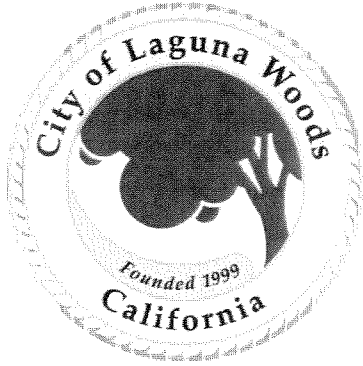




AGENDA of THE LAGUNA WOODS CITY COUNCIL

**Regular Meeting
November 18, 2009
2:00 P.M.**

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

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

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

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

IV. PRESENTATIONS

None

V. CITY PROCLAMATIONS

5.1 Proclamation – Pearl Harbor Day, December 7, 2009

5.2 Proclamation – Human Rights Day – December 10, 2009

All proclamations listed under this section will be enacted by one vote, unless Members of the City Council request specific items be removed for separate action. Proclamations will then be read and presented.

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 October 21, 2009 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 October 2009 monthly and the Fiscal Year 2009-10 First Quarter Treasurer's Reports.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the November 18, 2009 Warrant Register in the amount of \$449,810.93.

6.5 City Hall Janitorial Service

RECOMMENDED ACTION: Award a contract to Great Cleaning Service, Inc. for City Hall janitorial services for one year with an option to extend for up to three additional years for an amount not to exceed \$8,000 per year, and authorize the City Manager to execute a contract, subject to approval as to form by the City Attorney.

6.6 Notice of Completion – Ridge Route Linear Park

RECOMMENDED ACTION:

- A. Accept project completion of the contract with Marina Landscape, Inc. for the Ridge Route Linear Park.
- B. Release contract retention in the amount of \$66,637.32 withheld per government code 35 days following recordation of a Notice of Completion with the County of Orange.
- C. Exonerate project posted bonds 35 days following recordation of a Notice of Completion with the County of Orange.

VII. PUBLIC HEARINGS

7.1 City Centre Park (SP-589)

RECOMMENDED ACTION

- A. Receive staff report.
- B. Open public hearing.
- C. Receive public comment.
- D. Close public hearing.
- E. Approve (Staff and Land Use and Design Review Committee):

(1) Conceptual design for City Centre Park

AND

(2) A resolution adopting Negative Declaration ND 09-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, ADOPTING
NEGATIVE DECLARATION ND 09-02 FOR CITY
CENTRE PARK (SP-589) LOCATED ON MOULTON
PARKWAY 1,200 FEET NORTH OF EL TORO ROAD

VIII. CITY COUNCIL

8.1 Huntington Beach Desalination Facility (Hack)

RECOMMENDED ACTION: Approve a resolution in support of Poseidon Resources' proposed Huntington Beach Desalination Facility, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, SUPPORTING THE
CONSTRUCTION AND OPERATION OF THE PROPOSED
HUNTINGTON BEACH DESALINATION FACILITY

8.2 City Council Meeting Schedule

RECOMMENDED ACTION: Schedule an adjourned Council meeting for 2:00 p.m. on Wednesday, December 2, 2009.

IX. CITY MANAGER

9.1 Laguna Woods Crime Trends

RECOMMENDED ACTION: Discuss and provide direction to staff.

9.2 Water Efficient Landscape Regulations

RECOMMENDED ACTION (Staff and Land Use and Design Review Committee): Approve the introduction and first reading of an ordinance establishing water efficient landscape regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS,
CALIFORNIA, AMENDING THE LAGUNA WOODS
MUNICIPAL CODE TO ESTABLISH WATER EFFICIENT
LANDSCAPE REGULATIONS

9.3 Temporary Signs

RECOMMENDED ACTION (Staff and Land Use and Design Review Committee): Approve introduction and first reading of an ordinance modifying temporary sign regulations, entitled:

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

9.4 Zoning Code Modifications

RECOMMENDED ACTION: Discuss proposed scope of work, timeline and budget for modifications to the land use designations in the City's Zoning Code.

X. APPEAL

10.1 Pet Limit Appeal (5408 Via Carrizo)

RECOMMENDED ACTION:

- A. Receive staff report.
- B. Hear from applicant.
- C. Receive public comment.
- D. Rule on appeal.

XI. CITY ATTORNEY'S REPORT

XII. COMMITTEE REPORTS

- 12.1 Transportation Corridor Agencies (Councilmember Hack)
- 12.2 Orange County Library Board (Mayor Pro Tem Robbins)
- 12.3 Orange County Fire Authority (Councilmember Rhodes)
- 12.4 Southern California Water Committee (Councilmember Hack)
- 12.5 Coastal Greenbelt Authority (Councilmember Conners)
- 12.6 Laguna Canyon Foundation (Councilmember Rhodes)
- 12.7 Vector Control District Board (Board Member Bouer)

XIII. PUBLIC COMMENTS

XIV. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

- 14.1 Reports on Meetings Attended (Government Code §53232.3)
 - A. November California League of Cities/OC Division Meeting – November 12, 2009 (Ring, Hack, Rhodes)
 - B. California Joint Powers Insurance Authority Conference – October 28-30, 2009 (Conners, Robbins)
 - C. Southern California Water Committee Annual Dinner – October 22, 2009 (Hack)
 - D. Municipal Water District of Orange County Dinner – November 5, 2009 (Hack)
- 14.2 Other Comments and Announcements

XV. CLOSED SESSION

15.1 The City Council will meet in closed session to confer with legal counsel regarding one matter of pending litigation, pursuant to the provisions of Government Code Section 54956.9(c)

15.2 Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of two pieces of real property:

- Property:
- A. Located at the intersection of Santa Vittoria and San Remo Drives
 - B. Located along El Toro Road, adjacent to the Laguna Woods Village perimeter wall, in the vicinity of Paseo de Valencia

City Negotiator: Leslie A. Keane

Negotiating Party: Rossmoor Properties, LP

Under Negotiation: Instructions to negotiator regarding terms

XVI. ADJOURNMENT

The meeting will be adjourned to a Meeting of the City Council at 2:00 p.m. on Wednesday, December 16, 2009 held 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 special 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-PEARL HARBOR DAY
DECEMBER 7, 2009**

City of Laguna Woods

Certificate of Commendation

PEARL HARBOR DAY
DECEMBER 7, 2009

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of WW II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in the people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during WW II:

NOW THEREFORE BE IT RESOLVED, that the Laguna Woods City Council does hereby encourage all Americans to recognize with appreciation the sacrifice and courage of the Americans who served at Pearl Harbor and the important contributions they continue to make in our local communities and they deserve the affection and respect of a grateful state and nation.

Dated this 16th of November, 2009

Robert B. Ring, Mayor

Attest: Yolie Trippy, Deputy City Clerk

5.2
PROCLAMATION – HUMAN RIGHTS DAY
DECEMBER 10, 2009

City of Laguna Woods Certificate of Commendation

HUMAN RIGHTS DAY

DECEMBER 10, 2009

WHEREAS, on December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights; and

WHEREAS, all human beings are born free and equal in dignity and rights and they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood; and

WHEREAS, everyone is entitled to the rights and freedom without distinction of any kind, such as race, colour, gender, language, religion, political or other opinion, national or social origin, disability, property, birth or other status; and

WHEREAS, people everywhere are encouraged to join hands and embrace diversity and end discrimination; and

WHEREAS, Laguna Woods is a city where freedom, justice, peace and dignity are respected;

NOW THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim December 10, 2009 as Human Rights Day.

Dated this 18th day of November, 2009

Robert B. Ring, Mayor

Attest: Yolie Trippy, Deputy City Clerk

6.1-6.5
CONSENT CALENDAR SUMMARY

City of Laguna Woods Agenda Report

FOR: November 18, 2009 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 November 18, 2009 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 November 18th Consent Calendar contains the following six items:

- 6.1 Approval of the minutes from the October 21, 2009 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 October 2009 monthly and Fiscal Year 2009-10 First Quarter Treasurer's Reports. These reports identify the City's current liquid assets and their location. At the end of October, the City had approximately \$10.9 million in cash on hand and in other liquid assets.
- 6.4 Approval of the November 18, 2009 Warrant Register, as submitted, in the total amount of \$449,810.93. 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 Award a contract to Great Cleaning Service, Inc. for City Hall janitorial services for one year with an option to extend for up to three additional years for an amount not to exceed \$8,000 per year. The City's current contract for janitorial services ends December 31, 2009. Staff solicited proposals for janitorial services for 2010 with annual extensions through 2013. The recommended contractor is committing to provide service at a cost that is 14% less than the City's current contract, including window cleaning four times per year and carpet cleaning twice per year. Great Cleaning Service received high marks from its referenced clients, including the cities of Mission Viejo and San Clemente, and the probation division of the Orange County Sheriff's Department.
- 6.6 Acceptance of project completion of the contract with Marina Landscape, Inc. for the Ridge Route Linear Park. This project has been successfully completed; Council action will allow staff to file the notice of completion and release project retention funds.

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 November 18, 2009 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
REGULAR MEETING

**CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
October 21, 2009
2:00 P.M.**

I. CALL TO ORDER

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

II. FLAG SALUTE

Prior to leading the flag salute, Councilmember Conners requested a moment of silence to honor all patriots and veterans and service members who are in harm's way.

III. ROLL CALL

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

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

Mayor Ring requested that Public Comments be made immediately following the readings of the City proclamations.

IV. PRESENTATIONS - None

V. CITY PROCLAMATIONS

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Proclamations 5.1 – 5.2

5.1 Proclamation – Breast Cancer Awareness Month, October 2009

5.2 Commendation – Margie Green, 101st Birthday

Members of the Laguna Woods Village Ballroom Dance Club accepted the certificate on behalf of Ms. Green and made brief remarks.

Mayor Ring gave those wishing to speak regarding the 9-11 motorcycle ride a combined total of 15 minutes. He explained that, in accordance with the Brown Act, the City Council is prohibited from taking any action on the matter at this time.

City Manager Keane apologized for her connection with the 9-11 Memorial Motorcycle Ride that involved Mr. Biggerstaff and was hopeful that both parties could move forward

and work together for a successful and safe ride in the future.

Mr. Gary Biggerstaff spoke regarding the exchange of e-mails between himself and City Manager Keane.

Mayor Ring noted the sensitivity of safety issues relating to the intersection of El Toro Road and Moulton Parkway and throughout the community. He indicated that most members of the Council are veterans of the military and that all members support celebrations in remembrance of the 9-11 events. In light of this year's incident, Mayor Ring expressed empathy for the positions of both City Manager Keane and Mr. Biggerstaff.

Councilmember Conners reiterated Mayor Ring's support for patriotism and stated that she hopes that everyone can move forward.

Councilmember Hack acknowledged that the matter could have been handled differently and indicated that it is the City's responsibility to solve problems and not cause them. He suggested to Mr. Biggerstaff obtain a permit to address traffic issues in future events.

Mr. Biggerstaff confirmed that he contacts the various cities affected by his organization's memorial tribute and acknowledged the City's limited law enforcement. He noted that he looks forward to working with the city for next year's event, which takes place on a Saturday, and indicated that the number of participants could double in size.

Councilmember Rhodes reiterated the patriotic significance of September 11th, citing the City's own celebration and is hopeful that there will not be further repercussions in the future.

Mayor Ring restated that the city has only one Sheriff's Deputy assigned during the day and that the assignment is shared amongst neighboring cities during the evening hours.

Mayor Ring thanked Mr. Biggerstaff for addressing Council on the issue then announced a two minute recess. The City Council reconvened at 2:40 p.m

VI. CONSENT CALENDAR

Councilmember Conners removed Item 6.1 from the Consent Calendar.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, 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 Report

Received and filed the September 2009 Treasurer's Report.

6.4 Warrant Register

Approved the October 21, 2009 Warrant Register in the amount of \$507,110.38.

6.5 Saddleback Golf Cars, 23252 Via Campo Verde (ZC 09-01, CUP-559)

Adopted an ordinance establishing Zone Change ZC 09-01, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
APPROVING A ZONE CHANGE OF A 1.23-ACRE PARCEL ZONED
"PROFESSIONAL AND ADMINISTRATIVE OFFICE (PA)" TO
"COMMUNITY COMMERCIAL (CC)" LOCATED AT 23252 VIA
CAMPO VERDE (APN 621-131-26)

6.6 Supplemental Law Enforcement Services Funds

Allocated Supplemental Law Enforcement Services Funds received from the state of California in FY 09-10 to salary, benefits, supervision, equipment and related services for one-half of the cost for the Orange County Sheriff's Department deputy assigned to traffic enforcement in Laguna Woods.

6.1 City Council Minutes

Councilmember Conners requested an amendment to the minutes indicating that Isabel Muennichow was appointed to the Land Use and Design Review Committee at the September 16, 2009 City Council meeting.

Moved by Councilmember Conners, seconded by Councilmember Hack, and carried unanimously to approve the minutes from the September 16, 2009 regular meeting as amended; and the October 2, 2009 special meeting.

VII. PUBLIC HEARINGS

7.1 San Sebastian Sign Variance, 24299 Paseo de Valencia (ZV-586)

City Manager Keane summarized the agenda report.

Councilmember Hack asked staff how the size of the banner is calculated and stated that he has sympathy for the applicant considering the specific situation and building size.

City Manager Keane discussed the limits on temporary banner signs, which varies based on the size of a particular building's frontage. The applicant is requesting an additional 75 square foot banner, in excess of what is allowed by Code.

The public hearing was opened.

ITEM 6.1

Mike Curtis, resident, asked for clarification on the meaning of the last paragraph of the second page of the agenda report.

City Manager Keane responded that the City Council recently approved the display of temporary banners in residential zones. The paragraph in question concerns a request for a variance to allow the display of banners until all units are sold. The variance process cannot be used for that request because sufficient findings cannot be made.

Mr. Curtis suggested that a condition be placed on approval of the sign that requires it to be maintained in good order.

City Manager Keane responded that staff inspect banners when they are installed to make sure that they are in good condition and securely anchored.

Peter Hemphill, Project Manager for Standard Pacific Homes, noted that a distinction between the San Sebastian project and other residential facilities with vacancies is that San Sebastian has 134 units to sell. He also responded to Mr. Curtis' comment about the maintenance of banners by explaining that they are "self-incentivized" to maintain them. He stated that restricting banners to 120 days in 30 day increments is not practical and also requested permission to display temporary promotional flags in front of the building.

City Manager Keane reviewed the temporary sign options that are currently available to Standard Pacific Homes, including the ability to place a directional plaque on one of the City's median monument signs. At the direction of the City Council, staff can also make changes to the Municipal Code for consideration at the next meeting.

Councilmember Hack suggested that because of the project's location, Standard Pacific Homes might be better served by contacting the City of Laguna Hills to see if they could place signage in their medians.

Councilmember Conners asked staff if the City Council could approve the display of the additional banner for alternating times with the existing banner.

City Manager Keane stated that was not possible.

Councilmember Conners asked for confirmation that there is no request for flags on the agenda.

City Manager Keane indicated that the City's previous planner spoke with the applicant and that the applicant voluntarily removed flags from their request so that staff would not have to deny their application based on conflicts with the Municipal Code.

Mr. Hemphill confirmed that flags were removed from their request, but reiterated that he would still like to see an allowance made.

Councilmember Conners stated that while there was a fair amount of opposition to the project, it is now in everyone's interest that the units are sold. She further stated that the City Council does what it can to promote the success of businesses.

