
**CITY COUNCIL
REGULAR
MEETING**



**OCTOBER 25, 2011
7:00 PM**

AGENDA

L. Allan Songstad, Jr., Mayor

**Melody Carruth, Mayor Pro Tempore
Randal Bressette, Council Member**

**Barbara Kogerman, Council Member
Joel Lautenschleger, Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER KOGERMAN

ROLL CALL OF CITY COUNCIL MEMBERS

- 1. PRESENTATIONS AND PROCLAMATIONS**
- 2. PUBLIC COMMENTS**

This is the appropriate time for members of the public to make comments regarding items listed on the Consent Calendar and issues not listed on the Agenda. Any person wishing to address the City Council on any matter, whether or not it appears on this Agenda, is asked to complete a "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. No action will be taken on any items not on the Agenda unless the City Council makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda.

There will be a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a time limit of thirty minutes for the Public Comments portion of the Agenda.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON KYLIE WEST.

3. MINUTES

3.1 REGULAR MEETING, OCTOBER 11, 2011

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE OCTOBER 11, 2011, REGULAR MEETING.

4. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED OCTOBER 25, 2011

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$1,322,959.26.

4.3 TRAFFIC CONDITIONS ON MUSTANG DRIVE

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE INSTALLATION OF YELLOW "SKIP" CENTERLINE STRIPING ALONG MUSTANG DRIVE FROM NELLIE GAIL ROAD TO APPALOOSA PLACE.

4.4 MEASURE M2 ENVIRONMENTAL CLEANUP ALLOCATION PROGRAM (ECP)

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

4.5 PROGRESS PAYMENT NO. 2 FOR ENERGY EFFICIENCY PROJECT,
CIP NO. 515

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF \$95,758.20, TO ROBERT D. GOSNEY CONSTRUCTION, FOR ENERGY EFFICIENCY PROJECT, CIP NO. 515.

4.6 PROGRESS PAYMENT NO. 7 FOR LA PAZ ROAD WIDENING AT I-5
IMPROVEMENT PROJECT, CIP NO. 159

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE PROGRESS PAYMENT NO. 7, IN THE NET AMOUNT OF \$196,243.97, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

4.7 AGREEMENT WITH THE CITY OF LAKE FOREST FOR THE SHARED
USE OF THE LAGUNA HILLS CENTRAL TRAFFIC CONTROL
SERVER

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE AGREEMENT FOR THE SHARED USE OF THE LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER WITH THE CITY OF LAKE FOREST AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

4.8 DOG LICENSE CAMPAIGN UPDATE

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. PLANNING AGENCY

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

5.2 PUBLIC COMMENTS

This is the appropriate time for members of the public to make comments regarding issues not listed on the Agenda. Any person wishing to address the Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the Planning Agency.

5.3 MINUTES

5.3.1. REGULAR MEETING, OCTOBER 11, 2011

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE OCTOBER 11, 2011, REGULAR MEETING AS REFERENCED IN ITEM 3.1 BEGINNING ON PAGE 3.

5.4 ADMINISTRATIVE REPORTS

5.4.1 CHANGED PLAN APPLICATION NO. 06-11-1985, A REQUEST BY AT&T TO EXPAND THE EXISTING WIRELESS COMMUNICATIONS FACILITY LOCATED AT 25131 COSTEAU STREET IN THE (NMU) NEIGHBORHOOD MIXED USE ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY CONTINUE THIS AGENDA ITEM TO ITS REGULAR MEETING OF NOVEMBER 8, 2011.

5.5 PLANNING AGENCY PUBLIC HEARINGS

5.5.1 CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY:

1. CONDUCT A PUBLIC HEARING; AND
2. ADOPT A RESOLUTION ENTITLED:

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

5.5.2 SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332 AND 25352 CABOT ROAD IN CABOT TOWN CENTER

RECOMMENDATION: THAT THE PLANNING AGENCY:

1. CONDUCT A PUBLIC HEARING; AND
2. ADOPT A RESOLUTION ENTITLED:

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332, AND 25352 CABOT ROAD IN CABOT TOWN CENTER.

PLANNING AGENCY ADJOURNMENT

6. CITY COUNCIL PUBLIC HEARINGS

7. ADMINISTRATIVE REPORTS

7.1 City Manager

8. MATTERS AGENDIZED AND PRESENTED BY COUNCIL MEMBERS

8.1 COUNCIL MEMBER KOGERMAN

8.1.1 MEMBERSHIP IN THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY (ACC-OC)

RECOMMENDATION: THAT THE CITY COUNCIL RESOLVE TO DISASSOCIATE ITSELF FROM AND REVOKE IMMEDIATELY THE CITY'S MEMBERSHIP IN THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY AND ITS AFFILIATES, TO INCLUDE VACATING ANY OFFICES HELD THEREIN AND NOT FINANCING ANY FURTHER ASSOCIATION ACTIVITIES OR EVENTS.

9. CITY COUNCIL MEMBER COMMENTS

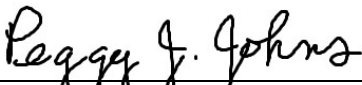
10. CLOSED SESSION

ADJOURNMENT

The next Regular Meeting of the City Council will be November 8, 2011, at 7:00 PM, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by October 21, 2011, at 5:00 PM.



PEGGY J. JOHNS, CITY CLERK

OCTOBER 21, 2011

DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL/PLANNING AGENCY REGULAR MEETING
MINUTES
OCTOBER 11, 2011**

CALL TO ORDER

Mayor Songstad called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 PM in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE: Council Member Bressette

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Songstad, Mayor Pro Tempore Carruth, Council Member Bressette, Council Member Kogerman, and Council Member Lautenschleger

STAFF PRESENT: Bruce Channing, City Manager; Donald White, Assistant City Manager; Peggy Johns, City Clerk; Greg Simonian, City Attorney; Ken Rosenfield, Public Services Director/City Engineer; Vern Jones, Community Development Director; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Ron Roberts, Battalion Chief, Orange County Fire Authority; Dan Meehan, Community Services Superintendent; and Arman Tarzi, Administrative Intern.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 TEN YEAR ANNIVERSARY AWARD

MAYOR SONGSTAD RECOGNIZED BOB HUFNAGLE, ASSISTANT BUILDING OFFICIAL/SENIOR BUILDING INSPECTOR, FOR TEN YEARS OF SERVICE TO THE CITY OF LAGUNA HILLS AND PRESENTED A CERTIFICATE OF RECOGNITION AND GIFT.

1.2 RECOGNITION OF PARKS AND RECREATION COMMISSIONER CAROL MEYERS

MAYOR SONGSTAD PRESENTED A CERTIFICATE OF RECOGNITION TO CAROL MEYERS RECOGNIZING HER SERVICE TO THE CITY.

1.3 PROCLAMATION, FIRE PREVENTION WEEK, OCTOBER 9, 2011, THROUGH OCTOBER 15, 2011

MAYOR SONGSTAD PRESENTED A PROCLAMATION TO BATTALION CHIEF RON ROBERTS FROM THE ORANGE COUNTY FIRE AUTHORITY, STATION 22, PROCLAIMING OCTOBER 9, 2011 THROUGH OCTOBER 15, 2011, AS FIRE PREVENTION WEEK.

2. PUBLIC COMMENTS

UTILITIES

Duane Cave, Southern California Edison Company, External Affairs Representative, spoke on the recent San Diego Gas and Electric outage that affected customers throughout Southern California.

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON KYLIE WEST.

3. MINUTES

3.1 REGULAR MEETING, SEPTEMBER 27, 2011

**MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 27, 2011, REGULAR MEETING, BY M/COUNCIL MEMBER BRESSETTE, S/MAYOR PRO TEMPORE CARRUTH.
APPROVED BY A VOTE OF 5-0.**

4. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER BRESSETTE, S/MAYOR PRO TEMPORE CARRUTH.
APPROVED BY A VOTE OF 5-0.**

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED OCTOBER 11, 2011

APPROVED THE WARRANT REGISTER IN THE AMOUNT OF \$251,906.04.

4.3 MANAGEMENT AGREEMENT WITH ESSEX REALTY MANAGEMENT, INC., FOR PROPERTY MANAGEMENT SERVICES OF THE LAGUNA HILLS COMMUNITY CENTER

AUTHORIZED THE CITY MANAGER TO EXECUTE THE MANAGEMENT AGREEMENT WITH ESSEX REALTY MANAGEMENT, INC., FOR PROPERTY MANAGEMENT SERVICES OF THE COMMUNITY CENTER.

5. PLANNING AGENCY

Mayor Songstad recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:17 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Songstad, Vice Chair Carruth, Agency Member Bressette, Agency Member Kogerman, and Agency Member Lautenschleger

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, SEPTEMBER 27, 2011

MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 27, 2011, REGULAR MEETING AS REFERENCED IN ITEM 3.1, BEGINNING ON PAGE 3, BY M/VICE CHAIR CARRUTH, S/AGENCY MEMBER BRESSETTE. APPROVED BY A VOTE OF 5-0.

5.4 PLANNING AGENCY PUBLIC HEARINGS

There were no Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Songstad reconvened the City Council meeting at 7:18 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

7.1.1 ORANGE COUNTY PEACE OFFICERS' MEMORIAL

**MOTION TO ADOPT RESOLUTION NO. 2011-10-11-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF FUNDS TO THE ORANGE COUNTY SHERIFF'S ADVISORY COUNCIL FOR A NEW PEACE OFFICERS' MEMORIAL IN RESPONSE TO A REQUEST FOR COMMUNITY ASSISTANCE FUNDING, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER LAUTENSCHLEGER.
APPROVED BY A VOTE OF 5-0.**

7.2 Public Services Director

7.2.1 INTENT TO VACATE PUBLIC SERVICE EASEMENTS (SPECIFIED LANDSCAPE EASEMENTS COMMONLY KNOWN AS "TREE POCKETS") ALONG THE SOUTHWESTERLY SIDE OF PASEO DE VALENCIA BETWEEN ALICIA PARKWAY AND LA PAZ ROAD

**MOTION TO ADOPT RESOLUTION NO. 2011-10-11-2, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DECLARING ITS INTENTION TO VACATE AND ABANDON PUBLIC SERVICE EASEMENTS CONSISTING OF SPECIFIED TREE POCKET LANDSCAPE EASEMENTS DEDICATED WITHIN TRACT MAP NOS. 9035 AND 9403 AND SETTING A PUBLIC HEARING THEREON, BY M/COUNCIL MEMBER BRESSETTE, S/COUNCIL MEMBER LAUTENSCHLEGER.
APPROVED BY A VOTE OF 5-0.**

8. OTHER BUSINESS

There was no Other Business.

9. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS**COUNCIL MEMBER BRESSETTE**

Council Member Bressette indicated that on October 22, 2011, the City would be hosting a low cost pet clinic at the Laguna Hills Community Center and reported on the different options for advertising the event.

Council Member Bressette stated since it was Fire Prevention Week it would be a good time for everyone to check batteries in smoke alarms and flashlights.

COUNCIL MEMBER KOGERMAN

Council Member Kogerman spoke on Mr. Hufnagle's work ethic and the positive rapport he had with the homeowners in the City.

MAYOR PRO TEMPORE CARRUTH

Mayor Pro Tempore Carruth expressed her appreciation for Mr. Hufnagle's professionalism and his excellent customer service reviews by homeowners.

Mayor Pro Tempore Carruth indicated that she would miss Carol Meyers, Parks and Recreation Commissioner, and appreciated all of her hard work performed for the betterment of the community.

10. CLOSED SESSION

City Attorney Simonian indicated there was no need for a Closed Session.

10.1 CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Section 54957.6 of the California Government Code
Agency Designated Representative: Daniel C. Cassidy, City Council
Designee
Under Negotiation: Terms and Conditions of Employment

10.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b)(1) and (b)(3)(A) of Section 54956:9: 1 potential case.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Songstad declared the meeting adjourned at 7:42 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

L. ALLAN SONGSTAD, JR., MAYOR

APPROVED AT MEETING OF _____

CITY OF LAGUNA HILLS
AGENDA REPORT
ADMINISTRATIVE SERVICES DEPARTMENT

**ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
 OCTOBER 25, 2011.**

SUMMARY:

In accordance with Government Code Section 37202, the Finance Manager prepares the attached warrant register, which reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies that funds are available for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

10-18-11

DATE

FISCAL IMPACT:

The warrant register total is \$ 1,322,959.26

**RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER
IN THE AMOUNT OF \$ 1,322,959.26.**

ATTACHMENTS:

1. **Warrant Register**

CITY OF LAGUNA HILLS
WARRANT REGISTER
October 25, 2011

10/25/2011 ITEM NO. 4.2

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
PREPAID WARRANTS:			
AT&T- CALNET 2	Communication Expense, Alarm System, 2-Way Line, Switchboard, Modem, T-1 Line and Traffic Control, Sep '11	8802137	\$ 4,081.90
AT&T MOBILITY	Wireless Access, Sep '11	8802135	44.55
BANK OF AMERICA	Departmental Operating Expenditures, Sep '11	8802138	9,445.69
CARLSEN, SANDY	Mileage Reimbursement, City Clerk, Jul - Sep '11	8802139	24.48
CHEVRON	Vehicle Fuel, Sep '11	8802140	2,252.63
EL TORO WATER DISTRICT	Water Usage, Parks, Aug '11	8802175	18,403.22
HSBC BUSINESS SOLUTIONS	Program Supplies, Community Services, Sep '11	8802181	23.58
LAUTENSCHLEGER, JOEL	Reimbursement, Travel and Meeting Expense, LOCC, Sep '11	8802184	1,027.65
MOULTON NIGUEL WATER DISTRICT	Water Usage, Parks, Aug - Sep '11	8802141	9,348.39
MOULTON NIGUEL WATER DISTRICT	Water Usage, Parks, Sep '11	8802195	38,011.94
OCCMA	Meeting Expense, Administrative Services, Oct '11	8802142	35.00
OROS CONSULTING SERVICES, LLC	Professional Fees, Computer Consulting Services, Sep '11	8802143	4,208.75
RALPHS GROCERY COMPANY	Program Supplies, Community Services, Aug '11	8802144	13.81
REFUND, COMMUNITY SVCS PROGRAM	J. Prado, V# 2002095.002	8802145	40.00
REFUND, COMMUNITY SVCS PROGRAM	L. Peng, V# 2002192.002	8802207	40.00
REFUND, FACILITY RENTAL DEPOSIT	T. Freeman, V# 2002124.002	8802146	500.00
REFUND, FACILITY RENTAL DEPOSIT	G. Salcido, V# 2002176.002	8802147	500.00
REFUND, FACILITY RENTAL DEPOSIT	Pacific Sun League, V# 2002180.002	8802148	500.00
REFUND, FACILITY RENTAL DEPOSIT	F. Pimental, V# 2002179.002	8802149	450.00
REFUND, FACILITY RENTAL DEPOSIT	T. Pham, V# 2002184.002	8802150	500.00
REFUND, FACILITY RENTAL DEPOSIT	E. Obispo, V# 2002204.002	8802208	376.25
REFUND, FACILITY RENTAL DEPOSIT	Ketterman College Funding, V# 2002196.002	8802209	250.00
REFUND, FACILITY RENTAL DEPOSIT	E. Burtress, V# 2002197.002	8802210	500.00
REFUND, FACILITY RENTAL DEPOSIT	E. Betancourth, V# 2002199.002	8802211	500.00
REFUND, FACILITY RENTAL DEPOSIT	C. Velazquez, V# 2002198.002	8802212	500.00

**CITY OF LAGUNA HILLS
WARRANT REGISTER
October 25, 2011**

VENDOR		DESCRIPTION	CHECK NO.	AMOUNT
REFUND, FACILITY RENTAL DEPOSIT	M. Dela Cruz, V# 2002147.002		8802213	376.25
SADDLEBACK FAMILY & URGENT CARE	Pre-employment Physicals, Jun - Aug '11		8802217	313.00
SAN DIEGO GAS & ELECTRIC	Electric Usage, Street Lights, Sep '11		8802151	12,363.97
SOUTHERN CALIFORNIA EDISON	Electric Usage, Street Lights, Parks and Traffic Control, Sep '11		8802152	1,178.63
SOUTHERN CALIFORNIA EDISON	Electric Usage, Street Lights, Sep '11		8802220	8,913.24
STATE WATER RESOURCES CONTROL	Construction Permit App Fee, Avenida de la Carlota between Paseo de Valencia/El Toro Rd.		8802153	346.00
SUMMIT POOL & SPA	Refund, Pool Bond, CR# 40843		8802223	500.00
TARGET STORES	Program Supplies, Community Services, Sep '11		8802154	32.28
TRAVELERS	Commercial Crime and Faithful Performance Insurance Policy, Oct '11 - Oct '12		8802227	3,304.00
U.S. POSTAL SERVICE	Postage, Community Mailing, Pet Vaccination Clinic		8802155	600.00
VERIZON WIRELESS	Communication Expense, Sep '11		8802228	1,084.81
WELLS FARGO FINANCIAL LEASING	Lease - Copier, Community Center, Nov '11		8802229	571.60
Total Prepaid Warrants:				\$ 121,161.62
REGULAR WARRANTS:				
A. C. LANDSCAPE, INC.	Water Management Services, Irrigation Repairs, Sep '11		8802156	\$ 100.00
ALICEA, MIA	Contract Instructor Fee, Dancing Fall Session, Community Services		8802157	6,803.30
ALL CITY MANAGEMENT, INC.	Crossing Guard Services, 8/28/11 - 9/24/11		8802158	4,446.00
AQUA CHILL OF MISSION VIEJO, INC.	Facility Maintenance, Water Filtration System, Community Center, Oct '11		8802159	81.89
ASSOCIATION OF CA CITIES -OC	Meeting Expense, Administrative Services, Sep '11		8802160	106.00
BEE MAN, THE	Bee Removal, Parks, Oct '11		8802161	270.00
BRAME, MARILYN	Contract Instructor Fee, Drawing Fall Session, Community Services		8802162	784.00
C2 REPROGRAPHICS	Printing Expense, Engineering and El Toro Rd @ Carlota Street Improvements CIP # 164, Aug '11		8802163	218.15
CA BUILDINGS STANDARD COMMISSION	Remittance, Building Fees Collected, Jul - Sep '11		8802164	684.49
CALIFORNIA OFFICE SYSTEMS	Usage - Copier, City Hall and Community Center, Sep '11		8802165	601.70
CALIFORNIA YELLOW CAB	Dial-a-Taxi, Senior Transportation Program, Sep '11		8802166	460.00
CARL WARREN & COMPANY	Processing Fee, Small Claims, Jun - Sep '11		8802167	713.82

**CITY OF LAGUNA HILLS
WARRANT REGISTER
October 25, 2011**

10/25/2011 ITEM NO. 4.2

VENDOR		DESCRIPTION	CHECK NO.	AMOUNT
CERVANTES, EDWARD		Contract Instructor Fee, Cooking Class Fall Session, Community Services	8802168	189.00
CHARLES ABBOTT ASSOCIATES, INC.		Professional Fees, Plan Checking Services, Sep '11	8802169	7,959.41
COMPLETE OFFICE OF CALIFORNIA		Office Supplies, Community Center, Sep '11	8802170	1,192.82
DATA TICKET, INC.		Processing Fee, Parking Citations, Aug '11	8802171	614.68
DEPARTMENT OF CONSERVATION		Remittance, SMIP Fees Collected, Jul - Sep '11	8802172	979.15
DUNBAR ARMORED, INC.		Courier Fee, Armored Transport, Oct '11	8802173	351.38
ECONOMICS, INC.		Professional Fees, Recycling Program, Sep '11	8802174	3,329.17
ELKINS, CHRISTINA		Contract Instructor Fee, Dancing Fall Session, Community Services	8802176	1,889.30
FAUBEL PUBLIC AFFAIRS		Professional Fees, Combined Issue, City Views/Community Services Winter 2011 Activity Guide	8802177	6,250.00
GREEN MART, INC.		Operating Supplies, Parks, Sep '11	8802178	1,023.63
HANSEN, MARIA		Contract Instructor Fee, Zumba Fall Session, Community Services	8802179	627.20
HDL, COREN & CONE		CAFR Statistical Data, FYE 10/11	8802180	695.00
IRV SEAVER MOTORCYCLES		Motorcycle Maintenance, Police Services, Aug - Oct '11	8802182	6,570.22
JAMEY CLARK, INC.		Miscellaneous Park Repairs and Graffiti Removal, Sep '11	8802183	699.32
MARTIN LOCK & SAFE CO.		Facility Maintenance, Lock Service, Community Center, Sep '11	8802187	28.22
MEDLOCK, GEORGE		Contract Instructor Fee, Drumming Fall Session, Community Services	8802188	488.60
MIDTOWN PLUMBING, INC.		Facility Maintenance, Plumbing, Community Center, Sep '11	8802189	352.71
MIGLIACCIO, JENNIFER		Contract Instructor Fee, Early Childhood Fall Session, Community Services	8802190	2,128.00
MITSUBISHI ELECTRIC & ELECTRONIC		Facility Maintenance, Elevator, Community Center, Oct '11	8802191	325.75
MOBILE FIRE EXTINGUISHER, INC.		Fire Extinguisher Maintenance, Community Center and City Hall, Sep '11	8802192	248.62
MOBILE MINI, INC.		Storage Rental Fee, Community Services, Oct '11	8802193	82.97
MOSS, LEVY & HARTZHEIM LLP		Professional Fees, Financial Audit Services, FY 10/11	8802194	9,000.00
MUSIC MOVES ACADEMY, INC.		Contract Instructor Fee, Music Classes Fall Session, Community Services	8802196	1,211.00
NIEVES LANDSCAPE, INC.		Monthly Maintenance and Other Assorted Landscape Services, Jun and Oct '11	8802197	73,657.97
NIMMO, DAVID		Contract Instructor Fee, Clog Dancing Fall Session, Community Services	8802198	455.00
OFFICE SOLUTIONS		Computer, Office and Operating Supplies, Sep - Oct '11	8802202	1,582.53
ORANGE COUNTY FIRE AUTHORITY		Remittance, Fire Fees Collected, Sep '11	8802203	3,166.00

**CITY OF LAGUNA HILLS
WARRANT REGISTER
October 25, 2011**

VENDOR	DESCRIPTION	CHECK	
		NO.	AMOUNT
ORANGE COUNTY TRANSIT AUTHORITY	Refund, Unexpended SMP Funds, FY10/11	8802200	21,836.12
ORANGE COUNTY TREASURER	Public Safety 800 MHZ Cost Allocation 1st Qtr 11/12	8802185	2,409.90
ORANGE COUNTY TREASURER	Law Enforcement Services, Oct '11	8802186	545,032.08
ORANGE COUNTY TREASURER	NPDES, San Juan Creek Watershed, City's Cost Share	8802199	1,920.14
ORANGE COUNTY TREASURER	Parking Fee Surcharge, Aug '11	8802204	2,304.00
ORANGE COUNTY TREASURER	Road Maintenance, Jul - Aug '11	8802214	157,223.68
PROMOTIONS TEES & MORE	Operating Supplies, Police Services, Oct '11	8802205	357.34
QUIKSILVER COURIER	Delivery Expense, Sep '11	8802206	29.64
ROBERT D. GOSNEY CONSTRUCTION	Progress Payment #2, Community Center & Sports Complex Energy Efficient Lights, CIP # 515	8802215	95,758.20
RPW SERVICES, INC.	Rodent Control, Parks, Sep '11	8802216	1,560.00
SEMA CONSTRUCTION, INC.	Progress Payment #7, La Paz Widening @ I-5 CIP # 159	8802218	196,243.97
SOUTH COAST WATERS	Facility Maintenance and Repairs, Water Feature, Community Center, Sep - Oct '11	8802219	775.00
STAPLETON, VIVIAN	Contract Instructor Fee, Early Childhood Music Fall Session, Community Services	8802221	825.13
STATE DEPARTMENT OF JUSTICE	Pre-employment Fingerprinting, Sep '11	8802222	64.00
SUNSET PROPERTY SERVICES	Street Sweeping, Sep '11	8802224	10,740.42
TECH WASH SERVICES, INC.	Graffiti Removal, Sep '11	8802225	3,325.00
THE RITZ COMPANIES	Carpet Cleaning and Janitorial & Day Porter Services, Community Center, Sep - Oct '11	8802226	5,983.00
WEST COAST ARBORISTS, INC.	Tree Trimming, Sep '11	8802230	14,104.80
WHITE NELSON DIEHL EVANS LLP	Training Expense, Administrative Services, Dec '11	8802231	275.00
XEROX CORPORATION	Usage - Copier, City Hall, Sep '11	8802232	248.95
YALE CHASE MATERIALS HANDLING	Maintenance, Utility Cart, Community Center, Sep '11	8802233	414.27
Total Regular Warrants:			\$ 1,201,797.64
**WARRANT REGISTER TOTAL **			\$ 1,322,959.26

CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES DEPARTMENT

ISSUE: TRAFFIC CONDITIONS ON MUSTANG DRIVE

SUMMARY:

Upon request of the Traffic Commission at its meeting of July 20, 2011, staff performed a survey of residents in order to receive feedback on a proposal to install yellow "skip" centerline striping along Mustang Drive, from Nellie Gail Road to Appaloosa Place, as an incremental step in residential street traffic speed management. The centerline striping was recommended by staff as the next traffic control measure to be used to reduce traffic speeds along Mustang Drive. From the 58% survey response received, the majority of residents along Mustang Drive, from Nellie Gail Road to Appaloosa Place, believe there to be a speeding problem along Mustang Drive and are in support of the installation of yellow "skip" centerline striping along Mustang Drive. The Traffic Commission, at its meeting of September 21, 2011, approved staff's recommendation. It is recommended that the City Council approve the installation of yellow "skip" centerline striping along Mustang Drive from Nellie Gail Road to Appaloosa Place.

BACKGROUND:

Based upon speed survey results performed in June 2011, along Mustang Drive, from Nellie Gail Road to Appaloosa Place, it was determined that the 85th percentile speeds slightly exceed the City's standards for acceptable speeds in a residential neighborhood. In accordance with the City's Residential Streets Management Policy, staff recommended the installation of a yellow "skip" centerline striping along Mustang Drive, from Nellie Gail Road to Appaloosa Place, at the July 20, 2011 Traffic Commission Meeting, as the next step in a multi-step incremental effort to reduce speeds on this 25 mile per hour posted speed limit street. Prior to installation of centerline striping, the Traffic Commission requested that staff perform a survey of the residents to receive feedback on this proposal. Surveys were sent out to thirty-eight residents along Mustang Drive directly affected by the proposed striping. Twenty-two survey responses were received (58% response). Seventeen respondents (77%) agree there is a speeding problem along Mustang Drive while three respondents disagree. Thirteen respondents (59%) support the installation of yellow "skip" centerline striping while nine respondents oppose. Staff

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE INSTALLATION OF YELLOW "SKIP" CENTERLINE STRIPING ALONG MUSTANG DRIVE FROM NELLIE GAIL ROAD TO APPALOOSA PLACE.

also notified the Nellie Gail Ranch Owners Association of the proposal to add centerline striping to Mustang Drive.

Staff also received general comments that striping will not deter speeding, striping is not visually appealing, speed bumps are preferred, stop signs are preferred, and that the street is not wide enough for centerline striping due to on-street parking. Please see the attached survey results. Several residents from the Mustang Drive area attended the September 21, 2011 Traffic Commission meeting, at which time the matter was agendized, and voiced opposition to the striping and traffic speed enforcement.

Based on the recent speed survey performed by Hartzog & Crabill, Inc., on June 16, 2011, the prevailing speed, the speed at which 85% of motorists are driving at or below, was 33.8 miles per hour from 7:00 AM to 9:00 AM, and 34.8 miles per hour from 4:30 PM to 7:00 PM. These speeds show a slight improvement from the previous surveys performed in June 2010 and February 2011. Moreover, these speeds are not too far from the 32-34 mile per hour expected typical prevailing traffic speed range for vehicles in a residential area with a posted speed limit of 25 miles per hour. The addition of the yellow "skip" centerline striping should further assist in reducing the prevailing speed along this roadway. In recent studies, centerline striping is shown to reduce vehicle speeds as it gives an illusion of a narrow roadway and causes drivers to reduce speed and drive within their lanes. Centerline striping is a common feature on many residential streets including in the "Nellie Gail Ranch" area. The centerline striping will not adversely affect the available parking on the street. The placement of the radar speed trailer and traffic speed enforcement should also assist in changing driver behavior to reduce speeds.

FISCAL IMPACT:

The painting of yellow "skip" centerline striping with reflective yellow raised pavement markers along Mustang Drive, from Nellie Gail Road to Appaloosa Place, has an estimated cost of \$750 and funds are available for this work in the Fiscal Year 2011-2012 Public Works Maintenance Budget.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE INSTALLATION OF YELLOW "SKIP" CENTERLINE STRIPING ALONG MUSTANG DRIVE FROM NELLIE GAIL ROAD TO APPALOOSA PLACE.

ATTACHMENTS:

- Vicinity Map
- Survey Results
- CA MUTCD Figure 3B-1, Example of Two-Lane, Two-Way Marking Application



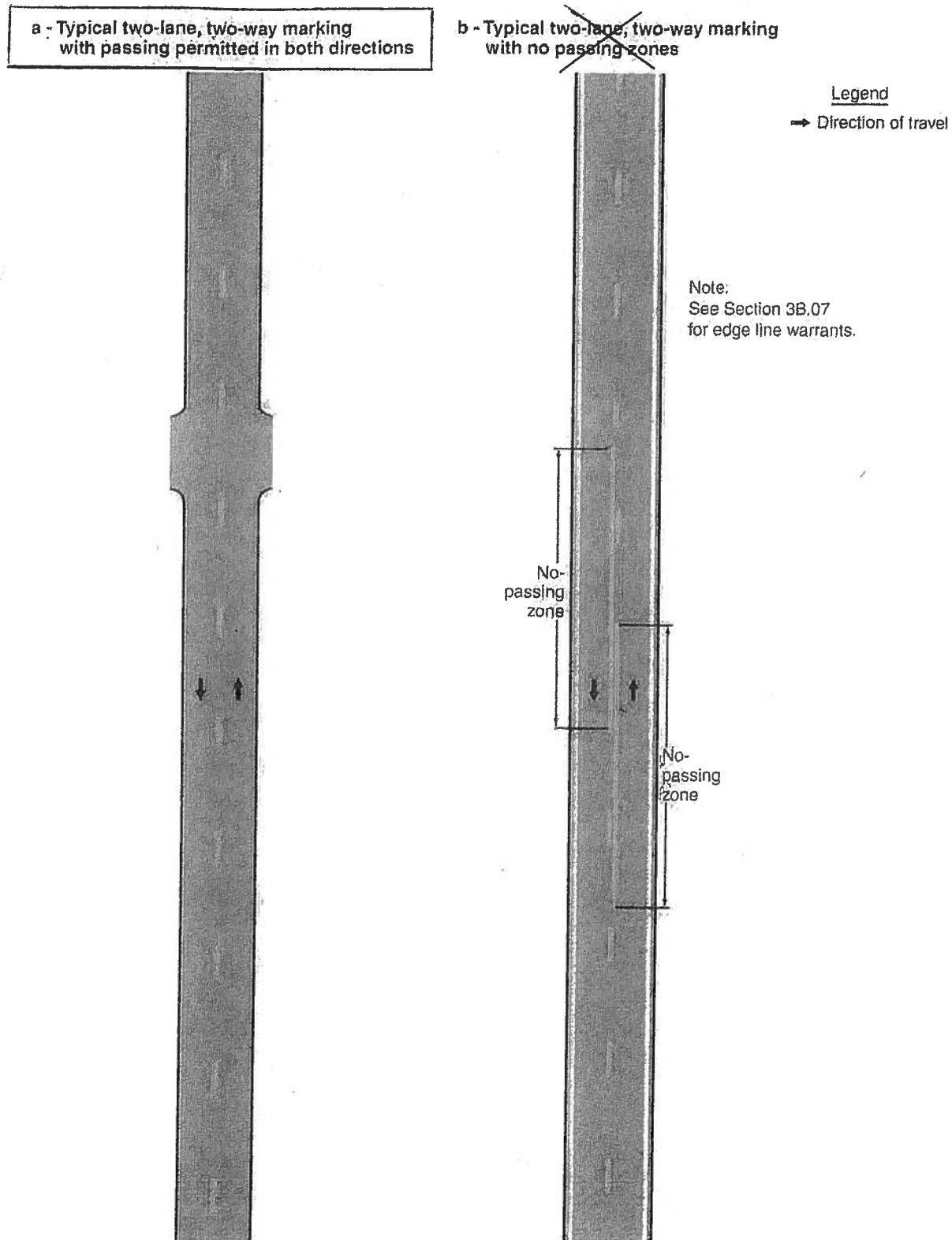
10/25/2011 ITEM NO. 4.3

SURVEY RESULTS

MUSTANG DRIVE CENTERLINE STRIPING

38 SURVEYS MAILED/22 RECEIVED		SPECIFIC COMMENTS BY QUESTION
1. I support the installation of yellow centerline "skip" striping along Mustang Drive from Nellie Gail Road to Appaloosa Place	☐ Support <u>13</u> ☐ Oppose <u>9</u>	Unconvinced this would deter speeding. Speed bump would be preferable. Strongly oppose centerline striping, prefer speed bumps. Concerned striping will visually destroy the beauty of the street and neighborhood.
2. There is a traffic speeding problem on Mustang Drive.	☐ Agree <u>17</u> ☐ Disagree <u>3</u> *1 No Response *1 Sometimes 3-6 p.m.	Yes, potential danger to children and animals. Speed bumps please. Stop signs at Farrier Circle and/or Red Corral Road would help too.
General Comments:		The street is not wide enough when cars are parked on both sides of the street to need a centerline.

Figure 3B-1. Examples of Two-Lane, Two-Way Marking Applications



CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES DEPARTMENT

ISSUE:	MEASURE M2	ENVIRONMENTAL	CLEANUP	ALLOCATION
	PROGRAM (ECP)			

SUMMARY:

The Orange County Transportation Authority's (OCTA) Ordinance No. 3 (M2 Ordinance) provides for two percent of gross revenue to be dedicated to protecting Orange County beaches and waterways from the conveyance of urban runoff associated with transportation generated pollution. The M2 Environmental Cleanup Allocation Program (ECP) Tier 1 Grant Program ensures that funds will be used on a countywide competitive basis to meet federal Clean Water Act standards for controlling transportation-generated pollution by funding nationally recognized Best Management Practices (BMPs) for water quality benefits. In response to a funding opportunity, staff submitted an application for the installation of debris gates (retractable catch basin screens) on sixty-nine catch basin locations throughout the City as a part of this funding program and has been notified of a \$61,950.00 award by OCTA. A letter of authorization between OCTA and the City will be signed in accordance with the Master Funding Agreement and the work will proceed utilizing the City's selected vendor.

BACKGROUND:

On February 18, 2011, OCTA issued the Measure M2 ECP Tier 1 Grant Program 2011 Call for Projects. This Grant Program is designed to mitigate the more visible forms of pollutants such as litter and debris that collects on the roadways and in the catch basins prior to being deposited in waterways and the ocean. It consists of funding for equipment purchases and installation of screens, filters, and inserts at catch basins. An estimated \$2.8 million in Measure M2 funds for Fiscal Year 2011-2012 are being made available to eligible applicants, which includes Orange County cities and the County of Orange, on a competitive basis. The maximum grant amount is \$100,000 per project, with a \$500,000 maximum per Agency. Funds allocated by OCTA for each awarded project become available after July 1, 2011, and projects must begin construction by June 30, 2012. A minimum match of twenty-five percent (25%) is required for this program. The City can meet the match requirements through ongoing inspection and maintenance of the debris gates without a direct capital outlay.

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

Staff submitted an application to OCTA in April of this year requesting \$61,950 based upon a quote from G2 Construction, Inc. (formerly U.S. Enviro-net Services, Inc.), the City's previously selected storm water contractor, for its "CAM lock automatic retractable debris gates." Since 2005, G2 Construction, Inc., has installed debris gates on 170 catch basins throughout the City. The debris gate remains closed during dry weather to prevent trash, debris, animals, and pollutants from entering the catch basin. The unwanted debris stays next to the curb for the routine street sweeper pickup. During heavy rain events, the gate automatically rises without staff assistance to prevent street flooding. Once the water flow slows down, the gate automatically closes and remains closed when dry.

