE CHANGES	PV	BOX	DND
2	11/29/12	DRG./REVISIONS, COMMENTS CHANGE	PV	BOX	DND
1	03/29/11	ISSUE FOR PERMIT	PV	BOX	DND
0	05/21/11	ISSUED FOR 2D APPROVAL	PV	BOX	DND

DRAWING NUMBER		REV.
27-471-010-TE	LA-LA3095-Z05	1

ITEM 7.1/Atch #4


7.2

**INITIAL STUDY/NEGATIVE DECLARATION
ND 12-02 – ALISO CREEK PEDESTRIAN
BRIDGE AND SERVICE ROAD
RECONSTRUCTION**

City of Laguna Woods Agenda Report

FOR: September 19, 2012, City Council Meeting

TO: Honorable Mayor and Council Members

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Initial Study/Negative Declaration ND 12-02 – Aliso Creek Pedestrian Bridge and Service Road Reconstruction.

Recommendation (Staff and Land Use and Design Review Committee)

- A. Receive Staff Report
- B. Open Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Approve a resolution issuing Negative Declaration ND 12-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION 12-02 FOR THE RECONSTRUCTION OF THE ALISO CREEK PEDESTRIAN BRIDGE AND SERVICE ROAD

Background

The applicant wishes to replace an existing damaged pedestrian bridge which crosses Aliso Creek and repair and reconstruct a portion of a service road which runs alongside the creek. The pedestrian bridge is located approximately 750 feet upstream of the Avenida Sevilla road crossing. The service road which would be re-constructed is approximately 140 feet in length and located approximately 500 feet upstream of the

Sevilla Road crossing at Aliso Creek. The project site is located between Avenida Sevilla and Paseo De Valencia, adjacent to the south side of Aliso Creek.

Due to past storm events, the pedestrian bridge was damaged to a point where it became unsafe to cross; it was subsequently closed. The bridge provided pedestrian access across Aliso Creek and served as a linkage between residential areas of Laguna Woods Village.

The service road has deteriorated over a number of years as the ground beneath the road has eroded.

Discussion

Pedestrian Bridge and Walkway

The applicant proposes to remove the damaged pedestrian bridge crossing Aliso Creek and construct a new pedestrian bridge approximately 20 feet west of the previous bridge location. The new pedestrian bridge would be constructed using a double 3-foot high by 12-foot wide reinforced concrete box (RCB) supported by wing walls providing safe and reliable access across Aliso Creek. The creek banks and bridge undercrossing would be stabilized through the use of rock riprap.

The box area underneath the new bridge is designed to have approximately the same flow capacity as the existing structure. The construction of the bridge will help stabilize the creek banks through the use of rock riprap and wing walls, which is important for the protection of an existing 24-inch storm drain located immediately downstream. The bridge is designed solely for dry weather crossing and to restrict deterioration when inundated by water.

In addition to the bridge, approximately 325 linear feet of the pedestrian walkway leading to and from the bridge will be reconstructed as part of the project. The improved walkway area includes an ADA ramp and railing that would be constructed north of the new bridge. To ensure protection from erosion, the walkways connecting to the bridge will be protected through the use of adjacent reinforced turf mats.

The total project area (dirt disturbance) related to the bridge and walkway construction is approximately 0.38-acre.

Service Road

A 140-foot long damaged section of the private Aliso Creek service road will be removed and reconstructed. The repairs begin downstream at the location along the creek where grouted rock riprap was previously installed adjacent to the road. The road repair will require cut and fill work within and adjacent to the creek in order to provide proper stabilization of the rebuilt service road. However, the project has been designed so that no loss of surface water or low flow area within the creek will occur.

Rock riprap will be placed adjacent to the road at a 2:1 slope into the creek to provide proper stabilization. The riprap will be filled with native soil and vegetated with a native riparian plant mix. It will extend three feet below the invert elevation (bottom) of the creek.

The upstream end of the proposed repairs is located at the juncture of the service road and the existing eight-foot wide concrete path. A 10-foot transition from the 16-foot wide service road to the existing eight-foot wide concrete path will be constructed to join the road to the existing path. Additionally, approximately five feet of road at the downstream end of the service road repair will be sawcut and removed to provide a sufficient area to join the new road surface to the existing road surface.

The total project area (dirt disturbance) related to road and slope construction is approximately 0.24-acres.