ITEM 6.1

Councilmember Conners asked if decorative flags can be displayed on the project's balconies.

City Manager Keane responded that individual residents can display such banners, but that Standard Pacific would like to display advertising flags on 15' poles.

Mr. Hemphill indicated that Standard Pacific is considering staff's suggestions, but that the use of "clustered" flags is more effective for real estate sales.

Councilmember Rhodes asked staff if the applicant is able to apply for off-site signage.

City Manager Keane stated that off-site signage would require a variance.

Councilmember Hack stated that he is not interested in changing the Municipal Code and would rather see something done to specifically address grand opening activities.

City Manager Keane suggested that staff could explore a process for new openings. She also noted that staff is working with an intern from UCI to review the City's entire sign program. She expects that significant changes will be proposed to make the regulations easier to work with and more consistent. If the City Council wishes to approve today's resolution, the applicant would be allowed to display the banners after a 30-day waiting period. During that time staff could draft language related to new openings.

Mayor Pro Tem Robbins suggested that City Council approve the variance.

Mayor Ring asked Mr. Hemphill about the viability of placing flags around the periphery of the top of the buildings.

Mr. Hemphill responded that it might be helpful, but that it has not been specifically discussed. He also mentioned that they have purposefully not taken advantage of the window sign allowance in an attempt to exercise good judgment.

City Manager Keane clarified that flags at the top of the building are not allowed.

Mayor Ring asked Mr. Hemphill if they would be willing to remove the approximately 16 window signs in exchange for approval of the variance.

Mr. Hemphill expressed concern with the fact that, due to the 30 day display restriction, if they were to remove the window signs, they would have only one sign remaining, until the variance became effective.

Mayor Ring discussed the project's limited visibility and expressed his opinion that the proposed locations of the banners are not ideal.

City Manager Keane clarified that the variance would not dictate the exact placement of the banners. It would allow 175 square feet of total banner area to be divided up among as many banners as they wish with a limit of one banner per frontage.

Councilmember Hack asked what authority the City Council has to waive the 30-day waiting period between the display of banners.

City Manager Keane stated that the requirement was discussed at a City Council meeting, but is not a part of the Municipal Code. The City Council has the authority to waive it. She noted that such a request was not included in their request for a variance.

There being no further requests to speak, the public hearing was closed.

City Manager Keane noted that because there is a requirement for a 30 day review period for variances before they become effective, waiving the 30 day waiting period between banners would have no effect.

Mayor Ring asked Mr. Hemphill if they would be willing to remove the window signs in exchange for the variance.

Mr. Hemphill requested that they have that discussion, at a later hearing, in conjunction with a request for flags. He stated that he could reduce the number of window signs.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Resolution No. 09-21 granting a variance for signage at the San Sebastian condominium complex, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A VARIANCE (V-586) TO EXCEED THE PERMITTED TEMPORARY BANNER SIZE LOCATED AT 24299 PASEO DE VALENCIA

City Manager Keane noted that the City Council could waive the 30 day wait for the 100 square foot banner that was already approved. They would be able to display that banner for 30 days, then remove it for 30 days, and display it for an additional 30 days with the additional 75 square feet of signage.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to allow the display of the 100 square foot banner immediately.

Mayor Ring asked Mr. Hemphill to meet with City staff to discuss ways to improve the sign regulations for residential facilities. He also discussed how the City Council wants every business in the community to be successful.

Councilmember Connors reiterated that it is the consensus of the City Council to look into Councilmember Hack's suggestion regarding a different policy for new openings

City Manager Keane stated that she will prepare a recommendation for the November meeting, that will address temporary banners signs for grand openings.

Councilmember Connors asked Mr. Hemphill what he anticipates San Sebastian's time of sell-out to be.

Mr. Hemphill replied that approximately two years.

Mike Curtis, resident, agreed with Mayor Ring's earlier comment that he wants to see all businesses succeed, but expressed his disapproval of the San Sebastian project and any future development.

7.2 Building Fee Reductions for Environmental Improvement Projects

City Manager Keane suggested that in light of the fact that it is problematic to lower fees only to raise them later, the City Council establish an Environmental Mitigation Fund, instead of approving the resolution that was included with the agenda. The fund, in the amount of \$7,500, would be used to partially credit residents for a portion of the fees for environmental improvement projects. The costs of the fees would remain unchanged.

The public hearing was opened.

There being no requests to speak, the public hearing was closed.

Councilmember Hack asked for clarification on how building fees are calculated

City Manager Keane stated that the City charges based on time or a flat fee, depending on the item.

Councilmember Hack asked about what happens when the fund is exhausted.

City Manager Keane suggested that staff provide a status report in six months or earlier, if the fund is exhausted before then. At that point, she will be able to better project costs.

Mayor Pro Tem Robbins suggested that there are sufficient reserves in the General Fund, should the fund exceed the initial amount of \$7,500.

Councilmember Hack supported City Manager Keane's suggestion for a status report.

Councilmember Rhodes expressed his preference for reducing building fees, rather than creating an environmental mitigation fund.

Mayor Ring and City Manager Keane discussed how the environmental mitigation fund would achieve the same outcomes as reducing fees, without lowering fees in a time when it is possible that fees may have to be raised. Residents would see the cost defrayed on their permit applications and would only pay the subsidized amount as outlined in the agenda report.

Councilmember Conners indicated that the end result to the residents is the same in either instance, but that the fund represents a simpler, more streamlined process.

Moved by Mayor Ring, seconded by Mayor Pro Tem Robbins, and carried unanimously to establish an environmental mitigation fund to subsidize the cost of environmental

improvements to residential units, as listed in the agenda report, in the amount of \$7,500.

VIII. CITY COUNCIL – None

IX. CITY MANAGER

9.1 Integrated Solid Waste Management Franchise

City Manager Keane introduced the item by stating that the City Council needs to make a determination as to whether the integrated solid waste management franchise will be re-bid or extended. State law prohibits an extension of less than five years.

Assistant City Manager Reilly summarized the agenda report.

Councilmember Hack inquired about the status of the source separated recycling pilot program.

Assistant City Manager Reilly stated that there are currently 34 bins in United Mutual and the City has made a request to place an additional 8 bins. The intent is to place the additional bins in places where there may be space or aesthetic challenges. Participation has been fairly high and a significant amount of recyclables are being collected in both Mutuels.

Councilmember Hack asked if the City would be involved in negotiations between Ware and Laguna Woods Village regarding the proposed annual payment for recycled paper.

City Manager Keane responded that the City would not be involved.

Mayor Ring noted that the language in the agenda packet regarding the annual payment for recycled paper could be interpreted as a non-negotiable rate.

City Manager Keane and Assistant City Manager Reilly explained that the language in the agenda packet was Ware's initial suggestion and that staff have made it clear that it would need to be negotiated directly with Laguna Woods Village. The parties would be free to agree to another rate.

Councilmember Hack and Mayor Ring emphasized that the agenda report shall not be construed as setting a rate and that the rate must be negotiated between the parties.

Councilmember Conners asked what the franchise was worth to Ware, annually.

Assistant City Manager Reilly stated that it is worth approximately \$1.4 million.

Councilmember Conners asked for an explanation of the claim by some residents that only 30% of the Village red bins get sorted at a Materials Recovery Facility (MRF).

Assistant City Manager Reilly and Mike Balliet, the City's waste consultant, explained that the 30% figure is incorrect and that a survey was done to verify the 75% figure.

Councilmember Conners asked for confirmation that as more waste is source separated, a higher amount of Village red bin trash would theoretically go to the MRF.

Mr. Balliet explained why that is correct.

Councilmember Conners asked about the revenue received for recycling newspapers.

Mr. Balliet explained that newspaper circulations are down, so the amount of recycling has seen a corresponding decrease. Ware has said that they will guarantee a higher rate if they handle the entire program. City Manager Keane added that Ware has said that if negotiations are not successful, they will continue to pick it up as they have under the current franchise agreement.

Councilmember Conners stated that her understanding is that the market for the sale of recycled materials varies. She asked if there was a requirement to share the proceeds of sold materials and what Ware's intentions are for down market conditions.

Assistant City Manager Reilly stated that a minimum of \$110,000 will be shared with the City. Mr. Balliet added that Ware is required to provide a certain amount of free collection, regardless of market conditions.

Jay Ware, General Manager of Ware Disposal, stated that the company is prepared for market fluctuations.

Assistant City Manager Reilly stated that there is no charge from Ware for the collection of recyclables or MRF sorting.

Councilmember Conners asked when labor negotiations are expected take place and how contract costs would increase if labor costs increase.

Mr. Ware stated that labor negotiations begin in October 2011.

Mr. Balliet indicated that based on Ware's last rate increase, approximately 26% of the rate is labor-based.

Councilmember Conners asked for clarification on the cost for 100% MRF compared to the current 75% MRF at no charge.

City Manager Keane stated that the additional material would be taken to different MRF.

Mr. Balliet stated that the difference in charges for MRF processing, are based on the processing fee above the landfill rate.

Shari Horn, resident, announced that she is pleased that Third Mutual is benefiting from the recycling program and thanked the City Council for addressing these issues.

Councilmember Rhodes asked about Third Mutual's response to the City's request for the

placement additional bins for the pilot program.

City Manager Keane indicated that Third Mutual has been very receptive and supportive.

Irv Snyder, resident, requested that the City Council consider expanding the size of the recycling bins by eliminating the size of the newspaper bins.

City Manager Keane explained that the City Council has historically allowed Laguna Woods Village to choose how to handle the recycling of newspapers. There would be a cost associated with expanding the bins and there are concerns with bin placement. She also discussed the placement of pilot program bins in challenging locations.

Mike Curtis, resident, stated that he believes Ware is doing a great job. He expressed concern with the placement of bins in areas with aesthetic or space challenges.

City Manager Keane stated that the placement of the bins is approved by the Village Boards and that the City can only make suggestions as to where to place them.

Councilmember Conners stated that the intent of bin placement is to make them more visible for residents. They are not meant to be aesthetically or physically offensive.

Rhoda Lindner, resident, would like to see smaller red bins and larger blue bins. She would also like to see figures related to the volume drop of putrescible waste, which may have relevance to tipping fees and other points in the agreement.

City Manager Keane suggested that the next phase may be to purchase smaller regular trash bins for the areas where less regular trash is collected to see if they are suitable.

Councilmember Conners asked what the cost of a blue bin is.

Assistant City Manager indicated the city is purchasing 42 blue bins at \$600 for a total of approximately \$30,000. He stated that there is a 10-15% resident turnover that generates additional trash, resulting an increase in trash in the red bins.

Ms. Lindner stated that, in her opinion, the trash generated by the resident turnover is placed in blue bins.

Councilmember Rhodes suggested options to keep replacement costs to a minimum.

City Manager Keane discussed the source separated recycling pilot program and the intent to make adjustments in a reasonable and coordinated manner.

Moved by Councilmember Hack, seconded by Mayor Pro Tem Robbins, and carried unanimously to authorize the City Manager to finalize a five-year extension of the integrated solid waste franchise agreement with Ware Disposal, Inc., from July 2010 to July 2015, for approval by the City Council, consistent with the issues noted in this report.

9.2 Proposition 1A Property Tax Securitization

City Manager Keane summarized the agenda report.

City Attorney McEwen stated that upon reviewing the documents and the resolution, he feels comfortable that the City can move forward with participation in the program.

City Manager Keane advised that the City Council could choose not to participate in the program.

Councilmember Hack stated that participation in the proposed plan serves as an assertion that the City will receive property taxes “borrowed” by the state.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to approve Resolution No. 09-23 approving participation of the City in the Proposition 1A Securitization Program and authorize the sale of City Proposition 1A receivables to California Communities, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

9.3 Fiscal Year 2008-09 Redflex Payments

Assistant City Manager Reilly summarized the agenda report.

Councilmember Hack asked for clarification on the fee schedule.

Assistant City Manager explained that fees cannot exceed \$31,807 based on the terms of the City’s contract with Redflex, but could be decreased as revenue decreases.

Councilmember Conners asked staff what the revenue decrease, over a period of time, is attributable to.

Assistant City Manager Reilly indicated that the number of citable offenses has dropped and could be a result of heightened awareness. It is common for revenues to fluctuate from month-to-month.

City Manager Keane stated that some offenders go out of their way to disguise their appearance or avoid the intersection to avoid being cited. The guidelines under which the City processes the citations require a visible picture of the offending driver.

Councilmember Hack reiterated that the red light traffic program was put into place for safety reasons and not to generate money.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to approve a budget adjustment for FY 09-10 that carries over \$31,807 in vehicle code fine revenues from FY 08-09, increases the current year budget for Contract-Red Light Photo Enforcement by the same amount, and authorizes the payment of \$31,807 to Redflex Traffic System, Inc. in accordance with terms of the City's contract with the firm.

X. CITY ATTORNEY'S REPORT – None.

Due to the length of the meeting, Mayor Ring suggested to proceed with the Public Comments prior to Committee Reports.

Lonnie Painter, resident and member of Laguna Woods For Medical Cannabis, stated that he was informed by City Manager Keane that collectives were not recognized by the City Council and that according to the City's ordinance, Laguna Woods For Medical Cannabis is considered a dispensary. He asked for guidance or clarification.

Jonathan Adler, resident, distributed a statement regarding medical marijuana and stated his opinion that the City Council lacks authority to do anything with respect to medical marijuana collectives.

Dick Haiser, a non-resident who family owns a unit in Laguna Woods Village, inquired about operating a medical marijuana dispensary from a residence and what it would take to change the current ordinance to include delivery.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack stated that construction on the 73 Toll Road should be completed by the first of the year and that a new lane will open soon on the 241 Toll Road.

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

Mayor Pro Tem Robbins stated that the Allocation Task Force meeting was cancelled.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes stated that OCFA's recent open houses were successful.

11.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack will attend the Committee's Silver Jubilee tomorrow evening and was instrumental in obtaining Governor Schwarzenegger as a keynote speaker.

11.5 Coastal Greenbelt Authority (Councilmember Conners)

Councilmember Conners indicated that new monument signs will be installed by the first

ITEM 6.1

of the year at the entrance to the Laguna Canyon Wilderness Park. Cellular telephone interpretive trail guides are also being installed. Orange County Reader Magazine recently cited the Laguna Willow Loop as the best hike in Orange County.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes stated that Mayor Ring who previously served as Treasurer for the foundation was recently appointed as Vice President of Personnel Matters. The Irvine Company has submitted a letter of intent gift 20,000 acres to the County of Orange. The OC Parks website has information on local trails and parks: www.ocparks.com/occoast

11.7 Vector Control District Board (Board Member Bouer)

Mayor Ring stated that Board Member Bouer called to report one vector was discovered in Orange County last week.

XII. PUBLIC COMMENTS

Shari Horne, resident, commended the City Council for approving the CEQA procedures related to greenhouse gases and discussed the 350 movement and International Day on Climate Action, which will occur on October 24, 2009.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3)

City Councilmembers reported on the following meeting they attended:

A. League of Cities/OC Division meeting (Ring and Conners)

13.2 Other Comments and Announcements

Councilmember Hack commented on Mr. Adler's comments and stated that the City Council acted on medical marijuana as a land-use issue.