Although other vendors, such as United Stormwater Inc., have developed a similar retractable screen, the cost of G2 Construction, Inc.'s "CAM lock automatic retractable debris gate" remains highly competitive. For example, a four-foot gate provided by G2 Construction, Inc. is \$300-\$375 versus \$415 for an automatic retractable screen provided by United Stormwater, Inc. Moreover, the "CAM lock" pulley system in the G2 Debris gate remains a high quality product. G2 Construction, Inc., is a licensed contractor and has provided services to numerous agencies all over the state from San Francisco to Los Angeles. As approved by the City Council at its April 26, 2011 meeting, staff is proposing a sole source purchase and installation of the debris gates as provided by G2 Construction, Inc., based upon the pricing of their equipment, the consistency of equipment installations throughout the City, the uniformity of maintenance requirements, and the quality of work.

Staff is pleased to inform the City Council that the Laguna Hills application has been funded by OCTA. As authorized by the Master Funding Agreement No. C-1-2770, staff will acknowledge the grant funding award and proceed with the project utilizing the services of G2 Construction, Inc.

FISCAL IMPACT:

The debris gate work has been proposed in the Fiscal Year 2011-2012 budget in the amount of \$65,000. The total cost for inspection and maintenance of the debris gates over a ten-year life span is \$29,108. These costs will be used as the City match for the project.

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES DEPARTMENT

**ISSUE: PROGRESS PAYMENT NO. 2 FOR ENERGY EFFICIENCY PROJECT,
CIP NO. 515**

SUMMARY:

Work on the Energy Efficiency Project, CIP No. 515, began on July 18, 2011, and is being performed by Robert D. Gosney Construction. Work performed in August and September included mobilization, HVAC purchase and installation, crane rental, and the purchase and installation of LED traffic signal indications. The contractor has submitted the second progress payment request for approval. In addition, the City identified miscellaneous extra work that needed to be addressed as detailed in the proposed Contract Change Order No. 1. Approval of the change order and progress payment is recommended.

BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A ten (10) percent retention is withheld from each payment to assure final performance of the work. The contractor for the project, Robert D. Gosney Construction, has submitted the second progress payment for the subject project as follows:

ITEM #	DESCRIPTION	QUANTITY	UNIT	\$	AMOUNT
1	Mobilization	.333	LS	\$21,474.00	\$ 7,158.00*
3	Purchase 15-Ton HVAC	.75	EA	\$25,000.00	\$18,750.00
4	Purchase 12-Ton HVAC	.80	EA	\$20,000.00	\$16,000.00
5	Crane Rental	1	LS	\$ 3,000.00	\$ 3,000.00
7	T-8 Fixtures	3	EA	\$ 400.00	\$ 1,200.00

**RECOMMENDATION: THAT THE CITY COUNCIL APPROVE CONTRACT
CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2, IN THE NET
AMOUNT OF \$95,758.20, TO ROBERT D. GOSNEY CONSTRUCTION, FOR
ENERGY EFFICIENCY PROJECT, CIP NO. 515.**

Agenda Report
Progress Payment No. 2 for CIP No. 515
Page 2

8	Infrared Wall Sensor	6	EA	\$	100.00	\$	600.00
9	Ultrasonic Sensor	8	EA	\$	700.00	\$	5,600.00
10	Buy & Install 12" Ball LED	322.25	EA	\$	80.00	\$25,780.00	
11	Buy & Install 12" Arrow LED	146.75	EA	\$	80.00	\$11,740.00	
12	Buy & Install 5" Arrow LED	12.75	EA	\$	80.00	\$	1,020.00
13	Buy & Install PED LED	77.75	EA	\$	200.00	\$15,550.00	

*Total not exact due to rounding.

Total To Date	\$144,846.00	
Less Prior Billing	<u>\$ 38,448.00</u>	
Total This Period	\$106,398.00	\$106,398.00
Less 10% Retention		<u>\$(10,639.80)</u>
		\$ 95,758.20

During the course of the work it was determined that modifications were necessary to fit the new equipment to the existing building as extra work. Therefore, Contract Change Order No. 1 valued at \$4,518.80, attached, is proposed for approval.

FISCAL IMPACT:

The progress payment is within the Capital Improvement Program Budget for the Energy Efficiency Project, CIP No. 515.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE CONTRACT CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2, IN THE NET AMOUNT OF \$95,758.20, TO ROBERT D. GOSNEY CONSTRUCTION, FOR ENERGY EFFICIENCY PROJECT, CIP NO. 515.

ATTACHMENTS:

- Contract Change Order No. 1

**CITY OF LAGUNA HILLS
CONTRACT CHANGE ORDER**

CONTRACT CHANGE ORDER NO. 1

SHEET 1 OF 2 SHEETS

PROJECT: Energy Efficiency Project, CIP No. 515

CONTRACTOR: Robert D. Gosney Construction

In accordance with contract provisions, the following changes in the contract and/or contract work are hereby authorized and as compensation therefore, the following addition to or deductions from the contract price are hereby approved.

Note: This change order is not effective until approved by the City Engineer.

Description of work to be done, estimate of quantities, and prices to be paid. Segregate between additional work at contract price, agreed price and force account. Unless otherwise stated, rates for rental of equipment are actually used and no allowance will be made for idle time.

Change requested by City Engineer

1. Support "sleepers" for 15-ton HVAC unit Subcontract, Fixed Fee	\$1,360.83
2. Support "sleepers" for 12-ton HVAC unit Subcontract, Fixed Fee	\$1,133.00
3. Sensors for VFD Units Subcontract, Fixed Fee	\$ 873.50
4. Shared Cost of 2 nd crane move-in Subcontract, Agreed Price	\$ 700.00
5. 10% mark-up plus 1% bond	\$ 451.47
TOTAL INCREASE	<u>\$4,518.80</u>

Increase \$4,518.80

Decrease \$

By reason of this order the time of completion will be adjusted as follows:

Add 0 Working Days

The compensation (time and cost) set forth in this Change Order comprises the total compensation due the Contractor, all Subcontractors and all suppliers, for the work or change defined in this Change Order, including all impact on any unchanged work. By signing this Change Order, the Contractor acknowledges and agrees, on behalf of himself, all Subcontractors, and all suppliers, that the stipulated compensation includes payment for all work contained in this Change Order, plus all payment for the interruption of schedules.

Extended overhead costs, delay, and all impact, ripple effect or cumulative impact on all other work under this Contract. The signing of this Change Order shall indicate that the Change Order constitutes full mutual accord and satisfaction for the change, and that the time and/or cost under the Change Order constitutes the total equitable adjustment owed the Contractor, all Subcontractors, and all suppliers, as a result of the change. The Contractor, on behalf of himself, all Subcontractors, and all suppliers, agrees to waive all rights, without exception or reservation of any kind whatsoever, to file any further claim or request for equitable adjustment of any type, for any reasonably foreseeable cause that shall arise out of or as a result of this Change Order or the impact of this Change Order on the remainder of the work under this Contract.

SUMMARY OF CONTRACT TIME

Original Contract Date: (Notice to Proceed)	July 18, 2011
Original Contract Time:	45 work days
Original Completion Date:	September 16, 2011
Time Extension this C.O.:	0 work days
Time Extension Other:	17
Revised Contract Time:	62 work days
Revised Final Completion Due Date:	October 12, 2011
Time Subject to Liquidated Damages:	- 0 -
Actual Final Completion Date:	In Process

Original Contract Price	\$164,634.00
Prev. Authorized Changes	\$ - 0 -
This Change (Add)	\$ 4,518.80
Amended Contract Price	\$169,152.80

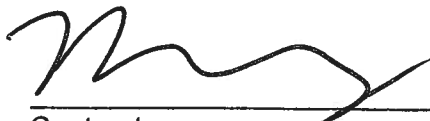
If the Contractor does not sign acceptance of this order, his attention to the requirements of the specifications as to proceeding with the order work and filing a written protest within the time therein specified.

Approved by:

Accepted by:

Director of Public Services

Date



Contractor

10-3-11

Date

CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES DEPARTMENT

**ISSUE: PROGRESS PAYMENT NO. 7 FOR LA PAZ ROAD WIDENING AT I-5
IMPROVEMENT PROJECT, CIP NO. 159**

SUMMARY:

Work on the La Paz Road Widening at I-5 Improvement Project, CIP No. 159, began on April 7, 2011, and is being performed by SEMA Construction, Inc. Work performed in September included engineering, progress scheduling, site management, street sweeping, signage, traffic control, concrete removal and replacement, excavation, piping, steel reinforcement, lighting, and mobilization. The contractor has submitted the seventh progress payment request for approval.

BACKGROUND:

A routine monthly action for capital improvement projects is the submission, review, and approval of the contractor's invoice. Procedurally, field staff verifies the contractor's quantities and matches them with the submitted invoice. The unit prices and total costs of the project are confirmed by the office staff and a progress payment is then processed. A ten (10) percent retention is withheld from each payment to assure final performance of the work. The contractor for the project, SEMA Construction, Inc., has submitted the seventh progress payment for the subject project as follows:

ITEM #	DESCRIPTION	QUANTITY	UNIT	\$	AMOUNT
1	RE Office	.05	LS	\$ 50,000.00	\$ 2,500.00
2	Progress Schedule	.05	LS	\$ 3,000.00	\$ 150.00
3	Time Related Overhead	27	WD	\$ 2,000.00	\$ 54,000.00
4	Construction Site Mgmt	.05	LS	\$ 10,000.00	\$ 500.00
11	Street Sweeping	.05	LS	\$ 25,000.00	\$ 1,250.00
18	Construction Signage	.05	LS	\$ 40,400.00	\$ 2,020.00
19	Traffic Control System	.05	LS	\$ 55,700.00	\$ 2,785.00
25	Temp Signal/Lighting	.40	LS	\$ 89,500.00	\$ 35,800.00

**RECOMMENDATION: THAT THE CITY COUNCIL APPROVE PROGRESS
PAYMENT NO. 7, IN THE NET AMOUNT OF \$196,243.97, TO SEMA
CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT
PROJECT, CIP NO. 159.**

Agenda Report
Progress Payment No. 7 for CIP No. 159
Page 2

26	Portable Message Signs	.05	LS	\$ 1,600.00	\$ 80.00
29	Abandon Culvert	36.20	LF	\$ 22.00	\$ 796.40
35	Remove Drainage Facility	1	EA	\$ 510.00	\$ 510.00
43	Remove Concrete (Misc)	14.20	CY	\$ 65.00	\$ 923.00
45	Roadway Excavation	550	CY	\$ 6.73	\$ 3,701.50
64	12" Conduit	40	LF	\$ 36.00	\$ 1,440.00
67	Class 2 Aggregate Base	5.94	CY	\$ 35.00	\$ 207.90
73	Tieback Anchor	20	EA	\$ 1,471.20	\$ 29,424.00
75	Class 1 Concrete (S)	9	CY	\$ 600.00	\$ 5,400.00
76	Class 1 Concrete (Box)	1	CY	\$ 1,000.00	\$ 1,000.00
78	Minor Concrete	12.6	CY	\$ 800.00	\$ 10,080.00
82	Bar Reinforcing Steel	1,157	LB	\$ 0.85	\$ 983.45
96	18" Reinforced Conc Pipe	32.80	LF	\$ 43.00	\$ 1,410.40
97	24" Reinforced Conc Pipe	49.86	LF	\$ 52.00	\$ 2,592.72
100	8" Perf Plastic Pipe	20	LF	\$ 48.00	\$ 960.00
105	36" Alt. Pipe Riser	2.97	LF	\$ 120.00	\$ 356.40
111	Minor Concrete (Misc)	11.61	CY	\$ 517.02	\$ 6,002.61
130	Traffic Mgmt System	.40	LS	\$ 3,100.00	\$ 1,240.00
131	Signal & Lighting (1)	.18	LS	\$126,497.46	\$ 22,769.54
134	Ramp Metering System (2)	.24	LS	\$ 8,300.00	\$ 1,992.00
136	Lighting & Sign Illumination	.03	LS	\$ 90,400.00	\$ 2,712.00
137	Fiber Communications	.07	LS	\$ 61,900.00	\$ 4,333.00
139	Mobilization	.05	LS	\$402,578.80	\$ 20,128.94

Total To Date	\$1,329,412.75	
Less Prior Billing	<u>\$1,111,363.89</u>	
Total This Period	\$ 218,048.86	\$218,048.86
Less 10% Retention		<u>\$(21,804.89)</u>
		\$196,243.97

FISCAL IMPACT:

The progress payment is within the Capital Improvement Program Budget for the La Paz Road Widening at I-5 Improvement Project, CIP No. 159.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE PROGRESS PAYMENT NO. 7, IN THE NET AMOUNT OF \$196,243.97, TO SEMA CONSTRUCTION, INC., FOR THE LA PAZ ROAD WIDENING AT I-5 IMPROVEMENT PROJECT, CIP NO. 159.

CITY OF LAGUNA HILLS

AGENDA REPORT PUBLIC SERVICES DEPARTMENT

**ISSUE: AGREEMENT WITH THE CITY OF LAKE FOREST FOR THE SHARED
 USE OF THE LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER**

SUMMARY:

Last year, the City of Laguna Hills was provided a central traffic signal control system as a part of the Orange County Transportation Authority (OCTA) Traffic Light Synchronization Program as initially applied to the Alicia Parkway Signal Synchronization Project. The central traffic signal control system has more capacity than Laguna Hills could ever use (capable of managing 256 signalized intersections) and OCTA has funded additional signal synchronization work that would benefit from the use of the central traffic signal control system along the streets of Moulton Parkway and El Toro Road. To facilitate the best operation of the El Toro Road traffic signals, the City of Lake Forest has requested permission to utilize a small portion of the extra capacity of the Laguna Hills central traffic signal control system and incur any costs related thereto. An Agreement has been prepared to authorize the City of Lake Forest to utilize the Laguna Hills central traffic signal control system and City Council approval of the Agreement is recommended.

BACKGROUND:

The City manages most of its traffic signals through a form of coordinated control. The technology has changed over time allowing this control to move from localized on-street control to a central control system because the costs for a central control system have been lowered to acceptable levels. Most of the approximately 50 traffic signals within the City's jurisdiction are managed remotely. For example, the traffic signals along Oso Parkway and Paseo de Valencia are managed via localized on-street control and the traffic signals along Alicia Parkway, Moulton Parkway, and (soon to be) El Toro Road are managed by a central control system. Over time, all of the City's traffic signals will be managed by a central control system to increase operating efficiency for both the motorists and the maintenance personnel.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE AGREEMENT FOR THE SHARED USE OF THE LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER WITH THE CITY OF LAKE FOREST AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

Last year, OCTA funded a program to increase the efficiency of traffic signal timing and coordination by funding central traffic signal control systems in various parts of the County including along Alicia Parkway in Laguna Hills and other agencies. As a result, the City was provided a central traffic signal control system that includes a dedicated computer server and an operating system program known as Centrac. The Centrac system has the capacity to operate 256 signalized intersections with Laguna Hills using less than 50 intersections on the system. This year, OCTA funded a traffic signal coordination project for El Toro Road to include traffic signals in the City of Lake Forest and other agencies. The City of Lake Forest has requested permission to share in the underutilized Centrac system. The Centrac system allows for multiple agencies to use its capacity while keeping each agency's system of traffic signals in their sole control. Accordingly, staff viewed the City of Lake Forest request as an appropriate opportunity to share technology and save overall costs for the public.

The attached Agreement for the shared use of the Laguna Hills Central Traffic Control Server has been approved by the City of Lake Forest and is presented for City Council approval.

FISCAL IMPACT:

The City of Lake Forest will bear all costs associated with the use of the Laguna Hills Central Traffic Control Server.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE AGREEMENT FOR THE SHARED USE OF THE LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER WITH THE CITY OF LAKE FOREST AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST THERETO.

ATTACHMENTS:

- Agreement

AGREEMENT FOR THE SHARED USE OF THE
LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER

This COOPERATIVE AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2011

BY AND BETWEEN

City of Laguna Hills, a municipal corporation organized and existing under the laws of the State of California, hereinafter referred to as "LAGUNA HILLS"

AND

City of Lake Forest, a municipal corporation organized and existing under the laws of the State of California, hereinafter referred to as "LAKE FOREST". LAGUNA HILLS and LAKE FOREST may be referred to herein individually as "Party" and collectively as "Parties"

RECITALS

WHEREAS, LAGUNA HILLS was a stakeholder in the Orange County Transportation Authority (OCTA) Traffic Light Synchronization Project for the traffic signal coordination of Alicia Parkway in LAGUNA HILLS and in adjacent jurisdictions, and

WHEREAS, the OCTA provided LAGUNA HILLS with a central traffic control operating system known as Centracs, hereinafter LAGUNA HILLS Central Traffic Control Server, for use by LAGUNA HILLS in centrally operating the traffic signals along Alicia Parkway and along other arterial highways that become connected to the central traffic control operating system, and

WHEREAS, OCTA is currently funding the El Toro Road Traffic Light Synchronization Project and the Moulton Parkway Traffic Light Synchronization Project to include the addition of the traffic signal locations along these arterial highways onto the LAGUNA HILLS Central Traffic Control Server, and

WHEREAS, the LAGUNA HILLS Central Traffic Control Server has the capacity to serve more traffic signals than currently exist or are ever anticipated to exist in LAGUNA HILLS, and

WHEREAS, LAGUNA HILLS is willing to offer access to the excess capacity of the LAGUNA HILLS Central Traffic Control Server to adjacent jurisdictions, and

WHEREAS, in the interests of governmental comity and for the benefit of the public which shares the use of each parties' roadway system, LAGUNA HILLS is offering to share traffic signal central control technology.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, LAGUNA HILLS and LAKE FOREST agree as follows:

1. RESPONSIBILITIES OF THE PARTIES

A. LAKE FOREST shall be afforded electronic access to the LAGUNA HILLS Central Traffic Control Server, known by the brand name Centracs, which physically resides at the LAGUNA HILLS Civic Center, at address 24035 El Toro Road, Laguna Hills, CA, 92653.

B. LAGUNA HILLS shall provide sole purpose Internet Protocol gateway address numbers for use by LAKE FOREST to gain access to the LAGUNA HILLS Central Traffic Control Server.

C. LAKE FOREST shall acquire its own licensing and authority to use, and pay any related fees to use Centracs to Econolite Traffic Control Services, and/or its successors and assigns, as may be required to operate upon any Centracs software environment and provide proof of ownership of said licensing to LAGUNA HILLS upon request.

D. LAGUNA HILLS shall not be responsible for payment of or construction of any physical improvements necessary to facilitate the connection of the LAKE FOREST traffic signal locations to the LAGUNA HILLS Central Traffic Control Server. To the extent any such physical improvements occur in LAGUNA HILLS, said improvements shall be constructed to the satisfaction of LAGUNA HILLS.

E. LAKE FOREST's electronic access to the LAGUNA HILLS Central Traffic Control Server shall be available 24 hours per day, 365 days per year, except for routine maintenance activities as may be necessary by LAGUNA HILLS, which may reduce access to the Central Traffic Control Server for limited periods of time.

F. LAKE FOREST's electronic access to the LAGUNA HILLS Central Traffic Control Server shall be limited to the operations of up to twenty-five (25) LAKE FOREST traffic signal locations, unless additional traffic signal locations are mutually agreed upon.

G. LAKE FOREST shall be able to view but not control any LAGUNA HILLS traffic signal operations and LAGUNA HILLS shall be able to view but not control any LAKE FOREST traffic signal operations.

2. NOTICES

A. Communication and details concerning this Agreement shall be directed to the following representatives:

Laguna Hills:

City of Laguna Hills
Director of Public Services
25035 El Toro Road
Laguna Hills, California 92653
Attn: Kenneth H. Rosenfield, P.E.

Lake Forest:

City of Lake Forest
Department of Public Works
25550 Commercentre Drive, Ste 100
Lake Forest, California 92630
Attn: Robert L. Woodings, P.E.

B. Any notice required under this Agreement shall be sent by certified mail, postage prepaid, and shall be deemed complete on the third business days following deposit with the United States Postal Service.

3. AMENDMENTS

This Agreement may only be amended in writing and such amendment shall be executed by both parties.

4. TERM

This Agreement shall become effective upon full execution by both parties and shall remain in full force and effect until amended or terminated as provided for herein.

5. TERMINATION

This Agreement may be terminated at any time upon mutual consent of the parties thereto. In addition, any Party may terminate this agreement and cease the access and use of and to the LAGUNA HILLS Central Traffic Control Server by giving the other Party six (6) months notice of termination.

6. LEGAL AUTHORITY

The signatories below warrant that they are duly authorized to execute this Agreement on behalf of the parties and that by so executing this Agreement, the parties hereto are formally bound by the provisions of the Agreement.

7. SEVERABILITY

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

8. COUNTERPARTS

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

9. GOVERNING LAW

The laws of the State of California and applicable local and federal laws, regulations and guidelines shall govern this Agreement. Venue shall be in Orange County.

10. RELATIONSHIP OF PARTIES

Except as otherwise provided herein, the duties, obligations, and liabilities of the Parties are intended to be several and not joint or collective, and nothing contained herein shall ever be construed to create an association, trust or partnership or impose a trust or partnership duty, obligation or liability on or with regard to any of the Parties. Each Party shall be individually responsible for its own obligations as herein provided.

11. INDEMNIFICATION

Laguna Hills agrees that it shall defend, indemnify and hold harmless Lake Forest and its elected officials, officers, employees, agents, contractors, consultants and authorized volunteers against any and all claims, actions, damages, liabilities and expenses (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to or loss of property, caused by the negligent acts, omissions, or willful misconduct by Laguna Hills, its elected officials, officers, employees, agents, contractors, consultants and authorized volunteers in connection with or arising out of the performance of this Agreement that are asserted or claimed against Lake Forest, its elected officials, officers, employees, agents, contractors, consultants and authorized volunteers.

Lake Forest agrees that it shall defend, indemnify and hold harmless Laguna Hills and its elected officials, officers, employees, agents, contractors, consultants and authorized volunteers against any and all claims, actions, damages, liabilities and

12. ATTORNEYS' FEES

[illegible]

10/25/2011 ITEM NO. 4.7

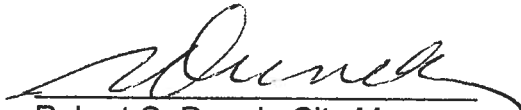
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective City Managers and attested by their respective City Clerks, all having been duly authorized.

EXECUTED:

CITY OF LAGUNA HILLS

By: _____
Bruce E. Channing, City Manager

CITY OF LAKE FOREST

By: 
Robert C. Dunek, City Manager

ATTEST:

By: _____
Peggy J. Johns, City Clerk

By: 
Stephanie D. Smith, City Clerk

APPROVED AS TO FORM:

By: _____
Gregory E. Simonian, City Attorney
Dated: _____

By: 
Scott C. Smith, City Attorney
Dated: 10/4/2011

CITY OF LAGUNA HILLS

AGENDA REPORT ADMINISTRATIVE SERVICES DEPARTMENT

ISSUE: DOG LICENSE CAMPAIGN UPDATE

SUMMARY:

An August 25, 2009, staff report recommended that a dog license campaign would be the most effective way to increase the number of licensed dogs in the City. This in turn would increase the number of altered dogs, ensure that more dogs are up to date on their rabies vaccinations, and increase license fee revenue to the City. That same staff report outlined a tentative plan to implement the dog license campaign. The campaign proved successful with the number of dog licenses increasing by 22% over the course of the campaign.

BACKGROUND:

In the August 25, 2009, report to the City Council, staff outlined a tentative dog license campaign for the 2009-11 biennial period that would follow a sequential approach: public information and outreach, a license amnesty period, and a dog license canvassing program. The campaign was completed on June 30, 2011. The following were the objectives of this campaign:

- Encourage owners to spay or neuter their dogs through differential licensing. A license for an unaltered dog is \$100 compared to \$24 if the dog is altered.
- If a licensed dog is picked up by OC Animal Care in the field, the officer will first attempt to return the dog to its owner rather than take the dog to the shelter. This is more efficient and less costly for both the resident and the City.
- Enhance public safety - licensed dogs are current on their rabies vaccinations.
- Lower the net cost to the City to provide animal care services.
- In the long-term, a high dog license compliance rate should result in lower shelter intake numbers and fewer cases of euthanasia.

Following an 18-month public education effort and a 45-day license amnesty period in the spring of 2010, OC Animal Care conducted a special 13 week license canvassing

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

program at the end of the 2010-11 fiscal year. The City was charged \$11,824 for 520.75 hours of canvassing. The canvasser covered 4,671 residences, sold 654 licenses and generated \$38,390.50 in revenue. The cost per hour was \$22.71 compared with revenue generated per hour of \$73.72.

2009-11 Dog License Campaign Results

The immediate results of the City's Dog License Campaign can be measured by the number of licenses sold and the net cost to the City to provide animal care services. In terms of licenses sold, the campaign has been successful. Since the campaign was approved in August of 2009, the table below demonstrates that the total number of dog licenses in the City increased by 22% over a two year period.

Dog License Trend

						% Change
Type of Dog License	Aug-09	Aug-10	% Change	Aug-11	% Change	From 2009
Unaltered	303	317	4.62%	381	20.19%	25.74%
Altered	2,777	2,981	7.35%	3379	13.35%	21.68%
Total	3,080	3,298	7.08%	3,760	14.01%	22.08%

In the past, staff estimated the number of dogs in Laguna Hills to be 7,417. Using an updated formula from the American Veterinary Medical Association (AVMA), and one that is used by OC Animal Care, staff has revised that estimate downward to 6,462. Using this revised estimate, the license compliance rate in August of 2009 was 48%. After the two year campaign, the compliance rate increased to 58% in August of 2011. This is now the second highest compliance rate among cities that contract with OC Animal Care. The City of Villa Park has the highest compliance rate at 68%.

The table below shows that the City's on-going net cost to provide animal care services decreased by \$37,416, or 54%, since the start of the dog license campaign. It is estimated that about 10% of this reduction can be attributed to the 39% reduction in animal shelter days over the past two years.

	2006-07	2007-08	2008-09	2009-10	2010-11
Field Calls	1,096	981	1,374	1,315	1,381
Animal Days	1,004	1,255	1,437	1,116	870
Net Costs*	\$ 48,114	\$ 56,560	\$ 69,733	\$ 61,604	\$ 32,317
*Does not include special canvassing cost of \$11,824 in 2010-11.					

Going Forward

Given the success of the 2009-11 Dog License Campaign, staff is recommending that the City continue its public education efforts and conduct another 13 week license canvassing effort this fiscal year. If the license campaign is as successful as the last one, the City's license compliance rate will reach 68%. Staff will also prepare a Dog License Campaign Update for the City Council next fall.

FISCAL IMPACT:

There are sufficient funds budgeted to accommodate the City's continuance of the Dog License Campaign efforts this fiscal year.

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AND FILE THE REPORT.

CITY OF LAGUNA HILLS

AGENDA REPORT COMMUNITY DEVELOPMENT DEPARTMENT

ISSUE: CHANGED PLAN APPLICATION NO. 06-11-1985, A REQUEST BY AT&T TO EXPAND THE EXISTING WIRELESS COMMUNICATIONS FACILITY LOCATED AT 25131 COSTEAU STREET IN THE (NMU) NEIGHBORHOOD MIXED USE ZONING DISTRICT.

SUMMARY:

At the August 23, 2011, Planning Agency meeting, the Planning Agency reviewed a Changed Plan application submitted by Chris Voss ("Applicant") from Coastal Business Group on behalf of AT&T to alter the wireless communications facility on the Public Storage building rooftop at 25131 Costeau Street. This application requested approval to allow replacement of previously approved four (4) foot tall wireless antennas with eight (8) foot tall antennas, and expansion of the existing screening wall by three (3) feet in height to ensure the facility continues to be completely screened from view. In order to improve the facility's aesthetics and compatibility with the Public Storage building, the Applicant agreed to incorporate architectural trim and scoring lines on the screening wall, and to plant a forty (40) to fifty (50) foot tall Canary Island Pine tree in the landscaped area at the corner of Alicia Parkway and Costeau Street. After discussion, the Planning Agency's direction was that the Applicant consult with a landscape architect, the Public Storage ownership, and with AT&T regarding the possibility of incorporating additional landscaping along Alicia Parkway between Costeau Street and Bentley Lane. Thus, the agenda item was continued to the September 13, 2011, Planning Agency meeting. At the September 13, 2011, meeting, the Planning Agency continued this agenda item once more, at the Applicant's request, to the September 27, 2011, Planning Agency meeting. This was to allow more time to prepare a landscaping plan. At the September 27, 2011, Planning Agency meeting, staff recommended giving the Applicant a thirty (30) day extension to complete the requested landscape plan by continuing this item to the October 25, 2011, Planning Agency meeting. The Planning Agency granted this extension and continued this item.

Since the last request for continuance, AT&T has worked to develop a cost estimate for installing additional landscaping in an effort to evaluate the feasibility of such a proposal prior to developing a landscape plan. The Applicant has indicated that this cost estimate is close to being completed, but it has not been provided to staff for the Planning Agency's consideration at this time. Staff anticipates that this agenda item will be ready to return to the Planning Agency for consideration at the November 8, 2011, meeting. Therefore, staff is recommending that this agenda item be continued to the November 8, 2011, Planning Agency Meeting.

RECOMMENDATION: THAT THE PLANNING AGENCY CONTINUE THIS AGENDA ITEM TO ITS REGULAR MEETING OF NOVEMBER 8, 2011.

CITY OF LAGUNA HILLS

PLANNING AGENCY AGENDA REPORT COMMUNITY DEVELOPMENT DEPARTMENT

ISSUE: CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT

SUMMARY:

Ultrasigns, on behalf of Boardwalk Development, which represents the several owners of the subject property (collectively, "Applicant"), is proposing revisions to the existing Master Sign Program for La Paz Village, (formerly Mission Hills Plaza; "Center"). Specifically, the applicant is proposing to replace the existing corner monument sign and existing center identification sign with two new center identification signs. The subject site is located at 25260 La Paz Road (southwest corner of La Paz Road and McIntyre Street) in the Community Commercial (CC) zoning district.

Staff has reviewed the Development Code requirements as well as General Plan issues, goals, and strategies, and has evaluated the potential for environmental impacts in accordance with the California Environmental Quality Act (CEQA), and has determined that the proposed project, subject to conditions of approval, will not result in any significant impacts to the environment and will not be detrimental to the public health, safety, or general welfare.

AUTHORITY:

Laguna Hills Municipal Code (LHMC) §9-92.080 grants the Planning Agency authority to approve Site Development Permits and Master Sign Programs and significant changes to any plan thereof. Deviations to required sign standards may be granted by the Planning Agency through a site development permit/master sign program application (LHMC § 9-42.170 and 9-42.180).

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT."

PROJECT BACKGROUND:

At the City Council meeting on June 14, 2011, the Planning Agency reviewed an application for a new Master Sign Program for Mission Hills Plaza along with an overall site renovation including parking, landscaping, and building façade upgrades. That application included replacing the center identification sign on La Paz Road and the former Yamato Restaurant monument sign with two large center identification signs. At that time staff recommended that the proposed signs be reduced in size to be more proportional and in line with what has been approved by the Planning Agency in the past. The applicant felt these changes were not feasible for them. Therefore, prior to the City Council meeting, the two proposed center identification signs were withdrawn from the application. Thus, the sign program was approved leaving the existing two center identification/monument signs unchanged. The two signs proposed in the current application before the Planning Agency, if approved, will be inserted into the existing approved sign program.

PROJECT DESCRIPTION AND ANALYSIS:

The Applicant is proposing two center identification signs to replace the existing center identification sign and corner monument sign. Both signs incorporate the same color and material palette as the buildings; neutral tones will be used and both signs are to be clad in ledgerstone. The letters that identify the center name will be internally illuminated reverse pan channel letters. Each tenant panel will be uniform in terms of background color and material and tenants will be allowed to use their own font, color, and wording for the copy of the panel. The larger of the two center identification signs (Sign A) will be located in the same place as the existing center identification sign on La Paz Road. Sign A is proposed to be 13 feet tall and 11 feet wide (reduced from 18'6" x 12'0" in the proposal that was withdrawn in June). The smaller of the two signs (Sign B) will replace the existing monument sign for the former Yamato Restaurant at the corner of La Paz Road and McIntyre Street. Sign B will be 8 feet tall and 12 feet wide (reduced from 9'11" x 15'0"). The proposed signs are within the LHMC size (height and area) requirements for center identification signs. For comparison purposes, the center identification sign approved for the adjacent Courtyard at La Paz Center is 12'6" tall and 10'2" wide.

The Applicant is requesting some deviations from the LHMC for the center identification signs. The Planning Agency has the authority to grant deviations for signage based on quality, creativity, and compatibility of the signage with the building architecture and surrounding land uses (LHMC 9-42.180). The LHMC states that center identification signs may identify up to two tenants, and that the name of the center shall constitute at least one-half of the total sign area with tenant identification being secondary in appearance to the center identification portion of the sign (LHMC 9-42.220 C). Both signs allocate more sign area to tenant identification than to the center identification; however, the Applicant has made an effort to make the center name more pronounced by placing it at the top of the sign and using a different size and type of lettering than is used for the tenant names. Sign A is proposed with four (4) tenant panels, exceeding the amount allowed by the LHMC. The owners of the property have previously conveyed to staff that their prospective tenants are concerned about the availability and visibility of signage. Staff believes the proposed number of tenant panels allows the owners to

have more signage while providing signs that look proportional and are in line with what has previously been approved by the Planning Agency. Between the two center identification signs, there will be six tenant panels (four on Sign A and two on Sign B). **Condition No. 14** has been added, which states that no more than one tenant may be listed on each panel.

CONCLUSION:

The Center is undergoing a remodel to improve the image of the site, both to attract new and quality tenants and to provide a more pleasant experience for patrons. The two signs proposed in this changed plan are in prominent locations and will replace older, out-of-date signage. Staff believes that the proposed signs will complete the updated look of the Center once the remodel is complete and contribute to the goals of the overall remodel as well. Therefore, staff recommends approval of CPMA No. 9-11-2068, subject to the Conditions of Approval.

PUBLIC COMMENT:

A total of fifty-three (53) public hearing notices were mailed to surrounding property owners within a 300-foot radius of the subject site and twenty-six (26) notices were mailed to the tenants on the subject site. To date, staff has not received any comments.

CEQA FINDINGS:

Staff has reviewed the proposed project for compliance with CEQA. Upon completion of this review, it has been determined that the proposed project is categorically exempt from CEQA, pursuant to CEQA Guideline Section No. 15311 (Class 11, Accessory Structures). Categorical Exemptions are projects which have been determined not to have a significant effect on the environment and which have been exempted from the requirements of CEQA. Class 11 consists of construction or replacement of minor structures accessory to existing commercial buildings, including on-premise signs, such as the signage proposed as part of this project. Based on the foregoing, it is hereby determined that the project is exempt from CEQA.

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT."

ATTACHMENTS:

- (1) Resolution of Approval
- (2) Existing (Approved) Master Sign Program
- (3) New Center Identification Sign Plans

RESOLUTION NO. PA2011-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING CHANGED PLAN NO. 9-11-2068, A REQUEST TO MODIFY THE EXISTING MASTER SIGN PROGRAM FOR LA PAZ VILLAGE AT 25260 LA PAZ ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, an application for Changed Plan (CPMA) No. 9-11-2068 has been received to modify the existing master sign program for La Paz Village, located at 25260 La Paz Road in the Community Commercial (CC) Zoning District; and

WHEREAS, CPMA No. 9-11-2068 is hereby found to be Categorically Exempt from the California Environmental Quality Act (CEQA) based upon the following: Class 11 (CEQA Guidelines Sections 15311, Accessory Structures) exemption; and

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the applicant, and other interested parties with respect to the subject application at a public hearing held on October 25, 2011.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That the required findings by the City for approval of CPMA No. 9-11-2068 have been met and made as follows:

Site Development Permit

1. The site design complies with standards of the development code in that:

The subject site is currently developed with commercial buildings, parking lot, and signage. This application proposes to replace two existing freestanding signs with new signs of similar size in the same approximate locations. Therefore, with the Conditions of Approval, the site design complies with the standards of the development code.

2. The site is suitable for the proposed development in that:

The site is already in use as a shopping center and no changes to the layout of the site or use are proposed.