Negative Declaration

The applicant is requesting a grading permit (GP-805) to perform work necessary to replace the pedestrian bridge and repair and reconstruct the service road. The scope of the work proposed requires environmental review pursuant to the California Environmental Quality Act (CEQA) to evaluate the impacts to Aliso Creek.

The City of Laguna Woods, as the lead agency, has prepared an Initial Study to determine the level of environmental review necessary for the proposed project. Based on the initial study, staff is recommending – and has prepared – a draft Negative Declaration as the appropriate environmental document. The public review period for the document is August 30, 2012 to September 18, 2012. Notice of availability of the draft document has been published and mailed out to property owners within a 1,000-foot radius of the project.

Adjacent Land Uses to the proposed site

Location	Land Use designation	Land Use
North	RC-Residential Community District	Laguna Woods Village
South	RC-Residential Community District	Laguna Woods Village
East	RC-Residential Community District & OS-P Open Space Passive	Laguna Woods Village Aliso Creek
West	RC-Residential Community District & OS-P Open Space Passive	Laguna Woods Village Aliso Creek

Since the project consists of repair and reconstruction of existing facilities, there is no anticipated negative impact on adjacent land uses.

Committee Action:

After discussion of the reasons for the City's environmental review of the project and clarification that it is situated entirely on private property, the City's Land Use and Design Review Committee voted unanimously at its September 13, 2012 meeting to recommend that the City Council adopt Negative Declaration ND 12-02.

Fiscal Impact:

This project is not anticipated to have any fiscal impact on the City. The City recovers staff costs associated with processing the planning entitlements and building permits through the collection of standard processing fees paid by the applicant.

Conclusion:

The proposed project to reconstruct the Aliso Creek pedestrian bridge and service road is not anticipated to cause any significant impact to the environment. The project is designed to help stabilize the creek bed and provide safe access adjacent to and across Aliso Creek for pedestrians and service vehicles. The Land Use and Design Review Committee unanimously recommended approval by the City Council, and staff recommends that the City Council approve proposed Negative Declaration ND 12-02.

Report prepared by: Brian Kurnow



Attachments: 1. Draft Resolution - Initial Study/Negative Declaration ND 12-02
2. Project Plans

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION 12-02 FOR THE RECONSTRUCTION OF THE ALISO CREEK PEDESTRIAN BRIDGE AND SERVICE ROAD

WHEREAS, the City of Laguna Woods prepared Negative Declaration 12-02, dated September 19, 2012, for the reconstruction of the Aliso Creek pedestrian bridge and service road located in the City of Laguna Woods; and

WHEREAS, the proposed Negative Declaration was prepared in compliance with the provision of CEQA and state guidelines; and

WHEREAS, the proposed Negative Declaration was noticed as being available for public review from August 30, 2012 to September 18, 2012 at the public counter of the Laguna Woods City Hall; and

WHEREAS, the City Council has reviewed Negative Declaration 12-02 and has considered the information and public testimony presented in the public hearing and in the proposed documents and staff reports, all of which are included in the public record and incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Based upon the evidence presented at the public hearing, the City Council adopts Negative Declaration 12-02 for the reconstruction of the Aliso Creek pedestrian bridge and service road located in the City of Laguna Woods, as provided in Exhibit 1.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF SEPTEMBER 2012.

CYNTHIA S. CONNERS, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ____ day of _____ 2012, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

**CITY OF LAGUNA WOODS
INITIAL STUDY CHECKLIST**

1. Project Title: Aliso Creek Bridge and Road Repair Project

2. Lead Agency Name and Address:

City of Laguna Woods
24264 El Toro Road
Laguna Woods, California 92637

3. Contact Person and Phone Number:

Douglas C. Reilly
Assistant City Manager
City of Laguna Woods
24264 El Toro Road
Laguna Woods, California 92637

4. Project Location:

Latitude 33°36'0.76" North, Longitude 117°42'26.39" West. The existing bridge is located approximately 750 feet upstream of the Avenida Sevilla road crossing, and the damaged reach of service road is approximately 500 feet upstream of the Sevilla Road crossing at Aliso Creek. The project site is located between Avenida Sevilla and Paseo De Valencia, south of Aliso Park, in the City of Laguna Woods, Orange County, California.

5. Project Sponsor's Name and Address:

Mr. Lloyd Foster
Golden Rain Foundation of Laguna Woods
P.O. Box 2220
Laguna Hills, California 92654

6. General Plan Designation: Open Space (OS)

7. Zoning: Open Space – Passive District (OS-P)

8. Description of Project:

The proposed project includes repair and replacement a pedestrian bridge crossing and service road that were previously constructed along Aliso Creek on approximately 0.70 acres. Construction of the project is anticipated to be completed in three months.