Councilmember Conners stated that in addition to Councilmember Hack's statements, the intent of the ordinance is to facilitate the need of the residents for medical marijuana dispensaries. As the flu season approaches, she reminded residents to contact their physicians for information on the H1N1 vaccine. She announced that the Laguna Woods Village Earthworks Club has organized an event in conjunction with the 350 movement.

XIV. CLOSED SESSION

14.1 The City Council met in closed session to confer with legal counsel regarding:

A. Pursuant to Government Code Section 54956.9(c), to confer with legal counsel regarding one matter of pending litigation; and

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- B. Pursuant to Government Code Section 54956.8, to give direction with respect to the acquisition of real property:

Property: Located at the western edge of the city at the terminus of Santa Maria Avenue, commonly referred to as Laguna Laurel.

Agency Negotiator: Leslie A. Keane

Negotiating Party: The Irvine Company

Under Negotiation: Instructions to negotiator regarding terms

The City Council reconvened at 6:12 p.m. and advised that there was no reportable action.

XV.ADJOURNMENT

The meeting was adjourned at 6:13 p.m. The next meeting will be at 2:00 p.m. on November 18, 2009 at the Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California.

YOLIE TRIPPY, Deputy City Clerk

Adopted: October 21, 2009

ROBERT B. RING, Mayor

6.2
WAIVE READING OF ORDINANCES AND
RESOLUTIONS
(No Report)

6.3 TREASURER'S REPORTS

City of Laguna Woods

Treasurer's Report

October 31, 2009

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	\$	9,861,766
Subtotal	\$	9,861,766

2. Investments/Transportation Fund

Local Agency Investment Fund	\$	412,864
Subtotal	\$	412,864

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

Petty Cash Funds	\$	442
Analyzed Checking Account	\$	604,208
Subtotal	\$	604,650
TOTAL	\$	10,879,280

Note: LAIF reports interest earnings quarterly.



CITY of LAGUNA WOODS

Bob Ring
Mayor

October 30, 2009

Milt Robbins
Mayor Pro Tem

Cynthia Conners
Councilmember

Bert Hack
Councilmember

Marty Rhodes
Councilmember

Leslie A. Keane
City Manager

TO: Honorable Mayor and Councilmembers
FROM: Ernestine Jones, Finance Manager and City Treasurer
SUBJECT: Quarterly Treasurer's Report: 1st Quarter,
FY 2009/2010 (July 1 – September 30, 2009)

Attached is the 1st Quarter, FY 2009/2010 Treasurer's Report for the period July 1 – September 30, 2009. The information provided includes a:

- ◆ Report showing quarter-ended Cash on Hand in the City's interest-bearing Local Agency Investment Fund (LAIF) account and in the City checking account and petty cash funds;
- ◆ Copy of the latest LAIF Remittance Advice showing quarter-ended principal balance and interest earned.

As City Treasurer, I certify that:

- ◆ All investment actions executed since the last report have been made in full compliance with the City of Laguna Woods Investment Policy; and
- ◆ The City of Laguna Woods will meet all expenditure obligations that might reasonably be anticipated for the next six months.


Ernestine Jones
Finance Manager & City Treasurer

City of Laguna Woods
Quarterly Treasurer's Report
July 1, 2009 - September 30, 2009

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	\$ 9,861,766
Subtotal	\$ 9,861,766

2. Investments/Transportation Fund

Local Agency Investment Fund	\$ 412,864
Subtotal	\$ 412,864

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

Petty Cash Funds	\$ 476
Analyzed Checking Account	\$ 192,668
Subtotal	\$ 193,144

TOTAL	\$ 10,467,774
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Note: LAIF reports interest earnings quarterly.



JOHN CHIANG

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name	LAGUNA WOODS
Account Number	98-30-413

As of 10/15/2009, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 09/30/2009.

Earnings Ratio		.00002459481708038
Interest Rate		0.90%
Dollar Day Total	\$	925,237,645.60
Quarter End Principal Balance	\$	10,251,874.29
Quarterly Interest Earned	\$	22,756.05

6.4 WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2010
11/18/2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
108064	10-0382	7-Day Dental	001.0000.4406	Permit Cancellation/TSP-590	39.00
108076	10-0383	Braille Institute	001.6500.7300	Community Services Grant/4th Quarter Payment	5,000.00
108081	10-0384	Dickinson Electric	340.6590.7640	CDBG Energy Efficient Projects	340.00
108082	10-0385	El Toro Water District	001.6590.7231	City Hall Utilities/September 2009	28.00
108083	10-0386		001.6590.7231	City Hall Utilities/September 2009	93.73
108091	10-0387	Madison Materials	361.6700.7349	Bulky Item Recycling	84.48
108092	10-0388				57.16
108093	10-0389	Main Street Tours	001.6500.7320	Bus Trip/Glendale Planetarium/October 15, 2009	795.00
108095	10-0390	Orange County Register	001.6100.7221	Newspaper Delivery/October 2009 - April 2010	134.87
108096	10-0391	Orange County Register	001.6100.7724	Public Notices/September 2009	369.00
108103	10-0392	South County Outreach	001.6500.7300	Community Services Grant/4th Quarter Payment	5,000.00
108105	10-0393	Transamerica	001.6400.8110	Employee Benefit Program/October-December 2009	97.79
108107	10-0394	Aliso Creek Printing	001.6100.7221	Office Supplies	5.16
108111	10-0395	El Toro Water District	001.6700.7341	Dog Park Irrigation/October 2009	12.35
108114	10-0396	American General	001.6100.8110	Employee Benefit Program/October-December 2009	127.20
108115	10-0397	AT&T	001.6590.7232	Telephone/581-3974/September 2009	252.51
108116	10-0398	CalPers/Health	001.6100.8110	Employee Benefit Program/November 2009	1,825.90
			001.6400.8110		425.11
			001.6100.7391		9.68
108117	10-0399	Captioning Unlimited	001.6100.7391	Captioning/City Council Meeting/October 21, 2009	350.00
108119	10-0400	County of Orange/Sheriff	001.6600.7351	Communication Charge/2nd Quarter FY 2009-2010	118.00
108120	10-0401	D & E Electrical	001.6700.7236	Monthly Maintenance/October 2009	930.00
108121	10-0402	Alice Day	190.0000.2610	Taxi Voucher Refund	35.00
108122	10-0403	Los Angeles Times	001.6100.7221	Newspaper Delivery/October 2009	22.60
108125	10-0404	Rancho Santiago Comm. College	001.6000.7203	OC Firefighter Thanksgiving Luncheon/Conners	25.00
108126	10-0405	Southern California Edison	001.6700.7341	Ridge Route Dog Park/September 2009	19.95
108127	10-0406		001.6590.7231	Utilities/City Hall/October 2009	1,568.15
108128	10-0407		100.6700.7341	Irrigation Controllers/October 2009	221.41
108129	10-0408	The Gas Company	001.6590.7231	City Hall/October 2009	18.89
108132	10-0409	CIT Technology	001.6100.7222	Copier Lease/City Hall/November 2009	706.66
			001.6100.7222	Copier Lease/Historical Society/November 2009	59.59
108135	10-0410	Signs by Creation Unlimited	001.6590.7906	Dog Park Signs	467.88

108137	10-0411	Dennis Nelson, PE	001.6700.7341	Consulting Services/Landscape Maintenance/Sept. 2009	3,455.00
			010.6700.7331	Engineering Services/Deposit Based/September 2009	395.00
			100.6700.7332	Traffic Engineering Services/September 2009	4,295.00
			110.6590.7600	Measure M/Capital Projects/September 2009	3,120.00
			120.6590.7600	Traffic Congestion Relief/El Toro Rehab/Sept 2009	7,574.19
			140.6590.7600	Traffic Mitigation/Moulton Smart Street/Sept 2009	6,385.00
			275.6590.7600	Ridge Route Linear Park Inspection/September 2009	715.00
108138	10-0412		010.6700.7331	Engineering Services/Deposit Based/September 2009	120.00
108139	10-0413	El Toro Water District	001.6700.7341	City Hall/Landscape Irrigation/October 2009	3,699.64
108140	10-0414	El Toro Water District	001.6700.7341	Dog Park/Landscape Irrigation/October 2009	239.55
108142	10-0415	Gary Gates	001.6100.8110	Employee Benefit Program/October 2009	409.88
			001.6590.7232	Cell Phone Reimbursement/October 2009	40.00
			001.6100.7204	Mileage Reimbursement/October 2009	178.20
			001.6100.7203	International Code Council Meeting/October 2009	25.00
108143	10-0416	Ernestine Jones	001.6100.7203	LAIF Annual Conference Reimbursement	427.81
			001.6100.7204	October 20-22, 2009	62.10
108144	10-0417	Laura's House	001.6500.7300	Community Service Grant/4th Quarter Payment	1,250.00
108145	10-0418	League of CA Cities/OC Division	001.6000.7203	October Meeting/Ring, Connors	100.00
			001.6100.7203	October Meeting/Keane, Reilly	100.00
108147	10-0419	Papco	001.6700.7341	Irrigation Repair	77.36
108149	10-0420	Douglas Reilly	001.6100.7204	Mileage Reimbursement/August-October 2009	258.23
108151	10-0421	Marilyn Simon	190.0000.2610	Taxi Voucher Refund	40.00
108152	10-0422	South Coast Printer Care	001.6100.7222	Refurbished HP4200TN Printer	401.29
108153	10-0423	Southern California Edison	001.6700.7236	Residential Streetlights/United/October 2009	1,584.92
108154	10-0424	TDE Construction	010.0000.4501	Waste Diversion Deposit Refund	10,500.00
108158	10-0425	AT&T	001.6590.7232	Telephone/458-3487/October 2009	31.78
108159	10-0426		001.6590.7232	White Pages Listing/November 2009	3.43
108160	10-0427	Burke, Williams & Sorensen, LLP	001.6100.7301	Legal Services/Retainer/September 2009	3,663.08
			140.6590.7600	Legal Services/Moulton Smart Street/September 2009	240.50
			001.6590.7260	Legal Services/City Hall Acquisition/September 2009	151.60
108163	10-0428	DBSI Incorp	010.0000.4501	Waste Diversion Deposit Refund	1,350.00
108164	10-0429	I.A. Construction Inc.	010.0000.4501	Waste Diversion Deposit Refund	900.00
108167	10-0430	Office Depot	001.6100.7221	Office Supplies/Historical Society	39.14
108168	10-0431	Pasco Doors	001.6590.7234	Building Maintenance/City Hall	221.00
108169	10-0432	Milt Robbins	001.6000.7203	JPIA Meeting/Reimbursement	145.20
108170	10-0433	Saddleback Windows	340.6590.7640	CDBG Program Energy Efficient Improvements	35,952.00
108171	10-0434	Southern California Edison	110.6700.7346	Traffic Signal Controllers/October 2009	710.99
108172	10-0435	Trauma Intervention Program	001.6500.7300	Community Service Grant/4th Quarter Payment	1,250.00

108174	10-0436	Sandra Verrall	001.6100.7204	Mileage Reimbursement/October 2009	129.97
	10-0437	Patrick Foley	001.6100.7204	Mileage Reimbursement/JPIA Meeting/Nov. 10, 2009	33.00
	10-0438	Aliso Creek Printing	001.6100.7221	Office Supplies	50.03
	10-0439	AT&T	001.6590.7232	Telephone/639-0500/October 2009	187.89
	10-0440		001.6590.7232	Telephone/452-0600/October 2009	217.70
	10-0441		001.6590.7232	Telephone/770-9359/October 2009	15.80
	10-0442	D & E Electrical	001.6700.7257	Streetlights Project Maintenance	170.00
	10-0443	Michael Balliet	001.6590.7234	Building Maintenance/City Hall	264.65
			001.6700.7350	Solid Waste & Recycling Consulting/September 2009	2,295.00
			290.6700.7349		885.00
	10-0444	Bank of America - Credit Card	2601	See Below	3,267.53
	10-0445	Blackboard Connect	001.6600.7391	Public Notifications/September 2009-June 2010	11,993.33
	10-0446	Bonanza Steam Cleaning	110.6700.7343	Street Maintenance/Graffiti Removal/October 2009	195.00
	10-0447	California Municipal Treasurers	001.6100.7203	December 2009/Division Meeting/Jones	35.00
	10-0448	California Yellow Cab	260.6700.7369	NEMT Services/October 2009	3,264.00
	10-0449	County of Orange	001.6400.7357	Aliso Creek/City Share/FY 2009-10	3,309.11
	10-0450	County of Orange/Sheriff	001.6600.7351	Sheriff Services/December 2009	98,192.42
			230.6600.7351		10,000.00
	10-0451	Curbside	001.6700.7349	Door-to-Door Collections/September 2009	4,506.88
			001.6700.7349	Household Hazardous Waste Collect/E-Waste/Sep 2009	5,353.68
			001.6700.7349	Household Hazardous Waste Collect/Medical/Sep 2009	528.04
			001.6700.7349	Battery Collections/Fluorescent/September 2009	533.80
			361.6700.7349	Door-to-Door Bulky Collections/September 2009	4,075.00
	10-0452	David Evans & Associates	140.6590.7600	Traffic Mitigation/Capital Projects/September 2009	5,798.67
	10-0453	Engel & Company	140.6590.7600	Traffic Mitigation/Capital Projects/September 2009	1,300.00
	10-0454	Hogle-Ireland	010.6400.7321	Deposit Based/Inspection Services/September 2009	843.75
			001.6400.7321	Building & Safety Inspection/September 2009	9,793.75
			001.6400.7311	Current Planning Services/September 2009	9,600.00
			001.6400.7322	Structural Plan Check/September 2009	315.00
	10-0455	Lynn Capouya	275.6590.7600	Ridge Route Linear Park/Capital Projects/October 2009	1,433.21
	10-0456	Madison Materials	361.0000.7349	Bulky Item Recycling	27.54
	10-0457	Municipal Code Corporation	001.6100.7391	Municipal Code Ordinances/Annual Internet Fee &	425.00
			001.6100.7391	Website Updates	75.00
	10-0458	Office Depot	001.6100.7221	Office Supplies	61.64
	10-0459	OfficeMax	001.6100.7222	Office Supplies	217.50
	10-0460	Orange County Register	001.6100.7724	Public Notices/October 2009	333.01
	10-0461	Practical Data Solutions	001.6100.7391	IT Services/Replacement Fan & Monitor	385.59