3. The project is consistent with the General Plan and applicable design guidelines in that:

According to the General Plan, the purpose of the Community Commercial land use designation is to provide areas for general shopping and commercial service needs. The signage proposed will enhance an existing shopping center. The project also meets several goals outlined by the General Plan including beautifying and enhancing the community and promoting responsible economic development. The new signage will contribute to the improved image of the Center that will occur due to the renovations previously approved, enabling the owners to attract and maintain high-quality tenants. The use of neutral colors and quality materials, matching the proposed building finishes is consistent with applicable design guidelines.

4. The site design and structural components are appropriate for the site and function of the proposed uses in that:

As an existing shopping center, the site design and structural components are appropriate. Signage is an accessory structure typical for shopping centers.

Master Sign Program

1. The design and application of the sign criteria required by the development code are satisfied by the proposed sign program in that:

The development code signage criteria limits overall size, placement, and types of signage and allows for some deviations to the requirements of the code with Planning Agency approval. Therefore, with adoption of the Resolution of Approval, the development code sign criteria are satisfied by this proposal.

2. The sign program provides a compatible and harmonious design between advertising, landscaping, and building design in that:

The sign program prescribes the use of quality materials and construction for both signs. The signs use materials and colors that compliment the finishes on the buildings and will be appropriately landscaped.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve CPMA No. 9-11-2068 subject to the following conditions:

General

1. This approval constitutes approval of the proposed project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations. Approval does not include

any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.

2. Failure to abide by and faithfully comply with any and all conditions of approval shall constitute grounds for revocation of said Changed Plan by the Laguna Hills Planning Agency.
3. As a condition of issuance of this approval, the applicant/owner, hereby agrees, at its sole cost and expense and to the fullest extent permitted by law, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, employees, agents, and consultants, which seeks to attack, challenge, set aside, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, but is not obligated to, at its sole cost and expense, elect to participate in the defense of any such action under this condition.
4. The applicant/owner shall agree in writing to these conditions of approval within 30 days of the Planning Agency's approval.
5. The applicant/owner shall reimburse the City for any outstanding staff time spent on the processing of CPMA No. 9-11-2068 within 60 days of the Planning Agency's approval.
6. The Changed Plan Permit and associated entitlements shall expire and be of no further force or effect if the permit is not implemented within two years from October 25, 2011.
7. Within 48 hours from project approval, the applicant/owner shall submit to the City a check in the amount of \$50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Exemption.
8. This permit represents a change to a previously approved permit, SDPM/MSP-2-11-1881. All Conditions of Approval contained in Resolution No. PA2011-06-14-2, unless specifically replaced or removed by Conditions of Approval in this Resolution, shall remain in full force and effect.

Building

9. The applicant/owner shall secure applicable building permits, as required by Section 105 of the 2010 California Building Code (see work exempt from permits).

10. Any required plans shall be accurately labeled and reflect all work, as required by Section 107 of the 2010 California Building Code (construction documents).
11. The applicant/owner shall comply with all California Energy requirements, as required by the California Energy Commission.
12. All construction shall comply with the 2010 California Building and Electrical Codes in regards to mixed occupancies.

Planning

13. All signage, including any required approvals and permits, shall comply with LPMC Chapter 9-42. Signs shall be maintained to prevent deterioration, disrepair and shall be legible and in good condition.
14. Tenant panels on center identification signs shall not be subdivided to accommodate more than one tenant. Both sides of the double-faced sign shall contain identical tenant panels; each face shall not advertise separate facilities or services.
15. The applicant/owner shall submit to the Community Development Director for final approval two copies of the updated master sign program within thirty (30) days of October 25, 2011, reflecting the new center identification signs as well as the new center name.
16. The ledgerstone installed as a part of this project shall be dry stacked with tight-fitted joints (no visible mortar joints).
17. Center identification signs shall be located at least five feet from the public right of way.
18. Center identification signs shall be located out of the corner sight vision triangle, as required by LPMC 9-40.160.

(Remainder of this page intentionally left blank)

PASSED, APPROVED, AND ADOPTED this 25th day of October, 2011.

L. ALLAN SONGSTAD, JR., CHAIR

ATTEST:

PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. PA2011- adopted by the Planning Agency of the City of Laguna Hills, California, at
a Regular Meeting thereof held on the 25th day of October, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PEGGY J. JOHNS, CITY CLERK

The Attachment referenced in
the Agenda Report:

(2) Existing (Approved) Master Sign
Program and (3) New Center
Identification Sign Plans,

is available for review in the
City Clerk's Department.

CITY OF LAGUNA HILLS

PLANNING AGENCY AGENDA REPORT COMMUNITY DEVELOPMENT DEPARTMENT

ISSUE: SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332 AND 25352 CABOT ROAD IN CABOT TOWN CENTER.

SUMMARY:

Barney Michalchuk of Greenberg Farrow, representing the property owner of Cabot Town Center, Mouldy, LLC. ("Applicant"), is requesting approval of an application that includes a Site Development Permit/Conditional Use Permit/Parking Use Permit/ Master Sign Program in order to permit the following at 25322, 25332 and 25352 Cabot Road:

- Demolition of a vacant 14,000 square foot building at 25332 Cabot Road and construction of a new 8,200 square foot building to be occupied by DaVita Dialysis;
- Renovation of the existing building at 25352 Cabot Road for general retail use;
- Modification of parking lot layout and implementation of landscaping improvements;
- Establishment of a Master Sign Program for both buildings;
- Creation of a joint use parking agreement to ensure adequate parking supply for the proposed dialysis use, future retail use, and neighboring dinner restaurant use (Outback Steakhouse).

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332, AND 25352 CABOT ROAD IN CABOT TOWN CENTER."

Staff has reviewed the Development Code ("Code") requirements as well as General Plan issues, goals, and strategies, and has evaluated the project for potential significant environmental impacts in accordance with the California Environmental Quality Act (CEQA). Staff has determined that the proposed project, subject to conditions of approval, will not result in any significant adverse impacts to the public health, safety and general welfare.

AUTHORITY:

Per §9-92.080.G.1 of the Code, the Community Development Director is authorized to review and approve an application for a Site Development Permit to construct a new building under twenty-thousand (20,000) square feet. This Code section also authorizes the Community Development Director to review and approve Master Sign Programs for "properties containing less than five nonresidential units" and do not request deviations from the Code's sign standards. However, due to the inclusion of a Conditional Use Permit/Parking Use Permit in this project, the Planning Agency is the review body per Table 9-92.030 of the Code.

BACKGROUND:

The project site is a triangular shaped parcel at the southern end of Cabot Town Center. Three (3) buildings are located on the site. The northernmost building is 6,200 square feet in size and occupied by Outback Steakhouse. At the center of the site is a vacant, two-story, 14,000 square foot building, formerly occupied by Wells Fargo. The southernmost building is also vacant, 3,900 square feet in size and formerly occupied by Just Tires.

Neighboring land uses to the north and east include general retail and restaurant uses in Cabot Town Center, the I-5 Freeway, railroad right-of-way, and other general retail uses in the City of Mission Viejo. Neighboring land uses to the south and west include professional and medical offices in the La Paz Office Plaza. Outback Steakhouse is the only active tenant at the project site, and operates as a dinner restaurant. As such, it is only open for business in the late afternoon and into the evening. Access to the site is currently provided by four (4) driveways from Cabot Road at the northern, middle,



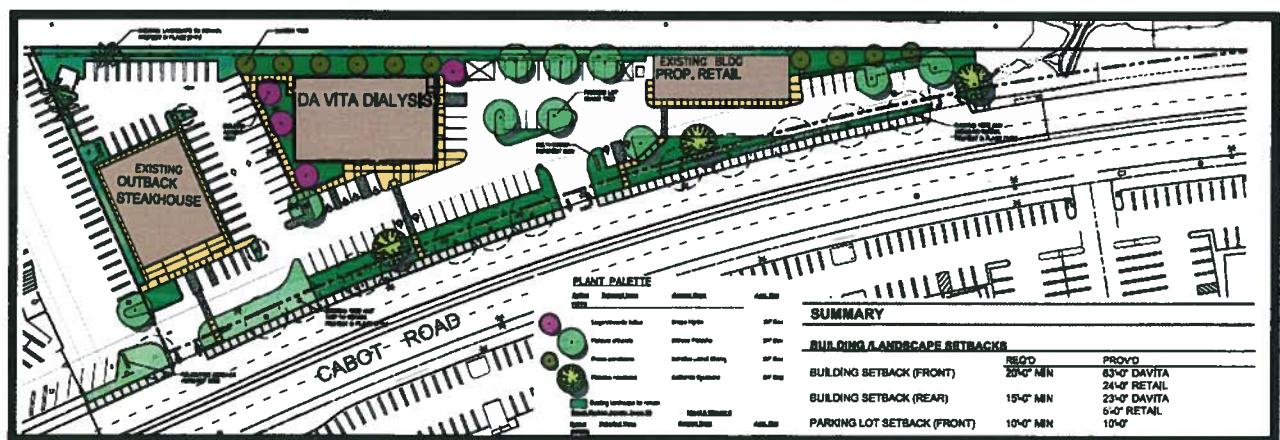
and southern ends of the parcel. Future improvements planned for Cabot Road include roadway widening and construction of a raised and landscaped median island. It is anticipated that these improvements will not be undertaken for at least ten (10) years.

PROJECT DESCRIPTION AND ANALYSIS:

Site Improvements:

The Applicant is proposing to demolish the two-story, 14,000 square foot former Wells Fargo building and to construct a one-story, 8,197 square foot building as shown on the submitted plans (**Attachment No. 5**). This building will be occupied by DaVita Dialysis, a health care facility use. At the south end of the site, the 3,900 square foot former Just Tires building will be renovated for general retail use. No changes are proposed for the existing Outback Steakhouse building. The site configuration will also be modified to accommodate the new DaVita Dialysis building, as well as to provide additional parking and landscaping for the site. The four (4) driveways providing access to the site off Cabot Road are proposed to be consolidated into three (3) driveways with the northern and center driveways aligned with those across Cabot Road at La Paz Office Plaza. This alignment will help facilitate left turn access upon completion of future improvements planned for Cabot Road.

The Applicant has submitted a conceptual landscape plan outlining the landscaping that will be provided for the site. The majority of landscaping will be new, with the exception of areas surrounding the Outback Steakhouse building and the mature trees along Cabot Road. Due to constraints imposed by the shape of the site and the need to maximize provided parking, the parking lot shade canopy percentage is less than what the Code requires (11% provided versus 40% required). However, the new plan improves the existing, non-conforming shade canopy environment and staff is confident that the new landscaping design will be an aesthetic improvement over the existing landscaping. Pursuant to §9-46.040.E of the Code, the Applicant is required to submit a final landscape plan for review and approval by the Planning Department prior to issuance of grading or building permits. **Condition of Approval No. 19** has been added to address this issue.



Portion of Conceptual Landscape Plan
Sheet LC1.0 in Attachment No. 5

In the long term, the planned improvements for Cabot Road include widening the street, which will eliminate the existing sidewalk and landscaping up to the western property line. As a result, nearly all of the existing mature trees along Cabot Road in front of this site will be removed. In order to prevent the property frontage from being completely devoid of landscaping upon completion of this improvement, the Applicant has agreed to plant three (3) twenty-four (24) inch box California Sycamore trees in the landscaping along Cabot Road. **Condition of Approval No. 20** has been added to address this issue. These trees will add to the existing California Sycamore trees for the time being, and will continue to grow after the Cabot Road widening project is completed.

Shared Parking Agreement

To ensure adequate parking supply for the project site given the proposed uses, the theoretical parking demand was compared to the provided parking supply. The number of parking stalls required by the Code for the three (3) proposed land uses is as follows:

Land Use	Code Parking Ratio	Size (SF)	Required Stalls
Restaurant (Greater than 4,000 SF)	40 stalls + 1 stall/50 SF above 4,000 SF	6,200	84
Health Care Facility	1 stall/300 SF	8,196	27
General retail	1 stall/200 SF	3,900	19
Total required parking:			131
Provided parking supply:			111
Net parking on-site:			-20

A strict application of the Code's parking requirements shows a theoretical deficiency of twenty (20) parking stalls for the site. As a result, the Applicant is requesting approval of a Conditional Use Permit/Parking Use Permit to establish a joint use parking agreement, which will allow for shared parking amongst the three (3) land uses on-site. In accordance with §9-44.070 of the Code, the Applicant has consulted with Linscott, Law & Greenspan ("LLG") to prepare a Parking Demand Analysis (**Attachment No. 3**) for this project which combines surveyed parking data with parking demand projections published by the Urban Land Institute to make the case that the provided parking supply is adequate to meet the future parking demand. LLG conducted parking surveys on two (2) weekdays and one (1) weekend day at half-hour intervals to observe the actual parking demand of Outback Steakhouse, which has the greatest theoretical parking demand. As a dinner restaurant, Outback Steakhouse does not open for business until 4:00 p.m. and experiences peak parking demand between 6:00 p.m. and 7:00 p.m. Parking demand steadily drops after 7:00 p.m. until the restaurant closes

DaVita Dialysis
Operational Characteristics

- Hours: 5:30 a.m.-7:30 p.m., Monday-Saturday
- Treatment by appointment only
- 20 treatment beds
- 3-4 hours per treatment
- Majority of patients arrive & depart via medical transport or private transportation not requiring parking

at approximately 10:00 p.m. During the survey period, the overall peak parking demand for Outback Steakhouse occurred on a Friday at 7:00 p.m. with 81 vehicles observed.

The LLG Analysis continues by using hourly parking demand profiles developed by the Urban Land Institute and published in *Shared Parking Second Edition* to project the parking demand for the components of the site which are currently vacant (DaVita Dialysis and the general retail building). Profiles for a medical office use and a retail use were utilized for DaVita Dialysis and the general retail building, respectively, with time-of-day modifications made to reflect the typical hourly parking demand generated by these uses. Parking demand for DaVita Dialysis is expected to be highest from 9:00 a.m. to 5:00 p.m., dropping sharply until closing at 7:30 p.m. Parking demand for the general retail building is expected to be highest from 12:00 p.m. to 7:00 p.m. As shown on Table 7 of the Parking Demand Analysis, the peak parking demand for the site is expected to occur on Fridays at 7:00 p.m. with 95% of spaces occupied. At all other times, the site will have a parking surplus of between 10-30%. Therefore, LLG concludes that there is adequate parking on-site to accommodate all three land uses when shared parking is taken into consideration.

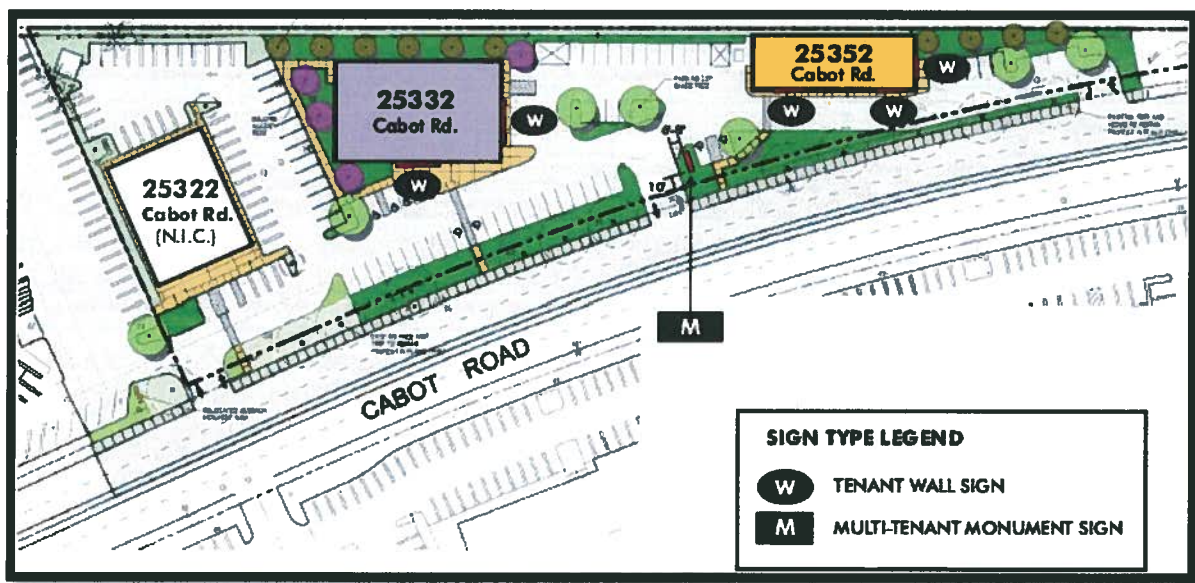
TABLE 7
WEEKDAY (FRIDAY) SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	(1) Existing Outback Steakhouse	(2) Retail	(3) DaVita Dialysis Center	(4)	(5)
Size Plg Rate[2]	6,200 KSF Occupied	3,900 KSF 5.00 /KSF	8,196 KSF 3.33 /KSF	Total Spaces = 47	Comparison w/ Parking Supply 111 Spaces
Gross Spaces	Observed Hourly Parking Demand	20 Spc.	27 Spc.	Shared Parking Demand	Surplus (Deficiency)
Time of Day		Number of Spaces	Number of Spaces		
9:00 AM	5	8	27	40	71
10:00 AM	5	12	27	44	67
11:00 AM	5	15	27	47	64
12:00 PM	5	18	27	50	61
1:00 PM	5	18	27	50	61
2:00 PM	10	18	27	55	56
3:00 PM	20	17	27	64	47
4:00 PM	21	17	27	65	46
5:00 PM	41	17	27	85	26
6:00 PM	68	17	16	101	10
7:00 PM	81	17	8	106	5
8:00 PM	63	15	3	81	30
9:00 PM	26	10	0	36	75

Weekday (Friday) Shared Parking Demand Analysis
Table 7, Attachment No. 3

Master Sign Program

The Applicant is proposing to establish a new Master Sign Program ("MSP") (**Attachment No. 4**) to set signage standards for the DaVita Dialysis building and the renovated retail building. Two (2) wall signs are proposed for the DaVita Dialysis building—one (1) for the west elevation and one (1) for the south elevation. A total of three (3) wall signs are proposed for the retail building—two (2) for the west elevation and one (1) for the south elevation. A monument sign is proposed for the site's center driveway, with space for the names of three (3) tenants (in anticipation of the retail building being divided into two (2) tenant spaces). All proposed sign criteria (area, letter height, type, illumination, etc.) are in accordance with the Code's standards. Outback Steakhouse is not included in the proposed MSP due to its corporate image largely dictating its sign design. Should Outback Steakhouse vacate the premises in the future, it is anticipated that this MSP will have to be amended to include the new tenant who occupies the building. **Condition of Approval No. 25** has been added to address this issue.



Sign Types and Locations
Page 5, Attachment No. 4

CONCLUSION:

Staff believes that the proposed site improvements will help revitalize this portion of Cabot Town Center which has been largely vacant for some time. It has been shown that the combination of a dinner restaurant use, a health care facility use, and a retail use can co-exist at this site based upon the parking demand analysis provided by LLG. Additionally, the proposed Master Sign Program will ensure unified and compatible signage for the DaVita Dialysis building and the general retail building in accordance with the Code's sign criteria. A number of Conditions of Approval have been added to

address parking, landscaping, and signage issues. Therefore, staff believes that approval of Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 is warranted.

PUBLIC COMMENT:

A total of twenty-four (24) public hearing notices were mailed to surrounding property owners and business owners within a three-hundred (300) foot radius of the subject site. To date, staff has not received public comments.

CEQA FINDINGS:

Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this project is categorically exempt from CEQA, pursuant to Guideline Section No. 15302 (Class 2, Replacement or Reconstruction) and Guideline Section No. 15303 (Class 3, New Construction or Conversion of Small Structures).

RECOMMENDATION: THAT THE PLANNING AGENCY: (1) CONDUCT A PUBLIC HEARING; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332, AND 25352 CABOT ROAD IN CABOT TOWN CENTER."

ATTACHMENTS:

1. Resolution of approval.
2. Letters of justification (2) submitted by the Applicant.
3. Parking Demand Analysis by Linscott, Law & Greenspan.
4. Proposed Master Sign Program.
5. Proposed plans and elevations.

RESOLUTION NO. PA2011-10-25-

A RESOLUTION OF THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT/PARKING USE PERMIT/MASTER SIGN PROGRAM NO. 07-11-2030, A REQUEST BY MOULDY, LLC., TO MAKE SITE AND BUILDING IMPROVEMENTS, INCLUDING A NEW MASTER SIGN PROGRAM AND JOINT USE OF PARKING FACILITIES, FOR THE BUILDINGS AT 25322, 25332 AND 25352 CABOT ROAD IN CABOT TOWN CENTER.

The Planning Agency of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, an application for Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 has been received from Barney Michalchuk of Greenberg Farrow on behalf of Mouldy, LLC. ("Applicant") to permit certain site and building improvements including a sign program, and to create joint use of parking facilities for the buildings and properties at 25332 and 25352 Cabot Road; and

WHEREAS, Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 is hereby found to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) based upon Class 2 and Class 3 exemptions (CEQA Guidelines Sections 15302 and 15303; and

WHEREAS, the Planning Agency has considered evidence presented by the Community Development Department, the Applicant, and other interested parties with respect to the subject application at a public hearing held on October 25, 2011.

NOW, THEREFORE, THE PLANNING AGENCY OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That the required findings by the City for approval of Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 have been met and made as follows:

Site Development Permit

1. The site design complies with standards of the Development Code in that:

The proposed site improvements relating to the proposed DaVita Dialysis building, renovated general retail building, and signage complies with Development Code standards. Deviations from the Code in regards to landscaping and parking have been justified due to site constraints and the provided shared parking analysis.

2. The site is suitable for the proposed development in that:

The proposed improvements will result in improved pedestrian and traffic flow throughout the site, an improved landscaping design, and adequate parking for the proposed dinner restaurant use, health care facility use, and general retail use. Therefore, this site is considered suitable for the proposed development.

3. The project is consistent with the General Plan and applicable design guidelines in that:

The General Plan designation for this site is Freeway Commercial (FC), which encourages medium-intensity uses that serve the needs of the motoring public in the local community and regional area. A health care facility, restaurant, and retail use are ideal for this location due to their close proximity to the I-5 Freeway and serve the motoring public. Therefore, this project is consistent with the General Plan and applicable design guidelines.

4. The site design and structural components are appropriate for the site and function of the proposed uses in that:

The existing site, with the exception of Outback Steakhouse, has been vacant and struggling for some time. The new site layout and landscaping will be an improvement and will place this site in prime position to attract new, long-term tenants. Therefore, the site design and structural components are appropriate for the site and function of the proposed uses.

Conditional Use Permit

5. The proposed use is consistent with the General Plan in that:

The use subject to the conditional use permit requirement is for joint use of parking facilities between three (3) adjacent land uses on one (1) parcel at Cabot Town Center. As previously mentioned, these land uses are ideal for the Freeway Commercial General Plan designation and adequate parking is provided when shared parking is taken into consideration.

6. The nature, condition, and development of adjacent uses, buildings, and structures have been considered and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that:

Reciprocal ingress/egress has already been established between the three uses proposed for shared parking. Additionally, pedestrian and vehicular access is proposed to be established between the subject parcel and the greater Cabot Town Center area. The operational characteristics of all three uses at the site and how they relate to each other has been examined in detail in order to justify shared parking for the site. Based upon this analysis, it can be concluded that the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures.

7. The proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity in that:

With the exception of Outback Steakhouse, two out of three buildings at the subject site are vacant. Outback Steakhouse will have sufficient parking during implementation of the site improvements due to its location at the northern end of the parcel. Upon completion of the proposed improvements, Outback Steakhouse, DaVita Dialysis, and the future retail use will have sufficient parking to accommodate each other based upon the shared parking model provided by Linscott, Law, and Greenspan.

8. All required development standards prescribed by the Laguna Hills Development Code can be achieved in that:

All improvements to the parking lot areas will be made in accordance with the Development Code's standards. The proposed shared use parking agreement has been drafted in accordance with the Development Code's requirements outlined in §9-44.070.

9. The conditions and limitations placed upon the use are necessary to insure compatibility with adjacent or abutting uses and the preservation of the public health, safety, and welfare in that:

Conditions have been included specifically to address compatibility of the three proposed uses for the site. Since the parking demand analysis was developed with dinner restaurant, health care facility, and retail uses in mind, any future deviation from these uses will require an updated study to examine parking demand. Other

conditions have been added to protect public health, safety and welfare.

Parking Use Permit

10. The proposed joint Parking Use Permit is consistent with the intent and purpose of the Development Code in that:

The proposal provides for the continuation of multiple uses on the subject parcel maintaining joint use of their parking facilities where the peak demand can be accommodated within the supply, and still result in an anticipated surplus.

11. The joint Parking Use Permit provides a reasonable and enforceable means for all uses to share parking facilities in that:

The parties are required to enter into and record a reciprocal agreement to ensure that the number of parking stalls provided remain available and support the three proposed land uses for the site—dinner restaurant, health care facility, and general retail. Such agreement is reasonable and includes enforcement provisions for both parties.

12. The requirement for parking established by the joint Parking Use Permit shall assure that parking demands for the participating uses are continually met in that:

The calculation of parking required includes a very conservative contingency factor that still results in an anticipated surplus number of parking stalls at the observed peak demand time periods.

Master Sign Program

13. The design and application of the sign criteria required by the Development Code are satisfied by the proposed sign program in that:

All sign locations, sizes and number of signs conform to the limitations as stated in the Development Code. No deviations from the Code are requested.

14. The sign program provides a compatible and harmonious design between advertising, landscaping and building design in that:

The sign program includes wall signs and space on a monument sign for each tenant. The enforcement of this sign program's standards across both tenants (DaVita Dialysis and future retail

tenants) will provide for a compatible and harmonious design between advertising, landscaping, and building design.

NOW, THEREFORE, based upon the above findings, the Planning Agency of the City of Laguna Hills does hereby approve Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 subject to the following conditions:

General

1. This approval constitutes approval of the proposed project only to the extent that it complies with the City's Development Code and any other applicable zoning regulations. Approval does not include any action or findings as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
2. Failure to abide by and faithfully comply with any and all conditions of approval contained herein shall constitute grounds for revocation of said permit by the Laguna Hills Planning Agency.
3. As a condition of issuance of this approval, the Applicant hereby agrees, at its sole cost and expense and to the fullest extent permitted by law, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third party against the City, its officers, employees, agents, and consultants, which seeks to attack, challenge, set aside, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action. The City may, but is not obligated to, at its sole cost and expense, elect to participate in the defense of any such action under this condition.
4. The Applicant shall agree in writing to these conditions of approval within 30 days of the Planning Agency's action.
5. The Applicant shall reimburse the City for any outstanding staff time spent on the processing of Site Development Permit/Conditional Use Permit/Parking Use Permit/Master Sign Program No. 07-11-2030 within 60 days of Planning Agency action.
6. The approval of these entitlements shall expire and be of no further force or effect if the permit is not implemented within two years from October 25, 2011.

7. Within 48 hours from project approval, the Applicant shall submit to the City a check in the amount of \$50.00, made payable to the Orange County Clerk-Recorder, for filing the Notice of Exemption.

Building

8. The Applicant shall secure applicable building permits, as required by Section 105 of the 2010 California Building Code. See also work exempt from permits.
9. Plans shall be accurately labeled and reflect all work, as required by Section 107 of the 2010 California Building Code (construction documents).
10. The Applicant shall secure any required approvals from Orange County Fire Authority (OCFA), Engineering, El Toro Water District, and the Planning Department prior to issuance of a building permit.
11. The Applicant shall submit Construction and Demolition Waste Recycling Program paperwork if applicable, as required by the City of Laguna Hills Ordinance No. 2003-9 and to comply with mandates of the California Integrated Waste Management Board (CIWMB).
12. The Applicant shall comply with all general construction Water Quality Ordinances, as required by the City of Laguna Hills Ordinance No. 2003-12.
13. The Applicant shall comply with California Disabled Accessibility requirements as required by Chapter 11 of the California Building Code.
14. The Applicant shall comply with all California Energy requirements as required by the California Energy Commission.
15. All construction shall comply with the 2010 California Building, Plumbing, Mechanical, Electrical, and Green Building Codes in regard to applicable occupancy types, including mixed occupancies.
16. The Applicant shall comply with the City of Laguna Hills Water Efficient Landscape Ordinance, Ordinance No. 2009-9.

OCFA

17. Prior to issuance of a building permit, the Applicant shall submit the following plans to OCFA for review: fire master plan (service code PR145); underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475); and fire sprinkler system (service codes PR400-PR465).

18. Prior to concealing interior construction, the Applicant shall submit the following plans to OCFA for review: sprinkler monitoring system (service code PR500); and fire alarm system (service code PR500-PR520) if modified, provided voluntarily, or required by code.

Planning

19. The Applicant shall submit a final landscape plan for review and approval by the Planning Department prior to issuance of grading or building permits.
20. The Applicant shall include at least three (3) twenty-four (24) inch box California Sycamore trees (or other species to the satisfaction of the Community Development Director) in the final landscape plan. These trees shall be located on the subject property in the landscaped area along Cabot Road.
21. The Applicant shall provide to the City for review and approval a covenant agreement (i.e., reciprocal access and parking agreement) for the purpose of establishing joint use of parking facilities between Outback Steakhouse, DaVita Dialysis, and the future retail tenant. This covenant agreement, upon review and approval by the City Attorney, shall be recorded establishing and maintaining in perpetuity the approved joint parking program.
22. The Applicant shall be required to satisfy all other applicable requirements in §9-44.070 in the Code regarding joint use of parking facilities.
23. All future tenants shall apply for and obtain a Certificate of Use and Occupancy prior to occupying any on-site facilities.
24. If at any time in the future the Community Development Director determines, in his or her sole discretion, that a parking and circulation study is necessary to address parking and/or circulation issues relative to any change in any use or any portion of any use (i.e., change in tenant mix) on the subject property, the Applicant shall, at its sole cost and expense, be responsible for the cost of a parking and circulation study prepared by a licensed consultant selected by the City. The Applicant shall, at its sole cost and expense, be responsible for implementation costs of any reasonable parking and circulation mitigation measures deemed appropriate by the Community Development Director related to such impacts based on the findings of such study.
25. Should Outback Steakhouse vacate this site, the Applicant shall amend the approved Master Sign Program to include the subject building prior to issuance of a Certificate of Use and Occupancy for a new tenant.

26. Tenant vehicles with advertising signage (i.e., trucks, vans, trailers, etc.) shall not park within fifty (50) feet of the Cabot Road right-of-way.

Public Services

27. The most southerly driveway access to Cabot Road shall be designated as a right turn in / right turn out only driveway as shown on site plan SP 5.
28. The two existing driveway access points to Cabot Road located approximately in the center of the project frontage shall be abandoned and reconstructed with curb and gutter and sidewalk to City Standards as shown on site plan SP 5.
29. The two most northerly driveway access points to Cabot Road shall be consolidated into one driveway with the abandoned driveway locations to be reconstructed with curb and gutter and sidewalk to City Standards as shown on site plan SP 5. Note that the Applicant should verify that truck delivery access to the Howard's store will not be unreasonable impeded by the location of this specific driveway. A wider than 24' drive aisle from "Outback to Howards" may be needed.
30. A maximum of three driveway access points to Cabot Road shall be provided. All driveways shall be constructed / reconstructed to City Standards and to provide ADA accessibility for pedestrians that are using the Cabot Road sidewalk or accessing the site.
31. The construction of any ADA accessibility ramps in the public right of way, if any, shall utilize blue truncated dome panels matching City Standards.
32. The site plan shall consider the future widening of Cabot Road within the existing public right of way as relates to set backs and landscape standards.
33. All trash enclosures shall be constructed to City Standards to include a drain connected to the sanitary sewer and a roof structure.
34. Neither the relocated "Outback" sign nor the proposed "Multi-tenant" sign shall be placed in the existing or future public right of way of Cabot Road. Applicant shall submit an analysis to demonstrate that neither sign placement will impede vehicular site distance.
35. The Applicant shall acknowledge that the City will construct a raised median island in Cabot Road in the future and access to left turn pockets at any particular driveway is not guaranteed. The City acknowledges the efforts of the project site design to align

driveways on the east side of Cabot Road with driveways on the west side of Cabot Road which will increase the likelihood of left turn access openings in the future Cabot Road median island.

36. The project site shall comply with Low Impact Development Standards, Hydromodification requirements for stormwater runoff restrictions and other storm water quality regulations as required under the San Diego Regional Water Quality Control Board Order No. R9-2009-0002, NPDES NO. CAS0108740, and supplements thereto as implemented by the City of Laguna Hills. The Applicant is advised to review these requirements as they may increase the landscape areas required, require additional water quality features and require site plan modifications. Prior to issuance of any grading or building permits, the Applicant shall submit for approval by the Community Development Department and Public Services Department a water quality management plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on-site to control predictable pollutant run-off. This WQMP must also:
 - a) Address site design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, conserving natural areas, preserve trees, and retaining existing site hydrology to the maximum extent practicable;
 - b) Include a design goal to maintain or replicate the pre-development hydrologic functions through site preservation, infiltration, retention, detention, evapotranspiration, and filtration treatment systems.
 - c) Incorporate applicable routine source control BMPs as defined in the DAMP and provide a detailed description of their implementation;
 - d) Incorporate applicable treatment control BMPs as defined in the DAMP to the approval of the City Engineer;
 - e) Implement Low Impact Development (LID) BMPs to reduce runoff to the maximum extent practicable.
 - f) Include an Operation and Maintenance (O&M) plan that identifies the mechanism(s) by which long-term O&M of all post construction BMPs will be provided and funded.
37. Prior to issuance of grading permits, the Applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Control Board. Evidence that the NOI has been obtained shall be submitted to the Public Services Department.

38. The Applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request. In addition, the Applicant shall include notes on the grading plans indicating that the project will be implemented in compliance with the Statewide Permit for General Construction Activities.
39. The Applicant shall submit a final grading plan and erosion control plan to the City Engineer with hydrology calculations, both prepared by a registered civil engineer. The grading plan shall show street, sewer, water, storm drain facility, and all proposed grading. The plans shall show the extent of topography of the grading plan and shall be sufficient to determine drainage impacts to the surrounding area. All grading shall be designed and constructed in accordance with the City's Grading and Excavation Code. The final grading plan shall be approved by the City Engineer prior to the issuance of a building permit. No drainage shall be allowed onto driveways or sidewalks and shall be conveyed to the street via a storm drain pipeline or culvert, as applicable.
40. The Applicant shall submit a preliminary soils/geotechnical report of site conditions to include an evaluation of seismic hazard mapping zones.
41. Prior to the grading permit close out or the issuance of a certificate of use and occupancy, the Applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the City Engineer, including:
 - a) Demonstrates that all structural BMPs described in the Project WQMP have been implemented, constructed, and installed in conformance with approved plans and specifications;
 - b) Demonstrates that the Applicant has complied with and/or is prepared to implement all non-structural BMPs described in the Project WQMP;
 - c) Demonstrates that an adequate number of copies of the project's approved Project WQMP are available for the future occupants;
 - d) Demonstrates that the Applicant has agreed to and recorded CC&R's, an agreement, or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to operate and maintain in perpetuity the post-construction BMPs described in the Project WQMP.
 - e) The Community Development Department and Public Services Department shall determine whether any proposed change in use requires an amendment to an approved Project WQMP and/or recorded document or agreement.

42. The Applicant shall install “Smart” landscape irrigation controllers, low precipitation-rate sprinkler heads, and water efficient landscaping throughout the property and submit the plans for review and approval prior to the issuance of any Building Permits in conformance with Municipal Code Chapter 9-47.
43. The Applicant shall not grant any easements or license over any portion of the property subject to a requirement of dedication, irrevocable offer of dedication, or reservation to the City unless such easements or licenses are expressly made subordinate to easements to be offered for dedication to the City. Prior to granting such an easement, the Applicant shall submit a copy of the proposed easement, or license, to the City Engineer for approval.
44. Prior to issuance of grading or public property encroachment permits, the Applicant shall pay all City fees to the satisfaction of the City Engineer.
45. Project improvement plans and related documents shall be reviewed and approved by the City Engineer; said plans shall be prepared by a California registered civil engineer and shall conform to City standards.
46. No work shall be performed within the public right-of-way, by the Applicant or his or her agents until a public property encroachment permit is issued by the City Engineer.
47. The Applicant shall provide an Americans with Disabilities Act (ADA) site review of existing pathways, sidewalks and access ramps for both on-site access and adjacent to the site access along the accessible pathways. The accessible pathway shall not include a path within any drive aisle, except as necessary to cross a drive aisle at 90° to the drive aisle. The report shall be prepared by a professional whose expertise lies in the field and shall include an implementation plan to correct all deficiencies noted.
48. Construction traffic shall not access or depart the site during morning or evening peak periods, which are 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday. The Applicant shall provide a construction vehicle routing and hauling plan for approval by the City Engineer prior to any demolition or construction work.
49. It shall be the Applicant’s responsibility to protect-in-place existing public improvements. Public improvements that are damaged as a result of the proposed construction shall be the responsibility of the Applicant and/or contractor of record to repair or replace to the satisfaction of the City Engineer.