The proposed project consists of repairing an existing pedestrian bridge spanning Aliso Creek within the Laguna Woods Village that was damaged as a result of recent storms. The pedestrian bridge is utilized by senior citizens in the Laguna Woods residential development and connects users locally to Aliso Park. The crossing is the primary connection between residential developments situated on either side of Aliso Creek. The previous bridge was located approximately 750 feet upstream of the Avenida Sevilla road crossing and consisted of a reinforced concrete single-span arch bridge. The previous bridge was

constructed for dry weather crossing because stormwater flows overtop and bypass the bridge, making it unusable.

In addition to the pedestrian bridge, an approximately 140-foot reach of an asphalt concrete (AC) service road adjacent to Aliso Creek was damaged during recent storm events. The damaged reach of service road is approximately 500 feet northeast of the Sevilla Road crossing of Aliso Creek in the Laguna Woods Village. The existing service road that varies in width from approximately 10 feet to 24 feet between Sevilla Road and the location of the road damage is accessed from Sevilla Road. Some areas under the service road no longer have fill material and would eventually result in the AC road being washed into Aliso Creek.

Bridge Repairs: The applicant proposes to relocate and reconstruct the damaged pedestrian bridge with a double 3-foot high by 12-foot wide reinforced concrete box (RCB) supported by box wingwalls. The creek slopes and bridge undercrossing will be stabilized with a minimum 4-foot ¼ ton rock riprap. The proposed 7-foot pedestrian walkway is approximately 325 feet long and will join with the existing concrete walkway approximately 100 feet north and 80 feet south of the proposed bridge. An ADA ramp and railing will be constructed north of the proposed bridge due to the grade on the portion of the project. Similar to the previous crossing, the proposed bridge will stabilize Aliso Creek's grade and is important for the protection of an existing 24-inch storm drain located immediately downstream. The proposed bridge will have approximately the same flow capacity as the prior crossing. Storm events greater than a one-year storm will overtop the crossing; however, the paths connecting to this facility will be protected from erosion by use of reinforced turf mats. The relocation of the bridge (approximately 20 feet to the west of the previous bridge location) avoids an existing native oak tree and decreases effects on the creek as the creek is narrower downstream. The total disturbance of the bridge construction is approximately 0.38-acre.

Slope Repairs: A 140-foot long section of AC service road will be repaired by removing the damaged portion of AC surfacing within the reach to be repaired and constructing a new reach to join with the existing 16-foot-wide road. The road would be repaired to the width (16-foot wide) that previously existed. The repairs would begin downstream at the location along the creek where grouted rock riprap was previously constructed adjacent to the road within the creek to provide grade stabilization within the creek. Approximately 5 feet of road downstream of the grouted rock location would be sawcut and removed to provide a sufficient area to join the new road surface. The upstream end of the proposed repairs would be the location where the AC road joins the existing concrete path. A 10-foot transition from the 16-foot AC road to the existing 8-foot concrete path will also be constructed. Rock riprap (1/4 ton) will be placed adjacent to the road at a 2:1 slope into the creek. The riprap will extend 3 feet below the invert elevation (bottom) of the creek. The total disturbance of the road and existing slope construction is approximately 0.24-acre. The riprap will be filled with native soil and vegetated with a native riparian plant mix. No loss of surface water or low flow area with the creek will occur.

9. Surrounding Land Uses and Setting:

Surrounding land uses consist of residential development.

10. Other public agencies whose approval is required:

- Santa Ana Regional Water Quality Control Board
- California Department of Fish and Game

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas | <input type="checkbox"/> Hazards & Hydrology/
Water Quality | <input type="checkbox"/> Hazardous Materials |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Mandatory Findings of Significance | |
| <input type="checkbox"/> Utilities/Service Systems | | |

DETERMINATION: (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to be the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to the applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

Date: _____

I. AESTHETICS

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion:

a-b) **No Impact.** The proposed project is not located within and is not near a scenic vista or scenic highway. No scenic resources are located on the project site. No impacts related to scenic vistas or resources could occur.

c) **Less than Significant Impact.** The proposed bridge and service road will replace a previously existing pedestrian bridge and a portion of the existing service road in a similar configuration using similar materials. Disturbed areas will be landscaped with a native seed mix to blend with the surrounding conditions. The proposed project would enhance the visual character through the replacement of degraded structures (bridge and slope). Native vegetation would be planted on the existing northern bank, which currently consists of severe erosion and rock. The project is consistent with the character of the area and, therefore, will result in less than significant impacts to the visual quality its surroundings.

d) **No Impact.** No lighting is proposed as part of the bridge and road repair and replacement; therefore, no lighting or glare impacts could occur.

