

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA CITY COUNCIL REGULAR MEETING TUESDAY, FEBRUARY 22, 2011 – 7:00 p.m.

### NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.ci.los-alamitos.ca.us](http://www.ci.los-alamitos.ca.us) once the agenda has been publicly posted.

Any written materials relating 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, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

1. **CALL TO ORDER**
2. **ROLL CALL**  
Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Poe  
Mayor Pro Tem Edgar  
Mayor Stephens
3. **PLEDGE OF ALLEGIANCE** Council Member Poe
4. **INVOCATION** Council Member Graham-Mejia
5. **ORAL COMMUNICATIONS**  
At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

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**6. REGISTER OF MAJOR EXPENDITURES**

February 22, 2011.

**Roll Call Vote**

- Council Member Graham-Mejia
- Council Member Kusumoto
- Council Member Poe
- Mayor Pro Tem Edgar
- Mayor Stephens

**7. CONSENT CALENDAR**

All Consent Calendar items may be acted upon by one motion unless a Council Member requests separate action on a specific item.

\*\*\*\*\*CONSENT CALENDAR\*\*\*\*\*

**A. Warrants (Finance)**  
February 22, 2011.

**B. Second Reading of Ordinance No. 11-01 – ZOA 09-01 (Comm. Dev.)  
Second Reading of Ordinance No. 11-02 – LAMC SP (SP 09-01)**

At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-01, which approves Zoning Ordinance Amendment 09-01 for the property generally located at 3751 Katella Ave.; and Ordinance No. 11-02 which adopts the Los Alamitos Medical Center Specific Plan (SP 09-01).

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 11-01 and Ordinance No. 11-02; and,
2. Mayor Stephens read the title of Ordinance No. 11-01, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 09-01 TO CHANGE THE ZONING DESIGNATIONS OF CERTAIN PARCELS FROM COMMUNITY FACILITIES (C-F), COMMERCIAL OFFICE (C-O) AND PLANNED LIGHT INDUSTRIAL (PM) TO LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION FOR THE LOS ALAMITOS MEDICAL CENTER WHICH INCLUDES THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE"; and,

3. Mayor Stephens read the title of Ordinance No. 11-02, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SP 09-01) FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION INCLUDING THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (09-01)"; and,
4. Adopt Ordinance No. 11-01 by roll call vote; and,
5. Adopt Ordinance No. 11-02 by roll call vote.

**C. Second Reading of Ordinance No. 11-03 - Pipeline Franchise (Comm. Dev.)**

At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-03, granting a 15 year franchise to Crimson California Pipeline L.P.

Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 11-03; and,
2. Mayor Stephens read the title of Ordinance No. 11-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE CITY OF LOS ALAMITOS GRANTING A FRANCHISE TO CONSTRUCT AND USE AN OIL PIPELINE TO CRIMSON CALIFORNIA PIPELINE, L.P."
3. Adopt Ordinance No. 11-03, by roll call vote.

\*\*\*\*\*END OF CONSENT CALENDAR\*\*\*\*\*

**8. PUBLIC HEARINGS**

**A. Consideration of a Zoning Ordinance Amendment 10-02 to Amend the Municipal Code as it relates to Window Signs (Comm. Dev.)**

This public hearing is to request consideration to amend the City's Zoning Regulations related to the amount of windows that can be covered by signage.

Recommendation:

1. Conduct a Public Hearing; and,
2. Waive reading in full and authorize reading by title only of Ordinance No. 11-04, and set for second reading; and,

3. Mayor Stephens read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) AND (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

**B. Consideration of Kaylor Avenue Vacation (Comm. Dev.)**

At its regular meeting of February 7, 2011, the City Council adopted Resolution No. 2011-04 scheduling a public hearing to consider the vacation of Kaylor Ave. in conjunction with the adoption of the Los Alamitos Medical Center Specific Plan.

Recommendation: Adopt Resolution No. 2011-06, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO VACATE ALL THAT CERTAIN PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS KAYLOR AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF CATALINA STREET AND ON THE SOUTH BY THE NORTHERLY LINE OF KATELLA AVENUE, AS DELINEATED AND DEDICATED TO PUBLIC USE FOR STREET PURPOSES ON THE MAP OF TRACT NUMBER 5354, RECORDED IN BOOK 206, PAGES 48 THROUGH 50 OF MAPS, OFFICIAL RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA AND AS ACCEPTED BY THE CITY OF LOS ALAMITOS CITY COUNCIL ON SEPTEMBER 22, 1964, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ."