50. All parking lots and drive aisles shall be constructed of asphalt concrete over crushed aggregate base over subgrade, or equal, and compacted to a relative compaction of 95% or equivalent. The structural pavement thickness shall be no less than 4" AC over 4" AB, or more, and as required by the project soils engineer and approved by the City Engineer.
51. The Applicant shall annotate all site plans, grading plans and improvement plans to reflect the existing "drainage purposes easements" as reflected in Official Records of Orange County in documents Book 10175 pages 621 to 626, inclusive and Book 10175 pages 627 through 632 inclusive.
52. The Applicant shall submit at its sole cost and expense a parking lot lighting illumination plan for City review and approval prior to issuance of any Building Permits.

(The remainder of this page intentionally left blank)

PASSED, APPROVED, AND ADOPTED this 25th day of October 2011.

L. ALLAN SONGSTAD JR., CHAIR

ATTEST:

PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. PA2011-10-25- adopted by the Planning Agency of the City of Laguna Hills,
California, at a Regular Meeting thereof held on the 25th day of October, 2011, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PEGGY J. JOHNS, CITY CLERK

25332 & 25352

Cabot Road

FINDINGS FOR A MINOR SITE DEVELOPMENT PERMIT / PROJECT JUSTIFICATION STATEMENT

Cabot Town Center
Laguna Hills, CA

Date
09/23/11

Prepared by
GreenbergFarrow
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GF Project Number
20110023.0

**MINOR SITE DEVELOPMENT PERMIT
25332 & 25352 CABOT ROAD - CABOT TOWN CENTER
FINDINGS & JUSTIFICATION STATEMENT**

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A. SUMMARY OF PROPOSAL

The applicant, Mouldy LLC, is requesting approval of a Minor Site Development Permit for the demolition of an existing building located at 25332 Cabot Road; the establishment of a new building to be occupied by DaVita Dialysis; and the renovation of an existing building located at 25352 Cabot Road for general retail use.

B. SITE INFORMATION

Address:	25332 & 25352 Cabot Road
APN:	620-031-22 and 620-031-25
Net Site Area:	+/- 98,222 SF (+/-2.255 Acres)
Zoning Designation:	Freeway Commercial (FC)
Land Use Designation:	Freeway Commercial (FC)
Opportunity Area:	La Paz Gateway

C. SITE DESCRIPTION

1. Surrounding Land Use

The subject site is located in the southerly portion of Cabot Town Center, a shopping center that is located at 25172 through 25352 Cabot Road in the City of Laguna Hills, California. The shopping center consists of single-story in-line shops and freestanding buildings with varying setbacks from Cabot Road and the railroad right-of-way that is located along the eastern boundary of the Cabot Town Center.

Two-story, multi-tenant, office buildings are located across from the shopping center along Cabot Road. The office buildings have a uniform setback of +/- 70 feet from Cabot Road.

2. Existing Conditions

The site is triangular in shape and generally flat with a slope of approximately 1% in a northerly-southerly direction. A +/- 6,200 square foot building that is occupied by Outback Steakhouse is located at the northernmost portion of the site. A vacant +/- 14,000 square foot two-story building that was formerly occupied by Wells Fargo is located in the central portion of the site. A vacant +/- 3,900 square foot building that was formerly occupied by Just Tires is located at the southernmost portion of the site.

Access to the site from Cabot Road is provided by four (4) driveways. The southernmost driveway is located in proximity to the former Just Tires building. The northernmost driveway is located across from Outback Steakhouse.

There is no vehicular access between the site and the developed portion of Cabot Town Center to the north of the site.

A retaining wall that is approximately eight (8) feet high is located along the site's eastern boundary. The retaining wall separates the site from the adjacent railroad right-of-way.

3. Proposed Conditions

The +/- 14,000 square foot two-story building will be demolished and replaced with a +/- 8,197 square foot single-story building that will be occupied by DaVita Dialysis. The +/- 3,900 square foot building will be renovated for retail use(s).

Access drives along Cabot Road will be consolidated. The southernmost driveway, which is located in proximity to the former Just Tires building, will remain in-place. The northernmost driveway and two (2) intervening driveways will be consolidated to provide two (2) new driveways which are aligned with existing driveways located across Cabot Road.

Vehicular access between the site and the developed portion of Cabot Town Center to the north of the site will be provided.

A driveway that provides access to Cabot Town Center, but not the subject site, will be closed off to facilitate vehicular access.

Five (5) additional parking spaces will be provided in Cabot Town Center as a result.

The retaining wall that separates the site from the railroad right-of-way will remain in-place.

D. APPLICABLE APPROVAL CRITERIA

FINDINGS FOR A SITE DEVELOPMENT PERMIT SHALL ADDRESS THE FOLLOWING:

- 1. *That the site design complies with the standards of the Laguna Hills Development Code;***

Chapter 9-26 FC FREEWAY COMMERCIAL DISTRICT

9-26.010 Purpose and intent.

The purpose and intent of the freeway commercial district is to provide for the development and maintenance of medium intensity commercial uses that serve the needs of the motoring public.

"Commercial use" means any activity involving the sale of goods or services carried out for profit. [9.04.030]

The general retail and medical clinic/office uses proposed are commercial uses involving the sale of goods or services carried out for profit. As such, the uses are consistent with the purpose and intent of the freeway commercial district.

"Medium intensity commercial uses" are not defined in the City of Laguna Hills General Plan or Zoning Code. The General Plan notes that typical uses in the Freeway Commercial district include those allowed under the Community Commercial designation.

General retail and medical clinic/office uses are allowed in the Community Commercial District. As such, the uses are typical of the medium intensity commercial uses envisioned for the freeway commercial district and consistent with the district's purpose and intent.

"Motoring public" is not defined in the City of Laguna Hills General Plan or Zoning Code.

"Motoring public" is understood to mean people who drive to the freeway commercial district to patronize establishments located there.

The general retail and medical clinic/office uses proposed are medium-intensity commercial uses that serve the needs of people who drive to the freeway commercial district to patronize establishments located there. As such, the uses are consistent with the district's purpose and intent.

9-26.020 Permitted uses.

Table 9-26.020 identifies permitted uses and accessory uses within the district. Uses in the table are permitted subject to the permit criteria referenced. Any use not included shall be considered prohibited.

Office/business/medical/headquarters/professional uses in the FC Freeway Commercial District are permitted subject to the approval of a Site Development Permit
Retail/service business uses are permitted within the FC Freeway Commercial District.

9-26.030 Applicable areas.

The regulations and standards contained in this section shall apply to all properties designated as freeway commercial on the city zoning map.

9-26.040 Development standards.

The standards in Table 9-26.040 shall apply to developments within the freeway commercial district.

Maximum density 0.40 FAR

A FAR of 0.186 is proposed, which is less than the 0.40 maximum density that is permitted within the Freeway Commercial (FC) district.

Maximum building height 50 feet

A DaVita building height of thirty (30) feet is proposed.
The façade improvements proposed for the former Just Tires building will result in a building height of 19'-6".

Minimum parking lot setback-front 10 feet

A parking lot setback of ten (10) feet is proposed along Cabot Road.

Minimum building setback-front 20 feet

A DaVita front building setback of 62.4 feet, in excess of the minimum twenty (20) feet that is required, is proposed.
The former Just Tires building is set back 23.9 feet from Cabot Road.

Minimum building setback-side (interior) 10 feet

Interior side setbacks in excess of the minimum 10 feet required are proposed.

Minimum building setback-street side 15 feet (parking lot 10 feet)

A DaVita front building setback of 62.4 feet, in excess of the minimum 15 foot street side setback, is proposed.

The former Just Tires building is setback 23.9 feet from Cabot Road.

Minimum building setback-rear 15 feet

A DaVita rear building setback of 22.5 feet is proposed.

The former Just Tires building is located 5.5 feet from the eastern property line.

Minimum landscape coverage 15%

Landscape coverage of +/- 19.73%, in excess of the minimum 15% landscape coverage is proposed.

Minimum building separation: (main to main) 10 feet

Building separation in excess of the minimum 10 feet that is required is proposed.

Chapter 9-40 DESIGN REGULATIONS AND STANDARDS

9-40.010 Purpose and intent.

The purpose and intent of this chapter is to provide general design guidelines and development standards to assist applicants in designing projects for consideration by the city. Chapter 9-92 of this title addresses the content of application submittals.

9-40.020 Applicability.

The design guidelines and standards in this chapter are meant to be general in nature and apply to all zoning districts. However, some standards may be more applicable to one type of land use than another. Where the latter is true, every effort is made to note that land use relationship.

9-40.030 Height determination (structures).

A structure's height shall not exceed the standard for the land use district in which it is located.

For residential structures, building height is measured from existing grade, or finished pad elevation, to the highest portion of the roof as specified in the definition for building height.

Structures with heights in excess of the standards for the freeway commercial district in which the subject site is located are not proposed.

For non-residential structures, building height is defined as the vertical distance, measured from the finished grade of the building, to that point above the existing grade, finished grade, finished pad elevation (excluding subterranean parking structure finished pad elevation), or ceiling of uppermost level of subterranean parking structure to the top of the roof.

Exemptions to height limitations of buildings shall be permitted by the Director as follows:

- A. Screened mechanical or electrical towers, chimneys, cupolas, weather vanes or other decorative architectural elements that are not used for occupation, occupying no greater than five percent of the horizontal roof area, may extend above the maximum building height up to a maximum of ten percent of the maximum permitted building height.**
- B. Accessways such as stairwells or elevators to roof tops occupying no greater than ten percent of the horizontal roof area, may extend above the maximum building height up to a maximum of five feet.**

The applicant shall obtain approval of a site development permit or variance, as appropriate, if the proposed extension creates conditions beyond the limits prescribed here.

Exemptions to height limitations of buildings are not required.

9-40.050 Design considerations.

The following guidelines and standards are in addition to the specific standards contained in the individual land use districts:

- A. The following guidelines shall be met:**
 - 1. The design shall avoid excessive variety and repetitious use of façade elements, and shall avoid plainness caused by lack of articulation.**

The proposed DaVita building is articulated on all four-sides.

The façade improvements proposed for the former Just Tires building replicate the articulated façade of the DaVita building on three-sides of the building. The rear wall of the former Just Tires building is contiguous with the retaining wall. As such, no façade improvements are proposed at this location.
 - 2. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.**

Signage proposed is in accordance with Signs and Advertising Devices outlined in Laguna Hills Municipal Code, 9-42.

Landscaping proposed is in accordance with Landscaping Standards and Guidelines outlined in Laguna Hills Municipal Code, 9-46.
 - 3. Any new building or structure, any addition to an existing building or structure, and the installation or construction of any site improvements shall be designed to create a unified, functional and comprehensive site plan with an integrated architectural theme that is compatible with and will compliment and enhance the subject and surrounding properties.**

The DaVita building has been located fifteen (15) from the existing retaining wall that runs along the site's eastern boundary to prevent a surcharge from the building's foundation onto the retaining wall and its foundation. Alignment of the DaVita building with the former Just Tires building which has a zero (0) foot rear setback is not possible to due to this site constraint.

A unified architectural theme is achieved through the use of architectural details, colors and materials that are specified for both the new building and façade improvements proposed for the existing building,

Two (2) new trash enclosures are proposed for the subject development of the site. Materials and colors specified for the trash enclosures complement the building improvements.

4. ***With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.***

The height and scale of the development proposed together with the materials and colors on the buildings provide for a harmonious and compatible transition to uses in the Office Professional (OP) zoning designation across Cabot Road.

B. The following standards shall be met:

1. ***Parking structures shall be architecturally compatible with the primary building and surrounding structures.***

Parking structures are not proposed.

2. ***Lighting shall be stationary and directed away from all adjacent properties, public streets, and rights-of way.***

Stationary lighting that is directed away from all adjacent properties, public streets and rights-of-way will be provided.

3. ***Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened by a solid material from public view. Open fencing, including but not limited to chain link and wrought iron, shall not constitute architectural screening.***

The use of open fencing to screen mechanical equipment, storage, trash areas and utilities is not proposed.

Solid materials are proposed for the two (2) new trash enclosures that will be provided in conjunction with the proposed development of the site.

4. ***With the exception of outdoor uses as permitted by Chapter 9-74 of this title and vehicular sales, all commercial and industrial business activity shall occur within an enclosed structure.***

Outdoor uses are not proposed. All proposed commercial and business activity will occur within enclosed structures.

5. *Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.*

Nearly vertical roofs/mansard roofs are not proposed.

9-40.060 Exterior buildings/structures walls.

The following standards shall apply to all exterior building/structure wall construction:

Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project.

Two (2) primary finish materials are proposed: A painted smooth plaster finish and a reflective concrete masonry unit accent material.

Unity in the project is achieved through the incorporation of the DaVita building material and color scheme into the façade improvements proposed for the former Just Tires building.

The following materials are deemed unacceptable in any development and therefore shall be prohibited:

- A. *Non-anodized and unpainted aluminum finished window frames;*
- B. *Metal grill and facades. However, grills and facades of unique design and in keeping with the general décor of the development and neighborhood may be permitted subject to prior approval by the Director;*
- C. *Aluminum or other metal panels are not permitted on the street elevation unless it can be demonstrated that they are consistent with a structure's overall design character.*

Non-anodized and unpainted aluminum finished window frames are not proposed.

Metal grills and facades are not proposed.

A perforated metal panel that is approximately 1'-0" wide is provided at the top of the trash enclosures for ventilation purposes. The trash enclosures are located at the rear of the property and not substantially visible from the street.

9-40.070 *Trash enclosures required.*

Every parcel with a multi-family, commercial, or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a wall six feet in height and on the fourth side by a solid gate not less than five feet in height, in compliance with adopted design standards. The gate should be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Trash receptacles for single-family home should be stored within and enclosed garage or behind a solid fence or screen.

A 24' wide x 15' deep x 6' tall roofed trash enclosure with solid gates is proposed for the DaVita building.

A 13' wide x 15' deep x 6' tall roofed trash enclosure with solid gates is proposed for the former Just Tires building.

Both trash enclosures are constructed of a split-face cmu that complements the E.Dillon "Reflective Carnival" accent material used on the DaVita and former Just Tires building.

9-40.080 *General plan design standards.*

Projects shall be considered for their compliance with the general guidelines and standards for architectural and site planning contained in the general plan. Project plans shall demonstrate compliance with the intent of those guidelines and standards whether the plan is a new or a revision to the existing plan.

9-40.090 *Screening.*

Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

All roof-mounted equipment, except for solar panels meeting standards of the Uniform Building Code, including but not limited to air conditioning units, lighting fixtures, and mechanical equipment, shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets, and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure.

Façade improvements proposed for the former Just Tires building include the provision of a parapet that will screen existing roof-top equipment from on-site parking areas and adjacent public streets.

A parapet on the DaVita building will screen roof-top mechanical equipment from on-site parking areas and adjacent public streets.

The parapets on both buildings are integrated into the architectural design of the structures.

9-40.100 *Fences, walls, and hedges.*

Perimeter tract or commercial/industrial development walls which are adjacent to a public street shall have articulated planes by providing, at a minimum for

every one hundred (100) feet of continuous wall, an eighteen (18) inch deep by eight foot long landscaped recession.

Walls adjacent to public streets are not proposed.

The use of barbed wire, electrified fence, or razor wire in conjunction with any fence, wall, hedge, or by itself, within any land use district, is prohibited unless required by any law or regulation of the city, the state of California, federal government, or agency thereof.

The use of barbed wire, electrified fence, or razor wire is not proposed.

Six-foot high chain link fencing is permitted at all property lines for vacant commercial and/or industrial lots or buildings. The chain link fence shall be removed from the front yard and any other location adjacent to a public street by the owner/applicant at the time of development or occupancy. For developed property, chain link fencing shall not be permitted within any front yard area or along any property line visible from, or adjacent to, a public right-of-way.

Chain link fencing is not proposed.

Except as provided herein, the maximum height of all fences, walls, and hedges for all locations except the required front yard is six feet from top to finished grade, for the face of the wall facing an adjacent property, and eight feet from top to finished grade, for the face of the wall facing the subject property as shown below. The maximum height of individual retaining walls shall not exceed eight feet, and shall be subject to the provisions of Chapter 9-50 of this title.

New fences, walls and hedges are not proposed.

9-40.110 Identification of front lot lines.

The following requirements shall be observed in identifying the front lot line.

When a through lot exists between two developed lots which both abut the same street, the front lot line shall be on the same street as the existing developed lots on either side.

The subject site is not a through lot.

9-40.120 Adjustments for front yard setbacks.

The depth of the required yard setback may be adjusted under the following conditions.

- A. Both frontages of a through lot shall have a setback of twenty (20) feet.***
- B. The depth of the required front yard of a key lot shall not be less than the average depth of the required street-abutting yards of the adjoining interior and reversed corner lots. The primary garage portion of the structure shall require a minimum front yard setback of not less than twenty (20) feet.***

Adjustments for front yard setbacks are not required.

9-40.130 Yard requirements modified by ordinance.

When the yard setbacks on a lot have been established by previous regulations and development on at least fifty (50) percent of the lots on the same block and street have occurred, new development may also use those previously established standards.

Conformance with yard setbacks established by previous regulations and development is not required.

9-40.140 Required lot standards reduced by public use.

If a portion of a lot or parcel of land is acquired by any means, including dedication, purchase, condemnation, or for any public use including recreation, services, or utilities, that lot or parcel shall be considered conforming as long as the area is reduced to no less than ninety (90) percent of the minimum area required by the zoning district in which the lot or parcel is located.

A lot or parcel shall be considered conforming as long as the width is not reduced by more than thirty (30) percent. In no case, however, shall a lot less than thirty-five (35) feet in width be considered conforming.

The subject site is a part of a conforming lot.

9-40.150 Maximum projections into required side yards.

Table 9-40.150 established permissible residential yard encroachments. Cited structures or uses may be placed in required yards or extend beyond maximum height limits subject to the conditions placed upon those items by the table.

Projections into required side yards are not proposed.

9-40.160 Site vision area.

In all zones, a corner cut-off area shall be provided at the intersection of all streets. The corner cut-off area along the right-of-way line shall be reserved for the purpose of maintaining adequate sight distance. The triangle formed shall have a minimum dimension on the legs of fifteen (15) feet.

No vegetation shall be planted or allowed to grow, nor shall any structure be placed in the sight vision area in a manner which obstructs visibility or threatens vehicular or pedestrian safety as determined by the City Engineer or the Community Development Director.

Only traffic control devices, traffic signs, utility poles, transformers, pedestals, or other traffic control devices may be located within the sight visibility area.

A corner cut-off area shall be created at the intersection of each driveway and a public street, right-of-way, and each driveway and alley such that a triangle is formed with a minimum dimension of ten feet for any leg. This area shall be kept free of obstructions, fences, trash containers, so that traffic visibility is enhanced.

At the discretion of the City Engineer, the corner cut-off shall be increased to meet sight distance requirements for the particular location and meeting the city standard.

A ten (10) foot triangle that is free of obstructions, fences and trash containers is provided at the intersection of driveways and the public street.

9-40.170 Lighting.

Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity of brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use served. Security lighting shall be provided at all entrances/exits.

Exterior lighting will be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel. Lighting that blinks or flashes is not proposed. Security lighting will be provided at all building entrances and exits.

9-40.180 Roof decks.

Roof decks may be permitted subject to the approval of a conditional use permit.

Roof decks are not proposed.

9-40.190 Noise.

No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention-distracting, or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms and church bells.

No communication devices that are discernible beyond the parcel's boundary are proposed.

9-40.200 Undergrounding of utilities.

Utilities shall be placed underground. In the event an above ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area. If it cannot be screened, it shall be located in an underground vault. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of sixty-six (66) KVA or more. Exceptions to the undergrounding of utilities requirements are as follows:

- A. Transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts may be placed above ground if they are used solely in connection with the underground transmission or distribution lines;*
- B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;*
- C. When topographical, soil, or similar physical conditions make such underground installation unreasonable or impractical;*
- D. Any parcel map with a maximum of four residential parcels, no parcel of which has been previously exempted from this section, where at least fifty (5) percent of the surrounding area within a radius of five hundred (500) feet has been previously developed with undergrounding utilities;*
- E. That portion of a previously developed nonresidential parcel map;*

- F. The remodeling of existing structures where the cost of remodeling is less than fifty (5) percent of the replacement cost of the existing structure as determined for building permit fees shall be exempt.**

All utilities will be placed underground. Transformer locations have not been confirmed with SDG&E.

Chapter 9-44 ACCESS AND PARKING

9-44.010 Purpose and intent.

Access and parking regulations are intended to ensure that all land uses provide safe access and on-site circulation with adequate off-street parking and loading facilities. These regulations also ensure that the use of land does not impact the safety, use, or vehicular circulation within the public right-of-way.

9-44.020 Applicability.

The standards of this chapter shall apply to all land uses, buildings, and structures. These standards shall also apply to additions, enhancements, and modifications to existing structures increasing floor area, or increases in occupancy above that approved or changes in occupancy. Additionally, at the time a building or structure is added onto, enlarged or modified, parking and loading spaces shall be provided for both the existing units and the modified or enlarged portions to conform to provisions of this chapter. For any use not specified in this chapter the Community Development Director shall have the authority to determine the appropriate parking requirements based upon similarities between traffic or parking generation characteristics of the proposed use, modification or enlargement, with other similar uses identified in this chapter.

9-44.030 Site plan required.

A site plan shall be submitted for all required parking. The plan shall consist of a detailed layout of the existing and proposed parking facilities, including the grades, drainage, utilities, all structures, landscaping, parking stalls, drive aisles, and ingress and egress drives. The plan shall be drawn to scale. The site plan shall be submitted and reviewed in conjunction with any other permit required by this development code, grading code and the city's building code.

Proposed structures, parking stalls, drive aisles, and ingress and egress drives are shown on Greenberg Farrow site plan SP5.

Proposed landscaping is depicted on Greenberg Farrow conceptual landscape plan LC1.0.

Grading, drainage and utilities are depicted on C3.0 and C4.0

A parking and traffic study may be required for any new parking lot designs or modifications to an existing lot that equals or exceeds ten percent of the existing spaces.

A 2nd Updated Parking Demand Analysis for the Proposed DaVita Dialysis Center at Cabot Town Center by Linscott, Law & Greenspan dated September 27, 2011 is included in the submittal for a Minor Site Development Permit.

The parking analysis evaluates the project's parking requirements based on: current City of Laguna Hills zoning codes; the methodology outlined in the Urban Land Institute's (ULI) Shared Parking Second Edition guidelines; and existing parking surveys.

The proposed on-site parking supply of 111 parking spaces is forecast to adequately accommodate future parking demands on both a weekday and weekend day.

The parking site plan shall be submitted to review and approval prior to issuance of a grading permit and/or building permit.

As noted.

9-44.040 General provisions.

The following general provisions shall apply to development and use of parking facilities:

A. Accessibility/Usability:

All access, parking, and loading facilities shall be usable and shall be permanently maintained for access, parking, and loading for the permitted and intended use(s). Access to parking facilities shall be designed to minimize traffic flow impact and reduce driveway encroachments to arterial and secondary streets. To the extent practical, common or shared driveway locations shall be reduced.

Access to the site from Cabot Road is provided by four (4) driveways. The southernmost driveway is located in proximity to the former Just Tires building. The northernmost driveway is located across from Outback Steakhouse.

Access drives along Cabot Road will be consolidated. The southernmost driveway, which is located in proximity to the former Just Tires building, will remain in-place. The northernmost driveway and two (2) intervening driveways will be consolidated to provide two (2) new driveways which are aligned with existing driveways located across Cabot Road.

B. Non-exclusivity of Facilities:

Joint use of parking and loading stalls may be allowed provided a parking use permit is approved. A portion of parking is intended to serve the general public and shall be provided on a non-exclusive basis.

The 2nd Updated Parking Demand Analysis for the Proposed DaVita Dialysis Center at Cabot Town Center by Linscott, Law & Greenspan dated September 27, 2011 concludes that adequate parking is provided using shared parking criteria.

A joint-use parking use permit is required in conjunction with the project.

C. Fractional Parking Spaces:

Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one additional parking space shall be required for one-half or more fractional parking space, and any fractional parking space less than one-half of a parking space shall not be counted.

The required number of parking spaces has been calculated using the method described above.

D. Encroachment into Right-of-Way/Easements:

Land within the right-of way of a street or highway, or within the planned ultimate right-of-way of a street within the jurisdiction of the city, shall not be used to provide required parking and loading facilities for any use. Encroachments shall be limited to those driveway connections to streets necessary to serve the properties and as approved by the Community Development Director and City Engineer.

Proposed parking and loading facilities do not encroach into the street right-of-way.

E. Lighting:

All parking lots, parking structures, pedestrian walkways, and loading areas shall be provided with adequate lighting to insure security and safety. Minimum lighting standards contained in Section 9-44.060 of this chapter. Subject to a lighting plan approved by the City Engineer, these standards may be modified provided that safety shall not be impaired.

General use areas within the uncovered parking facility will be provided with a lighting level of a minimum of 0.4 footcandles and a uniformity ratio of 4:1 footcandles.

High use areas within the uncovered parking facility will be provided with a lighting level of a minimum of 1.0 footcandle and a uniformity ratio of 3:1 footcandles.

F. Landscape Requirements

1. Within all zones, at least ten percent of any common area parking shall be landscaped.

+/- 19,392 square feet (19.73%) of the gross site area is landscaped. +/- 12,470 square feet (64.3%) of the landscaping is calculated as perimeter landscaping. +/- 6,922 square feet (+/- 35.7%) of the landscaping is calculated as landscaping distributed to the interior of the parking facility and the common area parking. (See: Conceptual Landscape Plan LC1.0)

2. ***Landscaping shall be spread throughout the entire parking lot. Not more than sixty (60) percent shall be included as perimeter landscape. Forty (40) percent shall be distributed interior to the parking facility.***

The site is encumbered with a triangular shape which results in a perimeter/area ratio that exceeds that of a rectangular shaped site. As a result, 64.3% landscaping is provided along the site's perimeter. 35.7% landscaping is provided to the interior of the parking facility.

3. ***All landscaped areas shall be designed so that plant materials are protected from vehicle damage, encroachment, or overhang.***

A concrete curb at landscaped areas prevents vehicular encroachment into landscaped areas.

4. ***The placement of required landscaping shall not interfere with the required security or courtesy lighting fixtures on the parcel or other structures on the parcel.***

Landscaping proposed will not interfere with required lighting or other structures on the subject parcel.

9-44.050 Required Parking

The required parking shall be the total of all uses on the site. In calculating the square footage applicable, areas for restrooms, elevator shafts, utility shafts, and open patios where no service or seating shall be exempted. Waiting areas shall be calculated the same as seating or service areas. Building aisles or corridors shall not be exempt.

The DaVita building contains approximately 190 square feet that is devoted to restroom and utility use. The former Just Tires building contains approximately 80 square feet that is devoted to restroom use.

Required parking is not provided if these areas are excluded from the parking calculation. As a result, gross building square footages have been used to calculate the parking that is required to allow for design flexibility.

Except as determined by a special parking and use study to permit joint or shared parking, parking for one use shall not be credited as serving any other use.

A joint-use parking use permit is required in conjunction with the project.

Parking for disabled persons shall be provided in the ratio required by state law. Table 9-44.B, set out at the end of this chapter provides required handicap parking levels. At least one space per required parking lot shall be provided for exclusive use or disabled or handicapped persons. Handicap parking shall be provided as close as possible to the buildings or uses served.

Six (6) HC parking spaces are provided for the DaVita building in conformance with DaVita New Building Design Criteria. The HC parking spaces provided exceed the total number of parking spaces required for per ADA Accessibility Guidelines for outpatient units and medical care facilities which is calculated at 10% of the number of required parking spaces (28 parking spaces x 10% = 3 HC parking spaces required).

Two (2) HC parking spaces are provided for the former Just Tires building.

Three (3) HC parking spaces are provided in the reconfigured parking area in front of the Outback Steakhouse.

Total HC parking spaces provided exceed handicap parking levels set out in Table 9-44.B.

9-44.060 Design Standards for Parking Facilities

Parking facilities shall meet the design criteria as shown in Tables 9-44.C and 9-44.D, set out at the end of this chapter. The following criteria shall apply to the siting of all parking facilities, whether above or below grade in structures or at surface level.

A. Access shall be limited as follows:

- 1. Only the number of driveways necessary to provide service to the property or use will be permitted. Joint access locations are preferred.**

Existing access drives will be consolidated to reduce the number of driveways along Cabot Road.

- 2. Driveway access shall not be permitted within forty (40) feet of the intersection of two public streets. On heavily traveled arterials or secondaries, access should be coincidental to street intersections or master entry driveways and access through interior reciprocal driveways or aisles provided to uses. Signalized mid-block locations are preferred for major commercial developments.**

Driveway access within forty (40) feet of the intersection of public streets is not proposed.

- 3. Access movements for ingress and egress shall be designed to limit impacts of traffic flow and lane capacity of the servicing roadway. This can be done in part by creating a throat extension to driveways within parking lots such that on-site turn movements are limited between the property line and actual parking locations for a specified distance. This reduces on-site congestion with corresponding on-street capacity and flow improvements.**

Throat extensions to driveways have been provided to the extent feasible to limit the impact of ingress and egress access movements on Cabot Road.

- 4. *Direct access to a parking lot or parking stall from a public roadway shall be prohibited, except for low-density residential uses.***

Direct access to a parking stall from a public roadway is not proposed.

- 5. *Pedestrian access shall be provided by a sidewalk of not less than five feet in width along one side of a public or private roadway and shall be incorporated within public parking lots to link uses to exterior walkways and provide safe travel between stalls and buildings. Special access design is required for access to commercial centers and gated multiple-family residential uses as shown in Table 9-44.C, set out at the end of this chapter.***

A sidewalk of not less than five feet in width is presently in-place along the east side of Cabot Road.

Pedestrian access from the DaVita building and the former Just Tires building to the sidewalk along the east side of Cabot Road is provided.

Pedestrian access from parking areas to the DaVita building and the former Just Tires building is provided.

- B. *Grades within parking facilities shall be designed to meet the standards contained in Table 9-44.E, set out at the end of this chapter.***

Driveway grades in excess of the 12% grades that are permissible for open parking lots are not proposed.

Drive aisle grades in excess of the 5% grades that are permissible for open parking lots are not proposed.

Parking stall grades in excess of the 5% grades that are permissible for open parking lots are not proposed.

- C. *Driveway and aisle lengths and widths shall be as specified in Table 9-44.E, set out at the end of this chapter.***

Driveway and aisle lengths in excess of the 300 foot maximum permissible length for commercial facilities described in Table 9-44.D are not proposed.

- D. *Parking stall dimensions shall be as specified in Table 9-44.D, set out at the end of this chapter.***

Two (2) parallel parking spaces are proposed. Each has a dimension of 8' x 22', in conformance with parallel parking standards for open lots described in Table 9-44.D

The remainder of the site is parked with 90 degree parking spaces with a dimension of 9' x 18', in conformance with 30-90 degree parking standards for open lots described in Table 9-44.D.

Handicapped stall sizes are 14' x 18', in conformance with handicapped stall sizes for open lots described in Table 9-44.D.

- E. *Whenever an aisle dead-ends, a turn around area shall be provided, striped and signed to preclude its use for parking or storage.***

Dead-end parking aisles are not proposed.

- F. *Loading facilities shall be located on the same site as the use or building served. Access to loading facilities shall not require maneuvering within the public right-of-way. Loading facilities should be located out of public view, screened to mitigate visual impacts, and shall not be located in front of the buildings or uses serve. No loading facility shall be developed within twenty (20) feet of a residential use. The minimum number of required loading facilities shall be as follows:***

Building Size: Less than 10,000 Sq. Ft – None Required

Buildings in excess of 10,000 square feet are not proposed. Loading facilities are not required.

- G. *Landscaping for parking facilities in all zones except single family use areas shall be subject to review and approval of a site plan that includes a landscape plan which adheres to the following minimum standards:***

- 1. *All landscaping within parking lots shall be located in planter areas which are bounded by concrete curbing at least six inches high and six inches wide.***

All landscaping proposed is located in planter areas which are bound by concrete curbing at least six inches high and six inches wide.

- 2. *Any open areas in the interior of the parking lot shall be landscaped with appropriate plant materials and maintained in good condition.***

Plant materials as noted on the landscape plan are proposed for the interior of the parking lot area.

- 3. *All landscaping shall be provided with permanent irrigation systems.***

A permanent irrigation system for all landscaping shall be provided.

- 4. *All pedestrian walks within parking lot areas shall, to the extent possible, provide for the connection of adjacent land uses, in order to encourage pedestrian activity.***

Pedestrian walks, which provide ADA access to the city sidewalk located along the site's Cabot Road frontage, are proposed.

5. ***Landscape planters shall be placed at the end(s) of any parking stalls located at the end of a row of parking. Planters shall not be less than five feet in width nor less than the length of the parking stall adjacent thereto exclusive of curb width, and shall be installed in a ratio of one planter for each fifteen (15) consecutive parking stalls in order to eliminate the amount of continuous paving within a parking lot.***

Landscape planters, with a minimum width of five feet and a length that is equal to that of the adjacent parking stall, are placed at the ends of parking stalls that are adjacent to Cabot Road.

Existing mature trees that are located along the project's Cabot Road frontage will remain in-place. The existing trees would prohibit the growth of any new trees that are located in landscape planters between consecutive parking stalls. As such, landscape planters are not provided in a ratio of one planter for each fifteen (15) consecutive parking stalls as required for the twenty-two (22) parking spaces that are located along Cabot Road.

Landscape planters, with a minimum width of five feet and a length that is equal to that of the adjacent parking stall, are placed at the ends of parking stalls that are located within the interior of the site.

Landscape planters are not provided at the ends of parking stalls that are located at the rear of the site in order to maximize parking.

6. ***All required planter areas shall contain at least twenty-five (25) square feet in area.***

All planter areas contain at least twenty-five (25) square feet in area.

7. ***Landscape planters shall be incorporated between each module of parking.***

Landscape planters have been incorporated between each module of parking as noted above.

8. ***A minimum of one fifteen (15) gallon tree for every six parking stalls shall be installed in the parking lot.***

Twenty-seven (27) 24" box trees are proposed for the subject site.

9. ***Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of two feet, provided that the planter is at least five feet clear in width where vehicles overhang on one side of the planter, or at least eight feet wide where vehicles overhang on both sides of the planter. The permitted overhang shall not damage or interfere with the plant growth or the irrigation systems installed.***

A two (2) foot vehicular overhang into the planter area is proposed for the eleven (11) parking spaces located along the eastern boundary of the site between the DaVita Dialysis building and the former Just Tires building.

10. ***Parking lot landscaping shall include shade trees located so as to provide for adequate shade canopies within fifteen (15) years of planting as follows:***

<u>Parking Spaces Req'd</u>	<u>% of Parking Stall Area to be Shaded</u>
<i>1-24 stalls</i>	<i>20% min.</i>
<i>26-50 stalls</i>	<i>30% min.</i>
<i>51 + stalls</i>	<i>40% min.</i>

The site is encumbered with a triangular shape which results in a perimeter/area ratio that exceeds that of a rectangular shaped site. 64.3% landscaping is provided along the site's perimeter. 35.7% landscaping is provided to the interior of the parking facility. A 10.74% overall parking shade canopy is provided in the parking lot as a result of site constraints.

The Community Development Director may determine that the size of the trees to be installed should be increased. The percentage of area required to be shaded shall be based on the area of uncovered parking stalls only and shall not include driveways and interior traffic circulation aisles. Multi-level parking complexes are exempt from shading requirements.