II. AGRICULTURE RESOURCES

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?</p>				X
<p>d) Result in loss of forest land or conversion of forest land to non-forest use?</p>				X
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?</p>				X

Discussion:

a-b) **No Impact.** The project site is designated as *Urban* on the latest Farmland Mapping and Monitoring Program (FMMP) map and there are no agricultural uses within the project vicinity.¹ No impact to agricultural resources could occur.

c-d) **No Impact.** No trees will be removed as a result of the project and no production-grade forest resources are located within the project vicinity. No impact to forest resources could occur.

e) **No Impact.** There are no agricultural or forest resources in the project vicinity; therefore no impacts related to the conversion of such resources could occur.

III. AIR QUALITY

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

a) **No Impact.** The purpose of an Air Quality Management Plan (AQMP) is to bring an area into compliance with the requirements of federal and state air quality standards. The project area is located within the South Coast Air Basin, where the South Coast Air Quality Management District (SCAQMD) administers regional air quality improvement strategies through the 2007 Air Quality Management Plan (AQMP). A development project may be determined to conflict with the AQMP if it: (1) would increase the frequency or severity of an air quality standards violation or cause a new violation and (2) is inconsistent with the growth assumptions in the AQMP.²

1. The proposed bridge will not result in any long-term emissions because there is no operational or area source component associated with the project. The project will result in short-term, construction-related emissions (see Section III.b below). Construction-related emissions are below the thresholds of significance established by SCAQMD and therefore will not result in an increase in the frequency or severity of an air quality violation or cause a new air quality violation.
2. The CEQA Air Quality Handbook indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and *significant projects*. *Significant projects* include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and off-shore drilling facilities; therefore, the proposed project is not defined as *significant*. This project does not include a General Plan Amendment and therefore does not require consistency analysis with the AQMP.

Based on the criteria established by SCAQMD, the project will not conflict with the 2007 AQMP and no impact will occur.

b) **Less than Significant Impact.** The proposed project will not result in long-term emissions of criteria air pollutants or toxic air contaminants because it does not include an operational component. The project will result in short-term construction-related emissions due to site clearing, grading, bridge construction, and paving activities. To estimate pollutant emission from construction activities, the Road Construction Emissions Model (RoadMod) version 7.1.1 was utilized. RoadMod is a volumetric pollutant emissions model designed for linear construction projects. Construction of the pedestrian bridge and is anticipated to take approximately three months with approximately 0.7 acres of total disturbed area. This data was

input into the model that provides default estimates for length of construction phases, equipment needs, and worker trips. The results of the model and applicable SCAQMD daily thresholds are summarized in Table 1. The model shows that construction of the project will not exceed SCAQMD thresholds; therefore, impacts will be less than significant.

Table 1
Construction Emissions (lbs/day)

	ROG	NO _x	CO	SOX	PM _{2.5}	PM ₁₀
Maximum Daily Emissions	0.2	1.0	1.3	--	3.0	14.1
SCAQMD Threshold	75	100	550	150	55	150
Significant?	No	No	No	No	No	No
Source: Hogle-Ireland 2012						
* The Roadway Construction Emissions Model does not calculate SO _x emissions because construction activities do not emit appreciable amounts of this pollutant						

c) **Less than Significant Impact.** Cumulative short-term, construction-related emissions from the project will not contribute considerably to any potential cumulative air quality impact because short-term project will not exceed any SCAQMD daily threshold. As required of the proposed project, other concurrent construction projects and operations in the region will be required to be reviewed for potential air quality impacts and implement standard air quality regulations and mitigation pursuant to State CEQA requirements. Impacts will be less than significant.

d) **Less than Significant Impact.** The proposed pedestrian bridge and service road do not include an operational component that could result in long-term emissions of toxic air contaminants or carbon monoxide. Construction-related emissions of diesel particulate matter (DPM) will be short-term and therefore will not contribute substantially to long-term cancer and non-cancer health risks (generally established over a 70-year exposure period). Impacts to sensitive receptors will be less than significant.

e) **Odors.** According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The proposed project does not include any of the above noted uses or process; no impact will occur.