10-0462	Southern California Edison	100.6700.7237	Safety Lights over Traffic Signals/October 2009	413.28
10-0463		001.6700.7236	Residential Streetlights/Third/October 2009	4,348.22
10-0464		100.6700.7237	Right of Way/October 2009	2,162.59
10-0465	Tyler Technology	001.6100.7203	FundBalance Software User Meeting/Jones, Leanza	200.00
10-0466	CA Society of Muni Fin. Officers	001.6100.7201	Annual Dues/Jones/January 1-December 31, 2010	110.00
10-0467	TruGreen Landscape	001.6700.7341	Landscape Maintenance/Extra Work/September 2009	772.31
10-0468	Ware Disposal	300.6700.7349	Solid Waste Collection Event/September 19, 2009	680.00
10-0469	WLC Architects	001.6590.7259	Library Assessment Study/September 2009	4,730.00
10-0470	CA Society of Muni Fin. Officers	001.6100.7203	General Meeting/December 2009/Jones	32.00
10-0471	Yolie Trippy	001.6100.8110	Employee Benefit Program/November 2009	500.00
10-0472	ABM Janitorial	001.6590.7234	Janitorial Service/November 2009	709.80
10-0473	Sonitrol	001.6590.7234	City Hall/Alarm System Maintenance/November 2009	51.41
10-0474	Redflex	001.6600.7371	Redlight Photo Enforcement/June 2009	4,457.00
10-0475	Redflex	001.6600.7371	Redlight Photo Enforcement/May 2009	27,350.00
10-0476	Redflex	001.6600.7371	Redlight Photo Enforcement/November 2009	27,350.00
10-0477	Commpro	001.6100.7391	Website Hosting Services/November 2009	295.00
10-0478	Orkin	001.6590.7234	City Hall/Building Maintenance/November 2009	76.64
10-0479	KONE, Inc.	001.6590.7234	City Hall/Elevator Maintenance/November 2009	158.16
10-0480	TruGreen Landscape	100.6700.7341	Landscape Maintenance/November 2009	8,962.00
10-0481	Leslie Keane	001.6100.7204	Automobile Allowance/December 2009	450.00
10-0482	Douglas Reilly	001.6100.8110	Employee Benefit Program/December 2009	51.00
		001.6590.7232	Cell Phone Reimbursement/December 2009	79.50
10-0483	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/December 2009	25.00
10-0484	Ernestine Jones	001.6100.8110	Employee Benefit Program/November 2009	216.34
10-0485	CitiStreet/CalPers 457 Plan	001.6100.8110	Employee Benefit Program/November 2009	291.37
		001.6400.8110		300.00
10-0486	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/November 2009	800.00
		001.6100.8110	Employee Benefit Program/November 2009	1,070.80
		001.6400.8110	Employee Benefit Program/November 2009	500.00
10-0487	AFLAC	001.6100.8110	Employee Benefit Program/December 2009	278.70
		001.6400.8110		116.50
10-0488		001.6100.7303	Program Fees/December 2009	25.00
10-0489	Managed Health Network	001.6100.8110	Employee Benefit Program/December 2009	17.29
		001.6400.8110		4.94
10-0490	Delta Dental	001.6100.8110	Employee Benefit Program/December 2009	493.79
		001.6400.8110		42.84
10-0491	Principal Financial Group	001.6100.8110	Employee Benefit Program/December 2009	356.23
		001.6400.8110		94.06

10-0492	Vision Service Plan	001.6100.8110	Employee Benefit Program/December 2009	147.23
		001.6400.8110		20.30
10-0493	Cynthia Conners	001.6000.8102	November Compensation	300.00
10-0494	Bert Hack	001.6000.8102	November Compensation	300.00
10-0495	Martin Rhodes	001.6000.8102	November Compensation	300.00
10-0496	Robert Ring	001.6000.8102	November Compensation	300.00
10-0497	Milt Robbins	001.6000.8102	November Compensation	300.00
10-0498	ADP	001.6100.8101	Payroll Ending 10/09/09 Full-time Staff	21,764.84
		001.6100.8102	Payroll Ending 10/09/09 Part-time Staff	1,107.63
		001.0000.2601	Deferred Comp/Payroll Ending 10/09/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 10/09/09	-110.00
		001.6400.8101	Payroll Ending 10/09/09 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,370.70
		001.6400.8111	Payroll Taxes- Employer	352.13
		001.6100.2601	Deferred Comp/Payroll Ending 10/09/09	-1,219.80
		190.6500.8101	Payroll Ending 10/09/09 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 10/09/09 Part-time Staff	528.75
		190.6500.8111	Payroll Taxes- Employer	81.76
10-0499	ADP	001.6100.7303	Payroll Processing	109.62
10-0500	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 10/09/09	3,889.30
		001.6400.8112		802.62
10-0501	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 10/09/09	374.23
		001.0000.2601	Deferred Comp/Payroll Ending 10/09/09	1,219.80
10-0502	ADP	001.6100.8101	Payroll Ending 10/23/09 Full-time Staff	21,764.84
		001.6100.8102	Payroll Ending 10/23/09 Part-time Staff	1,180.50
		001.0000.2601	Deferred Comp/Payroll Ending 10/23/09	-400.00
		001.0000.2180	FSA Payable/Payroll Ending 10/23/09	-110.00
		001.6400.8101	Payroll Ending 10/23/09 Full-time Staff	4,603.00
		001.6100.8111	Payroll Taxes- Employer	1,375.85
		001.6400.8111	Payroll Taxes- Employer	352.13
		001.6100.2601	Deferred Comp/Payroll Ending 10/23/09	-1,219.80
		190.6500.8101	Payroll Ending 10/23/09 Full-time Staff	540.00
		190.6500.8102	Payroll Ending 10/23/09 Part-time Staff	528.75
		190.6500.8111	Payroll Taxes- Employer	81.76
10-0503	ADP	001.6100.7303	Payroll Processing	109.62
10-0504	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 10/23/09	3,889.30
		001.6400.8112		802.62

10-0505	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 10/23/09	374.23
		001.0000.2601	Deferred Comp/Payroll Ending 10/23/09	1,219.80
	TOTAL			449,810.93

Void Check(s): 108049, 108108, 108109, 108110, 108113

October

Debit	Debit	USPS	001.6100.7223	Postage	889.80
Debit	Debit	Pacific Palms Hotel	001.6000.7203	Conference for Bert Hack	140.80
Debit	Debit	Home Depot	340.6590.7640	CBDG Program/Equipment	314.25
Debit	Debit	Airport Express	001.6100.7203	JPIA Conference/Airport Shuttle	63.64
Debit	Debit	Airport Express	001.6000.7203	JPIA Conference/Airport Shuttle	32.00
Debit	Debit	Intercontinental Hotel	001.6000.7203	JPIA Conference/Conners	663.82
Debit	Debit	Intercontinental Hotel	001.6100.7203	JPIA Conference/Keane	611.12
Debit	Debit	Intercontinental Hotel	001.6000.7203	JPIA Conference/Robbins	552.10

6.5
CITY HALL JANITORIAL SERVICES
(NO REPORT)

6.6
NOTICE OF COMPLETION –
RIDGE ROUTE LINEAR PARK
(NO REPORT)

7.1
CITY CENTRE PARK
(SP-589)

City of Laguna Woods Agenda Report

FOR: November 18, 2009 City Council Meeting
TO: Honorable Mayor and Councilmembers
FROM: Douglas C. Reilly, Assistant City Manager
Agenda Item: City Centre Park (SP-589)

Recommended Action:

- A. Receive staff report.
- B. Open public hearing.
- C. Receive public comment.
- D. Close public hearing.
- E. Approve:
 - (1) Conceptual design for City Centre Park

AND

- (2) A resolution adopting Negative Declaration ND 09-02, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING
NEGATIVE DECLARATION ND 09-02 FOR CITY
CENTRE PARK (SP-589) LOCATED ON MOULTON
PARKWAY 1,200 FEET NORTH OF EL TORO ROAD

Background

Background

In 2002, the Ralphs supermarket company gave the City a two-thirds acre parcel on Moulton Parkway located 1,200 feet north of El Toro Road on the west side of the street. The parcel is bounded by properties owned by the El Toro Water District, Golden Rain Foundation and Ayres Hotel in Town Centre. This property had been purchased from the Golden Rain Foundation (GRF) in the mid-1990s for truck access to a future Smith's Food market that was to be an anchor tenant in the new Town Centre. Plans for the center changed, the market was eliminated from the project, and the remnant parcel became a recurring maintenance problem for the owner until deeded to the City.

In spring 2003, as part of its annual work plan, the Community Services Committee proposed that the parcel become City Centre Park, which was approved by the City Council in June 2003. The park was included in the City's park master plan in December 2003. The City Council approved funds for phase one work on the park in the Fiscal Year (FY) 09-10 budget. If the City does not initiate work on the park project before June 30, 2010, it will lose a minimum of \$360,000 in state park bond funds and park in-lieu fees.

Discussion

Phase I of the planned City Centre Park is approximately 60 feet wide near Moulton Parkway and 120 feet wide near Town Centre, and is intended for use as a passive recreational area by the general public. The site is currently vacant and slopes downward in a northeasterly direction. It contains various trees and shrubs for erosion control, although no native vegetation.

City Centre Park's conceptual design includes the following features:

- Small parking area that accommodates three or four vehicles and includes a handicapped space.
- 10-foot wide path that is American with Disabilities Act (ADA) compliant that connects to the existing concrete sidewalk on Moulton Parkway and to an entrance pathway at Town Centre.
- Lawn terraced areas at the top of the park near Town Centre.
- Shrubs, trees and ground cover.
- Bioswale and onsite bio-retention basin to improve runoff water quality.
- Drought-tolerant demonstration garden with informational placards.

- Furnishings that will include benches, trash receptacles, tables and a drinking fountain.
- Restroom facilities.
- Trellis adjacent to the wall bordering Town Centre.

Phase I of the project will include contracting with a landscape architect to provide more detailed plans for consideration by the Land Use and Design Review Committee, the Landscape Subcommittee and the City Council before final bid documents are prepared and a bid released sometime next year. There may not be sufficient funds available to build all of the features planned for the park in Phase I. Future funding will allow completion of remaining features and additional amenities.

California Environmental Quality Act (CEQA)

If a project is not considered exempt from CEQA, the law requires completion of an initial study of the project's environmental impacts. An initial study of City Centre Park was conducted by staff who determined that there were no impacts and is recommending a Negative Declaration.

Committee Action

The Land Use and Design Review Committee voted to recommend that the City Council approve the conceptual design of the park as presented and to approve Negative Declaration 09-02. The vote was eight in favor and one abstention. Member Marilyn Sortino abstained because she was unsure of the impact of the proposed project on the Laguna Woods Village Clubhouse 7 area.

Fiscal Impact

The FY 09-10 budget includes \$195,000 of state Park Bond funds and \$165,000 in Park-in-Lieu fees for phase I of City Centre Park. The City will lose these funds if work is not started on an eligible park project by June 2010.

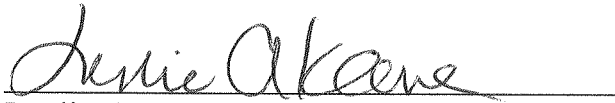
Conclusion

The City was given a two-thirds acre parcel on Moulton Parkway north of El Toro Road in 2002 that the City Council agreed to designate for parkland use. Funds were budgeted in FY 09-10 to design and build Phase I of City Centre Park to meet

ITEM 7.1

a June 30, 2010 deadline to avoid losing a minimum of \$360,000 in state park bond funds and park in-lieu fees. A conceptual plan has been designed and an initial study completed in conformance with CEQA. The Land Use and Design Review Committee voted (8-0-1) to recommend approval of the recommended actions.

Approved by:

A handwritten signature in dark ink, appearing to read "Leslie A. Keane", is written over a horizontal line.

Leslie A. Keane
City Manager

Attachment: Exhibit A – Aerial showing location
 Exhibit B - Concept Plan
 Resolution

EXHIBIT A



Hiking - 16 LOT

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WALK TERRACE

WALK BRIDGE

21 HIGH RET. WALK

WALK STAGE

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RESOLUTION NO. 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEGATIVE DECLARATION ND 09-02 FOR CITY CENTRE PARK (SP-589) LOCATED ON MOULTON PARKWAY 1,200 FEET NORTH OF EL TORO ROAD

WHEREAS, the City of Laguna Woods, as lead agency, has prepared an Initial Study/Negative Declaration in full accordance with the procedural and substantive requirements of the California Environmental Quality Act (CEQA) and CEQA guidelines; and

WHEREAS, from October 28, 2009 to November 17, 2009, the Notice of Intent to adopt a Negative Declaration was posted at the County Clerk's office for a 20 day review period; and

WHEREAS, on October 27, 2009, the Notice of Intent to adopt a Negative Declaration was mailed to interested parties and published in a newspaper of general local circulation; and

WHEREAS, from October 28, 2009 to November 17, 2009, the Negative Declaration was available for public review at the Laguna Woods City Hall and on the City of Laguna Woods Website; and

WHEREAS, the City Council held a duly noticed public hearing on November 18, 2009, to consider the Negative Declaration; and

WHEREAS, the City Council has reviewed Negative Declaration ND 09-02 and has considered the information and public testimony presented in the public hearings 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. The above recitals are true and correct.

SECTION 2. Based on the evidence presented at the public hearing, the City Council adopts Negative Declaration ND 09-02 for the City Centre Park project as shown in Exhibit 1.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF ____ 2009.

ROBERT B. RING, 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. 09-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ____ day of _____ 2009, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

8.1
HUNTINGTON BEACH DESALINATION
FACILITY

**City of Laguna Woods
Agenda Report**

FOR: November 18, 2009 City Council Meeting
TO: Honorable Mayor and City Councilmembers
FROM: Bert Hack, City Councilmember
AGENDA ITEM: Huntington Beach Desalination Facility



Recommendation

Approve a resolution in support of Poseidon Resources' proposed Huntington Beach desalination facility, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA WOODS, CALIFORNIA, SUPPORTING THE
CONSTRUCTION AND OPERATION OF THE PROPOSED
HUNTINGTON BEACH DESALINATION FACILITY

Background

Representatives for Poseidon Resources, a private company, contacted City staff to request that the City Council consider formally supporting their Huntington Beach desalination facility. Councilmember Hack requested that this item be agendized.

Discussion

Poseidon Resources is proposing to build a seawater desalination facility in the city of Huntington Beach, co-located with the existing AES Power Plant, along Pacific Coast Highway. The facility would use the power plant's existing infrastructure to access the seawater for desalination and would generate approximately 50 million gallons of drinking water per day. This would diversify Orange County's water portfolio and offset imported water lost to drought and regulatory restrictions.

The project is expected to create more than 2,000 construction jobs, as well as 18 permanent jobs and an estimated 322 indirect jobs. The planning and construction costs, estimated at \$350 million, would be paid for by Poseidon Resources.

The City of Huntington Beach certified the Environmental Impact Report (EIR) for the project and issued a Coastal Development Permit and Conditional Use Permit. The project still requires permits from the California Coastal Commission and the State Lands Commission. Poseidon Resources has applied for both permits and expects that hearings will occur in 2010. The proposed resolution would authorize the Mayor to send letters of support to both commissions.

The Huntington Beach desalination facility is endorsed by all Orange County State Senators and Assembly Members, as well as all five members of the Orange County Board of Supervisors, the South Orange County Chambers of Commerce, the Orange County Business Council, the Orange County Taxpayers Association, and the cities of Laguna Hills, Laguna Niguel, Mission Viejo, and Rancho Santa Margarita. The El Toro Water District has signed a letter of intent to purchase water from the facility.

Opposition to the project is primarily related to the facility's environmental impact and Poseidon Resources' previous experience with desalination. Representatives from Poseidon will be present at the City Council meeting to answer questions.

Fiscal Impact

None.

Conclusion

The proposed Huntington Beach desalination facility will expand local water resources and reduce our dependence on imported water.

Report prepared by: Christopher Macon, Special Projects Manager 

Attachments: Project Information Sheet
Proposed Resolution



Poseidon Resources, a company that develops and finances environmentally-responsible water projects throughout North America, is proposing to build a seawater desalination facility in Orange County's Huntington Beach. Co-located with the AES Power Plant on Pacific Coast Highway, Poseidon would use the power plant's existing infrastructure to access the seawater needed and purify 50 million gallons per day (50 MGD) of high quality drinking water for Orange County residents and businesses.