11. ***Where a parking lot abuts a residential use it shall be provided with an extensive buffer consisting of a minimum five foot wide planter and six foot high solid masonry wall/fence with screening vegetation planted in conjunction with the wall. Where the parking lot is across from a residential area, it shall be provided with a landscaped berm and wall combination to screen the lot.***

Parking areas do not abut a residential use and are not located across from a residential area.

- H. ***Paving shall be required for all permanent parking, access, and loading facilities. Decorative paving, colored concrete, and asphalt surfacing materials shall be used and conform to the city's adopted standards and requirements.***

Paving in conformance with the city's adopted standards and requirements will be provided in permanent parking, access and loading facilities.

- I. **All parking facilities except those in single-family use areas shall be provided with adequate lighting meeting the standards shown in the following charts. Lighting of parking areas shall be designed and maintained in a manner to prevent glare or direct illumination from intruding into any off-site areas. The following minimum lighting requirements should be observed in all common uncovered parking facilities:**

General Use Areas

Footcandles

0.4 (Min. on Pavement)

Footcandles Uniformity Ratio

4:1 (Average/Minimum)

High Use Areas

Footcandles

1.0 (Min. on Pavement)

Footcandles Uniformity Ratio

3:1 (Average/Minimum)

High use areas include: vehicular entries and exits, parking accessways, pedestrian areas, passenger loading and unloading areas, areas of higher intensity vehicular movement, areas of concentrated pedestrian and vehicular movement, and where added security is desired.

General use areas within the uncovered parking facility will be provided with a lighting level of a minimum of 0.4 footcandles and a uniformity ratio of 4:1 footcandles.

High use areas within the uncovered parking facility will be provided with a lighting level of a minimum of 1.0 footcandle and a uniformity ratio of 3:1 footcandles.

- J. **Parking area setbacks shall adhere to Table 9-44.E, set out at the end of this chapter.**

Open parking areas on the subject site are set back ten (10) feet from property lines abutting a public street in conformance with requirements described in Table 9-44.E.

Open parking areas on the subject site are set back from property lines at distances that exceed the five (5) foot minimum described in Table 9-44.E.

- K. **Striping and signage shall be provided to each parking lot, aisle, ramp and stall in such a manner that persons in vehicles can quickly identify the direction of flow, stall location, and limitations of use as appropriate.**

As noted.

Stalls shall be delineated by use of six inch stripes or hairpin patterns affixed to the pavement with the required stall size measured from centerline to the stripe or pattern between successive stalls.

As noted.

Directional arrows shall be affixed to the pavement in the direction of flow permitted within the driveway or aisle. Where the aisle is designed for one-way traffic appropriate wording warning users of the restriction and signs shall be provided.

As noted.

Signage within the parking lot or structure shall be included as part of a master sign plan. Where no master sign plan is required, parking lot plans shall incorporate detail sheets to clearly identify information, safety, handicapped, and directional signs intended for use in the lot or structure.

A multi-tenant monument sign proposed along Cabot Road is included in 25332 & 25352 Cabot Road, Cabot Town Center, Sign Program.

- L. Curbs or wheel stops shall be provided to each parking space in a parking lot or structure where the parking space abuts a wall or landscape planter. These restraints shall be at least six inches high and six inches thick and shall be spaced and securely affixed to the surface of the lot such that the vehicle will not contact building walls. Overlap to landscape and walkways shall not exceed two feet.***

Concrete curbs are provided at parking spaces that abut landscape planters.

Chapter 9-42 SIGNS AND ADVERTISING DEVICES

9-26.160 Master sign program required.

A master sign program shall be required in any of the following situations:

- A. For each new or remodeled center with three or more tenants on a single development site, regardless of parcelization;***
- B. For any new or remodeled single enterprise which proposes any combination of signs upon the site equaling three or more signs;***
- C. For any highrise building, new or existing, that proposes signage revisions;***
- D. For any revision to a sign program previously approved.***

A Sign Program for 25332 & 25352 Cabot Road – Cabot Town Center by Sign Methods, Inc. is being submitted in conjunction with the proposed development.

9-26.170 An application for a site development permit shall be required for a master sign program. Approval of the site development permit shall be in accordance with Chapter 9-92 of this title.

An application for a Site Development Permit for the Sign Program for 25332 & 25352 Cabot Road is being submitted in conjunction with the submittal for a Minor Site Development Permit.

Chapter 9-46 LANDSCAPING STANDARDS AND GUIDELINES

9-46.010 Purpose and intent.

This chapter promotes and encourages high quality landscape improvements that recognize and respect the limited availability of water in the state of California. These provisions are intended to effect landscapes that can be maintained with low water use.

9-46.020 Applicability.

A. The provisions of this chapter shall apply to:

- 1. All new and rehabilitated landscape projects for public agencies and private developments, whether commercial, industrial or institutional, that would require a land use permit or building permit.**
- 2. Developer-installed, common area landscaping for single-family and multi-family residential development projects.**

As noted.

B. Exemptions.

- 1. Landscaping for a single-family residence with a total landscaped area of less than five thousand (5,000) square feet;**
- 2. Landscaping for multi-family residences with a total landscaped area of less than two thousand five hundred (2,500) square feet;**
- 3. Landscaping for non-residential developments with a total landscape area of less than one thousand (1,000) square feet;**
- 4. Cemeteries;**
- 5. Registered historical sites;**
- 6. Ecological restoration projects that do not require a permanent irrigation system;**
- 7. Landscape projects that existed prior to the effective date of this chapter unless landscaping is rehabilitated;**
- 8. Landscape projects with conditions which, in the determination of the Community Development Director, would be reasonably or necessarily exempt.**

As noted.

9-46.030 General provisions.

A. Landscape design and construction shall emphasize water conservation through the appropriate use and groupings of plant materials that are adapted to particular sites and to particular climatic, geological, or topographical conditions. The use of turf should be limited only to those areas designated for active recreational use or where irrigated by reclaimed water.

As noted.

B. All landscape plan approvals are subject to and dependent upon the applicant complying with all applicable city ordinances, codes, regulations, adopted policies, and the payment of applicable fees.

As noted.

- C. *Should any provision of this chapter conflict with any other provision of the development code or any adopted specific plan, the more restrictive shall apply.***

As noted.

- D. *All landscaped areas shall be maintained in an attractive and healthy condition, as evidenced by proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants where necessary, and the regular application of appropriate quantities of water to all landscaped areas. Maintenance practices shall comply with the guidelines outlined in Section 9-46.080.***

As noted.

9-46.040 *Procedures.*

- A. *Conceptual and final landscape plan shall be required for all projects subject to this chapter except for single-family residences which shall only require a conceptual landscape plan.***

A Conceptual Landscape Plan (Sheet LC1.0) is included in the application for a Minor Site Development Permit.

- B. *Landscape plan shall be prepared in accordance with the specifications available from the Planning Department.***

As noted.

- C. *All final landscape plans shall be prepared by a landscape architect or other person licensed by the state to prepare such plans. Conceptual landscape plans may be prepared by the property owner or any other person capable of producing drawings that accurately reflect the landscape concept.***

As noted.

- D. *All required final landscape plans shall be submitted for review and approval to the Planning Department. Conceptual landscape plans shall be included in the review of any specific development application.***

A Conceptual Landscape Plan (Sheet LC1.0) is included in the application for a Minor Site Development Permit.

- E. *Final landscape plans shall be submitted for review, and approved, by the Planning Director prior to the issuance of grading permits or building permits, whichever occurs first.***

As noted.

- F. *Final landscape plans shall be in substantial compliance with the approved conceptual landscape plans.***

As noted.

- G. Any modification to an approved final landscape plan must be approved by the Community Development Director prior to installation.**

As noted.

- H. An applicant shall submit certification prepared by the project landscape designer or architect and shall indicate that all plant materials have been installed in accordance with the approved final landscape plan. The Planning Department shall verify the certified installation prior to issuance of a certificate of occupancy.**

As noted.

9-46.050 Landscape design standards.

The design and installation of all proposed landscape improvements subject to this chapter shall comply with the following standards:

- A. Landscape design shall include a selection of plant materials based upon their adaptability to the climatic, geologic, and topographical conditions of the site. The protection, preservation, and enhancement of native species and natural areas are encouraged.**

Plant materials have been selected based upon their adaptability to the climatic, geologic and topographical conditions of the site. There are no native species/natural areas on the subject site.

- B. Landscape design shall encourage the use of drought tolerant plant materials, the use of reclaimed water, and minimal use of turf.**

Drought tolerant plant materials and minimal use of turf are proposed.

- C. Landscape design shall address fire protection requirements in areas that are fire prone.**

The subject site is not located in a fire prone area.

- D. Landscape design shall provide for the grouping of plant materials having similar water demands so as to facilitate appropriate and efficient water applications.**

The grouping of plant materials having similar water demands is proposed.

- E. Landscape design shall illustrate a concern for aesthetic elements such as balance, scale, texture, form, and unity.**

Aesthetic elements such as balance, scale, texture, form, and unity have been taken into consideration in the landscape proposed.

- F. *Landscape design shall address functional aspects of landscaping such as grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade, and reduction of glare.***

Functional aspects of landscaping such as grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade and the reduction of glare have been addressed in the landscape design.

- G. *Landscape design shall demonstrate a concern for solar access including exposure and shading of window areas.***

The landscape design demonstrates concern for solar access including exposure and shading of window areas to the extent feasible given site constraints.

- H. *Landscape design shall address the retention of existing mature landscaping that is in good, healthful condition, incorporating such landscaping into the landscape plan where feasible.***

Existing mature landscaping that is in good, healthful condition (i.e. the trees along Cabot Road) have been incorporated into the landscape plan.

- I. *Landscape design shall provide for the planting of all unpaved areas with an effective combination of trees, ground cover, shrubbery, and/or approved dry landscape materials.***

A combination of trees, ground cover and shrubbery is proposed for planting in unpaved areas.

- J. *Landscape design shall include provisions to protect plant materials from damage by the encroachment or overhang of motor vehicles.***

Provisions to protect plant materials from damage by the encroachment or overhang of motor vehicles have been incorporated into the landscape design.

- K. *Landscape design shall facilitate the implementation of landscape maintenance practices which foster long-term water conservation. Said practices may include, but not be limited to, conducting water audits and establishing a water budget to limit the amount of water applied per landscaped area.***

As noted.

9-46.060 *Specimen vegetation.*

Whenever a chapter of this code or any other code or condition meant to regulate a development refers to specimen vegetation, the following shall apply as shown in Table 9-46.060.

Table 9-46.060

Specimen Vegetation

Type	Minimum Size	Preferred Size
Trees	15 gallon	24" box
Shrubs	1 gallon	5 gallon
Groundcover	Flat equivalent To 1" pot	1 gallon
Flowers	4" pot	1 gallon
Grass/turf	-	roll sod

As noted.

9-46.070 Additional materials permitted.

Landscape plans may incorporate materials other than plants to achieve aesthetic effects. The prepared landscape plan shall show these materials. Acceptable materials include cobbles, crushed rock, woodchips or bark, stepping stones, decorator edging, fountains and pools, and low intensity lighting. Additional materials should not be used in lieu of planting materials.

As noted.

9-46.080 Landscape maintenance standards.

The maintenance of all landscape improvements subject to this chapter shall comply with the following standards:

- A. Trees should be maintained in a healthy, growing condition in accordance with the following guidelines:**
- 1. Prune trees annually to select and develop permanent scaffold branches to reduce potential for toppling and wind damage while maintaining growth and natural appearances.**
 - 2. Avoid the stripping of lower branches of young trees in order to promote proper caliper trunk growth until the tree is able to stand erect without staking or other support. Remove staking as soon as practical;**
 - 3. Thin out or shape trees to prevent wind and storm damage. The primary pruning of deciduous trees should be done during the dormant season;**
 - 4. All pruning cuts should be made to arterial branches or buds. Stub pruning and topping shall be avoided;**
 - 5. No more than thirty (30) percent of foliage should be removed during tree pruning;**
 - 6. Tree maintenance should follow the International Society of Arboriculture (ISA) Standards of Practice.**

As noted.

B. Shrubs should be maintained in a healthy, growing condition in accordance with the following guidelines:

- 1. All pruning cuts should be made to lateral branches or buds, or flush with trunks. Stub pruning should be avoided.**
- 2. Topping of shrubs should be done only after interior selective branch pruning has been completed.**

As noted.

C. Dead plants and those in a state of decline should be replaced within ninety (90) days.

As noted.

D. Landscape planters and hardscape should be kept free of weeds, leaf build-up, garbage and other debris.

As noted.

2. That the site is suitable for the proposed development;

Suitability of the site for the proposed development is demonstrated with compliance with the standards of the Laguna Hills Development Code, as described above.

3. That the project is consistent with the General Plan and applicable design guidelines; and

The subject site is located within the La Paz Gateway Opportunity Area, an area identified in the General Plan as a study area that has surplus, vacant, leasable space. The demolition of a vacant building and its replacement with the proposed DaVita Dialysis Center together with the proposed refurbishment of a vacant building for retail use will result in a revitalization of Cabot Town Center. Such redevelopment is in conformance with the purpose of the opportunity area identified in the City of Laguna Hills General Plan.

The proposed development expands the variety of services and shopping provided in the City of Laguna Hills. Goals and policies of the General Plan are implemented as a result: An underperforming commercial center is upgraded and revitalized; entrepreneurship in small business enterprises is fostered and the fiscal health and economic sustainability of the community is enriched.

Energy efficient upgrades to an existing building, runoff reduction in compliance with WQMP requirements and water conservation landscaping features result in a sustainable infill development in conformance with the goals and policies of the General Plan.

3. That the site design and structural components are appropriate for the site and function of the proposed uses.

The appropriateness of the site design and structural components for the uses proposed is demonstrated by compliance with the Laguna Hills Development Code and General Plan, as described above.

25332 & 25352

Cabot Road

FINDINGS FOR A MASTER SIGN PROGRAM

Cabot Town Center
Laguna Hills, CA

Date
07/21/11

Prepared by
GreenbergFarrow
19000 MacArthur Blvd., Suite 250
Irvine, CA 92612
t: (949) 296-0450
f: (949) 296-0479

GF Project Number
20110023.0

A. SUMMARY OF PROPOSAL

The applicant, Mouldy LLC, is requesting approval of a Site Development Permit for a Sign Program for 25332 & 25352 Cabot Road.

B. SITE INFORMATION

Address: 25332 & 25352 Cabot Road
APN: 620-031-25
Net Site Area: +/- 98,302 SF (+/-2.256 Acres)
Zoning Designation: Freeway Commercial (FC)
Land Use Designation: Freeway Commercial (FC)
Opportunity Area: La Paz Gateway

C. APPLICABLE APPROVAL CRITERIA

FINDINGS FOR A SITE DEVELOPMENT PERMIT SHALL ADDRESS THE FOLLOWING:

- 1. That the site design complies with the standards of the Laguna Hills Development Code;***

See: Findings for a Minor Site Development Permit/Project Justification Statement for 25332 and 25352 Cabot Road.

- 2. That the site is suitable for the proposed development;***

See: Findings for a Minor Site Development Permit/Project Justification Statement for 25332 and 25352 Cabot Road.

- 3. That the project is consistent with the General Plan and applicable design guidelines; and***

See: Findings for a Minor Site Development Permit/Project Justification Statement for 25332 and 25352 Cabot Road.

- 4. That the site design and structural components are appropriate for the site and function of the proposed uses.***

See: Findings for a Minor Site Development Permit/Project Justification Statement for 25332 and 25352 Cabot Road.

- 5. That the design and application of the sign criteria required by the development code are satisfied by the proposed sign program.***

Chapter 9-42 SIGNS AND ADVERTISING DEVICES

9-42.010 Purpose and intent.

The purpose of this chapter is to:

- 1. Regulate the type, placement, and scale of signs within different zoning districts;***
- 2. Encourage well designed consistent signage that is pleasing in appearance and compatible with community character while recognizing the commercial communication requirement of all sectors of the business community;***

3. **Ensure that signage does not present potential traffic and safety hazards to motorists and pedestrians;**
4. **Maintain the attractiveness of the community and enhance the character of the city as a place in which to live, work, play, and visit;**
5. **Promote the public health, safety, and general welfare of the citizens and business community of the city through quality sign standards;**
6. **Promote renovation and proper maintenance of advertising structures.**

As noted.

The intent and scope of this chapter is not to regulate:

1. **Official traffic or safety signs;**
2. **The copy and message of signs except for size and scale, or content which may be obscene;**
3. **Product dispensers and point of purchase displays exterior to a building, provided that the point of purchase displays do not provide signage;**
4. **Scoreboard on athletic fields, meeting parks and recreation facility plan regulations;**
5. **Flags of any nation, state, or local government or nonprofit, charitable, or philanthropic organization;**
6. **Gravestones, religious symbols, commemorative plaques, display of street numbers, or any display or construction not defined as a sign;**
7. **City identification signs.**

As noted.

9-42.20 Definitions.

Definitions related to signs are incorporated within the definition contained in Chapter 9-04 of this title. The definitions apply to all signage within the City.

As noted.

9-42.030 Permitted and prohibited signs.

Table 9-42.030 provides a list of permitted and prohibited signs by zone. Signs not contained in this matrix shall be considered as prohibited.

As noted.

9-42.040 Permit requirements.

Except for political election and noncommercial signs, or signs identified in Section 9-42.270 of this chapter, no sign shall be erected, constructed, or altered, without obtaining necessary building or electrical permits, required by the city. The maintenance or repair of signs is exempt from this requirement. Political election and noncommercial signs shall comply with all other requirements of this chapter.

As noted.

9-42.050 Maintenance Standards.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective parts shall be replaced. The Community Development Director shall have the responsibility to order repair or removal of any sign which is defective, damaged, or substantially deteriorated, as established by visual inspection.

As noted.

9-42.60 Lighting Requirements.

All lighting devices on signs, or providing illumination to a sign, shall not create glare, conflict with vehicular traffic, or spill over to adjacent land uses. Except where otherwise specified, signs may be internally or externally illuminated. Internal illumination includes any source from the interior of a sign, behind letters (back lighting), channel lighting, LED or neon, incandescent or fluorescent. Exterior illumination must be focused to illuminate only the face of the sign. External lighting shall be designed so as not to reflect glare or visually disturb surrounding land uses.

The sign program for 25332 & 25352 Cabot Road notes that tenant wall signs must consist of internally illuminated channel letters.

Illumination shall be considered excessive when it prevents the normal perception of buildings or structures beyond or in the vicinity of the sign or when it is disruptive to residential zones or any public or private right-of-way. Internally illuminated signs which use the technique known as "push through" as well as individually illuminated channel lettering or halo lighting are preferred. Externally illuminated freestanding and monument signs are preferred. The following limitations shall apply to all lighted signs:

The sign program for 25332 & 25352 Cabot Road notes that tenant wall signs must consist of internally illuminated channel letters.

An internally illuminated monument sign is proposed.

- A. *Except for low intensity, internally illuminated directory or address signs, illuminated signs shall be prohibited in residential and open space zones.***

The subject site is not located within a residential or open space zone.

- B. *Illuminated signs located within one hundred fifty (150) feet of any residential use shall not be illuminated between the hours of ten p.m. and six a.m.***

The subject site is not located within one hundred fifty (150) feet of a residential use.

- C. *Sign illumination shall not result in glare being directed toward surrounding properties or upon abutting streets.***

As noted.

- D. Exterior lighting directed at a sign shall be shielded to ensure that the light is projected only upon the sign.**

Exterior lighting directed at a sign is not proposed.

- E. Flashing, twinkling, racing, rotating, or changing intensities of light value shall not be permitted on any electrical sign.**

The sign program notes that all prohibited signage indicated in the Laguna Hills Municipal Code is prohibited.

- F. The intensity of any lighted sign shall not exceed a lumen value of 0.5 footcandles at ten feet from the sign or a maximum of four hundred thirty (430) milliamperes cool-white radiance or as otherwise approved by a master sign program.**

As noted.

- G. Lighted signs shall not contain colors or symbols or interfere with the observance of traffic safety lights or signage.**

As noted.

9-42.070 Location of Signs

Unless otherwise permitted by the master sign program approved under provisions of this chapter, signs shall comply with the following general placement standards:

- A. All signs, unless otherwise provided for in this chapter, shall be erected upon the premises or property occupied by the person or business identified by the signs.**

As noted.

- B. No sign, except for those provided for herein, such as temporary signs for city sponsored special events, holiday decorations, or special civic advertisements, shall be erected in, over, or upon a public right-of-way.**

As noted.

- C. Except as provided herein, no sign shall be attached to any public or private utility pole, light standard, item of street furniture, fire hydrant, or similar device except those required by law to regulate the public health, safety, and welfare or as required by any federal or state law or regulation related thereto.**

As noted.

- D. Signs should not be placed in such manner that the visibility of a sign on adjacent properties is obscured as viewed from a public or private right-of-way.**

As noted.

- E. Signs shall not be placed in any manner that will interfere with the visibility of traffic safety signs, traffic lights, or the sight vision distance of any intersection whether of two streets or a street and private driveway.**

As noted.

- F. All signs shall be securely anchored, attached, or affixed to the structure, support, or wall to which they are mounted.**

As noted.

- G. With the exception of center identification and monument signs, no sign may be placed in any location not designated as part of the buildable area of a lot or parcel of land. No sign shall encroach upon or over the public right-of-way or extend beyond a property line, except as otherwise specified herein.**

As noted.

9-42.080 Height Limits

Permanent and temporary signs shall meet the limitations of this section.

- A. No sign shall extend above the eave line or parapet of the building on which it is located.**

The sign program notes that no sign shall project above the approved sign envelope.

- B. No sign shall be erected or placed upon the roof of any structure or building.**

The sign program notes that rooftop signs are prohibited.

- C. Signage on multiple story buildings shall be restricted to the third story ceiling level and below except for high-rise identification signs which shall not be located above the parapet or roof line upon the wall area above the highest story of the building.**

Not applicable to this project.

- D. Sign height shall be measured from the ground (finished grade) directly below the sign to the highest point of the sign or its supports. Berming above the existing grade solely to enhance the height of any signs is prohibited. When signs are constructed on hillsides or embankments where the sign supports are at varying heights, heights shall be measured from the horizontal grade at the mid-point of the sign. The height of the sign will be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign including its support structure when attached to other than a building or awning, excluding any filling, berming, mounding, or excavating solely for the purpose of locating the sign.**

As noted.

- E. All signs placed adjacent to, suspended above, or over walkways, trails, or pedestrian ways shall have a minimum vertical clearance of eight feet between the bottom of the sign to surface level of the walkway or trail.**

As noted.

- F. Any sign authorized by this chapter to be suspended over any public roadway, driveway, alley or other travel way for vehicle use shall have a minimum vertical clearance of fifteen (15) feet between the bottom of the sign and surface of the travel way.**

As noted.

9-42.090 Size, scale, and proportionality.

All signs shall be designed and constructed such that they are proportional to the wall area, building façade and or lot area upon which they will be displayed. Signs shall maintain compatibility with the vehicular or pedestrian viewer for which they are oriented thereby insuring proper scale. Sizes of signs shall be those identified in Table 9-42.090, or as otherwise specified in Section 9-42.330 of this chapter.

Signage proposed is in conformance with sizes identified in Table 9-42.090.

9-42.100 Administration and enforcement.

The Community Development Director and Building Official shall have the authority to administer and enforce the provisions of this chapter and any related and applicable provisions of the city municipal code.

As noted.

9-42.110 Application requirements.

The Planning Department shall provide and maintain a process to include relevant forms for applications for sign permits. Sign permits shall be of two varieties, those which are building permit issuances and those which involve approval of a master sign program.

As noted.

An application for a sign permit shall be made in writing upon forms provided by the Building Department. The permit request shall be accompanied by plans and specification for review and approval.

The sign program notes that a permit is required for the installation of all signs.

The plans will be reviewed by the Planning Department for compliance with applicable sign requirements. The Building and Safety Department will review plans for technical compliance with all building and electrical codes.

The sign program notes that a permit is required for the installation of all signs.

Sign program requirements contained in Section 9-42.160 shall be followed for master sign program reviews and approvals.

As noted.

9-42.120 Required plan inclusions.

The plans which are required to be submitted for a sign permit must show the following:

- A. The total sign area, dimensions, colors, materials, letter style, and size of the proposed sign;***
- B. The proposed copy to include letter height and style (exact type face to be used);***
- C. Method of illumination and denotation if the sign is U.L. approved;***
- D. The scale to which the plans are drawn;***
- E. The location of the subject sign within the project site;***
- F. Building architectural elevations depicting the placement of the proposed signage, as well as any existing signs, on the building;***
- G. A color and material board may be required by the planning department on a case-by-case basis. This applies only to signs whose housing or structure had not been permanently affixed to its intended premises by November 13, 1998.***

As noted.

9-42.130 Permit fees.

Permit fees for sign permits and master sign plan applications shall be those adopted by resolution of the City Council.

As noted.

9-42.140 Variance procedure.

Any applicant may submit a request for a variance to sign standards set forth in this chapter for signage not included in a master sign program. The use of a variance to establish a sign or device which is strictly prohibited within the development code shall not be permitted.

As noted.

9-42.150 Appeal procedure.

Denial of minor amendments to a master sign program may be appealed in accordance with the procedures outlined in Chapter 9-96.

As noted.

9-42.160 Master sign program required.

A master sign program shall be required in any of the following situations:

- A. For each new or remodeled center with three or more tenants on a single development site, regardless of parcelization;***

The subject site is located within Cabot Town Center. At present, there is no master sign program for this portion of the center. Three or more tenants are proposed for 25332 & 25352 Cabot Road. As such, a master sign program is required.

B. For any new or remodeled single enterprise which proposes any combination of signs upon the site equaling three or more signs;

Not applicable to this project.

C. For any high-rise building, new or existing, that proposes signage revisions;

Not applicable to this project.

D. For any sign proposal that requests the use of exposed neon or LED to outline individual windows, roof lines or buildings;

Not applicable to this project.

D. For any revision to a sign program previously approved.

Not applicable to this project.

9-42.170 Master sign program inclusions.

An application for a site development permit shall be required for a master sign program. Approval of the site development permit shall be in accordance with Chapter 9-92.

A master sign program shall consist of the following:

A. A comprehensive written and graphic plan depicting the relationship of the signs proposed with architectural and landscape elements of the development.

A comprehensive written and graphic plan depicting the relationship of the signs proposed with the architectural and landscape elements is included in the sign program for 25332 & 25352 Cabot Road.

B. A map, drawn to scale, delineating the site and denoting the area to which the sign program or modification of an existing sign program will occur;

A site plan is included in the sign program for 25332 & 25352 Cabot Road.

C. Plan, drawn to scale, including the following:

1. A site plan indicating the specific location of all existing and proposed signs within the area subject to the sign program;

A site plan is included in the sign program for 25332 & 25352 Cabot Road.

2. Comprehensive plans depicting sign area, dimensions, colors, materials, letter style, letter height, method of

illumination, and illumination intensity measured in footcandles or milliamperes for each sign type proposed for use under the plan;

Comprehensive plans are included in the sign program for 25332 and 25352 Cabot Road.

3. *Comprehensive architectural building elevational plans depicting the proposed sign placement upon the intended elevation;*

Architectural building elevations depicting the proposed placement of signs are included in the sign program for 25332 & 25352 Cabot Road.

4. *The method of attachment for the proposed signs;*

The sign program notes that wall signs which shall consist of internally illuminated channel letters shall be installed flush to the wall.

5. *Proposed or revised landscape plans to show corrections and/or improvements related to the sign program;*

The site plan includes landscape that is proposed in conjunction with the minor site development permit submittal for 25332 & 25352 Cabot Road.

D. *The written portion of the plan shall identify special criteria and design issues that are different than standard sign criteria. Signs prohibited by this chapter shall be prohibited within sign programs as well;*

Design criteria are indicated in the sign program for 25332 & 25352 Cabot Road.

The sign program notes that prohibited signs indicated in the Laguna Hills Municipal Code are prohibited.

E. *Special sign varieties such as small helium filled balloons, pennants, flags, and banners may be approved as permanent signage under the master sign program.*

Not applicable to this project.

9-42.180 *Sign standards matrix.*

Table 9-42.090 provides standards for the type, maximum number, aggregate area, maximum height of signs, and additional standards applicable to all permitted signs. For projects involving a master sign program, deviations from these standards may be granted by the Planning Agency based on design quality, creativity, and compatibility of the signage with the building architecture and surrounding land uses. This applies only to signs whose housing or structure had not been permanently affixed to its intended premises by November 13, 1998.

Deviations from the type, maximum number, aggregate area, and maximum height of signs described in Table 9-42.090 are not requested in conjunction with the sign program proposed for 25332 & 25352 Cabot Road.

9-42.190 Computation of sign area.

A. Sign Area.

1. *Sign area for typical or stylized can or cabinet signs generally used for wall, monument, center, or pylon signs will be calculated by drawing a rectangle, square or circle around the perimeter of the cabinet used to house the advertising display and calculating the area of that geometric pattern.*

As noted.

2. *Sign area for free-formed logos and trademarks and independent channel letters shall be calculated by enclosing the independent symbols and/or letters compiled into individual words within a square, rectangle, circle, or other geometric shape comprised of a series of up to eight straight connected lines joined at ninety (90) degree angles and computing the area of that geometric shape.*

As noted.

3. *Sign area for awning and window signs shall be calculated by drawing one box or rectangle around all the letters and symbols used to display the message and then computing the area of that geometric shape.*

As noted.

4. *The sign area for a sign with two faces shall be computed by counting only one face of the sign, provided that both faces are parallel to each other and do not advertise separate uses or facilities. All other multiple faced signs shall be calculated by determining the area of each face and adding all faces together to get a composite total.*

As noted.

5. *Where a sign structure or support is designed in such a manner to make the sign more noticeable or appear larger, as determined by the Community Development Director, the area of the structure or support shall be included in the sign area. This applies only to signs whose housing or structure had not been permanently affixed to its intended premises by November 13, 1998.*

As noted.

B. Building Frontage

For purposes of calculating permitted sign area, frontage shall be considered the width of the "storefront." For buildings located on corners or freestanding buildings located in a commercial center, frontage shall be considered both the building length and width. This applies only to signs whose housing or structure had not been permanently affixed to its intended premises by November 13, 1998.

The buildings located at 25332 & 25352 Cabot Road are freestanding buildings located in a commercial center. As such, the length and width of both buildings has been incorporated into the calculation of permitted sign area.

The proposed DaVita building's frontages are 116'-0" and 70'-8" (See: Minor Site Development Permit - Sheet 08, 25332 Cabot Road Floor Plan A2.2 for particulars).

The former Just Tires building frontages are 110'-0" and 36'-0" (See: Minor Site Development Permit – Sheet 11, 25352 Cabot Road Proposed Floor Plan & Elevations A1.0 for particulars).

9-42.200 Temporary signs.

The use of temporary banners, pennants, special holiday decorations, and flags in conjunction with special events, grant openings, liquidation sales, real estate open house events, and special events of community-side significance or seasonal events is subject to the limitations of this section in addition to those previously identified.

The sign program notes that cooperative tenant advertising or seasonal sales even signing will require a specialty event sign permit from the City of Laguna Hills prior to the event.

9-42.210 Sign materials, design and construction.

All signs shall be constructed of permanent materials, including but not limited to, metal, Plexiglas, Lexan, wood, acrylic, or other comparable, durable materials. No material more combustible than treated wood shall be used in the construction of any permanent sign. To the extent possible, all signs should be weatherproofed.

The sign program notes that all signs must receive City planning department approval. Signs not deemed compatible with the building architecture by the planning department shall be deemed prohibited.

Signs should be consistent with professional graphic and structural standards. Any sign support or attachment device used in the construction of any sign shall be reviewed as part of the sign application. Brackets or other structural elements that contribute to the architecture or in any way contribute to the advertisement of a business shall be calculated as part of the aggregate area of signage permitted for the site. Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. Sign colors, materials, and textures should be selected that provide a contrast but not

clash between the background color(s) and the lettering. Artistic, creative or unique signage is encouraged.

The sign program notes that all signs must receive City planning department approval. Signs not deemed compatible with the building architecture by the planning department shall be deemed prohibited.

9-42.220 Monument and center identification signs.

- A. *This applies only to signs whose housing or structure had not been permanently affixed to its intended premises by November 13, 1998.***

As noted.

- C. *For commercial centers, up to one monument sign per driveway apron shall be permitted, with a minimum separation of seventy-five (75) feet between monument signs, subject to the size limitations specified in Table 9-42.090 of this chapter. A separation of seventy-five (75) feet shall also be maintained between center identification and monument signs.***

The subject site has three driveways. One monument sign for 25332 and 2532 Cabot Road is proposed.

An existing Outback monument sign will require relocation as a result of the driveway consolidation that is proposed. The Outback monument sign is not a part of this sign program.

Monument signs shall be set back a minimum of five feet from the public right-of-way.

The proposed monument sign is set back from the public right-of-way in excess of the minimum five feet required in order to provide an unobstructed view for motorists entering or leaving the subject site.

- D. *Center identification signs may identify up to two anchor tenants, subject to the size limitations specified in Table 9-42.090 of this chapter. The name of the center shall constitute at least one-half of the total allowable sign message area. Tenant identification shall be secondary in appearance to the center identification. This may be accomplished through the use of smaller lettering, color, or other means deemed appropriate by the Community Development Director.***

A center identification sign is not proposed in the sign program for 25332 and 25352 Cabot Road.

9-42.230 Multiple story building signage.

Not applicable to this project.

9-42-240 Light-emitting diode and neon signs.

This section applies to exposed neon signs whose housing or structure had not permanently been affixed to its intended premises by November 13,

1998, and to the use of exposed LED, or similar technology, in a manner that constitutes a sign. The use of exposed neon or LED will be considered on a limited basis subject to the issuance of a sign permit. The use of exposed neon or LED signs shall be evaluated against the following criteria:

Exposed neon or LED signs are not proposed in the sign program for 25332 and 25352 Cabot Road.

9-42.250 *Suspended signs.*

Not applicable to this project.

9-42.260 *Prohibited signs.*

The sign program for 25332 & 25353 Cabot Road stipulates that signs prohibited by the Laguna Hills Municipal Code are not permitted. See: Note 15; Page 4.

6. *That the sign program provides a compatible and harmonious design between advertising, landscaping and building design.*

The sign program for 25332 & 25352 Cabot Road notes that its purpose and intent is to ensure that signage at Cabot Town Center reflects the integrity and overall aesthetic values of the landlord and the City of Laguna Hills.

Compatibility and harmonious design between advertising, landscaping and building design are demonstrated by the sign program's compliance with sign criteria required by the development code.

September 27, 2011

Mr. Matthew T. Vujovich
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LLG Reference No. 2.10.3178.1

**Subject: 2nd Updated Parking Demand Analysis for the Proposed
DaVita Dialysis Center @ Cabot Town Center Project
Laguna Hills, California**

Dear Mr. Vujovich:

As requested, Linscott, Law, & Greenspan, Engineers (LLG) is pleased to submit this 2nd Updated Parking Demand Analysis for the Proposed DaVita Dialysis Center in the existing Cabot Town Center development. The existing Cabot Town Center shopping center consists of approximately 84,343 square feet (SF) and is located at 25172-25352 Cabot Road in the City of Laguna Hills, California. Specifically, the parking study site consists of a triangular portion of the town center with three existing buildings. **Figure 1**, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the triangular parking study site and depicts the surrounding street system.

The triangular parking study site consists of an Outback Steakhouse and two vacant buildings, which included a bank (proposed dialysis center) and tire store. **Table 1**, located at the end of this letter report following the figures, presents the proposed land use summary for the parking study site and includes the current or proposed days and hours of operation. It should be noted that the retail use days and hours of operation are based on the ULI *Shared Parking* profile assumptions, which consist of 18 hours a day every day. As presented in **Table 1**, the existing Outback Steakhouse consists of 6,200 SF, the proposed dialysis center will consist of 8,196 SF, and the existing vacant tire store will be re-used as 3,900 SF of retail use for a total area of approximately 18,296 SF. At completion of the site redevelopment, the parking supply will consist of 111 parking spaces. **Figure 2** presents an aerial view of the existing site plan for the triangular parking study site, which depicts the three existing buildings and the associated parking areas. **Figure 3** presents the proposed site plan for triangular parking study site, which includes the site layout of the proposed DaVita Dialysis Center building, which is a redevelopment of the existing vacant bank building.