IV. BIOLOGICAL RESOURCES

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:

a) **Less than Significant Impact.** The project is located within the floodway of Aliso Creek at the site of a previously existing pedestrian bridge and service road that were damaged during recent storm activities. Vegetation in the area consists primarily of landscape turf.³ One oak tree associated with other mixed hardwoods along the southern bank of Aliso Creek is located on the project site and will be preserved in place. Herbaceous growth is also present east of the project site on the north bank of Aliso Creek. Considering the project is generally small (0.7 acres) and the lack of appreciable native habitat in the project area; impacts to special status species or habitat will be less than significant.

b) **No Impact.** No riparian habitat is located on or near the project site; therefore, no impacts could occur.⁴

c) **Less than Significant Impact.** According to the National Wetlands Inventory, Aliso Creek is a *riverine* (R4SBCx) excavated streambed defined by intermittent flows and seasonal flooding.⁵ Aliso Creek is therefore defined as *Water of the United States* and is subject to regulation and the permitting authority of the U.S. Army Corps of Engineers, in accordance with the provisions of Section 404 of the Clean Water Act. Additionally, the Aliso Creek is classified as a “streambed”, as defined in Section 1600 of the California Fish and Game Code; therefore, construction within the creek will also require a *Streambed Alteration Agreement* from DFG under Section 1600 of the state Fish and Game Code. Considering the project of an existing, recently damaged pedestrian bridge and service road, the project will be subject to the general *Nationwide Permit* as an NWP3 maintenance project. The project will be subject to *Nationwide Permit* general conditions and mitigation to minimize adverse effects within the creek. Common measures include verification that on-site drainages are replaced or enhanced beyond pre-construction levels and the replanting of vegetation removed as a result of the project. Considering the project repairs an existing bridge and service road, is not subject to individual permitting because of

its relatively small size, and is designed to ensure channel capacity remains the same, impacts related to changes to wetlands will be less than significant.

d) **No Impact.** The project will replace a recently damaged pedestrian bridge with a similar design. Channel capacity will remain the same and aquatic or terrestrial wildlife movement under the bridge will remain intact. No impact will occur.

e) **No Impact.** The City does not have any local rules or ordinances designed to protect mature trees or other biological resources. The project includes preservation of one existing on-site oak tree. No impact will occur.

f) **No Impact.** The project site is not located within an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP).⁶ No impact could occur.

V. CULTURAL RESOURCES

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion:

a-d) **No Impact.** The proposed pedestrian bridge and service road are replacements of existing infrastructure on previously disturbed land. Any buried cultural resources would have been removed or destroyed during previous construction activities. The proposed bridge will not breach subsurface soils that were not previously disturbed. No impact to cultural resources could occur.

VI. GEOLOGY AND SOILS

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project?				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion:

a.i) **No Impact.** The project is not located in an Alquist-Priolo fault hazard zone.⁷ No impact could occur.

a.ii) **Less than Significant Impact.** The project is subject to strong groundshaking as is all of seismically active Southern California. The proposed pedestrian bridge will be constructed per California Department of Transportation (Caltrans) Standard Plan D81 for cast-in-place RCB culverts.⁸ Reinforcement and other design features will minimize the potential for collapse during seismic events. Impacts will be less than significant.

a.iii, c) **Less than Significant Impact.** The project site is subject to liquefaction considering it is located within the flood plain of Aliso Creek.⁹ The proposed pedestrian bridge will be constructed of reinforced concrete on a minimum 4-foot ¼ ton riprap to ensure stability should subsurface soils loss cohesion during an earthquake. Impacts will be less than significant.

a.iv) **No Impact.** The project is not subject to landslides.¹⁰ No impact could occur.

b) **Less than Significant Impact.** Topsoil in the project vicinity is generally of fair quality.¹¹ The project erosion control plan identifies Best Management Practices (BMP) to prevent erosion during construction activities. These include use of fiber rolls and gravel bags. Post-construction re-vegetation will ensure that soils are stabilized in perpetuity. Impacts related to the loss of topsoil will be less than significant.

d) **No Impact.** The linear extensibility of soils on the project site is 1.5 percent, according to the National Soils Survey.¹² Linear extensibility describes the shrink-swell potential of soils and those under three

percent have a low potential; therefore, soils located on the project site are not expansive and no impact will occur.

e) **No Impact.** No septic tanks are proposed as part of the project. No impact could occur.