This seawater desalination project would provide Orange County with a new water source to offset imported water supplies lost to drought and regulatory restrictions. The facility will diversify Orange County's water portfolio making its water supply more reliable in times of drought.

Project Information:

Need for Desalinated Water

- More than fifty percent of Orange County's water (and more than ninety percent of South Orange County's water) is imported from the Delta and Colorado River
 - Availability of water from the Delta and Colorado River has been reduced significantly over the past few years due to environmental demands, drought and other competing interests such as agriculture
- Orange County is expected to grow by about 500,000 people by 2020
- The Orange County groundwater basin is overdrafted by more than 100 billion gallons

Water Production

- 50-million-gallon-per-day (50 MGD) seawater desalination facility
 - Approximately eight percent of Orange County's water supply
- 56,000 acre-feet of water per year
 - Enough water for 300,000 Orange County residents
- Water produced exclusively for Orange County

Water Quality

- Uses the same reverse osmosis process that is used to purify bottled water
- This state-of-the-art process has been approved by the California Department of Health Services
- Removes not only salts, but all impurities from the seawater so only water molecules remain
- Higher purity than Orange County's imported water supply

Economic Benefits

- Provides nearly \$2 million annually to the City of Huntington Beach in tax revenue
- Creates 2,000 construction jobs, 322 indirect jobs and 18 permanent jobs

Construction Costs

- Planning and construction costs are approximately \$350 million
 - Privately funded by Poseidon Resources
 - No cost or risk to taxpayers

Water Cost

- Cost competitive with imported water

- Current imported water cost is approximately \$750 per acre foot
 - Public water agencies purchasing water from Poseidon's San Diego County desalination plant are guaranteed the cost of desalinated water will not exceed the cost of imported water

Environmental Protection

- Certified Environmental Impact Report
- Poseidon Resources earned *Forbes* Magazine's Top 100 companies "Going Green"
- Santa Ana Regional Water Quality Control Board has determined the project has no significant Pacific Ocean water quality impact
- There are no endangered or threatened species in the Huntington Beach waters
- Dr. Scott Jenkins, Ph.D. of the Scripps Institution of Oceanography determined the environmental effects of the salinity outfall are insignificant due to the mixing of the waves
- Dr. Jeffery Graham, Ph.D. of the Scripps Institution of Oceanography determined that no organisms will be affected due to the elevated salinity level in the area immediately adjacent to the outfall pipe
- Facility does not emit greenhouse gases

Approval Process

- City of Huntington Beach Certified EIR - 2005
- City of Huntington Beach Conditional Use Permit – 2006
- City of Huntington Beach Coastal Development Permit – 2006
- Santa Ana Regional Water Quality Control Board NPDES Permit – 2007
- State Lands Commission Permit – Pending
- California Coastal Commission Permit – Pending

Endorsements

- Every Orange County State Senator and Assembly member
- Orange County Board of Supervisors
- The Orange County Business Council
- The Orange County Taxpayers Association
- Chambers of Commerce and Service Organizations throughout the county
 - For a full list of endorsements, please visit: <http://www.hbfreshwater.com/index.php?p=8>

Quotes

- *"We need it. It's not a choice."*
– Governor Arnold Schwarzenegger talking about seawater desalination
- *"If we could produce fresh water from salt water at a low cost, that would indeed be a service to humanity, and it would dwarf any other scientific accomplishment."*
– President John F. Kennedy (1961)
- *"Desalination is a concept and a technology on which California must begin to rely."*
– Assemblyman Richard Polanco (D – Los Angeles)
- *"The key to survival is to diversify your portfolio. We're looking for a buffer, an insurance policy to account for supply uncertainty."*
– Kathy Cole, Metropolitan Water District Executive Legislative Representative

- *“Clearly, desalination is a technology whose time has arrived – not only to combat the effects of drought, but to provide cleaner, safer drinking water everywhere.”*
– Business Week (May 1, 2003)

RESOLUTION NO. 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, SUPPORTING THE CONSTRUCTION AND OPERATION OF THE PROPOSED HUNTINGTON BEACH DESALINATION FACILITY

WHEREAS, the proposed Huntington Beach Desalination Facility is a private seawater desalination project that is being brought forward by Poseidon Resources and is supported by several public water districts that will purchase the water to offset the amount of imported water that is currently required; and

WHEREAS, the proposed desalination project is expected to provide 50 million gallons of water per day through the desalination process, which is enough to serve eight percent of the residents and businesses of Orange County; and

WHEREAS, the City is advised that the proposed desalination project has received all of its local permits from the City of Huntington Beach, as well as its NPDES permit from the Santa Ana Regional Water Quality Control Board; and

WHEREAS, seawater desalination, along with water recycling, groundwater pumping, and imported water will collectively serve to diversify Orange County's water resources, which provides security in case of emergency or drought; and

WHEREAS, the cities of Orange County will be more self-reliant by developing their own water resources; and thereby, lessen the pressure on the Sacramento Delta, which benefits both environmental and agricultural interests in the state; and

WHEREAS, the El Toro Water District, which serves the residents of the City of Laguna Woods, has signed a letter of intent to purchase desalinated seawater from the proposed desalination 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 City Council of the City of Laguna Woods, California, does hereby support the construction and operation of the proposed Huntington Beach Desalination Facility.

SECTION 2. The Mayor is hereby authorized to send a letter of support for the construction and operation of the proposed Huntington Beach Desalination Facility to both the State Lands Commission and California Coastal Commission.

PASSED, APPROVED AND ADOPTED ON THE _____ DAY OF _____ 2009.

ROBERT B. RING, 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. 09-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the _____ day of _____ 2009, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

8.2
CITY COUNCIL MEETING SCHEDULE
(NO REPORT)

9.1
LAGUNA WOODS CRIME TRENDS
(NO REPORT)

9.2 WATER EFFICIENT LANDSCAPE REGULATIONS

City of Laguna Woods Agenda Report

FOR: November 18, 2009 City Council Meeting

TO: Honorable Mayor and City Councilmembers

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Water Efficient Landscape Regulations

Recommendation

Approve the introduction and first reading of an ordinance establishing water efficient landscape regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA,
AMENDING THE LAGUNA WOODS MUNICIPAL CODE TO
ESTABLISH WATER EFFICIENT LANDSCAPE REGULATIONS

Background

In 2006, Assembly Bill 1881 (Laird, Water Conservation) was chaptered into State law. It requires cities to adopt either the model water efficient landscape ordinance developed by the State Department of Water Resources (approved by the Office of Administrative Law on September 10, 2009) or an ordinance that is “at least as effective” by January 1, 2010. If no action is taken, the State’s model ordinance will automatically become effective and the City will be required to enforce it. By January 31, 2010, the City is required to file proof of compliance with the State.

The Municipal Water District of Orange County, in partnership with the Orange County Division of the League of California Cities, formed a stakeholder group to develop an Orange County model water efficient landscape ordinance that meets Assembly Bill 1881’s “at least as effective” requirement. The group also sought to protect local control; promote general consistency throughout the county; and, minimize the cost and complexity of compliance. Participation in the ordinance drafting process was broad, including cities, water districts, irrigation consultants, landscape architects, green industries, and the Building Industry Association.

Discussion

The proposed water efficient landscape ordinance is based heavily on the Orange County model ordinance, with modifications made for formatting consistency with the City's Municipal Code and clarity. It is accompanied by a technical guidelines document that contains specific implementation procedures. Staff believes that the technical guidelines will change in the coming years, as landscape and irrigation technologies continue to evolve, and is recommending that they be adopted by resolution rather than as a part of the ordinance. The technical guidelines are included as an attachment to this agenda report and would be agendized for approval at the same time the ordinance is considered for adoption.

In addition to adding a water efficient landscape chapter to Title 4 of the Municipal Code, the proposed ordinance amends Section 13.16.190 of the Municipal Code in order to eliminate conflicts with the water efficient landscape chapter.

Applicability

The proposed regulations would apply to the following types of landscape projects, provided they are subject to discretionary approval of a landscape plan (e.g., as part of a site development plan) or require the issuance of a ministerial permit for a landscape or water feature (e.g., building, grading, plumbing, or electrical permits):

Individual Homeowners

- New landscape installation projects with a landscape area equal to or greater than 5,000 square feet.

Public Agencies or Non-Residential Developers

- New landscape installations or rehabilitation projects with a landscaped area equal to or greater than 2,500 square feet.

Property Managers or Developers of Single-Family or Multi-Family Residential Projects or Complexes

- New landscape installation or rehabilitation projects with a landscaped area equal to or greater than 2,500 square feet.

The City does not require a permit for simply replanting a landscape; however, if a permit is required for a feature associated with a landscape that is being replanted and the project meets the criteria listed above, it would be required to comply with

the ordinance (e.g., the replanting of a multi-family residential landscape equal to or greater than 2,500 square feet would be subject to the ordinance if a change was made to the irrigation system that required a permit).

With the exception of certain provisions related to water conservation and water waste prevention, the regulations would not apply to existing landscapes.

Exemptions

The following landscape projects are exempt from the proposed regulations:

- Registered local, state, or federal historical sites
- Ecological restoration projects without permanent irrigation systems
- Mined-land reclamation projects without permanent irrigation systems
- Plant collections in botanical gardens or arboretums open to the public

Additionally, the City Manager would have the ability to waive the requirements of the regulations if rehabilitation projects meet all of the following criteria:

- They are limited to the replacement of plants with equal or lower water use.
- No changes are made to the irrigation system requiring ministerial permits.
- The irrigation system is found to be designed, operable, and programmed consistent with the El Toro Water District's water waste regulations.

Landscape Documentation Packages

The proposed regulations require applicants to submit a landscape documentation package to the City prior to being issued permits or beginning installation. The elements of the documentation package may vary based on the nature of a given project, but will generally include water efficiency calculations, a soil management report, landscape design plan, irrigation design plan, and grading design plan.

The bases of the landscape documentation packages are two values, the Maximum Applied Water Allowance (MAWA) and the Estimated Applied Water Use (EAWU), both of which would be calculated by the applicant. The MAWA is the annual limit of water that can be applied to a landscape taking into account various environmental factors. The EAWU is the annual amount of water that is required to keep plants in a healthy state in a particular landscape. Documentation packages must prove that the EAWU does not exceed the MAWA.

The cornerstone of the proposed regulations – and a significant change from the State’s model ordinance – is the ability for applicants to self-certify elements of the documentation package prepared by licensed landscape professionals. This would streamline the permitting process and minimize costs for applicants and the City.

Provisions for Post-Installation and Existing Landscapes

The State’s model ordinance includes a number of provisions that staff believes are effectively met by existing efforts, including the El Toro Water District’s (ETWD) Water Conservation and Water Supply Shortage Ordinance. Rather than establish duplicative regulations, the proposed ordinance states that irrigation practices for post-installation and existing landscapes must conform to the ETWD’s rules and requirements, including penalties and incentives for water conservation and water waste prevention. All water users are currently subject to the ETWD’s ordinance. Inclusion of a statement of support fulfills State law requirements without creating new regulations or enforcement responsibilities.

In addition to preventing water waste, State law now requires the implementation of programs targeted to existing landscapes larger than one acre that evaluate water use and provide recommendations, as necessary, to reduce it to levels at or below the Maximum Applied Water Allowance. Programs such as the Municipal Water District of Orange County’s Landscape Performance Certification Program (LPCP) effectively meet this requirement. The City would assist the El Toro Water District with enrolling landscapes in the LPCP, including by sharing all applicable water efficiency calculations submitted as part of landscape documentation packages.

Common Interest Developments

In accordance with Assembly Bill 1881, the proposed ordinance prohibits common interest developments from applying architectural guidelines that prohibit or have the effect of prohibiting the use of low-water use plants as a group. Assembly Bill 1061 (Lieu, Common interest developments: water efficient landscapes), which was chaptered into State law on October 11, 2009, also prohibits those guidelines, as well as guidelines that have the effect of prohibiting or restricting compliance with the City’s water efficient landscape ordinance.

Delegation

The proposed ordinance allow for arrangements to be made with local agencies regarding it’s administration, implementation, and/or enforcement.

Land Use & Design Review Committee

The Land Use and Design Review Committee discussed this item at their November 12, 2009 meeting and upon a motion unanimously recommended approval.

CEQA Compliance

The proposed ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., § 15307) in that they will not result in cumulative adverse environmental impacts.

Fiscal Impact

City projects that meet the applicability criteria would be required to comply with the proposed ordinance. At this time, City Centre Park is the only City project that is expected to be subject to the ordinance. The bulk of the new fiscal impact would be associated with contracting with a licensed landscape professional to prepare a landscape documentation package.

Additionally, while few private projects are expected to be subject to the proposed ordinance, there would be a small impact on staff time associated with reviewing and processing landscape documentation packages, which would be covered by application fees.

Conclusion

If the City does not adopt a water efficient landscape ordinance by January 1, 2010, the State's model ordinance will automatically become effective and the City will be required to enforce it. The proposed ordinance provides for a less costly, less time-consuming, and less complex way of complying with Assembly Bill 1881. If the City Council approves introduction and first reading, this matter would come to the Council for action in December. The resolution incorporating the guidelines would also be scheduled at that meeting.

Report prepared by: Christopher Macon, Special Projects Manager 

Attachments: Proposed Ordinance
Draft Guidelines for Implementation

ORDINANCE NO. 09-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING THE LAGUNA WOODS MUNICIPAL CODE TO ESTABLISH WATER EFFICIENT LANDSCAPE REGULATIONS

WHEREAS, the State Legislature reached findings related to water use, waste, conservation, and efficiency and included those findings in the chaptered text of Assembly Bill 1881 (Laird, Water Conservation); and

WHEREAS, the City of Laguna Woods intends to amend its Municipal Code so that it is consistent with Assembly Bill 1881; and

WHEREAS, the City of Laguna Woods intends to amend its Municipal Code so that it is “at least as effective” as the State of California’s Model Water Efficient Landscape Ordinance, which reflects the requirements of Assembly Bill 1881.

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

SECTION 1. Findings

The City Council hereby incorporates the foregoing recitals and findings.

SECTION 2. Adoption of Building Site Regulations

Section 13.16.190 (Landscaping) of the Laguna Woods Municipal Code is hereby amended in its entirety to read as follows:

Sec. 13.16.190. Landscaping.

Landscaping, consisting of trees, shrubs, vines, ground cover, turf, plants or any combination thereof, shall be installed and maintained subject to the following standards:

- (1) Landscaping along all streets and boundaries shall be in compliance with the fences and walls requirements.

(2) Boundary landscaping is required for a minimum depth equal to the required setback distance or ten feet (whichever is less) along all property lines abutting streets except for the required street openings.

(3) Any landscaped area shall be separated from an adjacent parking or vehicular area by a wall or curb at least six inches higher than the adjacent parking or vehicular area.

(4) Landscaping shall be maintained in a neat, clean and healthy condition, and, as applicable, in compliance with Chapter 4.28. This shall include proper pruning; mowing of lawns; weeding; removal of litter; fertilizing and watering as needed and permitted; provision of permanent water facilities as needed and permitted; and replacement of any landscaping as needed and permitted.

(5) In addition to other projects that may be subject to this section, the following projects shall be subject to these regulations regardless of the district or specific plan in which they are located:

- (1) Multifamily projects of five or more units;
- (2) Residential planned developments (common areas only); and
- (3) Commercial/office projects involving landscaping/irrigation of more than one cumulative acre.