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Based on our understanding, a parking study is required by the City of Laguna Hills to determine the parking demand for the triangular parking study site with inclusion of the proposed 8,196 SF DaVita Dialysis Center and reoccupation of the existing 3,900 SF vacant tire store to ensure that adequate parking will be provided.

This report evaluates the parking demands of the existing and proposed land use at the triangular parking study site of Cabot Town Center. The parking analysis evaluates the project's parking requirements based on current City of Laguna Hills zoning codes, the methodology outlined in Urban Land Institute's (ULI) *Shared Parking Second Edition* guidelines, and existing parking surveys.

Briefly, the triangular parking study site including the proposed DaVita Dialysis Center is forecast to have a parking deficiency of 20 parking spaces based on a City Parking Code analysis. However, the City's parking code does not necessarily reflect actual and/or proposed parking conditions within the triangular parking study site with the DaVita Dialysis Center, and as a result fewer parking spaces are actually needed to support the three proposed uses on the site.

As such, a shared analysis based on actual parking surveys at the project site was prepared and indicates that developing the DaVita Dialysis Center and reoccupying the existing vacant tire store with retail use will not adversely impact existing or future parking conditions. The proposed on-site parking supply of 111 parking spaces is forecast to adequately accommodate future parking demands on both a weekday and weekend day. Our method of analysis, findings, and recommendations are detailed in the following sections of this report.

Project Description

The proposed DaVita Dialysis Center will consist of a medical clinic for the treatment of patients requiring kidney dialysis. The building will consist of 8,196 SF with approximately 20 medical dialysis stations. A large majority of the patients ($\approx 60\%$) will arrive and depart via medical transport or private transportation, which will not require parking. The dialysis center is anticipated to operate from 5:00 AM to 8:00 PM on weekdays and 5:00 AM to 8:00 PM on Saturdays (closed on Sundays) with the core hours of 9:00 AM to 5:00 PM. It should be noted that the Outback Steakhouse restaurant is not open for lunch.

Parking Supply-Demand Analysis

This parking analysis for the DaVita Dialysis Center project site involves determining the expected parking needs, based on the size and type of existing and proposed development components.

For this Project, there are two appropriate methods that can be used to estimate the site's peak parking requirements. These methods include:

1. Application of City code requirements (which typically treat each use in the project as a "stand alone" use at maximum demand); and
2. Application of parking survey information combined with the shared parking methodology, which combines actual parking demand data with proposed uses based on city code and time of day profiles.

The shared parking methodology is certainly applicable to a development such as the triangular parking study site at Cabot Town Center, as the individual land uses (i.e., clinic, retail, and restaurant) experience peak demands at different times of the day and the parking survey/shared parking combination is the most accurate parking requirement forecast.

Parking Code Requirements

To determine the number of parking spaces required to support the DaVita Dialysis Center at Cabot Town Center site, parking demand was first calculated using the City of Laguna Hills Zoning Code. As mentioned previously, City parking code requirements typically treat each individual use in the project as a "stand alone" use at maximum demand, as opposed to an integrated part of the entire project. As such, the City of Laguna Hills Zoning Code (*Title 9: Zoning & Subdivisions, Chapter 9-44, Access and Parking, Section 9-44.050 Required Parking*) specifies a parking ratio based on Table 9-44.A of 1 stall per 200 SF-GFA for General Retail, of 1 stall per 100 SF-GFA for the first 4,000 SF (40 stalls), then 1 stall per 50 SF-GFA above 4,000 SF for Restaurants, and 1 stall per 300 SF-GFA for clinical uses under the Health Care Facility use.

Table 2 summarizes the parking requirements for the proposed DaVita Dialysis Center at Cabot Town Center site using the above code parking ratios. As shown, direct application of City parking ratios to the DaVita Dialysis Center Development totals result in a City parking code requirement of 131 parking spaces, which somewhat overstates the amount of parking which will be needed to accommodate the mix of uses proposed within the triangular parking study site. However, as previously mentioned, there is an opportunity to share parking spaces based on the utilization profile of each land use component.

Parking Survey Analysis

To determine the existing parking demand of the existing uses on the triangular parking study site, parking surveys were conducted on two weekdays (Thursday & Friday) and one weekend day (Saturday) by Transportation Studies, Inc. The parking surveys were performed at half-hour intervals between 9:00 AM and 9:00 PM on Thursday October 21, 2010, Friday October 22, 2010, and Saturday, October 23, 2010. The parking surveys consisted of counting the number of parked vehicles within the entire triangular parking study site. The parking supply during the surveys was 98 parking spaces.

The results of the Thursday, Friday, and Saturday parking surveys are summarized in **Table 3**, **Table 4**, and **Table 5**, respectively. The tables present the parking demand at the study site for each one-hour of the weekday and weekend count date. As shown in **Table 3**, the study site experienced a Thursday peak parking demand of 46 vehicles (46.9% utilization) within the entire site at 6:00 PM. Next, as shown in **Table 4**, the study site experienced a Friday peak parking demand of 81 vehicles (82.7% utilization) within the entire site that occurred at 7:00 PM. Finally, as shown in **Table 5**, the study site experienced a Saturday (weekend) peak parking demand of 69 vehicles (70.4% utilization) within the entire site that occurred at 7:00 PM.

Shared Parking Analysis

Based on the mix of uses proposed for the triangular parking study site, the parking demand can be calculated using shared parking criteria as established by the Urban Land Institute (ULI) which lays out a calculation matrix for computing the project's realistic parking needs. The shared parking calculations included in this report are based on the proposed land uses/mix of tenants for the triangular parking study site, and reflects the proposed development tabulation presented in **Table 1**.

Shared Parking Rationale and Basis

Accumulated experience in parking demand characteristics indicates that a mixing of land uses results in an overall parking need that is less than the sum of the individual peak requirements for each land use. Shared parking calculations recognize that different uses often experience individual peak parking demands at different times of day, or days of the week. When uses share a common parking footprint, the total number of spaces needed to support the collective whole is determined by adding parking profiles (by time of day or day of week), rather than individual peak ratios as represented in the City of Laguna Hills Zoning Code (*Title 9: Zoning & Subdivisions, Chapter 9-44, Access and Parking, Section 9-44.050 Required Parking*).

The analytical procedures for Shared Parking Analyses are well documented in the Shared Parking publication by the Urban Land Institute (ULI) and have been previously

accepted by the City of Laguna Hills. As for other local application, the City of Costa Mesa, and the City of Irvine, among others, has adopted Shared Parking procedures into their Zoning Ordinances based on the ULI techniques and individual parking studies, which validate and/or refine the ULI demand projections and profiles.

Shared parking calculations for the DaVita Dialysis Center at Cabot Town Center site utilize peak parking ratios and hourly parking accumulations developed from field studies of single developments in free-standing settings, where travel by private auto is maximized. These characteristics permit the means for calculating peak parking needs when land use types are combined. Further, the shared parking approach will result, at other than peak parking demand times, in an excess amount of spaces that will service the overall needs of the proposed DaVita Dialysis Center at Cabot Town Center site redevelopment project.

Shared Parking Ratios and Profiles

The hourly parking demand profiles (expressed in percent of peak demand) are based on profiles developed by the Urban Land Institute (ULI) and published in *Shared Parking Second Edition*. The ULI publication presents hourly parking demand profiles for many general land uses such as office, retail, restaurant, cinema, and residential. These factors present a profile of parking demand over time and have been used directly, by land use type, in this analysis project.

Since the vacant components of the DaVita Dialysis Center at Cabot Town Center site project are intended for clinical and retail uses, the profile for retail use is applied directly, while the medical office use profile is applied for the DaVita Dialysis Center with time-of-day modifications to reflect the operational characteristics and hours of operation of the center based on sample data from similar facilities provided by DaVita. **Appendix B** contains the Patient Flow Analysis, which is based on data from the Mission Viejo DaVita Dialysis facility in Orange County with very similar physical and operational characteristics (10,000 SF; 5:30 AM – 7:30 PM, Monday through Saturday; treatment by appointment only; 20 beds; and an average of 3 to 4 hours to complete treatment). The City's parking requirement of 1 stall per 200 SF-GFA for General Retail and 1 stall per 300 SF-GFA for Clinical uses was utilized, which is a conservative estimate of the anticipated parking demand for the center based on the large majority of the patients that will arrive and depart via medical transport or private transportation, which will not require parking.

Survey Data Shared Parking Demand Analysis and Results

In order to determine the peak-parking requirement for the proposed DaVita Dialysis Center at Cabot Town Center project site, utilization of the survey data for the existing land uses is combined with the parking demand within the shared parking model for the proposed use(s).

Table 6 and **Table 7** present an approach which applies the City code parking requirement and site-specific time of day parking profiles to the 8,196 SF proposed DaVita Dialysis Center and existing 3,900 SF vacant tire store building, for the Thursday and Friday (weekday) time frame while directly applying the parking survey results as a time of day parking profile for the existing 6,200 SF occupied Outback Steakhouse restaurant. In addition, **Table 8** presents the City code parking requirement and site-specific time of day parking profiles to the proposed DaVita Dialysis Center and existing vacant tire store building, for the Saturday (weekend day) time frame while directly applying the parking survey results as a time of day parking profile for the occupied square-footage within the triangular parking study site. **Appendix A** contains the weekday and weekend day shared parking analysis calculation worksheets for the retail and clinical land uses.

As shown in **Table 6**, the peak parking requirement for the proposed DaVita Dialysis Center at Cabot Town Center project site during a typical weekday (Thursday) totals 79 parking spaces and occurs at 6:00 PM.

As shown in **Table 7**, the peak parking requirement for the proposed DaVita Dialysis Center at Cabot Town Center project site during a typical weekday (Friday) totals 106 parking spaces and occurs at 7:00 PM.

As shown in **Table 8**, the peak parking requirement for the proposed DaVita Dialysis Center at Cabot Town Center project site during a weekend day (Saturday) totals 97 parking spaces and occurs at 6:00 PM.

As a result, based on review of **Tables 6, 7 and 8**, the peak parking survey data shared parking demand for the proposed DaVita Dialysis Center Development project is **106 parking spaces** and occurs at 7:00 PM on a weekday (Friday). With a proposed on-site parking supply of 111 parking spaces, a minimum **parking surplus of 5 spaces** is forecast for the entire site. It should be noted that during every other hour of the week, there will a minimum parking surplus of 10 parking spaces (9%) and that a minimum parking surplus of 32 parking spaces is forecast Monday through Thursday with a minimum surplus of 14 parking spaces on Saturday.

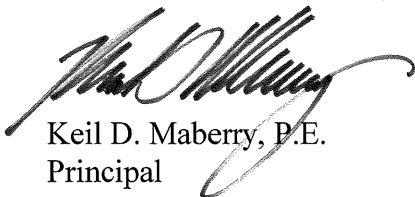
Consequently, the parking survey data shared parking demand analysis indicates that there is adequate parking on site to accommodate the proposed DaVita Dialysis Center at Cabot Town Center redevelopment project. It should be noted that there will be minimal hours of operation overlap between the existing Outback Steakhouse (dinner service only) and the proposed DaVita Dialysis Center, whose core hour's end at 6:00 PM.

Summary of Findings and Conclusions

1. The proposed DaVita Dialysis Center at Cabot Town Center redevelopment project involves an 8,196 SF proposed dialysis center and 3,900 SF re-occupied vacant space with a retail use. The DaVita Dialysis Center at Cabot Town Center project site will have a parking supply of 111 parking spaces.
2. Direct application of City parking ratios to the DaVita Dialysis Center at Cabot Town Center project site program results in a City parking code requirement of **131 parking spaces**. Based on a parking supply of 111 spaces, a parking deficiency of 20 parking spaces is forecast. However, this would result in a significant amount of excess parking spaces than what is actually needed to serve the project.
3. The Survey Data Shared Parking Analysis indicates that the peak parking demand for the proposed DaVita Dialysis Center at Cabot Town Center project site (*Table 7*) during a weekday (Friday) totals **106 parking spaces** and occurs at 7:00 PM. With a proposed parking supply of 111 parking spaces, a minimum parking surplus of **5 parking spaces** is forecast for the triangular parking study site on a typical peak weekday. In addition, the peak parking demand for the proposed DaVita Dialysis Center at Cabot Town Center project site (*Table 8*) during a weekend (Saturday) totals **97 parking spaces** and occurs at 6:00 PM. With a proposed parking supply of 111 parking spaces, a minimum parking surplus of **14 parking spaces** is forecast for the triangular parking study site on a typical peak weekend day. It should be noted that during every other hour of the week, there will a minimum parking surplus of 10 parking spaces (9%) and that a minimum parking surplus of 32 parking spaces is forecast Monday through Thursday with a minimum surplus of 14 parking spaces on Saturday. Consequently, the parking survey data shared parking demand analysis indicates that there is adequate parking on site to accommodate the proposed DaVita Dialysis Center at Cabot Town Center redevelopment project.

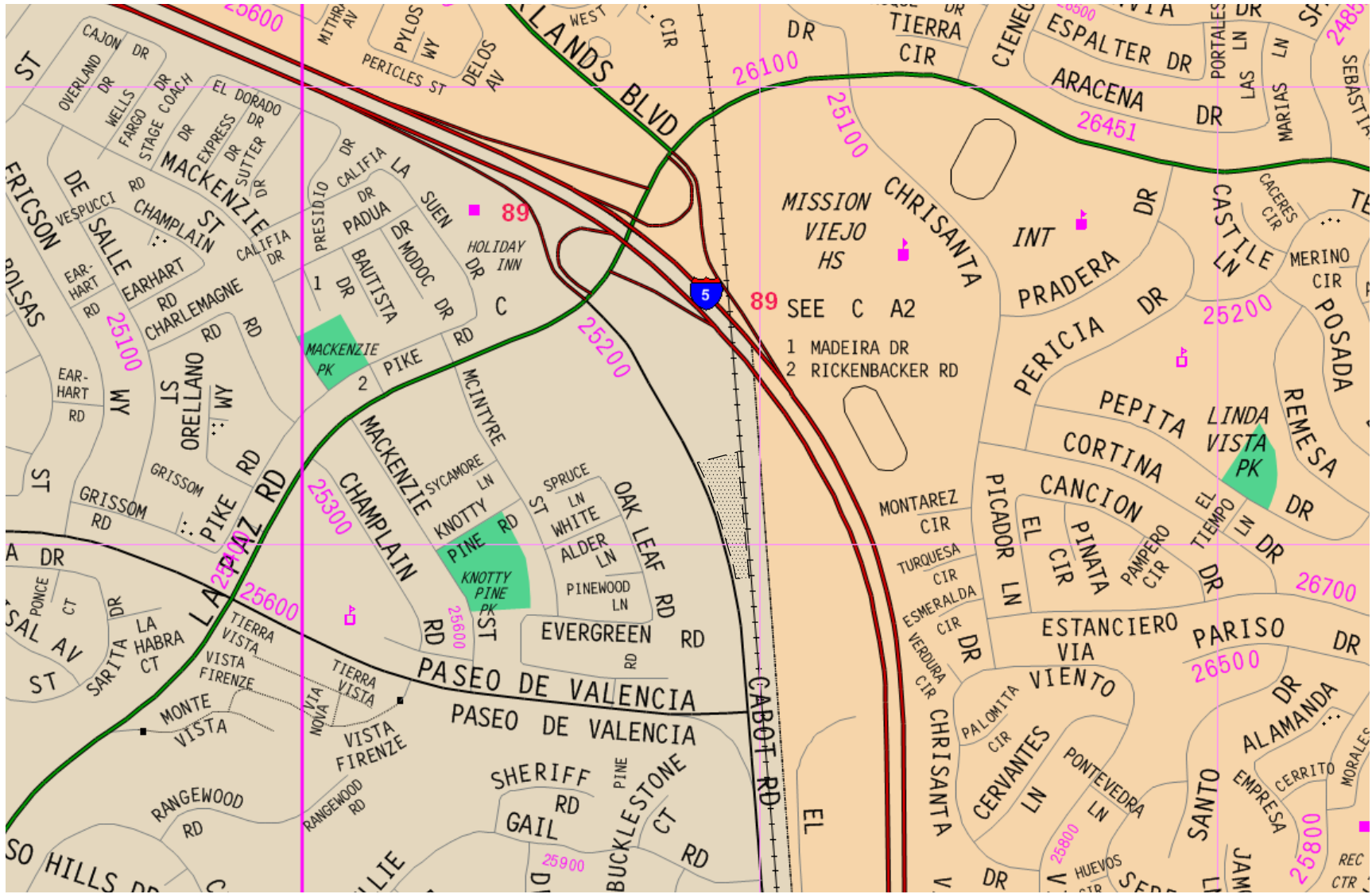
We appreciate the opportunity to prepare this parking demand analysis for Snyder Langston. Should you have any questions or need additional assistance, please do not hesitate to call me at (714) 641-1587.

Very truly yours,
Linscott, Law & Greenspan, Engineers


Keil D. Maberry, P.E.
Principal



Attachments



n:\3100\2103178 - davita dialysis center, laguna hills\dwg\3178f-1.dwg LDP 11-02-2010 agular



NO SCALE

SOURCE: THOMAS BROS.

KEY

 = PROJECT SITE

FIGURE 1

VICINITY MAP
DAVITA DIALYSIS CENTER, LAGUNA HILLS



n:\3100\2103178 - davita dialysis center, laguna hills\dwg\3178f-2.dwg LDP 11:48:11 11-02-2010 agular



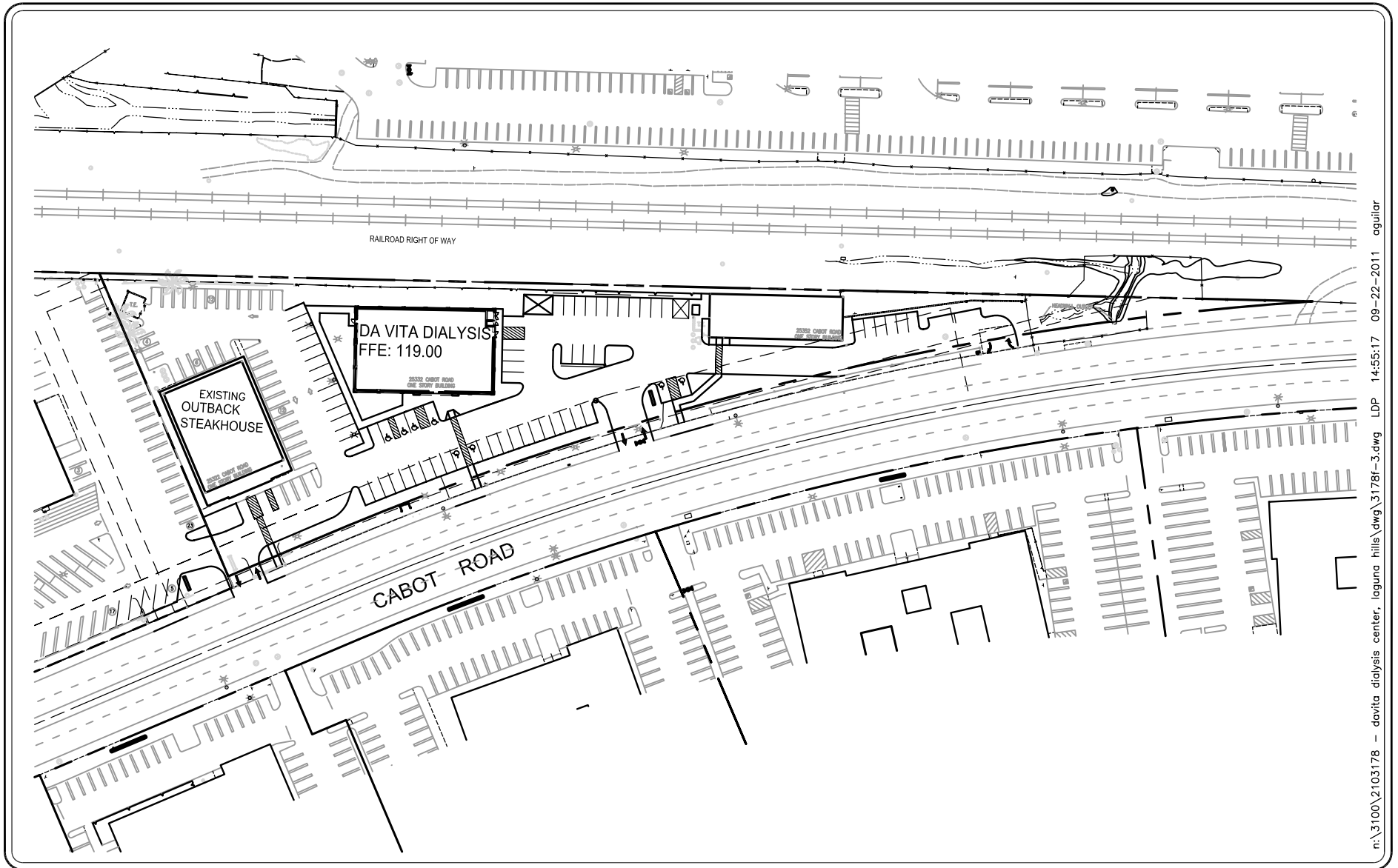
SOURCE: BING MAPS

KEY

 = PROJECT SITE

FIGURE 2

EXISTING SITE PLAN
DAVITA DIALYSIS CENTER, LAGUNA HILLS



n:\3100\2103178 - davita dialysis center, laguna hills\dwg\3178f-3.dwg LDP 14:55:17 09-22-2011 agular



SOURCE: KCDA, INC.

FIGURE 3

PROPOSED SITE PLAN
DAVITA DIALYSIS CENTER, LAGUNA HILLS

TABLE 1
PROPOSED LAND USE SUMMARY
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Business Name	Days/Hours of Operation	Land Use	Building Size (SF)
Outback Steakhouse	See Note [1]	Quality Restaurant	6,200
<i>Vacant</i>	M-Sat 5:30 AM-9:00 PM	Dialysis Center/Clinic [2]	8,196
<i>Vacant</i>	M-Sun 6:00 AM-12:00 AM	Retail [3]	3,900
Total Occupied Building Area			6,200
Total Building Area			18,296

Notes:

[1] Monday -Thursday: 4:00 PM -10:00 PM

Friday: 4:00 PM -10:00 PM

Saturday: 3:00 PM -10:30 PM

Sunday: 3:00 PM -9:00 PM

[2] Proposed Redevelopment

[3] Re-use

TABLE 2
CITY CODE PARKING ANALYSIS
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	City of Laguna Hills Code Parking Ratio [1]	Size (SF)	Spaces Required
Restaurant	10 Spaces per 1,000 SF for first 4,000 SF and then 20 Spaces per 1,000 SF above 4,000 SF	6,200	84
Clinical	3.33 Spaces per 1,000 SF (Health Care)	8,196	27
Retail	5.00 Spaces per 1,000 SF	3,900	19
Total City of Laguna Hills Code Parking Requirement:			131
DaVita Dialysis Center Parking Supply:			111
Surplus/Deficiency (+/-)			-20

Notes:

[1] Source: *City of Laguna Hills Municipal Code, Title 9 Zoning and Subdivision, Table 9-44.A - Number of Parking Stalls Required*

TABLE 3
PARKING SURVEY SUMMARY (THURSDAY, OCTOBER 21, 2010) [1]
Outback Steakhouse At Cabot Town Center, Laguna Hills

Time of Day	Number of Parked Cars	Percent Utilization [2]
9:00 AM	4	4.1%
10:00 AM	4	4.1%
11:00 AM	4	4.1%
12:00 PM	4	4.1%
1:00 PM	4	4.1%
2:00 PM	2	2.0%
3:00 PM	1	1.0%
4:00 PM	6	6.1%
5:00 PM	21	21.4%
6:00 PM	46	46.9%
7:00 PM	44	44.9%
8:00 PM	25	25.5%
9:00 PM	12	12.2%

Notes:

[1] On-site parking surveys conducted by Transportation Studies, Inc.

[2] Parking utilization percentages calculated based on an existing on-site parking availability of 98 spaces.

Bold, highlighted cells represent peak observed parking demands.

TABLE 4
PARKING SURVEY SUMMARY (FRIDAY, OCTOBER 22, 2010) [1]
Outback Steakhouse At Cabot Town Center, Laguna Hills

Time of Day	Number of Parked Cars	Percent Utilization [2]
9:00 AM	5	5.1%
10:00 AM	5	5.1%
11:00 AM	5	5.1%
12:00 PM	5	5.1%
1:00 PM	5	5.1%
2:00 PM	10	10.2%
3:00 PM	20	20.4%
4:00 PM	21	21.4%
5:00 PM	41	41.8%
6:00 PM	68	69.4%
7:00 PM	81	82.7%
8:00 PM	63	64.3%
9:00 PM	26	26.5%

Notes:

[1] On-site parking surveys conducted by Transportation Studies, Inc.

[2] Parking utilization percentages calculated based on an existing on-site parking availability of 98 spaces.

Bold, highlighted cells represent peak observed parking demands.

TABLE 5
PARKING SURVEY SUMMARY (SATURDAY, OCTOBER 23, 2010) [1]
Outback Steakhouse At Cabot Town Center, Laguna Hills

Time of Day	Number of Parked Cars	Percent Utilization [2]
9:00 AM	3	3.1%
10:00 AM	3	3.1%
11:00 AM	3	3.1%
12:00 PM	4	4.1%
1:00 PM	5	5.1%
2:00 PM	4	4.1%
3:00 PM	6	6.1%
4:00 PM	17	17.3%
5:00 PM	48	49.0%
6:00 PM	67	68.4%
7:00 PM	69	70.4%
8:00 PM	54	55.1%
9:00 PM	14	14.3%

Notes:

[1] On-site parking surveys conducted by Transportation Studies, Inc.

[2] Parking utilization percentages calculated based on an existing on-site parking availability of 98 spaces.

Bold, highlighted cells represent peak observed parking demands.

TABLE 6
WEEKDAY (THURSDAY) SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	(1) Existing Outback Steakhouse	(2) Retail	(3) DaVita Dialysis Center	(4)	(5)
Size Pkg Rate[2]	6.200 KSF Occupied	3.900 KSF 5.00 /KSF	8.196 KSF 3.33 /KSF	Total Spaces = 47 Shared Parking Demand	Comparison w/ Parking Supply 113 Spaces Surplus (Deficiency)
Gross Spaces	Observed Hourly Parking Demand	20 Spc.	27 Spc.		
Time of Day		Number of Spaces	Number of Spaces		
9:00 AM	4	8	27	39	74
10:00 AM	4	12	27	43	70
11:00 AM	4	15	27	46	67
12:00 PM	4	18	27	49	64
1:00 PM	4	18	27	49	64
2:00 PM	2	18	27	47	66
3:00 PM	1	17	27	45	68
4:00 PM	6	17	27	50	63
5:00 PM	21	17	27	65	48
6:00 PM	46	17	16	79	34
7:00 PM	44	17	8	69	44
8:00 PM	25	15	3	43	70
9:00 PM	12	10	0	22	91

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

TABLE 7
WEEKDAY (FRIDAY) SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	(1) Existing Outback Steakhouse	(2) Retail	(3) DaVita Dialysis Center	(4)	(5)
Size Pkg Rate[2]	6.200 KSF Occupied	3.900 KSF 5.00 /KSF	8.196 KSF 3.33 /KSF	Total Spaces = 47 Shared Parking Demand	Comparison w/ Parking Supply 113 Spaces Surplus (Deficiency)
Gross Spaces	Observed Hourly Parking Demand	20 Spc. Number of Spaces	27 Spc. Number of Spaces		
Time of Day					
9:00 AM	5	8	27	40	73
10:00 AM	5	12	27	44	69
11:00 AM	5	15	27	47	66
12:00 PM	5	18	27	50	63
1:00 PM	5	18	27	50	63
2:00 PM	10	18	27	55	58
3:00 PM	20	17	27	64	49
4:00 PM	21	17	27	65	48
5:00 PM	41	17	27	85	28
6:00 PM	68	17	16	101	12
7:00 PM	81	17	8	106	7
8:00 PM	63	15	3	81	32
9:00 PM	26	10	0	36	77

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

TABLE 8
WEEKEND (SATURDAY) SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	(1) Existing Outback Steakhouse	(2) Retail	(3) DaVita Dialysis Center	(4)	(5)
Size Pkg Rate[2]	6.200 KSF Occupied	3.900 KSF 5.00 /KSF	8.196 KSF 3.33 /KSF	Total Spaces = 47 Shared Parking Demand	Comparison w/ Parking Supply 113 Spaces
Gross Spaces	Observed Hourly Parking Demand	20 Spc.	27 Spc.		Surplus (Deficiency)
Time of Day		Number of Spaces	Number of Spaces		
9:00 AM	3	8	27	38	75
10:00 AM	3	11	27	41	72
11:00 AM	3	14	27	44	69
12:00 PM	4	17	27	48	65
1:00 PM	5	18	27	50	63
2:00 PM	4	20	27	51	62
3:00 PM	6	20	27	53	60
4:00 PM	17	19	27	63	50
5:00 PM	48	18	27	93	20
6:00 PM	67	16	14	97	16
7:00 PM	69	15	8	92	21
8:00 PM	54	13	3	70	43
9:00 PM	14	11	0	25	88

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

APPENDIX A

ULI PARKING CALCULATION WORKSHEETS

Appendix Table A-1

SHOPPING CENTER (TYPICAL DAYS)
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	Shopping Center (Typical Days)				
Size	3,900 KSF				Shared Parking Demand
Pkg Rate[2]	5 /KSF				
Gross Spaces	20 Spaces				
	16 Guest Spc.		4 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	0	9%	0	0
7:00 AM	5%	1	14%	1	2
8:00 AM	14%	2	36%	1	3
9:00 AM	32%	5	68%	3	8
10:00 AM	59%	9	77%	3	12
11:00 AM	77%	12	86%	3	15
12:00 PM	86%	14	90%	4	18
1:00 PM	90%	14	90%	4	18
2:00 PM	86%	14	90%	4	18
3:00 PM	81%	13	90%	4	17
4:00 PM	81%	13	90%	4	17
5:00 PM	86%	14	86%	3	17
6:00 PM	86%	14	86%	3	17
7:00 PM	86%	14	86%	3	17
8:00 PM	72%	12	81%	3	15
9:00 PM	45%	7	68%	3	10
10:00 PM	27%	4	36%	1	5
11:00 PM	9%	1	14%	1	2
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-2

SHOPPING CENTER (TYPICAL DAYS)
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	Shopping Center (Typical Days)				
Size	3,900 KSF				Shared Parking Demand
Pkg Rate[2]	5 /KSF				
Gross	20 Spaces				
Spaces	16 Guest Spc.		4 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	0	10%	0	0
7:00 AM	5%	1	15%	1	2
8:00 AM	10%	2	40%	2	4
9:00 AM	30%	5	75%	3	8
10:00 AM	50%	8	85%	3	11
11:00 AM	65%	10	95%	4	14
12:00 PM	80%	13	100%	4	17
1:00 PM	90%	14	100%	4	18
2:00 PM	100%	16	100%	4	20
3:00 PM	100%	16	100%	4	20
4:00 PM	95%	15	100%	4	19
5:00 PM	90%	14	95%	4	18
6:00 PM	80%	13	85%	3	16
7:00 PM	75%	12	80%	3	15
8:00 PM	65%	10	75%	3	13
9:00 PM	50%	8	65%	3	11
10:00 PM	35%	6	45%	2	8
11:00 PM	15%	2	15%	1	3
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-3

MEDICAL/DENTAL OFFICE
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	Medical/Dental Office				Shared Parking Demand
Size Pkg Rate[2]	8.196 KSF 3 /KSF				
Gross Spaces	27 Spaces				
	18 Visitor Spc.		9 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	100%	18	100%	9	27
7:00 AM	100%	18	100%	9	27
8:00 AM	100%	18	100%	9	27
9:00 AM	100%	18	100%	9	27
10:00 AM	100%	18	100%	9	27
11:00 AM	100%	18	100%	9	27
12:00 PM	100%	18	100%	9	27
1:00 PM	100%	18	100%	9	27
2:00 PM	100%	18	100%	9	27
3:00 PM	100%	18	100%	9	27
4:00 PM	100%	18	100%	9	27
5:00 PM	100%	18	100%	9	27
6:00 PM	60%	11	60%	5	16
7:00 PM	25%	5	30%	3	8
8:00 PM	10%	2	15%	1	3
9:00 PM	0%	0	0%	0	0
10:00 PM	0%	0	0%	0	0
11:00 PM	0%	0	0%	0	0
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-4

MEDICAL/DENTAL OFFICE
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]
DaVita Dialysis Center @ Cabot Town Center, Laguna Hills

Land Use	Medical/Dental Office				
Size	8.196 KSF				Shared Parking Demand
Pkg Rate[2]	3 /KSF				
Gross	27 Spaces				
Spaces	18 Visitor Spc.		9 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	75%	14	75%	7	21
7:00 AM	100%	18	100%	9	27
8:00 AM	100%	18	100%	9	27
9:00 AM	100%	18	100%	9	27
10:00 AM	100%	18	100%	9	27
11:00 AM	100%	18	100%	9	27
12:00 PM	100%	18	100%	9	27
1:00 PM	100%	18	100%	9	27
2:00 PM	100%	18	100%	9	27
3:00 PM	100%	18	100%	9	27
4:00 PM	100%	18	100%	9	27
5:00 PM	100%	18	100%	9	27
6:00 PM	50%	9	60%	5	14
7:00 PM	25%	5	30%	3	8
8:00 PM	10%	2	15%	1	3
9:00 PM	0%	0	0%	0	0
10:00 PM	0%	0	0%	0	0
11:00 PM	0%	0	0%	0	0
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

25332 & 25352 CABOT ROAD
CABOT TOWN CENTER
SIGN PROGRAM

LAGUNA HILLS, CA 92653

Prepared By:



SIGN METHODS INC.
Electrical Signs And Neon

1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

SIGN GUIDELINES, DIRECTORY, PARCEL INFORMATION, AND APPROVED SIGN VENDORS.

A. SIGN GUIDELINES

MANUFACTURE: All signs must be U.L. Approved and conform to the Electrical code and any municipal building codes.

COLORS & FINISHES: Colors and finishes must be of highest quality over properly primed surfaces and are subject to owner approval.

INTERIOR SIGNS: Interior signs are not regulated by this program unless they are pertinent to or attached to a window.

REQUIRED SIGNS: Tenants identified as being allowed exterior wall signs are required to provide and maintain in good condition at least one wall sign and suite identification sign in conformance with this program during the term of tenant's lease.

CITY SIGN PERMITS: All signs require city permits prior to installation.

B. DIRECTORY

ARCHITECT:

Greenberg Farrow
19000 MacArthur Blvd.
Suite 250
Irvine, CA 92612
(949) 296-0450 - Phone
(949) 296-0437 - Fax

CITY OF LAGUNA HILLS

City Hall
24035 El Toro Rd.
Laguna Hills, CA 9265
(949) 707-2600 - Phone
(949) 707-2614 - Fax

APPROVED SIGN VENDOR

Sign Methods, Inc.
Contact: Dane Cardone

1749 E. 28th St.
Signal Hill, CA 90755
(800) 655-4336
(562) 989-5755 - Phone
(562) 427-6875 - Fax

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

SIGN METHODS INC.
Electrical Signs And Neon

1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

PROJECT DIRECTORY

A. PURPOSE AND INTENT

The purpose of this sign program is to ensure that the signage at Cabot Town Center reflects the integrity and overall aesthetic values of the Landlord and the City of Laguna Hills. Conformity with this program will be strictly enforced, and any non-conforming signs will be removed by the Landlord at the expense of the tenant.