VII. GREENHOUSE GAS EMISSIONS

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases?				X

Discussion:

a) **Less than Significant Impact.** The project will not result in any long-term GHG emissions because the proposed bridge does not include an operational component that could result in any future emissions. Temporary GHG emissions would occur during construction activities, from vehicle and equipment exhausts and paving emissions. Impacts related to GHG emissions are cumulative, resulting from the accumulation of GHGs in the atmosphere over the long-term; therefore, short-term, temporary GHG emissions from construction activities will not contribute substantially to long-term climate change. Impacts will be less than significant.

b) **No Impact.** No plans, policies or regulations have been adopted to regulate construction-based GHG emissions. Once the new bridge is completed, it would not generate any greenhouse gas emissions. This project would not conflict with any plans, policies or regulations pertaining to emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
i) Would the project include a new or retrofitted stormwater treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?				X

Discussion:

a-b) **Less than Significant Impact.** The proposed pedestrian bridge and service road repairs do not include an operational component requiring the use, transport, or disposal of hazardous materials. Construction activities will require nominal minor amounts of hazardous materials such as adhesives and petroleum products to complete the bridge and service road. These products are subject to state and federal regulations and will be handled in accordance with their labeling. Impacts will be less than significant.

c) **No Impact.** There are no schools located within one-quarter mile of the project site. No impact could occur.

d) **No Impact.** The proposed project is not located on a site listed on the State *Cortese List*, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses.¹³

Based upon review of the *Cortese List*, the project site is not:

- listed as a hazardous waste and substance site by the Department of Toxic Substances Control (DTSC),¹⁴

- listed as a leaking underground storage tank (LUFT) site by the State Water Resources Control Board (SWRCB),¹⁵
- listed as a hazardous solid waste disposal site by the SWRCB,¹⁶
- currently subject to a Cease and Desist Order (CDO) or a Cleanup and Abatement Order (CAO) as issued by the SWRCB,¹⁷ or
- developed with a hazardous waste facility subject to corrective action by the DTSC.¹⁸

e-f) **No Impact.** The project is not located within the influence area of a public airport or airstrip. No impact will occur.

g) **No Impact.** The project does not involve any roadways or access points that could conflict with emergency planning efforts. No impact will occur.

h) **No Impact.** The project is not located in a high fire hazard zone.¹⁹ No impact will occur.

i) **No Impact.** The project does not include any stormwater features, such as detention basins, that could result in ponding water that could attract vectors or result in odors. No impact will occur.

IX. HYDROLOGY AND WATER QUALITY

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
k) Potentially impact stormwater runoff from construction activities?			X	
l) Potentially activity potentially impact stormwater runoff from post-construction activities?				X
m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?			X	
n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?				X
o) Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?				X
p) Create significant increases in erosion of the project site or surrounding areas?				X

Discussion:

The proposed project would replace previously existing structures and stabilize the creek’s banks through bio-engineering methods. A 401 Water Certification has been processed by the San Diego Regional Board to ensure that water quality standards have been met and no impacts to beneficial uses would occur. No changes in flows or flow duration would occur as a result of the new bridge structure.

X. LAND USE AND PLANNING

Issues:	Potentially	Less Than	Less Than	No
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	Significant Impact	Significant With Mitigation Incorporation	Significant Impact	Impact
X. LAND USE AND PLANNING: Would the project				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

a-c) **No Impact.** The proposed project consists of repairing an existing foot bridge and service road and stabilization of an existing channel, and will not divide an established community. The project will not conflict with any land use plans and is not located within a habitat conservation plan or natural community conservation plan area. No impact will occur.

XI. MINERAL RESOURCES

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

a-b) **No Impact.** The project includes repair and replacement of a pedestrian bridge and service road on a developed site in residential neighborhood. No known mineral resources are located in the area and no mining operations would be permitted on or near the project site. No impact will occur.