SECTION 3. Adoption of Water Efficient Landscape Regulations

Chapter 4.28, entitled Water Efficient Landscapes, is hereby added to Title 4 (Health and Sanitation) of the Laguna Woods Municipal Code as follows:

CHAPTER 4.28. WATER EFFICIENT LANDSCAPES

4.28.010. Findings.

4.28.020. Purpose.

4.28.030. Definitions.

4.28.040. Applicability.

4.28.050. Exemptions.

4.28.060. Implementation procedures.

4.28.070. Landscape water use standards.

4.28.080. Delegation.

4.28.090. Relationship.

4.28.010. Findings.

- (a) All water services in the City of Laguna Woods are metered.
- (b) Landscape plan submittal and review for certain types of projects has been a long-standing practice in the City of Laguna Woods.
- (c) Current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals.
- (d) The average rainfall in Orange County is approximately 12 inches per year.
- (e) Orange County has an established reclaimed water infrastructure system.
- (f) The local water purveyor is implementing enforcement of water conservation and water waste prohibitions for all metered landscape areas throughout its service area, which includes the City of Laguna Woods.
- (g) Incentive-based and education-based water use efficiency programs have been and continue to be implemented in Orange County and made available to Laguna Woods residents.
- (h) Orange County is a leader in researching and promoting the use of smart automatic irrigation controllers.
- (i) Pursuant to State legislation, all new irrigation controllers sold in Orange County after 2012 will be smart automatic irrigation controllers.

4.28.020. Purpose.

The purpose of this chapter is to establish regulations to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste.

Furthermore, the purpose of this chapter is to establish an alternative model acceptable under Assembly Bill 1881 (Laird, Water Conservation) as being “at least as effective” as the State of California’s Model Water Efficient Landscape Ordinance in the context of conditions relative to the City.

4.28.030. Definitions.

For the purposes of this chapter and the Guidelines, the following terms are defined:

(05) *City* means the City of Laguna Woods.

(10) *City Manager* means the City Manager of the City of Laguna Woods or his or her designee.

(15) *Applicant* means the person submitting a landscape documentation package. Applicants can be the property owner or his or her designee.

(20) *Applied water* means the portion of water supplied by the irrigation system to the landscape.

(25) *Budget-based tiered-rate structure* means tiered or block rates for irrigation accounts charged by the local water purveyor in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

(30) *Ecological restoration project* means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

(35) *Estimated Applied Water Use* or *EAWU* means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on factors such as the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the irrigation efficiency of the irrigation system.

(40) *Evapotranspiration adjustment factor* or *ET adjustment factor* or *ETAF* is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this chapter and the Guidelines, except that the ETAF for a special landscaped area shall not exceed 1.0.

(45) *Guidelines* refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as approved by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

(50) *Hardscapes* means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and are not considered hardscapes.

(55) *Homeowner installed* means any landscaping either installed by a private individual for a single-family or multi-family residential lot or installed by a licensed contractor hired and paid directly by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer-installed residential landscape projects.

(60) *Hydrozone* means a portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated.

(65) *Irrigation efficiency* or *IE* means the measurement of the amount of water beneficially used divided by the amount of water applied to the landscaped area. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well-designed and maintained systems.

(70) *Landscape Documentation Package* means the documents required to be provided to the City for review and approval of landscape projects subject to this chapter, as described in the Guidelines.

(75) *Landscape professional* means a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

(80) *Landscape project* means total area of landscape in a project, as provided in the definition of “landscaped area,” meeting the requirements under Section 4.28.040 of this chapter.

(85) *Landscape rehabilitation* means any re-landscaping project that meets the applicability criteria of Section 4.28.040(a) of this chapter, where the modified landscape area is greater than 2,500 square feet or where the cumulative modified area is greater than 2,500 square feet if the modifications are planned to occur incrementally within one year.

(90) *Landscaped area* means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(95) *Local agency* means a city or county, including a charter city or charter county, or local water purveyor that is authorized by the City to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City. The local agency may be responsible for the enforcement or delegation of enforcement of this chapter including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

(100) *Local water purveyor* means any entity, including a city, county, public agency, or private water company that provides retail water service. Local water purveyor shall also mean any entity that provides wholesale water service, for the purpose of Section 4.28.060(b)(1) and Section 4.28.080.

(105) *Maximum Applied Water Allowance* or *MAWA* means the upper limit of annual applied water for the landscaped area as specified in the Guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the MAWA.

(110) *Mined-land reclamation projects* means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(115) *New landscape* means, for the purposes of this chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

(120) *Non-pervious* means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

(125) *Person* means any individual, firm, joint venture, joint stock company, partnership, public or private association, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the local water purveyor, or the manager, agent, officer, or employee thereof, or any other entity which is recognized by law as the subject of rights or duties.

(130) *Pervious* means any surface or material that allows the passage of water through the material and into the underlying soil.

(135) *Permit* means an authorizing document issued by a local agency for new construction or rehabilitated landscape.

(140) *Plant factor* or *plant water use factor* is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

(145) *Recycled water* or *reclaimed water* means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(150) *Reference evapotranspiration* or *ETo* means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to-seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

(155) *Smart automatic irrigation controller* means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(160) *Special landscaped area* or *SLA* means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens; areas irrigated with recycled water; water features using recycled water; and, areas dedicated to active play where turf provides a playing surface, such as parks, sports fields, and golf courses.

(165) *Turf* means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(170) *Valve* means a device used to control the flow of water in an irrigation system.

(175) *Water feature* means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools. The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

4.28.040. Applicability.

(a) Beginning January 1, 2010, this chapter shall apply to the following landscape projects:

(1) New landscape installations by public agencies or private non-residential developers, except for cemeteries, with a landscaped area equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

(2) New landscape installations by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

(3) New landscapes that are homeowner installed on single-family or multi-family residential lots with a total project landscaped area equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

(4) Landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area equal to or greater than 2,500 square feet and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

(5) Landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area equal to or greater than 2,500 square feet and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

(b) Section 4.28.070(b) of this chapter shall apply to:

(1) All landscaped areas installed prior to or after January 1, 2010.

4.28.050. Exemptions.

(a) This chapter does not apply to:

(1) Registered local, state, or federal historical sites;

(2) Ecological restoration projects that do not require a permanent irrigation system;

(3) Mined-land reclamation projects that do not require a permanent irrigation system; or

(4) Plant collections, as part of botanical gardens and arboretums open to the public.

(b) The requirements of this chapter may be partially or wholly waived, at the discretion of the City Manager or his or her designee, for landscape rehabilitation projects that are limited to replacement of plantings with equal or

lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to be designed, operable, and programmed consistent with minimizing water waste in accordance with the local water purveyor's regulations.

4.28.060. Implementation procedures.

(a) A Landscape Documentation Package is required to be submitted to the City for review and approval prior to the issuance of permits and prior to the start of construction. Any Landscape Documentation Package submitted to the City shall comply with the provisions of the Guidelines.

(b) The Landscape Documentation Package shall include a certification by a landscape professional stating that the landscape design plan, soil management report, irrigation design plan, and water calculations have been prepared by or under the supervision of the landscape professional and are certified to be in compliance with the provisions of this chapter.

(1) Water efficient landscape calculations shall be provided to the local water purveyor, as appropriate, under procedures determined by the City.

(2) Certification of Completion of a landscape project shall be obtained through a Certificate of Use and Occupancy or a Permit Final, as provided in the Guidelines.

4.28.070. Landscape water use standards.

(a) For applicable new landscape or landscape rehabilitation projects subject to Section 4.28.040(a) of this chapter, the Estimated Applied Water Use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for the portion of the MAWA applicable to any special landscaped areas within the landscape project, which shall be calculated using an ETAF of 1.0. Where the design of the landscaped area can be otherwise shown to be equivalently water efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual EAWU is less than the MAWA, at the discretion of and review and approval of the City.

(b) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and

implemented by the local water purveyor or as mutually agreed by local water purveyor and the City.

4.28.080. Delegation.

The City may delegate to, or enter into an agreement with, one or more local agencies to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

4.28.090. Relationship.

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

SECTION 4. Effective Date

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

SECTION 5. Severability

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

SECTION 6. Deputy City Clerk's Certification

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

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2009.

ROBERT B. RING, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do
HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly
introduced and placed upon its first reading at a Regular Meeting of the City
Council on the 18th of November, 2009, and that thereafter, said Ordinance was
duly adopted and passed at a Regular Meeting of the City Council on the _____
day of _____, 2009 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

GUIDELINES FOR IMPLEMENTATION OF THE WATER EFFICIENT LANDSCAPE ORDINANCE

**City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637
www.lagunawoodscity.org**

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1. Purpose and Applicability

1.1 Purpose

- (a) The primary purpose of these Guidelines is to provide procedural and design guidance for applicants proposing new landscape or landscape rehabilitation projects that are subject to Chapter X.XX of the Laguna Woods Municipal Code (herein after, the Water Efficient Landscape Ordinance). This document is also intended for use and reference by City staff in reviewing and approving designs and verifying compliance with the Water Efficient Landscape Ordinance.
- (b) Other regulations affecting landscape design and maintenance practices are potentially applicable and should be consulted for additional requirements. These regulations include but may not be limited to:
 - (1) State of California Assembly Bill 1881 (Laird, Water Conservation);
 - (2) National Pollutant Discharge Elimination Permit(s) for the Municipal Separate Storm Sewer System;
 - (3) Orange County Fire Authority Regulations for Fuel Modification in the Landscape;
 - (4) Water Conservation, Water Supply Shortage, and Drought Response Regulations of the Local Water Purveyor;
 - (5) Regulations of the Local Water Purveyor governing use of Recycled Water;
 - (6) Municipal Code, including Zoning Code;
 - (7) Building Code;
 - (8) Specific Plans, Master Plans, General Plan, or similar land use and planning documents; and
 - (9) Conditions of approval for a specific project

1.2 Applicability

See Section X.XX.040 of the Laguna Woods Municipal Code.

2. Submittal Requirements for New Landscape Installations or Landscape Rehabilitation Projects

- (a) Discretionary approval is typically required for landscape projects that are subject to site plan reviews, or where a variance from a local building code is requested, or other procedural processes apply such that standard or special conditions of approval may be required by the City. Discretionary projects with conditions of

approval may be approved administratively by city staff, or acted on formally by the City Council, in accordance with City code and policy. A typical standard condition of approval reads:

“Landscaping for the project shall be designed to comply with the City’s Water Efficient Landscape Ordinance and with the Guidelines for Implementation of the Water Efficient Landscape Ordinance.”

Landscape or water features that typically require a ministerial permit (i.e., a building, grading, plumbing, electrical, or other similar permit), thereby triggering compliance with the Water Efficient Landscape Ordinance requirements independently of the need for discretionary approval include, but are not limited to, swimming pools, fountains or ponds, retaining walls, grey water systems, and electrical for irrigation systems or water features.

2.1 Elements of the Landscape Documentation Package

- (a) A Landscape Documentation Package is required to be submitted by the applicant for review and approval prior to the issuance of ministerial permits and prior to the start of construction. Unless otherwise directed by the City, the Landscape Documentation Package shall include the following elements either on plan sheets or supplemental pages as directed by the City:
 - (1) Project Information, including, but not limited to, the following:
 - (a) date;
 - (b) project name;
 - (c) project address, parcel, and/or lot number(s);
 - (d) total landscaped area (square feet) and rehabilitated landscaped area (if applicable);
 - (e) project type (e.g., new, rehabilitated, public, private, homeowner installed);
 - (f) water supply type (e.g., potable, recycled, or well) and identification of the local water purveyor if the project applicant is not served by a private well;
 - (g) checklist or index of all documents in the Landscape Documentation Package;
 - (h) project contacts, including contact information for the applicant and property owner;

- (i) a Certification of Design in accordance with **Exhibit A** of these Guidelines; and
 - (j) any other information the City Manager or his or her designee deems relevant for determining whether the landscape project complies with the Water Efficient Landscape Ordinance and these Guidelines.
- (2) Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (EAWU) expressed as annual totals including, but not limited to, the following:
 - (a) a Water Efficient Landscape Worksheet for the landscape project;
 - (b) water budget calculations for the landscape project; and
 - (c) hydrozone information table (optional at the discretion of the City) for the landscape project.
- (3) A soil management report or specification provision requiring a soil management report. (See Section 2.3(a)(2) for more information)
- (4) A landscape design plan for the landscape project.
- (5) An irrigation design plan for the landscape project.
- (6) A grading design plan, unless not required or unless grading information is included in the landscape design plan for the landscape project.

2.2 Water Efficient Landscape Calculations and Alternatives

- (a) The applicant shall provide the calculated Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (EAWU) for the landscaped area as part of the Landscape Documentation Package submittal to the City. The MAWA and EAWU shall be calculated based on completing the Water Efficient Landscape Worksheets (in accordance with sample worksheets in **Appendix B**).
- (b) The EAWU allowable for the landscaped area shall not exceed the MAWA. The MAWA shall be calculated using an evapotranspiration adjustment factor (ETAF) of 0.7 except for the portion of the MAWA applicable to any special landscaped areas within the landscape project, which shall be calculated using an ETAF of 1.0. Where the design of the landscaped area can otherwise be shown to be equivalently water-efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual EAWU is less than the MAWA, at the discretion of and for the review and approval of the City.
- (c) Water budget calculations shall adhere to the following requirements:

- (1) The MAWA shall be calculated using the Water Efficient Landscape Worksheets and equation presented in **Appendix B** on page B-1. The example calculation on page B-1 is a hypothetical example to demonstrate proper use of the equation.
- (2) The EAWU shall be calculated using the Water Efficient Landscape Worksheets and equation presented in **Appendix B** on page B-2. The example calculation on page B-2 is a hypothetical example.
- (3) For the calculation of the MAWA and EAWU, an applicant shall use the ETo values from the closest location listed in the Reference Evapotranspiration Table in **Appendix C**. For geographic areas not covered in **Appendix C**, data from other cities located nearby in the same reference evapotranspiration zone may be used, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
- (4) For calculation of the EAWU, the plant water use factor shall be determined as appropriate to the project location from the Water Use Efficiency of Landscape Species (WUCOLS) Species Evaluation List. The plant factor is 0.1 for very low water use plants, 0.2 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plants, and 0.7 to 1.0 for high water use plants.
- (5) For calculating the EAWU, the plant water use factor shall be determined for each valve hydrozone based on the highest-water-use plant species within the zone. The plant factor for each hydrozone may be required to be further refined as a "landscape coefficient," according to protocols defined in detail in the WUCOLS document, to reflect planting density and microclimate effects on water need at the option of the applicant or the City.
- (6) For calculation of the EAWU, the area of a water feature shall be defined as a high water use hydrozone with a plant factor of 1.0.
- (7) For calculation of the EAWU, a temporarily irrigated hydrozone area, such as an area of highly drought-tolerant native plants that are not intended to be irrigated after they are fully established, shall be defined as a very low water use hydrozone with a plant factor of 0.1.
- (8) For calculation of the MAWA, the ETAF for special landscaped areas shall be set at 1.0. For calculation of the EAWU, the ETAF for special landscaped areas shall be calculated as the special landscaped area (SLA) plant factor divided by the SLA irrigation efficiency factor.
- (9) Irrigation efficiency shall be calculated using the worksheet and equation presented in **Appendix B** on page B-2.