B. GENERAL LANDLORD / TENANT REQUIREMENTS

1. Prior to manufacture of any sign in Cabot Town Center, the Tenant shall submit to Landlord for written approval, two copies of the detailed sign drawings. These drawings shall include the building elevation to which the signs are to be attached, sign dimensions, graphics, location, colors, and method of attachment. This approval by Landlord must be obtained prior to submittal to the City of Laguna Hills. A copy of Landlord approval of requested tenant sign shall be turned in to the City in addition to the required City application for approval of signage.
2. All signs shall be reviewed for conformance with this criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics of design shall remain the sole right of the Landlord.
3. Prior to the manufacturing and installation of any sign, the Tenant shall obtain a sign permit from the City of Laguna Hills.
4. The tenant shall pay for all signs, related materials, and installation fees (including final inspection costs).
5. Tenant fascia signs will be limited to tenant's name. The use of brand name logos will not be allowed on the sign.
6. It is the responsibility of the tenant's sign company to verify all conduit and transformer locations and service access prior to fabrication.
7. In the event a tenant vacates his premise, it is his responsibility to patch all holes and paint surface(s) to match existing color of fascia. In addition, the tenant shall provide a blank panel for any freestanding sign he occupies.
8. Landlord reserves the right to periodically hire an independent electrical engineer, at Tenant's sole expense, to inspect the installation of all Tenant's signs. Tenants will be required to have any discrepancies and/or code violations corrected at Tenant's expense. Any code violations, requests for sign removals, or discrepancies not corrected within fifteen (15) days of notice, may be corrected by the Landlord at Tenant's expense.

9. All tenant signs shall be installed after City permits are secured, within 30 days of permitting.
10. Cooperative tenant advertising, signing or seasonal event signing will require a specialty event sign permit from the City of Laguna Hills prior to the event.

C. GENERAL SPECIFICATIONS

1. Sign widths shall be limited to 70 percent of tenant's leasehold width, and also shall not exceed the general sizes outlined.
2. Signs shall be fabricated per the specifications shown.
3. All signs and their installation shall comply with all local building and electrical codes.
4. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications.
5. Sign company to be fully licensed with the City and State and shall have full workman's compensation and 1 million dollar general liability insurance.
6. All penetrations of exterior fascia are to be sealed watertight (color and finish to match existing building exterior).
7. All conduits, transformers, junction boxes and openings in building surfaces shall be fully concealed within the interior walls of the building. Exposed hardware shall be finished in a manner consistent with quality fabrication practices.
8. All signs shall have its sign permit number, name of fabricator, date of installation and voltage in a visible location.
9. Any tenant sign left thirty (30) days after vacating premises shall become the property of the Landlord unless previous arrangements have been agreed upon by Landlord and tenant.
10. Tenant wall signs must consist of internally illuminated channel letters.

**25332 & 25352
CABOT ROAD**

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:



SIGN METHODS INC.
Electrical Signs And Neon

1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

D. PROHIBITED SIGNS

1. Signs Constituting a Traffic Hazard
No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "LOOK", "DANGER" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.
2. Signs in Proximity to Utility Lines
Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than are prescribed by the Laws of the State of California are prohibited.
3. Painted letters will not be permitted.
4. Cabinet/flourescent illuminated signs will not be allowed.
5. Metal faced cabinet signs (except as part of a logo) are prohibited.
6. Externally illuminated signs are prohibited.
7. There shall be no rooftop signs.
8. There shall be no flashing, moving, or audible signs.
9. Signs must be architecturally compatible with the entire center and receive approval of Landlord and City zoning, planning and building departments. If planning department determines that a sign is not compatible with building architecture, it shall be deemed prohibited. If a sign is installed without City permits, it will be deemed prohibited and removed at Tenant's expense.
10. No sign shall project above the approved sign envelope.
11. Vehicle Signs
Signs on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful activity are prohibited.
12. Light Bulb Strings
External displays, other than temporary decorative holiday lighting which consists of unshielded light bulbs are prohibited. An exception hereto may be granted by the Landlord when the display is an integral part of the design character of the activity to which it relates.
13. Billboard Signs are not permitted.
14. Temporary Signs:
Window signs are permissible provided that they do not exceed 20 square feet in area and do not occupying more than 20% of the window. The use of temporary banners special holiday decorations, and flags in conjunction with special events, grand openings, or seasonal events subject to the limitations of Laguna 9-42.200 of the municipal code.

25332 & 25352
CABOT ROAD

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25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

1"=100'-0"



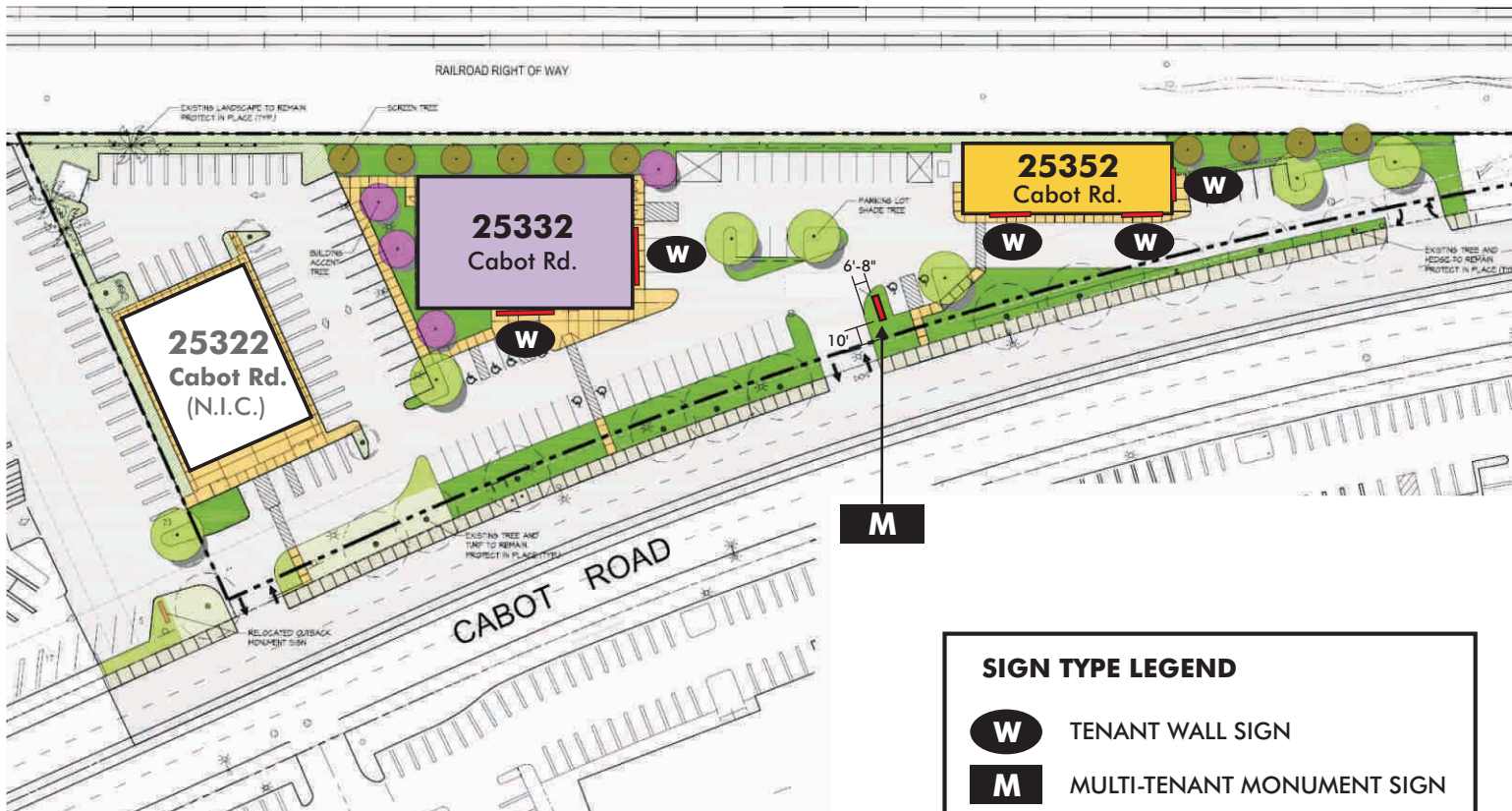
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SITE PLAN

Page 5

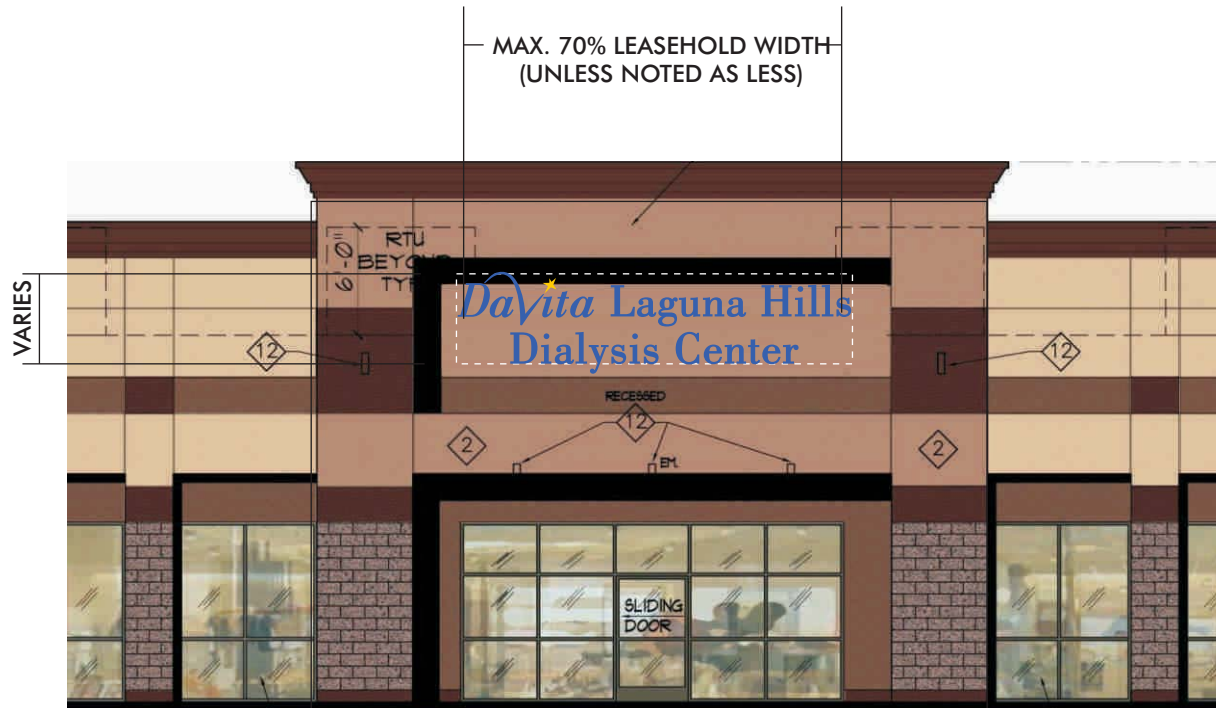


10/25/2011 ITEM NO. 5.5.2

Sign Type **W**

TENANT WALL SIGNS

- Quantity: 1 sign to be located on Tenant's front (west-facing) elevation. Signage may be allowed on Tenant's side elevation (see site plan and elevations for available locations).
- Content: Tenant name and optional logo or graphic.
- Sign Area: Maximum of 1 square foot of signage per 1 foot of leasehold width, not exceeding 150 square feet per tenant.
- Sign Height: 24 inch maximum capital letter height. Maximum of two lines of stacked copy are permitted, with at least 2 inches between lines of copy.
- Sign Type: Individual 5-inch deep channel letters fabricated from aluminum, with .063 aluminum returns, 3/16-inch white acrylic faces, and 3/4-inch to 1-inch trimcap retainer.
- Illumination: Internal L.E.D.s with remote or self-contained power supply.
- Installation: Flush to wall.
- Letter Style: Tenant's choice, with Landlord approval.
- Colors: Tenant's choice, with Landlord approval.



TYPICAL ELEVATION WITH SIGNAGE

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

3/32"=1'-0"

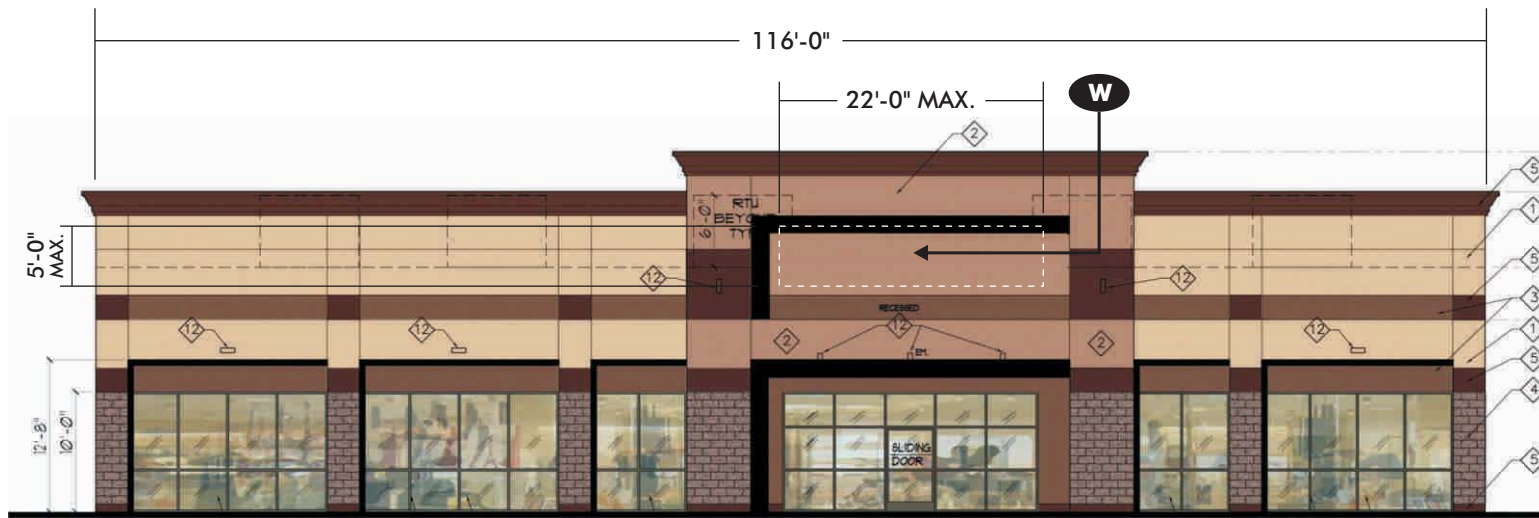


SIGN METHODS INC.
Electrical Signs And Neon

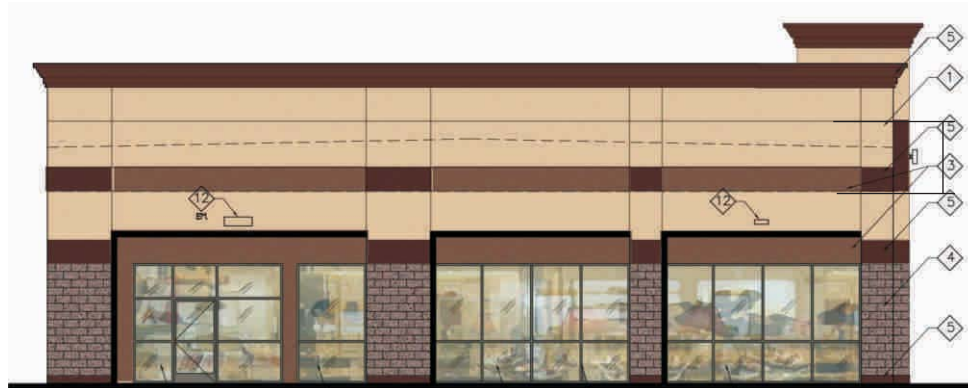
1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

TENANT WALL SIGNS

REQUIREMENTS

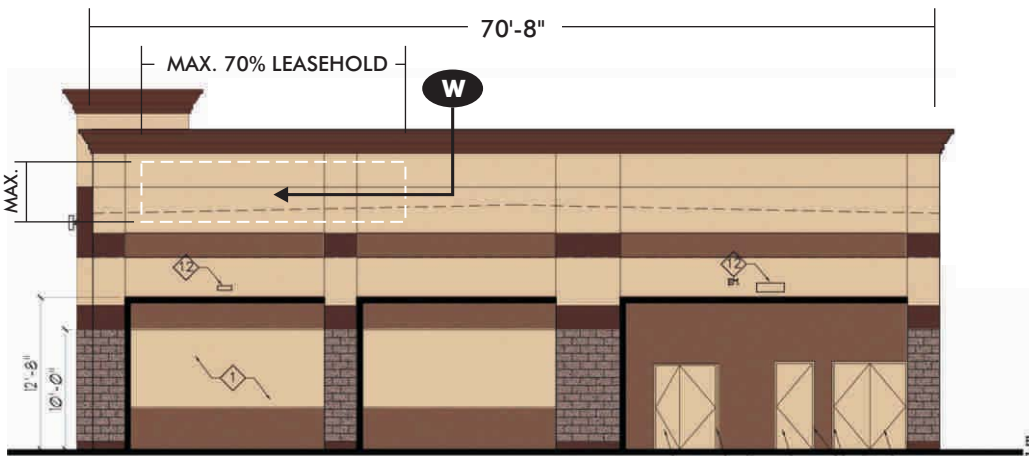


WEST ELEVATION



NORTH ELEVATION

- 1 FIELD -1
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 2828 - INTERFACE TAN
- 2 FIELD-2
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 6060 - MOROCCAN BROWN
- 3 ACCENT-1
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 2856 - FAIRFAX BROWN
- 4 ACCENT-3
E. DILLON
REFLECTIVE CARNIVAL
- 5 CORNICE
SHERWIN WILLIAMS 2838
POLISHED MAHOGANY



SOUTH ELEVATION

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

1/16"=1'-0"



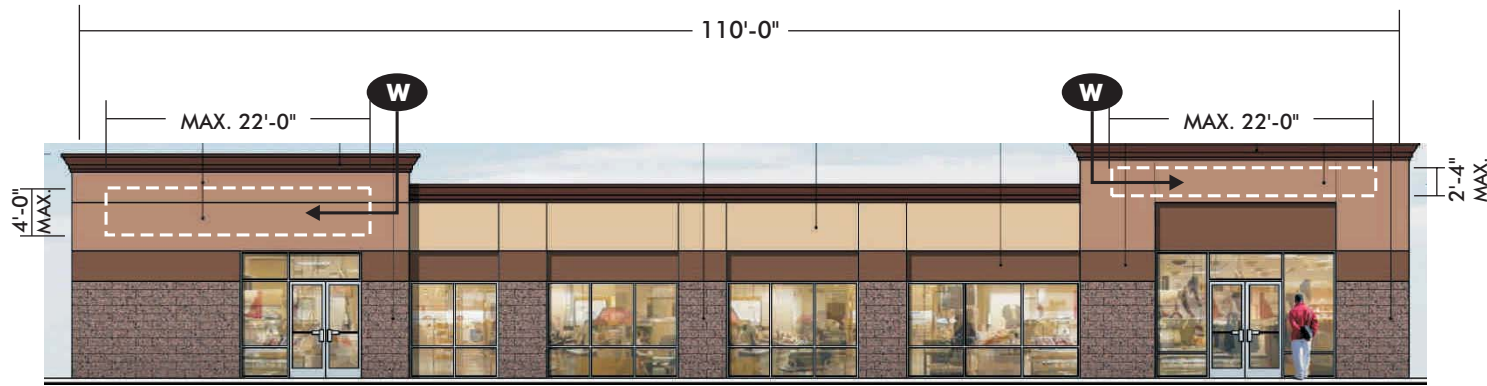
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Electrical Signs And Neon

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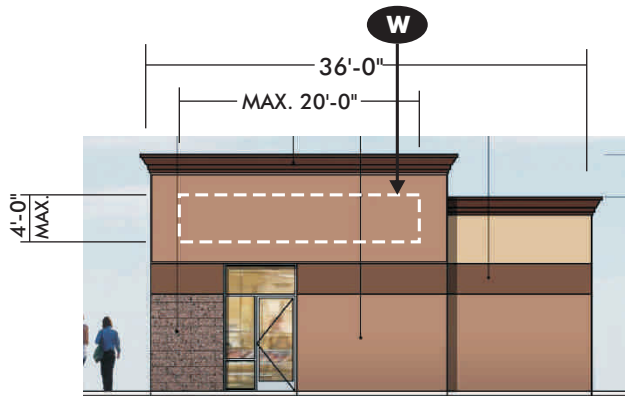
**25332
CABOT ROAD**

ELEVATIONS

Page 7



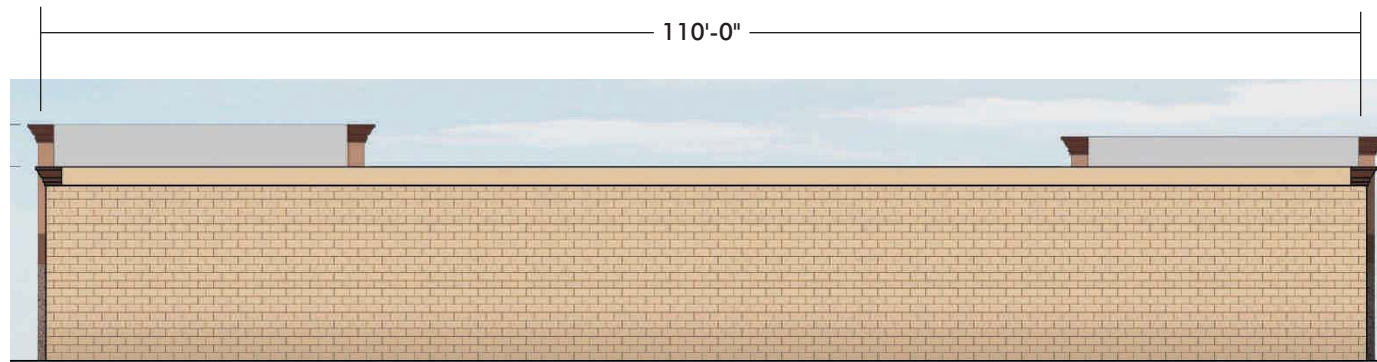
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

1/16"=1'-0"



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Electrical Signs And Neon

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**25352
CABOT ROAD**

ELEVATIONS

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

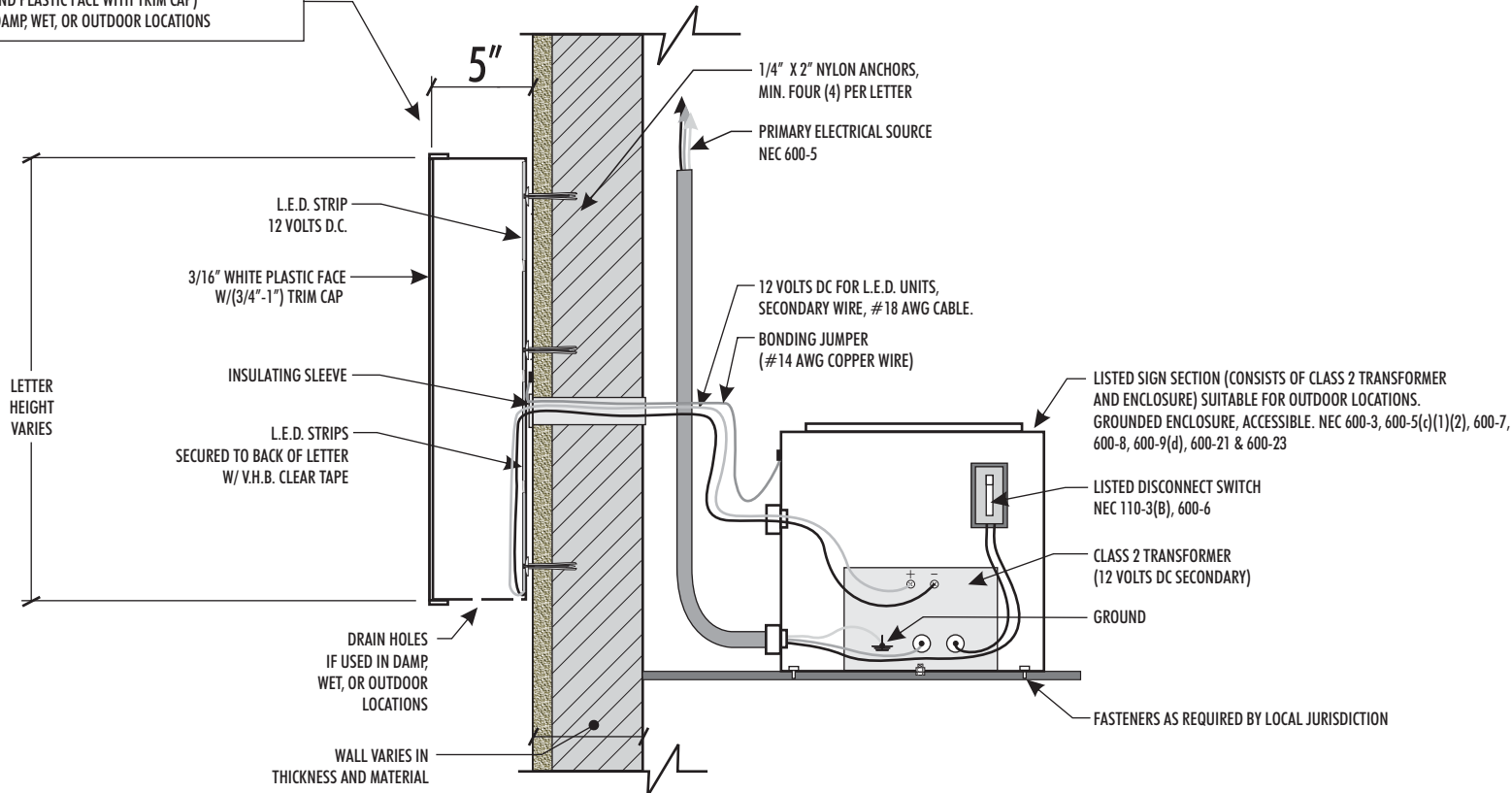
1/16"=1'-0"



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Electrical Signs And Neon

1749 E. 28th St.
Signal Hill, CA 92806
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(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

LISTED SIGN OR SIGN SECTION (CONSISTS OF CHANNEL LETTER,
L.E.D. STRIPS, AND PLASTIC FACE WITH TRIM CAP)
SUITABLE FOR DAMP, WET, OR OUTDOOR LOCATIONS



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS
OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE
LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

LISTING MARKS:

LISTING MARK LABEL REQUIRED ON EACH SIGN OR SIGN SECTION.
THE FIRST BLANK SPACE IDENTIFIES THE NUMBER OF
EACH SIGN SECTION.
THE SECOND BLANK SPACE INDICATES THE TOTAL
NUMBER OF SIGN SECTIONS.

LISTED
By qualified electrical
testing laboratory
ELECTRIC SIGN SECTION
NO. XX-123456
of

SEAL BUILDING PENETRATION(S) TO COMPLY WITH
APPLICABLE BUILDING CODE REQUIREMENTS.



U.S. & P.R. - ALL SIGNS WILL BE (U.L.)
LISTED (U.L.) 2161 COMPLIANT &
CARRY (U.L.) LABELS CANADA - ALL
SIGNS WILL BE CSA COMPLIANT

SMI SIGN METHODS INC.

ATTACHMENT DETAIL

LED - FRONT ILLUMINATED CHANNEL LETTER

ATTACHMENT DETAIL

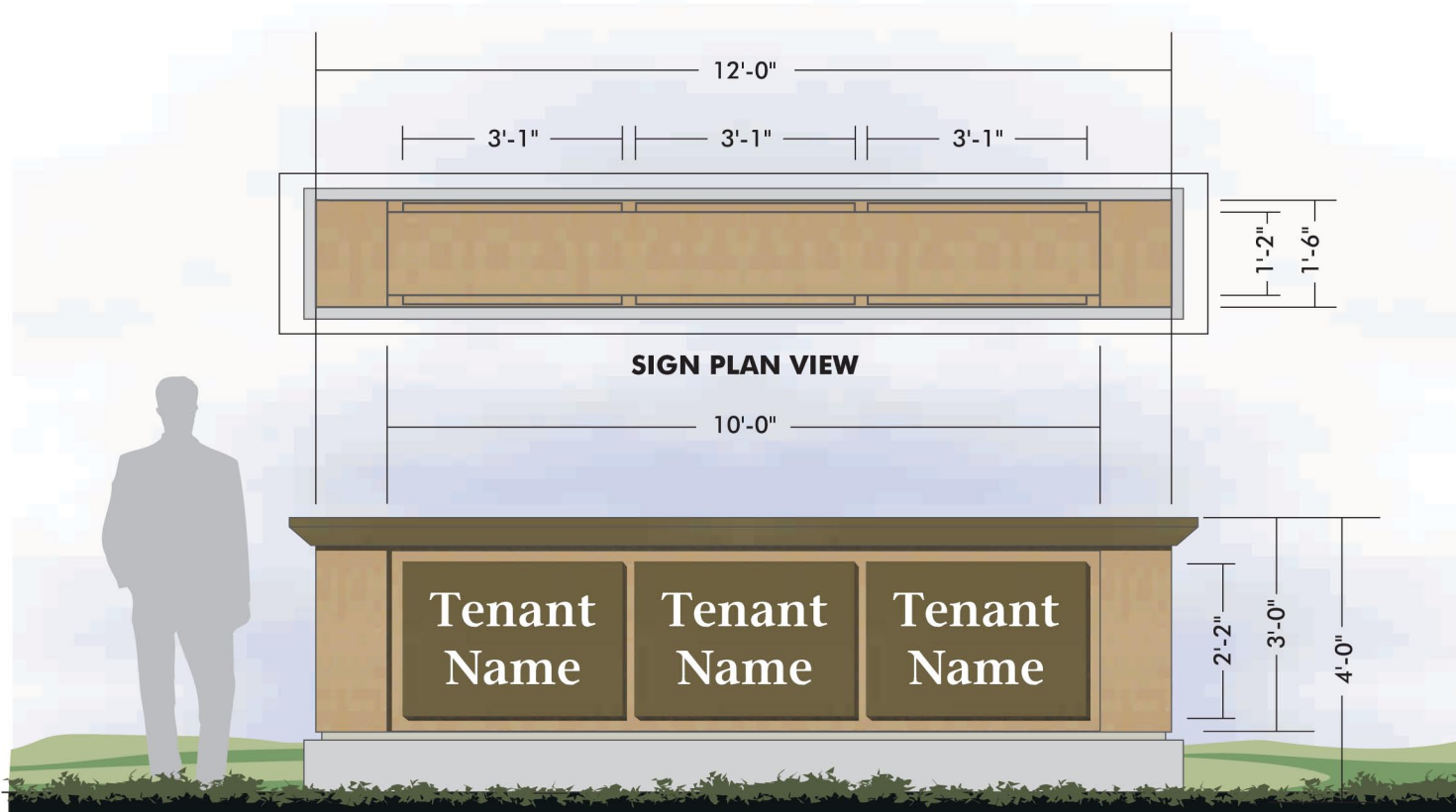
Page 9

Sign Type **M**

DOUBLE-FACED MULTI-TENANT MONUMENT SIGN

Quantity:	1.
Area:	36.0 square feet
Height:	4 feet (maximum per City).
Materials:	Aluminum fabricated sign cabinet and cornice with painted textured finish to match building features. Tenant panels are 1 1/2-inch deep reverse pan panels with smooth enamel paint finish and 1/2-inch thick white push-thru acrylic. Base to be concrete.
Project I.D.	1/2-inch thick white push-thru acrylic.
Illumination:	Internal 800ma fluorescent lamps.

- 1 FIELD -1
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 2828 - INTERFACE TAN
- 2 FIELD-2
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 6060 - MOROCCAN BROWN
- 3 ACCENT-1
PAINTED SMOOTH PLASTER
SHERWIN WILLIAMS 2856- FAIRFAX BROWN
- 4 ACCENT-3
E. DILLON
REFLECTIVE CARNIVAL
- 5 CORNICE
SHERWIN WILLIAMS 2838
POLISHED MAHOGANY



SIGN ELEVATION

25332 & 25352
CABOT ROAD

CABOT TOWN CENTER

SIGN PROGRAM

Location:

25332 & 25352
Cabot Road
Laguna Hills, CA 92653

Date:

May 9, 2011

Scale:

3/8" = 1'-0"



1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

MONUMENT SIGN

REQUIREMENTS

The Attachment referenced in
the Agenda Report:

Proposed Plans and Elevations,

is available for review in the
City Clerk's Department.

CITY OF LAGUNA HILLS

AGENDA REPORT COUNCIL MEMBER KOGERMAN

ISSUE: MEMBERSHIP IN THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY (ACC-OC)

BACKGROUND:

In 2010 some city members of the Orange County Division ("Division") of the League of California Cities ("League") broke away from the Division and formed the Association of California Cities – Orange County ("Association"). At the November 23, 2010, meeting of the Laguna Hills City Council, it was recommended "that the City Council resolve to become a member of the new Association of California Cities, Orange County, and pay what would otherwise be Division dues to the Association. The Division will still exist and the City would be a member as long as it is a member of the State League; however, it would only perform those functions required by the State League."

At that meeting Council Member Allan Songstad stated:

- that the Association would retain an "organization in Orange County that would provide the same unique function as the Division, which was to provide a collaborative forum to advocate for local and regional issues, to provide educational and other activities for member cities;"
- that the [Division] Executive Director Lacy Kelly had made the Division "very member-centric, and attempted to stay out of issues that were controversial for its members;"
- that "the Board of Directors [of the Division] had become aware and concerned when the number of cities started dropping in State League membership;" and
- that "the genesis of the new Association was mainly financial and whether there would enough cities choosing to remain members [of the Division] to support a staff [*sic.*]."

Council Member Songstad urged the City Council to support the new Association of California Cities –Orange County, and reported that the Division staff currently in place would move to the new organization, the transition [to the Association] would be seamless, and the dues would be the same as the [dues of the] Division.

RECOMMENDATION: THAT THE CITY COUNCIL RESOLVE TO DISASSOCIATE ITSELF FROM AND REVOKE IMMEDIATELY THE CITY'S MEMBERSHIP IN THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY AND ITS AFFILIATES, TO INCLUDE VACATING ANY OFFICES HELD THEREIN AND NOT FINANCING ANY FURTHER ASSOCIATION ACTIVITIES OR EVENTS.

The then-seated Council voted unanimously to become members of the new Association of California Cities, Orange County.

Since that time, the Association has failed to live up to its promise:

- It has failed spectacularly to “attempt to stay out of issues that were controversial for its members.” Events of the past few weeks have revealed a vindictive effort at political retaliation in which Association leaders have prevailed upon Brandman University to strip Dr. Fred Smoller of his powers as founder and professor of its Graduate School of Public Administration by insisting, among other things, that any opinions submitted for publication by Dr. Smoller first be approved by Association Chief Executive Officer Lacy Kelly. Under this and other onerous conditions insisted upon by Association leadership, Dr. Smoller resigned his position with the school.

This blatant attack on academic freedom was occasioned by two categories of events that drew the ire of certain members of the Association:

- In 2010, Dr. Smoller permitted two Public Administration graduate students to become interns to now-Council Member Barbara Kogerman in order to extensively research the compensation packages of each of Orange County’s 34 city managers. The resulting report revealed not only great vagaries in city manager compensation throughout Orange County but also some disturbing misinterpretations, misapplications and shortcomings in the California Public Records Act. As the first study of its kind, the “Orange County City Managers Compensation Report” generated much laudatory attention in the media and among government officials. As noted in Attachment E, Mrs. Kogerman’s investigative work “was later validated by the Grand Jury, the *Orange County Register* and government watchdog groups. Most cities posted some elements of compensation on their websites; the *LA Times* followed up by spotlighting excessive pay in LA County. Subsequently, the state’s controller and attorney general called for disclosure by all cities of their city managers’ compensation, and legislation was introduced to address excessive compensation and lack of transparency.” The interns received acclaim from sources as diverse as Fox News, the Board of Supervisors, and PublicCEO.com. Mrs. Kogerman appeared on Fox News numerous times

and was interviewed on popular shows on KFI Radio. Evidently perceiving the report and its subsequent recognition as a threat, certain leaders of the Division, who are now leaders in the Association, attempted during the summer of 2010 to discredit then Council-Candidate Kogerman and unsuccessfully sought the “disciplining” (demotion) of Dr. Smoller by Chapman University, with which Brandman University is affiliated.

- Dr. Smoller has authored several published pieces advocating consolidating local cities and/or their services throughout Orange County, as an efficiency measure to take advantage of economies of scale. While recent events in Santa Ana, Costa Mesa, Fullerton, Brea, Yorba Linda, Placentia and Anaheim, among others, are proving the wisdom of his thesis, his published opinions have evidently angered Association leaders such as Kelly, who is quoted saying, “The long-held assertions of Dr. Smoller are clearly out of the mainstream.” (Please see Attachment B.)