XII. NOISE

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport,				X

would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

a) **No Impact.** The proposed pedestrian bridge and service road are not subject to noise compatibility standards and does not include an operational component that could expose persons to excessive noise. No impact will occur.

b) **No Impact.** Groundborne vibration generated by construction projects is highest during pile driving, rock blasting, soil compacting, jack-hammering, and structural demolition-related activities. Construction of the proposed pedestrian bridge and service road do not require these activities or associated heavy equipment. The project has no operational component that could generate groundborne noise. No impact will occur.

c) **No Impact.** The proposed project does not include an operational component that could raise ambient noise level. No impact will occur.

d) **Less than Significant Impact.** Construction noise will be generated over the three-month construction period of the project. This will expose residents in the project vicinity to noise levels in excess of the 55 dBA daytime exterior and interior noise standards adopted in Section 7.08.060 and -070 of the Municipal Code.²⁰ Section 7.08.080 of the Municipal Code limits construction activities to 7:00am to 8:00pm, Monday through Saturday, and prohibits construction-related noise on Sundays and federal holidays. This will minimize any potential noise impacts during sensitive evening and nighttime hours, when noise intrusion is more apparent. Impacts related to temporary construction noise will be less than significant with implementation of existing regulations.

e-f) **No Impact.** The project is not located within the influence area of a public airport or private airstrip. No impact could occur..

XIII. POPULATION AND HOUSING

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

a) **No Impact.** The proposed project consists of repairing an existing pedestrian bridge and service road, and stabilization of an existing channel. The project includes no operational component that could induce population growth and does not require demolition of housing or other structures that could displace people. No impact will occur.

XIV. PUBLIC SERVICES

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?				X
Police Protection/Code Enforcement?				X
Schools?				X
Parks?				X
Other Public Facilities?				X

Discussion:

The proposed project is limited to the existing channel and service road, and will not require any additional public services that would require construction of any governmental facilities. No impact will occur.

XV. RECREATION

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion:

a-b) **No Impact.** The proposed pedestrian bridge and service road include no operational component that would result in the use or construction of any recreational facilities. No impact could occur.

XVI. TRANSPORTATION/TRAFFIC

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel				X

and relevant components of the circulation system including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion:

a-b) **No Impact.** The proposed project does not include an operational component that could increase traffic volume on local or regional (CMP) roadways. No traffic impacts will occur.

c) **No Impact.** The proposed project does not include any structures that would change air traffic patterns and does not include an operational component that could increase airline flights. No impact will occur.

d) **No Impact.** The proposed pedestrian bridge and service road do not include any hazardous design features. No impact will occur.

e) **No Impact.** The proposed project does not provide nor will it interfere with emergency access to any residential units in the area. No impact will occur.

f) **No Impact.** The proposed project will restore a damaged pedestrian bridge, increasing pedestrian connectivity in the area and providing a benefit to local residents. No impact to alternative transportation systems will occur.

XVII. UTILITIES AND SERVICE SYSTEMS

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
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Discussion:

a,e) **No Impact.** The project will not generate any wastewater requiring conveyance or treatment. No impact could occur.

b,d) **No Impact.** The project will not demand water or discharge wastewater requiring construction or expansion of any facilities or water supplies. No impact will occur.

c) **No Impact.** No storm water drainage facilities are required to serve the project. Storm water will sheet flow off the proposed bridge and service road into Aliso Creek. No impact will occur.

d) **Less than Significant Impact.** The project includes no operational component that could generate long-term solid waste. Minimal solid waste will be generated from disposal of portions of the existing damaged bridge and service road. All demolition and construction debris will be disposed of in accordance with state and local diversion regulations. Impacts will be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion:

a) **Less than Significant Impact.** The environmental analysis provided in Section II concludes that impacts related to emissions of criteria pollutants and other air quality impacts will be less than significant. Sections VII and IX conclude that impacts related to climate change and hydrology and water quality will be less than significant. Section 4.4 concludes that impacts to fish, wildlife, or habitat will. Section V concludes that impacts to cultural resources will not occur. The City hereby finds that impacts related to degradation of the environment, biological resources, and cultural resources will be less than significant.

b) **Less than Significant Impact.** Cumulative impacts can result from the interactions of environmental changes resulting from one proposed project with changes resulting from other past, present, and future projects that affect the same resources, utilities and infrastructure systems, public services, transportation network elements, air basin, watershed, or other physical conditions. Such impacts could be short-term

and temporary, usually consisting of overlapping construction impacts, as well as long term, due to the permanent land use changes involved in the project. Short-term impacts related to noise and pollutant emissions will be at less than significant levels and therefore will not contribute substantially to any other concurrent construction programs that may be occurring in the vicinity. The project will not contribute to long-term, cumulative impacts because the project includes no operational component. Particularly, the project does not require new or expanded public services or utility systems such as fire protection services, traffic control and roadways, storm drain facilities, or other public facilities and equipment. The City hereby finds that the contribution of the proposed operations center to cumulative impacts will be less than significant.


c) **Less than Significant Impact.** Based on the analysis of the project's impacts in the responses to items 4.1 thru 4.17, the project will not in substantial adverse effects on human beings. Short-term construction related impacts would be minimal considering the size and scope of the project. No long-term effects would occur because the project has no operational component. The analysis herein concludes that direct and indirect environmental effects will at worst be less than significant and no mitigation is required. Based on the analysis in this Initial Study, the City finds that direct and indirect impacts to human beings will be less than significant with mitigation incorporation.