- (d) The Maximum Applied Water Allowance shall adhere to the following requirements:
 - (1) The Maximum Applied Water Allowance shall be calculated using the equation presented in **Appendix B**. The example calculation in **Appendix B** is hypothetical to demonstrate proper use of the equation and does not represent an existing and/or planned landscape project. The reference evapotranspiration (ET_o) values used in this calculation are from the Reference Evapotranspiration Table in **Appendix C** and are for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current ET_o data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

2.3 Soil Management Report

- (a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the applicant, or his/her designee, as follows:
 - (1) Submit soil samples to a certified agronomic soils laboratory for analysis and recommendations.
 - (a) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (b) The soil analysis may include, but is not limited to:
 1. soil texture;
 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 3. pH;
 4. total soluble salts;
 5. sodium;
 6. percent organic matter; and
 7. recommendations.
 - (2) The applicant, or his/her designee, shall comply with one of the following:
 - (a) If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Certification of Completion.

- (b) if significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or
- (c) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans in order to make any necessary adjustments to the design plans.
- (d) The applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with the Certification of Completion.

2.4 Landscape Design Plan

- (a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. The following design criteria shall be submitted as part of the Landscape Documentation Package.
 - (1) Plant Material
 - (a) Any plant may be selected for the landscaped area provided the EAWU in the landscaped area does not exceed the MAWA. To encourage the efficient use of water, the following is highly recommended:
 1. protection and preservation of non-invasive water-conserving plant species and water-conserving turf;
 2. selection of water-conserving plant species and water-conserving turf;
 3. selection of plants based on disease and pest resistance;
 4. selection of trees based on applicable City and local tree ordinances or tree shading guidelines; and
 5. selection of plants from local and regional landscape program plant lists.
 - (b) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 2.5(a)(2)(D) of these Guidelines.
 - (c) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended for inclusion in the landscape design plan:

- (1) use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (2) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and
 - (3) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- (d) Turf is discouraged on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
 - (e) A landscape design plan for projects in fire-prone areas and fuel modification zones shall comply with requirements of the Orange County Fire Authority, where applicable. When conflicts between water conservation and fire safety design elements exist, the fire safety requirements shall have priority.
 - (f) The use of invasive plant species and/or noxious plant species is strongly discouraged.
 - (g) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of water efficient plant species as a group.
- (1) Water Features
 - (a) Recirculating water systems shall be used for water features.
 - (b) Where available and consistent with public health guidelines, recycled water shall be used as a source for decorative water features.
 - (c) The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
 - (d) Pool and spa covers are highly recommended.
 - (2) Mulch and Amendments
 - (a) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

- (b) Stabilizing mulching products shall be used on slopes.
 - (c) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
 - (d) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 2.3 of these Guidelines).
- (h) The landscape design plan, at a minimum, shall:
 - (1) delineate and label each hydrozone by number, letter, or other method;
 - (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscaped area shall be included in the low water use hydrozone for the water budget calculation;
 - (3) identify recreational areas;
 - (4) identify areas permanently and solely dedicated to edible plants;
 - (5) identify areas irrigated with recycled water;
 - (6) identify type of mulch and application depth;
 - (7) identify soil amendments, type, and quantity;
 - (8) identify type and surface area of water features;
 - (9) identify hardscapes (pervious and non-pervious);
 - (10) identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - (a) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (b) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (c) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
 - (11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

2.5 Irrigation Design Plan

- (a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer's recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

- (a) Dedicated landscape water meters are highly recommended on landscaped areas smaller than 5,000 square feet to facilitate water management.
- (b) Smart automatic irrigation controllers utilizing evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
- (c) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (d) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (e) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- (f) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable City code for additional backflow prevention requirements.
- (g) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- (h) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (i) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (j) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (k) Average irrigation efficiency for the project shall be determined in accordance with the EAWU calculation sheet in **Appendix B**. Unless otherwise indicated by the irrigation equipment manufacturer's specifications or demonstrated by the applicant, the irrigation efficiency of the irrigation heads used within each hydrozone shall be assumed to be:
 - Pop-up stream rotator heads = 75%
 - Stream rotor heads = 75%
 - Microspray = 75%
 - Bubbler = 80%
 - Drip emitter = 85%
 - Subsurface irrigation = 90%
- (l) It is highly recommended that the applicant inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (m) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (n) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

- (o) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (p) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (q) Check valves or anti-drain valves are required for all irrigation systems.
- (r) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or a low volume irrigation system.
- (s) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 1. the landscaped area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer for the landscape project specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to the irrigation system design criteria in Section 2.5 (a)(1)(H) hereof. Prevention of overspray and runoff must be confirmed during an irrigation audit.
 4. Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer of the landscape project specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

- (a) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

- (b) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (c) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- (d) Individual hydrozones that mix plants of moderate and low water use or moderate and high water use may be allowed if:
 - 1. the plant factor calculation is based on the proportions of the respective plant water uses and their respective plant factors; or
 - 2. the plant factor of the higher water using plant is used for the calculations.
- (e) Individual hydrozones that mix high and low water use plants shall not be permitted.
- (f) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve and assign a number to each valve.
- (g) The irrigation design plan, at a minimum, shall contain:
 - 1. the location and size of separate water meters for landscape;
 - 2. the location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - 3. static water pressure at the point of connection to the public water supply;
 - 4. flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - 5. irrigation schedule parameters necessary to program smart timers specified in the landscape design;

2.6 Grading Design Plan

- (a) For the efficient use of water, grading of a landscape project site shall be designed to minimize soil erosion, runoff, and water waste. Finished grading configuration of the landscaped area, including pads, slopes, drainage, post-construction erosion control, and storm water control Best Management Practices, as applicable, shall

be shown on the Landscape Plan unless this information is fully included in separate Grading Plans for the project.

- (b) The applicant shall submit a landscape grading design plan that indicates finished configurations and elevations of the landscaped area including, but not limited to:
 - (1) height of graded slopes;
 - (2) drainage patterns;
 - (3) pad elevations;
 - (4) finish grade; and
 - (5) storm water retention improvements, if applicable.
- (c) To prevent erosion and runoff, it is highly recommended that the applicant:
 - (1) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - (2) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (3) avoid soil compaction in landscaped areas.
- (d) Certification of compliance with the City of Laguna Woods' Water Efficient Landscape Ordinance (Laguna Woods Municipal Code Chapter X.XX) and the City of Laguna Woods' Guidelines for Implementation of the Water Efficient Landscape Ordinance in form sufficient to the City Manager or his or her designee.

2.7 Certification of Completion

- (a) Landscape project construction shall not proceed until the Landscape Documentation Package has been approved by the City and any ministerial permits required are issued.
- (b) The applicant shall notify the City at the beginning of the installation work and at intervals, as necessary, for the duration of the landscape project work to schedule all required inspections.
- (c) Certification of Completion of the landscape project shall be obtained through a Certificate of Use and Occupancy or a Permit Final. The requirements for the Final Inspection and Permit Closure include submittal of:
 - (1) A Landscape Installation Certificate of Completion in the form included as **Appendix D** of these Guidelines, which shall include: (i) certification by a landscape professional that the landscape project has been installed per the approved Landscape Documentation Package; and (ii) the following

statement: “The landscaping has been installed in substantial conformance to the design plans, and complies with the provisions of the Water Efficient Landscape Ordinance for the efficient use of water in the landscape.”

- (2) Documentation of the irrigation scheduling parameters used to set the controller(s);
- (3) An irrigation audit report from a certified irrigation auditor, documentation of enrollment in regional or local water purveyor’s water conservation programs, and/or documentation that the MAWA and EAWU information for the landscape project has been submitted to the local water purveyor, may be required at the option of the City.

2.8 Post-Installation Irrigation Scheduling

- (a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) Overhead irrigation shall be scheduled in accordance with the local water purveyor’s Water Conservation Ordinance.

2.9 Post-Installation Landscape and Irrigation Maintenance

- (a) Landscapes shall be maintained to ensure water use efficiency in accordance with existing City codes governing landscape and property maintenance.

3. Provisions for Existing Landscapes

- (a) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements and shall be subject to penalties and incentives for water conservation and water waste prevention, as determined and implemented by the local water purveyor and as may be mutually agreed by the City.
- (b) The City and/or the regional or local water purveyor may administer programs such as irrigation water use analyses, irrigation surveys and/or irrigation audits, tiered water rate structures, water budgeting by parcel, or other approaches to achieve landscape water use efficiency community-wide to a level equivalent to or less than would be achieved by applying a MAWA calculated with an ETAF of 0.8 to all landscaped areas in the City over one acre in size.
- (c) The architectural guidelines of a common interest development, including apartments, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

CERTIFICATION OF LANDSCAPE DESIGN

I hereby certify that:

(1) I am a landscape professional meaning a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

(2) The landscape design and water use calculations for the property located at _____
(provide street address or parcel number(s)) were prepared by me or under my supervision.

(3) The landscape design and water use calculations for the identified property comply with the requirements of the City of Laguna Woods' Water Efficient Landscape Ordinance (Laguna Woods Municipal Code Chapter X.XX) and the City of Laguna Woods' Guidelines for Implementation of the Water Efficient Landscape Ordinance.

(4) The information I have provided in this Certificate of Landscape Design is true and correct and is hereby submitted in compliance with the City of Laguna Woods' Guidelines for Implementation of the Water Efficient Landscape Ordinance.

Print Name

Date

Signature

License Number

Address

Telephone

E-mail Address

Landscape Professional's Stamp
(If applicable)

EXAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection # 1						
Maximum Applied Water Allowance (MAWA)						
Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA						
where: MAWA = Maximum Applied Water Allowance (gallons per year) ETo = Reference Evapotranspiration Appendix C (inches per year) 0.7 = Evapotranspiration Adjustment Factor (ETAF) 1.0 = ETAF for Special Landscaped Area LA = Landscaped Area (square feet) 0.62 = Conversion factor (to gallons per square foot) SLA = Special Landscaped Area (square feet)						
Example Calculation: a hypothetical landscape project in Santa Ana, CA with an irrigated landscaped area of 40,000 square feet with 10,000 square feet of Special Landscaped Area. To calculate MAWA, the annual reference evapotranspiration value for Santa Ana is 48.2 inches as listed in the Reference Evapotranspiration Table in Appendix C.						
	ETo		ETAF		LA or SLA (ft ²)	Conversion
MAWA for LA =	48.2	x	0.7	x	40,000	x 0.62
MAWA for SLA =	48.2	x	1.0	x	10,000	x 0.62
Total MAWA =					50,000	
						MAWA (Gallons Per Year)
						= 836,752
						= 298,840
						1,135,592 Gallons per year for LA+SLA

Estimated Applied Water Use

$$EAWU = ETo \times K_L \times LA \times 0.62 \div IE = \text{Gallons per year}$$

where:

EAWU = Estimated Applied Water Use (gallons per year)

ETo = Reference Evapotranspiration **Appendix C** (inches per year)

K_L = Landscape Coefficient

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

IE = Irrigation Efficiency = IME x DU (See definition in Appendix E for example IE percentages)

IME = Irrigation Management Efficiency (90%)

DU = Distribution Uniformity of irrigation head

Example Calculation:

	ETo	K_L	LA	Conversion	IE	EAWU (Gallons per year)
Special Landscaped Area	48.2	x 1.00	x 10,000	x 0.62	÷ 0.75	= 398,453
Cool Season Turf	48.2	x 1.00	x 0	x 0.62	÷ 0.71	= 0
Warm Season Turf	48.2	x 0.65	x 0	x 0.62	÷ 0.71	= 0
High Water Using Shrub	48.2	x 0.70	x 0	x 0.62	÷ 0.71	= 0
Medium Water Using Shrub	48.2	x 0.50	x 15,000	x 0.62	÷ 0.65	= 344,815
Low Water Using Shrub	48.2	x 0.30	x 25,000	x 0.62	÷ 0.75	= 298,840
Very Low Water Using Shrub	48.2	x 0.20	x 0	x 0.62	÷ 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	÷ 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	÷ 0.71	= 0
Total EAWU =			50,000			1,042,109 Gallons per year

Compare EAWU with MAWA.

The EAWU (1,042,109 gallons per year) is less than MAWA (1,135,592 gallons per year). For this example, the water budget complies with the MAWA.

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection #

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA

where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration **Appendix C** (inches per year)

0.7 = Evapotranspiration Adjustment Factor (ETAF)

1.0 = ETAF for Special Landscaped Area

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Special Landscaped Area (square feet)

MAWA Calculation:

ETo	ETAF	LA or SLA (ft ²)	Conversion	MAWA (Gallons Per Year)
MAWA for LA =	x 0.7	x	x 0.62	=
MAWA for SLA =	x 1.0	x	x 0.62	=
Total MAWA =				

Estimated Applied Water Use

EAWU = ETo x KL x LA x 0.62 ÷ IE = Gallons per year									
where: EAWU = Estimated Applied Water Use (gallons per year) ETo = Reference Evapotranspiration Appendix C (inches per year) KL = Landscape Coefficient LA = Landscaped Area (square feet) 0.62 = Conversion factor (to gallons per square foot) IE = Irrigation Efficiency = IME x DU IME = Irrigation Management Efficiency (90%) DU = Distribution Uniformity of irrigation head					$K_L = K_s \times K_d \times K_{mc}$ K_s = species factor (range = 0.1-0.9) (see WUCOLS list for values) K_d = density factor (range = 0.5-1.3) (see WUCOLS for density value ranges) K_{mc} = microclimate factor (range = 0.5-1.4) (see WUCOLS) WUCOLS – www.owue.water.ca.gov/docs/wucols00.pdf				
EAWU Calculation:									
	ETo	KL	LA	Conversion	IE	EAWU (Gallons Per Year)			
Special Landscaped Area		x	x	0.62	÷	=			
Cool Season Turf	x		x	0.62	÷	=			
Warm Season Turf		x	x	0.62	÷	=			
High Water Using Shrub		x	x	0.62	÷	=			
Medium Water Using Shrub		x	x	0.62	÷	=			
Low Water Using Shrub	x		x	0.62	÷	=			
Very Low Water Using Shrubs	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
	x		x	0.62	÷	=			
Other				0.62	÷	=			
Total EAWU =									

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

Appendix C

Reference Evapotranspiration (ET_o) Table

Appendix C - Reference Evapotranspiration (ET_o) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
Orange													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
* The values in this table were derived from:1) California Irrigation Management Information System (CIMIS) 2) Reference													
EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999,													
3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources													
(1987) Bulletin 1922 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of													
Agriculture and Natural Resources (1987), Publication Leaflet 21426													

Appendix D

LANDSCAPE INSTALLATION CERTIFICATE OF COMPLETION

I hereby certify that:

- (1) I am a landscape professional meaning a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.
- (2) The landscape project for the property located at _____
_____ (provide street address or parcel number(s)) was installed by me or under my supervision.
- (3) The landscape project for the identified property has been installed in substantial conformance with the approved Landscape Documentation Package and complies with the requirements of the City of Laguna Woods' Water Efficient Landscape Ordinance (Laguna Woods Municipal Code Chapter X.XX) and the City of Laguna Woods' Guidelines for Implementation of the Water Efficient Landscape Ordinance for the efficient use of water in the landscape.
- (4) The information I have provided in this Certificate of Landscape Design is true and correct and is hereby submitted in compliance with the City of Laguna Woods' Guidelines for Implementation of the Water Efficient Landscape Ordinance.