Now Kelly and other Association leaders have succeeded in forcing out Dr. Smoller from the program which he founded at Brandman University. To say that Association CEO Kelly has attempted “to stay out of issues that were controversial for its members” is a laughable assertion in face of the public outrage that has greeted this maneuver. (Please see accompanying Attachments A, B and C.)

- Another rationale put forth for joining the Association was concern over dwindling numbers in the League of Cities and, by extension, its Orange County Division. Said Mr. Songstad, “The Board of Directors of the Division had become aware and concerned when the number of cities started dropping in State League membership. The Division would lose what had become unique in terms of organizations of Orange County cities. A number of cities indicated that although they did not want to be members of the State League, [they] would be members of an Orange County Organization.” At the present date, however, the number of cities that have maintained their membership in the Association is 25 (or 24 with Lake Forest’s recent vote to withdraw), vs. the 26 Orange County cities on the rolls of the State League. Twenty-four cities unaffiliated with any state-wide organization are an insufficient number to support an effective “collaborative forum to advocate for local and regional issues” at the state level.

While the Association asserts that it now selects appointments to various county commissions, that authority is in fact retained by the Division, though some county

commissions do set aside seats for appointment by the Association. The Association also claims to represent its cities on the City Selection Committee. In reality, however, every city has representation on the City Selection Committee regardless of its membership in any league, division or association.

In addition to its membership in the Association, the City continues its membership in the League of California Cities, and by extension the Division. With its state-wide membership, track record of success in lobbying in Sacramento and Washington, D.C., on behalf of local control, and extensive educational programs and publications, the League maintains effective lobbying, networking and educational programs that meet the City's needs. The City also maintains a contract with the Sacramento lobbying firm Joe Gonsalves & Sons, which provides additional lobbying support. The redundancy of effort and costs of paying for three separate lobbying organizations are excessive given the relatively moderate lobbying needs of the City and the current difficult economic environment. Funds not expended on membership in the Association will be available to the General Fund to be invested in the community.

FISCAL IMPACT:

The City currently pays dues to both the League of California Cities, which includes membership in its still-extant Orange County Division, of \$11,736 a year. Dues to the Association are currently \$9,981.25 a year and are due every Jan. 1. In addition, the City contract with Joe Gonsalves & Sons, costs the City \$34,800 a year. While funds for membership in both organizations and the contract with Joe Gonsalves & Sons have been budgeted, terminating membership in the Association will save the City almost \$10,000 a year.

RECOMMENDATION: THAT THE CITY COUNCIL RESOLVE TO DISASSOCIATE ITSELF FROM AND REVOKE IMMEDIATELY THE CITY'S MEMBERSHIP IN THE ASSOCIATION OF CALIFORNIA CITIES - ORANGE COUNTY AND ITS AFFILIATES, TO INCLUDE VACATING ANY OFFICES HELD THEREIN AND NOT FINANCING ANY FURTHER ASSOCIATION ACTIVITIES OR EVENTS.

ATTACHMENTS:

A – F (Various newspaper articles)

Professor who offended power elite resigns post

October 12th, 2011, 3:29 pm · · posted by Teri Sforza, Register staff writer



(Updated)

Fred Smoller is gone from his post as head of Brandman University's master of public administration program.

He's not fired, as he has tenure, but the situation is a sticky one that raises thorny issues of academic freedom with critics.

"I was told city officials were upset with my involvement in the examination of city compensation, and other things I've written regarding city consolidation, which they apparently found threatening," Smoller (far left) told us. "Academics are often criticized for living in an ivory tower. I've been criticized for trying to be relevant."

That's not quite the way Brandman (an independent part of the Chapman University system) sees it.

"There is an unfortunate rumor circulating that Dr. Fred Smoller was dismissed from his position as Director of the Master's in Public Administration program at Brandman University. This is totally incorrect," said a written statement we received from Brandman spokeswoman Rita Wilds.

"In a meeting with Dr. Smoller on Monday, Chancellor (Gary) Brahm said that they left with the mutual understanding that Dr. Smoller was to continue as the MPA director and Brandman would hire a director of government relations, who would also serve as a member of the faculty to add depth to the program. Regrettably, on Tuesday, Fred offered his resignation as director. He will continue as a member of the Brandman faculty.

"Because this is a personnel issue, we cannot go into further detail at this time."

'OUT OF THE MAINSTREAM'

More than a year ago, we told you about the grief Smoller was getting for allowing his students to chase down the (sometimes shocking!) details of city manager pay in Orange County.

Smoller had dispatched two of his *public administration* graduate students to a political campaign that was assembling the facts on *public administrators*... which set off a storm of indignant outrage (and highlighted a maddening lack of transparency in local government).

Since then, Smoller has done a good deal of opining about government efficiency, and merging some of O.C.'s 34 cities, and voting online, and other bits of what some might consider public-administration blasphemy.

Last year, folks from the local League of Cities chapter marched into Chapman president Jim Doti's office to complain about the compensation survey. And it doesn't appear their opinions of Smoller's work have changed much.

"...(T)he long-held assertions of Mr. Smoller regarding Orange County cities were clearly out of the mainstream," Lacy Kelly, chief executive officer of the Association of California Cities – Orange County, told us by email.

"Indeed, the public continues to indicate that they have more faith in local government than any other form of government. This is likely because cities are closest and most accountable to the people, and are not expansive bureaucracies. Poll after poll proves this notion....

"The ACC-OC believes that local control is the most responsive form of governance. That is why we continually fight against a top-down approach to public policy that inhibits a local city's ability to create jobs, generate economic development and enhance local quality of life for its residents.

"Cities need flexibility to be responsive to their constituents. This is the essence of local control."

Orange County Supervisor John Moorlach — a local-control type who has been doing some work on the city consolidation concept himself — might disagree.

"There are police departments and fire departments in this county that are looking at merging," Moorlach said. "If anything, Fred is not guilty of being an outlier — he's guilty of being early."

Moorlach turned sarcastic. "When someone tells the truth and says the king has no clothes on, they should fire him," said the man who was ridiculed for asserting that Robert Citron's investments were going south. "You can't be telling the truth here in Orange County."

Mark Petracca, long-time political science professor at UC Irvine, agreed.

"It's outrageous," Petracca said. "Fred was having students do research. He didn't have an ax to grind here. Even the stuff he's written about the county becoming a single entity is main stream kind of thinking about how we deal with what Paul Peterson at Harvard called 'proper city limits.' What's the optimal size for a governmental entity to be? When Marian Bergeson first came on the Board of Supervisors — right around the time of bankruptcy — her proposal was to do away with county government. She didn't stick around to make that happen, but it's hardly a

radical thing to say. It's something worth taking seriously as an idea. It's certainly not an idea for anyone to get upset over — never mind go to the president of the university to get someone removed from a position of responsibility.

"The fact that Chapman has historically been a tool for the county's most powerful economic interests is well-known," Petracca continued. "That has been the case for the entire 28 years I've lived here. You'd hope that with age would come maturity on the part of Chapman's senior administration, but apparently that hasn't happened. This is a pretty big violation of academic freedom, and it reflects badly on the leadership at Chapman."

Chapman begs to differ.

"Professor Petracca's opinion is a deeply disappointing characterization of Chapman University and its leadership," spokeswoman Mary Platt said in a statement. "In fact, Chapman University is committed to academic freedom, vigorous inquiry and scholarly research. The university's accreditation and national reputation bear witness to that commitment. Similarly, the university's leadership requires an environment where personnel decisions are reached on the basis of objective merit.

"No one at Chapman is involved in Brandman University's personnel decisions, and no one at Chapman had any prior knowledge or input into this particular decision. Brandman University, although owned by Chapman University, is a separately incorporated and separately accredited nonprofit education institution with its own management and Board of Regents. As such, Brandman makes its own personnel decisions in full autonomy. "

WIDER REACTION

Others also see this as an attack on academic freedom — and a cautionary tale of what happens when the little guy tries to speak truth to power.

"It sounds like he got removed from his position for being politically controversial, and that's always very disturbing," said Erwin Chemerinsky, dean of UC Irvine's School of Law (who himself suffered some whiplash as UCI offered him the job, and then yanked that offer after local power-brokers complained that he was too liberal, and then reversed itself yet again and hired him).

"What happened to me is ancient history well chronicled," Chemerinsky said. "I'm not going to draw any comparisons at all. But it's always troubling for someone to be fired or lose a position because of his views."

Cindy Smith, one of the students that Smoller allowed to intern with then-Laguna Hills city council candidate Barbara Kogerman, announced the news on Facebook Tuesday evening.

"I have some sad news about the MPA program," she wrote. "Thursday afternoon Fred was dismissed as the Director of Public Administration; he will remain a full time faculty member at Brandman. Some city officials continue to be upset with Fred's support of Janice and my involvement with the 2010 Kogerman City Manager Compensation Report. They also do not like the OPED's Fred has written regarding city consolidation.

We all know that Fred put his heart and soul into developing this program! This news was shocking to me! I knew that his job was being threatened when the City Manager report came out, but why now, after all this time has passed?

"Fred, thank you for your hard work, integrity and loyalty to us, the students! You certainly don't deserve this."

Later, Smith wondered, "How can one group of people in Orange County have so much power, especially over a University?"

Barbara Kogerman, whose city manager compensation survey set a lot of this in motion, was outraged. "Their 'off with his head' approach in muzzling academic freedom and engaging in political retaliation constitutes a gross misuse of public funds on the part of the League of California Cities, Orange County Division, and the Association of Orange County Cities – OC (ACC-OC)," she told us by email.

"Dr. Smoller's students, whose research into the compensation of Orange County city managers helped frame the on-going debate into how cities compensate their employees, have received well-deserved accolades from organizations as diverse as the Orange County Board of Supervisors, OC Metro Magazine, and PublicCEO.com, which awarded them with their 'Service to the State' award. They appeared several times on national television as a result of their efforts. Brandman University rightly publicly congratulated them and promoted their success.

"That the taxpayer-funded League of Cities and ACC-OC should take such measures to stifle public discourse is a disgrace. City Councils and taxpayers alike should question whether such activities serve the public's interests and are deserving of continued public funding."

Mike Moodian, assistant professor of social science at Brandman, has worked closely with Smoller since 2008. "Fred Smoller is one of the leading public intellectuals and thought leaders on California government and public policy issues," he told us by email. "I am proud to call him my colleague and mentor. He is the most passionate and driven person that I know."

Kogerman's husband, retired Marine Lt. Colonel Bill Kogerman, said this by email:

"I am absolutely sickened at the news that Professor Fred Smoller's university position heading a Masters Degree program at Brandman University has been threatened by an out-of-control, radical elements of quasi-public entities. I have been informed by unimpeachable sources that Professor Smoller's role in providing my wife—the Honorable Barbara Kogerman—two graduate student interns from Brandman University to help research the Orange County's City Managers' Compensation Report, has been instrumental in Brandman's decision to punish the professor by forcing him to step down from his Departmental role.

"While Barbara made all the decisions in her campaign, I ran the campaign operations. The graduate students worked for me; and as you well know, they were the recipients of a number of national, state, local and Corporate accolades. The university benefited in popularity beyond their wildest imagination from the praise bestowed on these two graduate students. As members of the inaugural class of the Brandman Graduate

School of Public Administration founded by Professor Smoller, Cindy Smith and Janice Voshall put Brandman University on the map with their national exposure. Now, as a result of the incredibly successful highlighting of City Managers' Compensation excesses and the vindictive agenda of certain radicals operating in secrecy, a political bloodletting-vengeance has befallen our community."

Cindy Smith is, indeed, finding it hard to find a job.

"I was threatened that I wouldn't find work in city government and so far that has been the case, despite how many applications I put in and now my student loans to the tune of \$700 a month will be due in Jan," Smith told us. "The integrity that I learned about from good professors at Brandman, is certainly not what is coming from the top down."

Brandman, for the record, is geared to working adults who want higher degrees. It offers classes online and at dozens of different locations.

Merging cities: 'Out of the mainstream'?

October 13th, 2011, 10:20 pm · · posted by Teri Sforza, Register staff writer

So **Santa Ana** is looking at outsourcing everything from the jail to the zoo.

Costa Mesa is trying to lay off half of its workers, and is asking for outside bids on jail, video production, and building inspection services.

Fullerton and **Brea** are sharing a command staff — including chief — for the most expensive enterprise on city payrolls: The fire department. (They're saving a combined **\$1.5 million**.)

Yorba Linda — which has been contracting with **Brea** for police services for years — is looking to tap bigger economies of scale, and is exploring policing partnerships with **Placentia**, **Anaheim**, and the **Sheriff's Department**.

And Supervisor **John Moorlach** has been trying to broker a marriage between **Rossmore**, **Los Alamitos** and **Seal Beach** for some time.

This rash of cooperation and consolidation is driven by harsh economic reality, and municipalities now have a formal matchmaker:

"We've started a sort of **e-Harmony** site for municipal agencies," said **Joyce Crosthwaite**, executive director of the **Orange County Local Agency Formation Commission**. "It's a new 'shared services' web site that allows agencies to sign up and say, 'We have a truck that can clean sewers!' so agencies that *need* a truck to clean sewers can get matched."

The bottom line will come out better for everyone, Crosthwaite said.

"**Tim O'Donnell**, the city manager in **Brea**, gave us the idea," she said. "Brea shares services with several cities, but until now it's depended on personal relationships and chance encounters. We thought it would make sense to create a forum where it can happen more easily. It's going to help save a lot of money, and provide a lot of transparency."

Each city and special district in O.C. is registered for the shared services site, and more than **20** are actively using it, said LAFCO policy analyst **Joe Serrano**. Also invited to the party are the county, school districts and non-profit homeowner associations. This "expands the opportunity to collaborate," he said.

So. Is this sort of thing radical? Out of the mainstream?

We ask you this because it's essentially what **Brandman University's Fred Smoller** (right) has been pushing as of late (and it may have something to do with why he's out of a plum post).

But perhaps we're getting ahead of ourselves.

TOO MANY CITIES?

Over the past year or so, we've written a good bit about whether **Orange County** really needs **34** different cities. We've used statistics compiled by Smoller – who dubbed himself “The Frugal Liberal” — showing that:

- **seven** cities serve **half** the county's population — **1.5 million** people;
- and *another 27* cities serve the *other 1.5 million* people.

“We can argue about whether individual city managers make too much money,” Smoller told us last year. “But what we really need to talk about is the proliferation of local government entities, including the **12** water districts and JPAs and so forth. Is this the way to best organize the delivery of services in Orange County for the 21st century, with India and China breathing down our backs, and the state facing billion dollar deficits, record foreclosures, and cutbacks in tuition, and a tremendous infrastructure needs?”

Smoller pursued this line of inquiry in op-ed pieces published in this newspaper. “Orange County ranks as one of the most ‘city happy’ counties in California because Orange County residents like it that way,” he wrote in August. “However, our preference for ‘local control’ is a luxury we can no longer afford (unless we are willing raise taxes), so cash-strapped cities are looking to alternative ways to deliver services. Options include contracting with regional agencies, merging services with other cities, and privatization and outsourcing.”

He went on to advocate regional approaches to things like fire and police services, and logical mergers. “(W)ould life really deteriorate if **Laguna Woods** (population **16,000**, consisting mostly of **Leisure World** residents) and **Laguna Hills** (**32,000**) were one city, with a combined population of **48,000**...? Similarly, does Orange County – one of the safest regions in the nation – really needs **12** police SWAT teams, especially now that crime is at a **40-year** low?”

BLASPHEMY

Suffice to say that *them's fightin' words* to many in O.C. officialdom, especially coming, as they did, on the heels of a wildly controversial (and incredibly prescient) city manager compensation survey compiled by two of Smoller's graduate students, which ultimately earned them awards and accolades.

Thursday, Smoller resigned as director of Brandman's graduate program in public administration. The professor and the university don't see eye to eye on precisely what happened, but city-types have complained to **Chapman** top brass (Brandman is an independent part of the Chapman University system).

“...(T)he long-held assertions of Mr. Smoller regarding Orange County cities were clearly out of the mainstream,” **Lacy Kelly**, chief executive officer of the **Association of California Cities – Orange County**, told us by email on Thursday. “Indeed, the

public continues to indicate that they have more faith in local government than any other form of government. This is likely because cities are closest and most accountable to the people, and are not expansive bureaucracies. Poll after poll proves this notion....

"The ACC-OC believes that local control is the most responsive form of governance. That is why we continually fight against a top-down approach to public policy that inhibits a local city's ability to create jobs, generate economic development and enhance local quality of life for its residents."

THE FUTURE IS NOW

But not everyone, obviously, would agree.

Full-scale city mergers of the type Utopian dreamers envision may never come to pass — but under-the-hood unions are already starting to happen, and may well need to happen much, much more often in the very near future.

"These full-service cities — why all the SWAT teams and bomb squads?" said Supervisor Moorlach, who sounds like he could be channeling Smoller — though the CPA Conservative and the Frugal Liberal are two very different people.

"You can get synergies and economies of scale that could save a whole lot of money. These cities have to start making those decisions. In my district, we had three cities that wanted to merge their police departments — and then the three chiefs looked at each other and said. 'Which one of us is going to stay chief?' And that's when it all fell apart.

"And so people are screaming, but you don't need to be a CPA to figure out you're going to save a whole lot of money. They all have to have their **\$300,000** a year city manager, and their **\$200,000** police and fire chiefs? Come on guys.

"Then it gets back to, 'We like who we are.' I get that. I'm not saying we have to be one giant city like L.A. We just can't afford to be doing what we're doing anymore. There are synergies. I mean, why does everyone have to have their own fleet maintenance? Why don't we combine where we can?"

Radical, indeed.

The California Cities were wrong about Smoller

October 14th, 2011, 11:30 am · · posted by kinfante

ORANGE, **Shirley L. Grindle**: The Association of California Cities-Orange County should be ashamed of themselves for their actions regarding Professor Fred Smoller of Brandman University ["Professor who offended power elite resigns post," O.C. Watchdog, Oct. 12]. When the day comes in America that individuals cannot express their opinions without fear of retaliation by a taxpayer funded quasi-governmental agency (such as ACC-OC), then we have indeed lost a very important part of our freedom.

I have known Smoller for many years and have guest lectured in his classes at Chapman and Brandman. I have the utmost respect for him, but I have no respect for those certain members of ACC-OC who repeatedly met with Chapman and Brandman top officials behind Smoller's back and without his knowledge. If they disagreed with Smoller's views and were upset with his actions, why didn't they challenge him in print, or invite him to debate, or take questions from their membership? Why weren't notes taken of their private meetings so Smoller could challenge the accuracy of their accusations and the veracity of those who made them? One has to wonder what ACC-OC is so fearful of! Instead, this clearly is just another "behind the scenes" political power play that occurs so often in Orange County.

I'm on your side, Smoller. Thanks to you and the graduate students who helped Laguna Hills Councilwoman Barbara Kogerman produce the Orange County City Managers' compensation report, the Register took up the gauntlet and has reported for the first time the salaries earned by city employees. The public is now aware of how our elected officials spend our taxes on sometimes outrageous salaries and benefits for their employees. Thank you also for encouraging your students to think critically and to challenge the status quo.

Instead of kowtowing to a bunch of right wing ideologues, Brandman University officials should have listened politely to what they had to say, and then shown them the door.

OC WATCHDOG



TERI SFORZA
REGISTER COLUMNIST

Professor who offended power elite resigns post

Fred Smoller of Brandman University became a target after his research into cities' compensation, political practices.

Fred Smoller is gone from his post as head of Brandman University's master of public administration program.

He's not fired, as he has tenure, but the situation is a sticky one that raises thorny issues of academic freedom with critics.

"I was told city officials were upset with my involvement in the examination of city compensation and other things I've written regarding city consolidation, which they apparently found threatening," Smoller told us.

"Academics are often criticized for living in an ivory tower. I've been criticized for trying to be relevant."

That's not quite the way that officials at Brandman (an independent part of the Chapman University system) see it.

"There is an unfortunate rumor circulating that Dr. Fred Smoller was dismissed from his position as Director of the Master's in Public Administration program at Brandman University. This is totally incorrect," said a written statement we received from Brandman spokeswoman Rita Wilds.

"In a meeting with Dr. Smoller on Monday, Chancellor (Gary) Brahm said that they left with the mutual understanding that Dr. Smoller was to continue as the MPA director and Brandman would hire a director of government relations, who would also serve as a member of the faculty to add depth to the program. Regrettably, on Tuesday, Fred offered his resignation as director. He will continue as a member of the Brandman faculty.

SEE BRANDMAN • PAGE 10

BRANDMAN: Research drew pressure

ATTACHMENT D

FROM PAGE 1

"Because this is a personnel issue, we cannot go into further detail at this time."

'OUT OF THE MAINSTREAM'

More than a year ago, we told you about the grief Smoller was getting for allowing his students to chase down the (sometimes shocking) details of city manager pay in Orange County. Smoller had dispatched two of his public-administration graduate students to a political campaign that was assembling the facts on public administrators ... which set off a storm of indignant outrage (and highlighted a maddening lack of transparency in local government).

Since then, Smoller has done a good deal of opining about government efficiency, the merging of some of O.C.'s 34 cities, online voting and other bits of what some might consider public-administration blasphemy.

Last year, folks from the local League of California Cities chapter marched into the office of Chapman President Jim Doti to complain about the compensation survey. And it doesn't appear that their opinions of Smoller's work have changed much.

"(T)he long-held assertions of Mr. Smoller regarding Orange County cities were clearly out of the mainstream," Lacy Kelly, chief executive officer of the Association of California Cities - Orange County, told us by email.

"Indeed, the public continues to indicate that they have more faith in local government than any other form of government. This is likely because cities are

closest and most accountable to the people, and are not expansive bureaucracies. Poll after poll proves this notion. ...

"The ACC-OC believes that local control is the most responsive form of governance. That is why we continually fight against a top-down approach to public policy that inhibits a local city's ability to create jobs, generate economic development and enhance local quality of life for its residents.

"Cities need flexibility to be responsive to their constituents. This is the essence of local control."

Orange County Supervisor John Moorlach - a local-control type who has been doing some work on the city-consolidation concept himself - might disagree.

"There are police departments and fire departments in this county that are looking at merging," Moorlach said. "If anything, Fred is not guilty of being an outlier - he's guilty of being early." Moorlach turned sarcastic. "When someone tells the truth and says the king has no clothes on, they should fire him," said the man who was ridiculed for asserting that former O.C. Treasurer Robert Citron's pre-bankruptcy investments were going south. "You can't be telling the truth here in Orange County."

ATTACK ON ACADEMIC FREEDOM?

Mark Petracca, longtime political science professor at UC Irvine, agreed.

"It's outrageous," Petracca said. "Fred was having students do research. He didn't have an ax to grind here. Even the stuff he's written about the coun-

ty becoming a single entity is mainstream kind of thinking about how we deal with what Paul Peterson at Harvard called 'proper city limits.' What's the optimal size for a governmental entity to be? ...

"The fact that Chapman has historically been a tool for the county's most powerful economic interests is well-known," Petracca continued. "That has been the case for the entire 28 years I've lived here. You'd hope that with age would come maturity on the part of Chapman's senior administration, but apparently that

University, although owned by Chapman University, is a separately incorporated and separately accredited nonprofit education institution with its own management and Board of Regents. As such, Brandman makes its own personnel decisions in full autonomy."

Others also see this as an attack on academic freedom - and a cautionary tale of what happens when the little guy tries to speak truth to power.

"It sounds like he got removed from his position for being politically controversial, and that's always very

"No one at Chapman is involved in Brandman University's personnel decisions, and no one at Chapman had any prior knowledge or input into this particular decision."

MARY PLATT

CHAPMAN UNIVERSITY SPOKESWOMAN

hasn't happened. This is a pretty big violation of academic freedom, and it reflects badly on the leadership at Chapman."

Chapman begs to differ.

"Professor Petracca's opinion is a deeply disappointing characterization of Chapman University and its leadership," spokeswoman Mary Platt said in a statement. "In fact, Chapman University is committed to academic freedom, vigorous inquiry and scholarly research. The university's accreditation and national reputation bear witness to that commitment. Similarly, the university's leadership requires an environment where personnel decisions are reached on the basis of objective merit.

"No one at Chapman is involved in Brandman University's personnel decisions, and no one at Chapman had any prior knowledge or input into this particular decision. Brandman

disturbing," said Erwin Chemerinsky, dean of UC Irvine's School of Law (who himself suffered some whiplash as UCI offered him the job, and then yanked that offer after local power-brokers complained that he was too liberal, and then reversed itself yet again and hired him).

"What happened to me is ancient history well-chronicled," Chemerinsky said. "I'm not going to draw any comparisons at all. But it's always troubling for someone to be fired or lose a position because of his views."



Smoller

**KOGERMAN CRITICIZES
CITIES LEAGUE**

Cindy Smith, a student that Smoller allowed to intern with then-Laguna Hills City Council candidate Barbara Kogerman, announced the news on Facebook Tuesday evening.

"We all know that Fred put his heart and soul into developing this program! This news was shocking to me! ... Fred, thank you for your hard work, integrity and loyalty to us, the students! You certainly don't deserve this."

Kogerman, whose city-manager compensation survey set a lot of this in motion, said this:

"Their 'off with his head' approach in muzzling academic freedom and engaging in political retaliation constitutes a gross misuse of public funds on the part of the League of California Cities, Orange County Division, and the Association of California Cities-OC.

"Dr. Smoller's students ... have received well-deserved accolades from organizations as diverse as the Orange County Board of Supervisors, OC Metro Magazine, and PublicCEO.com, which awarded them with their Service to the State award. They appeared several times on national television as a result of their efforts. Brandman University rightly publicly congratulated them and promoted their success.

"That the taxpayer-funded League of Cities and ACC-OC should take such measures to stifle public discourse is a disgrace. City Councils and taxpayers alike should question whether such activities serve the public's interests and are deserving of continued public funding."

ATTACHMENT E

From *The OC Weekly*:

Best Gadfly - 2011

Barbara Kogerman

Before there was the city of Bell scandal (starring Huntington Beach's Robert Rizzo), there was Barbara Kogerman of Laguna Hills trying to get anyone to listen to what she was uncovering about excessive compensation of city staffers and elected officials in Orange County. The wife of former Marine Corps officer, El Toro International Airport fighter and Orange County Great Park board member Bill, Kogerman first targeted her own city, an obsession she was later able to spin into a successful run for the Laguna Hills City Council. Fortunately, she did not confine her digging to that 'burb. Assisted by two college students and public-records requests, Kogerman uncovered lavish pay, benefits and pensions throughout local governments in the county. Her investigative work was later validated by the grand jury, *The Orange County Register* and government watchdog groups that have lavished her with awards. Most cities, with a sense of shame, posted some elements of compensation on their websites (with varying degrees of success). The *Los Angeles Times* followed up by spotlighting excessive pay in LA County, which eventually brought the journos to Bell and Hogg Boss Rizzo. Subsequently, the state's controller and attorney general (now Governor Jerry Brown) called for disclosure by all cities of their city managers' compensation, and legislation was introduced to address excessive compensation and lack of transparency. Initially ignored, Kogerman is now a national spokesperson for local compensation reform, transparency and accountability.

NEW: Silencing Local Gov't Truth-Teller

OCT. 17, 2011

By STEVEN GREENHUT

Cities throughout California are facing tough economic times, the result of a down economy and chronic overspending on the part of city governments — especially in the areas of salaries and retirement benefits for city employees. It's a challenging time in the world of municipal government, as some cities flirt with bankruptcy and others consider severe cutbacks and contracting out of services to make ends meet.

Against this backdrop, one would think that Brandman University, owned but managed separately from Orange-based Chapman University, would be reveling in the opportunities created by the changing world of local government. The university, geared toward adult professionals, started a master of public administration program with the goal of looking deeply at municipal governance issues.



The head of the department, Chapman Political Science Professor Fred Smoller, believes strongly in the need to challenge the status quo at City Hall and has been teaching his students to think creatively about city government. A good-government liberal, Smoller believes that cities often are wasteful and often poorly run. Instead of teaching his students to be functionaries who administer governments in the same old way, he teaches them to challenge prevailing wisdom and question everything. This is exactly what the public needs, especially as cities struggle financially and as myriad scandals emerge, ranging from the corruption allegations in Bell to the pension crisis that is enveloping one city after another in a sea of unfunded liabilities.

But last week Smoller resigned as the head of program, although he maintains his position as a professor there. Smoller argues that the op-eds he wrote calling for the consolidation of Orange County cities and efforts by his students exposing the absurdly high compensation packages received by OC city managers angered the local political establishment. He said that Brandman officials succumbed to pressure from the Association of California Cities-Orange County, the break-away group from the state League of Cities, and essentially pushed him out. ACC denies any pressure, but it's clear that the local city establishments, Republican and Democrat, were no fans of Smoller.

Brandman officials are playing semantic games over the event. PR spokeswoman Rita Wilds has been debunking what she calls a rumor that Smoller was dismissed and emphasizes that he had resigned from the post. Chancellor Gary Brahm told me he was surprised by Smoller's resignation and said he wasn't pushed out; although Brahm did mention that the university told Smoller that they were bringing on a new staff

member. He said that various quotes in the Orange County Register by academics who were appalled at Smoller's treatment must have been made before they learned the truth that he resigned and was not dismissed.

This is typical bureaucratic responsibility-evading double-speak. I've known Smoller, who is on the CalWatchdog advisory board (a non-paid advisory position), for about 12 years and know that he absolutely loves the program he manages at Brandman. It would seem odd for him to resign without pressure, especially knowing that his wife recently retired and that leaving that post would mean a significant cut in pay.

According to Smoller, he was called into a meeting with Brahm, who told him that the ACC was angry at him and that as a result the university would be bringing on a new staff member, Sarah Catz, a well-known transportation consultant and high-speed-rail advocate who is currently a research analyst at Brandman. Smoller would keep his title but essentially be replaced by Catz. So after sleeping on it, Smoller decided to resign. He still needed a job, so he couldn't quit, and he wasn't going to engage in legal action. So he left the post as a way to signal to the outside world that, in his view, Brandman was giving in to pressure from critics.

Brandman denies ACC pressure, but Brahm and Catz admitted to Smoller that their turning point came after an ACC meeting where they were pummeled with criticism about Smoller. Brahm said to Smoller that city officials came up to him and asked, "Why would we ever hire students for a program in which the director is so critical of local government."

Look at who Smoller was replaced by. Catz wrote a glowing report on high-speed rail and is not someone known for challenging local authorities.

Smoller and I have long had our strong disagreements. I first met him when I had joined the Orange County Register editorial board in the late 1990s and he was closely aligned with one of my least-favorite Orange County politicians, then-Irvine Mayor Larry Agran. We sparred on a local TV show and argued over the development of the Great Park, especially after Smoller spent some time doing PR work for that project. Smoller was a colleague at Chapman of my good friend and Freedom Communications colleague, Tibor Machan. I recall Machan and I once griping about Smoller's politics and his at-times prickly nature. But Machan and I were in total agreement in believing Smoller to be a man of great integrity and intelligence. We both liked him very much. He's the real deal, by which I mean a true academic interested in the pursuit of ideas wherever those ideas may lead and regardless of who they may offend.

Smoller believes in challenging his students to challenge the prevailing orthodoxies. We often, maybe usually, come to different political conclusions. But I know that Smoller is zealous about exploring ideas and doesn't care what interest groups have at stake, even those interest groups allied with his side of the political aisle. He is no political partisan or hack, which is no doubt what rankles the big-government types at ACC, who have been fuming over his role in exposing the way local governments have exploited taxpayers.

Smoller's view of high-speed rail is illustrative. He believes in the need for rail. (I think it's a boondoggle that will mainly enrich some consultants and expand government overreach.) But Smoller wants his students

to seriously analyze it. He is adamantly opposed to what he calls “checkbook research,” whereby interest groups champion studies that make their point. He is willing to let the data support or deny his basic conclusion. How can you not like that in a public administration professor?

Smoller got in hot water after his Brandman interns were involved in an OC city manager compensation survey that was produced as part of a city council campaign, as this Register article details. The question centered on whether Brandman students were part of a political campaign, with Smoller arguing that the campaign incorrectly named Brandman students as co-authors of a report for which they collected data, whereas the candidate, Barbara Kogerman, wrote the politically oriented text.

But there’s no doubt the so-called limited-government local officials in Orange County were furious that the public got to see how much these local government bureaucrats were receiving in pay packages. Smoller was making the locals even angrier as he called for the consolidation of Orange County cities, which he believes to be duplicative and wasteful. I disputed that point with him repeatedly. In my view, local cities offer competition with one another. Creating one big, less-accountable city will not save money. It will only make it easier for special interests to dominate a more centralized government, which is one reason Los Angeles is less efficient than most OC cities.

But that’s an honest debate. I made my point here in the Orange County Register. That said, I do believe there is much room for consolidating special districts to improve efficiencies. But whatever one’s views on that policy issue, it’s nice to have a university program that is wading into the debate and challenging students to think about the best way to operate municipal governments.

Smoller points to a meeting where Tustin Councilman Jerry Amante, Laguna Hills Councilman Alan Songstad and ACC CEO Lacy Kelly met with Chapman University President Jim Doti to in part discuss their concern about the compensation study. Amante told me Monday that “no one was seeking Fred’s resignation.” They complained about the appearance that Brandman was involved in a political campaign. Chapman seems to have taken a hands-off approach, as would be expected. But Brandman officials allegedly got spooked by the drumbeat of criticism.

Amante thinks Smoller’s accusation of political pressure pushing him out is “overwrought.” But then Amante did echo what various local officials have been saying — he thinks it ironic that Smoller “is attacking the very institutions” where his students are hoping to work.

I called Lacy Kelly at ACC and had one of the most annoying conversations in a while. It was like talking to one of those Chatty Cathy dolls from my youth. You pull a cord and get a pre-recorded answer. I was trying to see what she meant when she had told OC Watchdog, “...(T)he long-held assertions of Mr. Smoller regarding Orange County cities were clearly out of the mainstream.”

What positions and how are they out of the mainstream?

Kelly kept instead repeating pabulum about the effectiveness of OC cities and the importance of local government.

“We’re advocates for local control,” she said, totally ignoring my question. “We feel and advocate that local

government works. The reason we exist is to look at good local policy.” Blah, blah, blah. Finally, Kelly told me that Smoller’s assertion that cities should consolidate is what’s out of the mainstream. Finally. She denied that the group put any pressure on Brandman.

From a policy perspective, I agree that the government closer to the people governs better than a government far from the people. True enough. But I’ve written about local government for years, and for about a decade in Orange County. The pension mess was created mostly by local officials who were eager to win favor with police and fire unions. I’ve covered local governments that abuse property rights and misuse eminent domain so that they can lure Costcos and other tax-generating businesses to their cities. I’ve watched officials govern secretly and inappropriately and wantonly violate the state’s open meetings laws. Heck, OC’s former sheriff is now serving a federal prison sentence for corruption. Fullerton police are now under fire for brutality. This is par for the course at the local level.

Maybe these abuses are the result of the human condition, but it’s crucial to have oversight of local government and to debate better ways of running it than to pull out the “local is better” canard every time someone levels a reasonable criticism.

Local government can be better than far-off government, but it also can be and usually is wasteful and tends to operate for the benefit of those who work for it. To spotlight inefficiencies and abuses in local government is not “attacking” the institutions of local government. That Amante and Kelly and other city advocates assert as much shows that they are about maintaining the status quo. Smoller said he has tried to engage ACC and other League of Cities types in arguments over ideas, but they don’t engage. Instead, they try to stifle.

“I resigned in order to signal the community that something wrong was occurring — that taxpayer dollars were being used to quash reasoned public discourse,” Smoller said. “If I had not taken a stand, a dangerous precedent would be established at a new institution. What next, should we appease a powerful donor or political group of elected thinks our nursing program should include intelligent design in their curriculum? I am friends with labor, but I am not going to stop writing about their power in local politics, which few people acknowledge.”

In Smoller’s view, there are two types of people he finds involved in local politics and local government — defenders of the failing status quo who want to maintain their pensions, their power and their perks and those who want to have an honest public debate over the real issues. Those of us in the latter category might disagree vehemently over political solutions, but at least we’re not trying to protect the privileges of those in power.

Brandman, he said, has made a choice that it wants to be nice to elected officials and others who support the program. “I don’t give a darn about elected officials,” Smoller said. “I care about my students and teaching them critical thinking skills.”

That says it all, I suppose.