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- ²⁰ City of Laguna Woods. Municipal Code.

7.3
COMMUNITY DEVELOPMENT BLOCK
GRANTS

**City of Laguna Woods
Agenda Report**

FOR: September 19, 2012 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Leslie A. Keane, City Manager 
Agenda Item: Community Development Block Grant (CDBG)

Recommendation

- A. Receive Staff Report
- B. Open the Public Hearing
- C. Receive Public Comment
- D. Close Public Hearing
- E. Prioritize project proposals and authorize staff to submit applications to the County of Orange for funding consideration under the federal Community Development Block Grant (CDBG) Program.
 - 1. Rehabilitation Projects:
 - First Priority:** Low Income Residential Energy Efficiency Improvements Project (\$150,000)
 - 2. Public Facilities and Improvements Projects:
 - First Priority:** Phase VI Emergency Power and Appurtenances – Laguna Woods designated Severe Weather Shelter (\$250,000).
 - Second Priority:** City Centre Park Safety Lighting (\$200,000).

Background

In accordance with the Federal Community Development Block Grant (CDBG) Program, Orange County cities with a population less than 50,000 may compete for block grant funding through either the state or county programs. The City of Laguna Woods has chosen to participate in Orange County's Urban County CDBG Program for Fiscal Years 2012-13 through 2014-15. To submit projects, the City Council must conduct a public hearing to consider eligible projects. The public hearing process provides residents with the opportunity to give input on community needs and project priorities for CDBG funding.

The County accepts applications from participating cities for housing rehabilitation programs every three years and applications for public facilities and improvement projects (PF&I) every year. Eligible projects must meet the Housing and Urban Development (HUD) criteria and benefit low and moderate-income persons.

Discussion

Rehabilitation Projects

This fiscal year the City received a housing rehabilitation grant in the amount of \$135,000 for its Energy Efficiency Improvements Program, which assists qualified low income seniors to improve the energy efficiency of their residential units through the installation of dual pane, low-e glass windows, doors, heat pumps, ceiling fans and other similar energy efficiency improvements.

Staff is proposing a \$150,000 housing rehabilitation grant in FY 2013-2014 to continue the City's Energy Efficiency Improvement Program for low income seniors.

Public Facilities and Improvement Projects

In FY 2012-2013, the City was awarded a Public Facilities and Improvement (PF&I) CDBG grant in the amount of \$112,500 for storm drain improvements on the City Hall/Library site to alleviate the flooding that occurs during severe weather conditions.

Staff has identified two new potential public facilities and improvements projects:

1. City Hall Emergency Power and Appurtenances (\$250,000): This project would ensure ongoing operation of the City Hall as a designated “cooling center” during severe weather conditions. The full integration of the emergency generator is required to assure that all emergency facilities in City Hall will be operational during a power outage.
2. City Centre Park Safety Lighting (\$200,000): This project would provide lighting at the top of the park as well as pathway bollard lighting to enhance the accessibility of the park by all the residents of Laguna Woods.

During the public hearing, residents and other interested parties may suggest additional housing rehabilitation projects and public facilities and improvement projects. The City Council may consider and rank these and the proposed projects and direct staff to apply for funding.

Environmental Review

The proposed projects are considered ministerial and exempt from the California Environmental Quality Act (CEQA), in accordance with Section 21080 of the California Public Resources Code.

Fiscal Impact

There is no match requirement for CDBG funding; however, the application process is competitive and projects that provide local funding have a greater chance of receiving an award. The City’s proposed contribution is in-kind services for inspection and administration of the projects and can be absorbed in the annual budget.

Conclusion

At the close of the public hearing, the Council may consider comments and testimony provided by residents; prioritize projects, and direct staff to submit applications for grant funding for FY 2013-14.

Report prepared by: Patrick Foley, Community Services Manager 