Print Name

Date

Signature

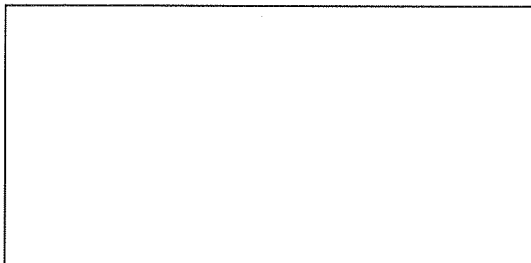
License Number

Address

Telephone

E-mail Address

Landscape Professional's Stamp
(If Appropriate)



Appendix E

Supplemental Definitions

Terms used in these Guidelines are defined in Section X.XX.XXX of the Laguna Woods Municipal Code. Additional terms used in these Guidelines have the meaning set forth below:

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Conversion factor” means the number that converts acre-inches per acre per year to gallons per square foot per year.

“Check valve” or *“anti-drain valve”* means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Certified Landscape Irrigation Auditor” means person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

“Certification of Design” means the certification included as Exhibit E of these Guidelines that must be included in the Landscape Documentation Package pursuant to Section 2.1 of these Guidelines.

“Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351

“Distribution Uniformity” or *“DU”* is a measure of how uniformly an irrigation head applies water to a specific target area and theoretically ranges from zero to 100 percent.

“Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

“Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“Invasive plants species” or *“noxious”* means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive plant species may be regulated by county agricultural agencies as noxious species.

“Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

“Irrigation Management Efficiency” or *“IME”* means the measurement used to calculate the irrigation efficiency of the irrigation system for a landscaped project. A 90% IME can be achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

“Landscape coefficient” (K_L) is the product of a plant factor multiplied by a density factor and a microclimate factor. The landscape coefficient is derived to estimate water loss from irrigated landscaped areas and special landscaped areas.

“Landscape Installation Certificate of Completion” means the certificate included as Exhibit F of these Guidelines that must be submitted to the City pursuant to Section 2.7(a)(1) of hereof.

“Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

“Microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscaped area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

“Mulch” means any organic material such as leaves, bark, straw or compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“Operating pressure” means the pressure at which the parts of an irrigation system of sprinklers are designed to operate at by the manufacturer

“Overspray” means the irrigation water which is delivered beyond the target area.

“Precipitation rate” means the rate of application of water measured in inches per hour.

“Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

“Sprinkler head” means a device which delivers water through a nozzle.

“Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

“Station” means an area served by one valve or by a set of valves that operate simultaneously.

“Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“Water Efficient Landscape Ordinance” means City of Laguna Woods Ordinance Number 09-XX, codified in Laguna Woods Municipal Code Chapter X.XX.

“Water Efficient Landscape Worksheets” means the worksheets required to be completed pursuant to Section 2.2 of these Guidelines and which are included in Appendix B hereof.

“Watering window” means the time of day irrigation is allowed.

“WUCOLS” means the Water Use Classification of Landscape published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000. www.owue.water.ca.gov/docs/wucols00

9.3 TEMPORARY SIGNS

City of Laguna Woods
Agenda Report

DATE: November 18, 2009 City Council Meeting
TO: Honorable Mayor and City Councilmembers
FROM: Leslie Keane, City Manager 

AGENDA ITEM: Temporary Signs

Recommendation

Approve introduction and first reading of an ordinance modifying temporary sign regulations, entitled:

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

Background

The City's Zoning Code contains regulations for temporary signage, adopted in 2003. These regulations have been amended from time, with the last modification adopted by the Council on August 19, 2009, with an effective date of mid-September. At its October meeting, the Land Use and Design Review Committee reviewed and approved a variance for temporary signage at the San Sebastian Condominium project. During the discussion on the project, the Committee asked staff to consider additional modifications to the Zoning Code for residential real estate signage.

Discussion

Based on a discussion with representatives of The Regency, Las Palmas and San Sebastian, staff is proposing the following change to existing regulations:

1. Allow newly constructed multifamily for-sale residential developments and new and existing residential for-lease developments with five or more units to substitute a banner sign for a free standing real estate sign.
2. Establish a one year timeframe for real estate signs, with the possibility of renewal based on vacancies. Banner sign renewal would only be allowed if 50% of the units in a building or project site are sold or leased. Free standing real estate signs would continue to be allowed for one or more vacancies.
3. Approval of a real estate banner signs would preclude the applicant from applying for promotional or special event banner signs, until such time as the real estate banner was removed.

Since incorporation, staff has declined to allow banners signs that contain telephone numbers, website or email addresses as a matter of public safety. In addition, banner signs have been limited to no more than three colors as an aesthetic issue. It should be noted, that some communities further restrict banners to only certain colors. Staff is suggesting that these past practices be formalized in the Municipal Code.

Advisory Committee Action

The Land Use and Design Review Committee discussed the proposed changes to the City's temporary sign regulations at their November 12, 2009 meeting. The Committee voted unanimously in favor of the proposal with the following exceptions:

1. *Section 13.20.050 (b) (3) e. 6.: Real estate banner signs in lieu of free standing signs shall be allowed with a permit up to one year, or until 50% of the units in the project site are sold or leased.* Six committee members voted in favor of this provision; two committee members felt that this was too restrictive and recommended a 60% threshold; one member felt this was not restrictive enough and recommended a 30% threshold.
2. *Sections 13.20.050 (b) (3) e. 5.: Banner signs shall be limited to no more than three colors; white shall be counted as a color.* Seven committee members supported a three color limit and two opposed.

Conclusion

If introduction and first reading is approved by the Council, this matter would be scheduled for a public hearing and action at the Council's December 2, 2009 meeting. Proposed changes to the ordinance are underlined.

Attachment: Ordinance

ORDINANCE NO. 09-XX

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

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

SECTION 1. Findings. The City Council of the City of Laguna Woods does hereby find as follows:

A. The City Council desires to make certain amendments to the City's current sign regulations adopted under Ordinance No. 03-03 and to ratify such sign regulations as amended. The City Council hereby incorporates the findings and record associated with Ordinance No. 03-03 by reference.

B. This ordinance is authorized by the City's police powers, Government Code section 65850, and Business & Professions Code section 5230.

C. The objective of this amendment to Chapter 13.20 is to advance the purpose and intent of the City's sign regulations, as set forth in Municipal Code section 13.20.010, to allow further flexibility for businesses, residents, and development projects within the City in connection with certain temporary signs, and to protect the public's health, safety, and welfare by ensuring that temporary signs are designed, installed, erected, and/or placed in a manner that minimizes visual hazards to pedestrian and vehicular traffic, visual blight, clutter, and other negative aesthetic impacts.

D. The City Council also finds that the proposed amendments are consistent with and further implement the goals and policies of the City's General Plan.

E. The City Council held a noticed public hearing regarding the proposed amendments on December 2, 2009, and has considered all oral and written comments on the proposed ordinance.

SECTION 2. Sections 13.20.050 (b) (3) *Real Estate Signs* and 13.20.050 (5) *Banner Signs* of the Laguna Woods Municipal Code are hereby amended in their entirety to read as follows:

Sec. 13.20.050. Permitted signs

(b) *Temporary signs.*

(3) *Real estate signs.* In any area, one free standing real estate sign shall be permitted on any building site, subject to the following conditions:

a. Permits for real estate signs shall be valid for one year, but may be renewed if units are vacant.

b. Real estate signs require a permit which may be obtained from the Community Development Department; permit fees shall be in accordance with the City's fee schedule.

c. The copy of these signs shall be limited to information relating to the sale, lease or rental of the premises on which the sign is located. These signs shall be removed upon the close of escrow or when lease or rental of all units has been accomplished.

d. The sign must be located on the site being sold or leased; in the case of a multifamily residential building or a shopping center, the sign may be located on common area property within the larger site as long as it does not occupy any pedestrian or vehicular access.

e. The area of the sign shall not exceed:

1. *Residential.*

(i) Four (4) or less units per building site: Six square feet.

(ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

f. Multifamily Residential Developments. Multifamily residential developments with five or more units available for sale, lease or rental may substitute a banner sign for a free standing real estate sign, subject to the following conditions:

1. Individual real estate banner signs shall be allowed one square foot of signage per linear foot of frontage up to a maximum of 100 square feet.
2. Each residential project shall be allowed to display only one banner sign per frontage. For purposes of this section, building frontage shall be defined as the linear width of a building that faces on any roadway, driveway or parking lot associated with the business or residential project, or that is clearly visible from a public street.
3. Real estate banner signs must be mounted flush to a building and may not be located on the roof or a parapet.
4. Banner signs shall not contain telephone numbers, email address or website addresses.
5. Banner signs shall be limited to no more than three colors; white shall be counted as a color.
6. Real estate banner signs shall be allowed with a permit for up to one year, or until 50% of the units in the project are sold or leased whichever occurs first. Renewal shall be subject to the same conditions.

(5) *Banner signs.*

- a. Banner signs shall be allowed in commercial districts and on multifamily residential projects that exceed five or more units.
- b. Banner signs shall be allowed to be attached flush to a building or store front.
- c. Individual tenant, business or residential facility banner signs shall not exceed the following:
 1. For buildings with frontages with 25 linear feet or less, a 25-square-foot maximum sign area is allowed.

2. For buildings with frontages with more than 25 linear feet, one square foot of signage per linear foot of frontage is allowed up to a maximum of 100 square feet.
3. For purposes of this section, building frontage shall be defined as the linear width of the building and/or business which fronts on any roadway, driveway or parking lot associated with the business or residential project, or that is clearly visible from a public street.
- d. With the exception of special center events, described in Section "g" below, each building shall be allowed to display only one banner sign per frontage.
- e. Each building/business may be granted a permit to display an on-site banner, for a maximum of one hundred and twenty (120) days within a twelve (12) month aggregate period. Time can be used in any multiple of consecutive days, not exceeding 30 days per event/occasion. Banner signs shall be removed for at least 30 days prior to issuance of a new permit. Multiple banners displayed consecutively shall count as a single banner.
- f. Banner signs shall not contain telephone numbers, email addresses or website addresses.
- g. Banner signs shall be limited to no more than three colors; white shall be counted as a color.
- h. In the case of center or plaza events, the maximum banner sign size for individual participants is 25 square feet. A common center or plaza event identification shall not exceed 100 square feet. If the special activity includes multiple tenants of a commercial center or plaza, all signs and banners should be of a similar size, color or lettering style.
- i. A banner sign permit is required and may be obtained from the Community Development Department; permit fees shall be in accordance with the City's fee schedule.
- j. Nonprofit Community Service Organization Special Event Signs. Subject to a written request and permission of the property owner, a no-fee permit for a temporary banner may be granted by the Director for a one week period or less, to certified nonprofit community service

organizations, for an event which will benefit the community, or general public.

SECTION 3. Deputy City Clerk's Certification.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2009.

Robert B. Ring, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 18th day of November 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the _____ day of _____, 2009 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

9.4 ZONING CODE MODIFICATIONS

**City of Laguna Woods
Agenda Report**

FOR: November 18, 2009 City Council Meeting

TO: Honorable Mayor and City Councilmembers

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Zoning Code Modifications

Recommendation

Discuss proposed scope of work, timeline and budget for modifications to land use designations in the City's Zoning Code.

Background

The City's Zoning Code includes land use districts and standards for development in each district. The current zoning districts were adopted in 2003 and in most cases reflect a transfer of districts in place prior to the city's incorporation. Zoning land use designations, while in conformance with General Plan Use designations, are not identical. This is sometimes confusing to property owners and residents. In addition, there are land use districts in the Zoning Code that may not relate to current and potential development in the City. At its September 16, 2009 meeting, the City Council asked staff to prepare a proposal and budget for the review and update of the land use designations in the City's Zoning Code (Chapters 13.08, 13.10 and 13.12).

Discussion

It is estimated that an update of the land use designations would take approximately 21 months utilizing the following process and timeline:

1. Staff: Identify purpose of existing zoning districts and proposed modifications (60 days)
 - Commercial
 - Residential

2. Land Use and Design Review Committee: review progress to date (30 days)
3. Staff: Establish definitions/standards for new districts (90 days)
4. Staff: Survey existing properties and propose modifications (90 days)
 - Contact/meet with property owners in districts proposed for change
5. Land Use and design Review Committee: review progress to date (30 days)
6. Staff: Modify Code language and draft corresponding General Plan Land use Element modifications (90 days)
7. Staff: Environmental Process (75 days)
8. Staff: Notice and Hearing Process (45 days)
9. Land Use and Design Review Committee: discussion and formal action (30 days)
10. Council: Public hearing/intro ordinance (30 days)
11. Council: Second reading ordinance (30 days)
12. Ordinance Effective (30 days)

CEQA Compliance

Modifications to the City's Zoning Code will require environmental review in conformance with the California Environmental Quality Act; however, such review will occur when the actual proposal is presented to the Council.

Fiscal Impact

Modification to the City's Zoning Code, as noted above, is a significant undertaking and will require planning and legal consulting assistance. The proposed

budget for this project is \$80,000. If Council wishes to proceed, sufficient funding is available in the unencumbered General Fund balance.

Conclusion

A review of the City's Zoning Code with the intention of modifying zoning districts would take approximately 21 months and would require an allocation of \$80,000 for consultant assistance.

10.1
PET LIMIT APPEAL

**City of Laguna Woods
Agenda Report**

FOR: November 18, 2009 City Council Meeting

TO: Honorable Mayor and City Councilmembers

FROM: Leslie A. Keane, City Manager 

AGENDA ITEM: Pet Limit Appeal (5408 Via Carrizo)

Recommendation

- A. Receive staff report.
- B. Hear from applicant.
- C. Receive public comment.
- D. Rule on Appeal.

Background

On July 1, 2009, Section 5.02.045 of the City's Municipal Code became effective. This section limits pets in Laguna Woods residences to three, no more than two of which can be dogs.

Discussion

In accordance with Chapter 5.12 of the Laguna Woods Municipal Code, Ms. Linda Sampson, who resides at 5408 Via Carrizo, is requesting a small kennel license. There are currently two dogs and one cat at this address; Ms. Samson would like to add a third dog. In accordance with the Municipal Code and in conjunction with the Laguna Beach Animal Shelter – which provides animal control services in the City of Laguna Woods – the City's code enforcement officer notified residents with a 300 foot radius of the applicant's property. Several residents expressed concern about the addition of a dog at this location and the license application was denied. There was no site visit.

A copy of the process followed by the code enforcement officer, the notice to adjacent residents, the letter of denial, and the applicants letter of appeal are attached.

Conclusion

In accordance with Municipal Code Section, staff denial of a private kennel license can be appealed to the City Council. Ms. Sampson has appealed and submitted letters from three of her neighbors in support of her appeal.

If the Council finds for the applicant, she would need to pay the \$75 Laguna Beach fee for such a license and would be subject to all of the other provisions of Municipal Code Chapter 5.12. Although the City's Public Safety Committee considered a reduced fee and simplified process for one dog exceptions to the pet limit, this proposal was not approved by the Committee or forwarded to the Council for action. In conformance with the service agreement between Laguna Woods and Laguna Beach Animal Shelter, fees for private kennels are set by the City of Laguna Beach. Ms. Samson's initial application fee of \$25 was refunded.