**9. DISCUSSION ITEMS**

**A. Review of City Council Practices Regarding Oral Communications (City Clerk)**

During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

Recommendation: Should the City Council choose to amend its current practices regarding public comment it would be appropriate to provide further direction to staff.

**B. Consideration of an Agreement with Community Schools Media Partnership (CSMP) for Administration of Los Alamitos Television (LATV), an Agreement with John Underwood Regarding Specific Duties Related to the Provision of Community Programming on LATV and Potential Reactivation of a Community Cable Commission (City Manager)**

In November 2009, the City Council approved a service agreement with Community Schools Media Partnership (CSMP) for the administration of the LATV. Additionally, the City Council approved a separate agreement with Mr. John Underwood for services related to the refurbishment and construction of

a cable television studio located at 10921 Oak Street. The dual effort was undertaken as a method of restarting LATV functions in the community. The work has been completed and LATV is offering a variety of programming. The City Council will consider items related to the continued administration of LATV and the provision of Community Programming on LATV.

Recommendation:

1. Authorize the Mayor to execute a one (1)-year Professional Services Agreement with Community Schools Media Partnership (CSMP), in a form approved by the City Attorney, for the provision of services related to the administration of LATV in an amount not to exceed \$30,000 annually; and,
2. Authorize the Mayor to execute a Professional Services Agreement with Mr. John Underwood, in a form approved by the City Attorney and in an amount not to exceed \$5,00 annually, for the provision of specified City-sponsored community programming and to provide assistance to public access programming producers; and,
3. Reestablish the Community Cable Commission and authorize the City Clerk to advertise vacancies and schedule interview dates for future appointments to the Commission; and,
4. Alternatively, discuss and take other action related to this item.

## **10. MAYOR AND COUNCIL INITIATED BUSINESS**

### **Council Announcements**

At this time, Council Members may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion is taken except to provide staff direction to report back or to place the item on a future Agenda.

Mayor Pro Tem Edgar  
Mayor Stephens  
Council Member Graham-Mejia  
Council Member Kusumoto  
Council Member Poe

## **11. ITEMS FROM THE CITY MANAGER**

## **12. CLOSED SESSIONS**

### **A. Conference with Labor Negotiator**

Agency Negotiators: Jeffrey L. Stewart, City Manager  
Employee Organization: Los Alamitos City Employee Association  
Authority: Government Code Section 54957.6

**B. Conference with Legal Counsel – Existing Litigation**

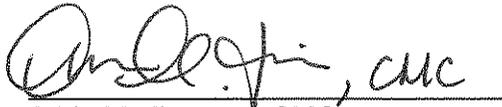
The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

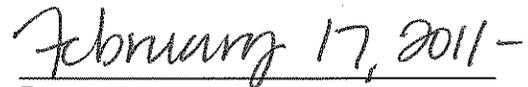
Name of Case: City of Los Alamitos vs. Citizens for a Fair Trash Contract  
Case Number: Orange County Superior Court Case #00420414  
Authority: Government Code Section 54956.9(a)

**13. ADJOURNMENT**

The next meeting of the City Council is scheduled for Monday, March 7, 2011, 7:00 p.m., in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

  
\_\_\_\_\_  
Adria M. Jimenez, CMC  
City Clerk

  
\_\_\_\_\_  
Date

**CITY OF LOS ALAMITOS**  
**Register of Major Expenditures**  
**February 22, 2011**

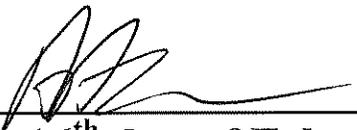
**Pages:**

01	\$ 94,281.74	Major Warrants	02/22/2011
	\$ 136,085.56	Payroll	02/04/2011
	\$ 137,425.95	Payroll Benefits	02/04/2011

**Total**      **\$ 367,793.25**

**Statement:**

I hereby certify that the claims or demands covered by the foregoing listed warrants have been audited as to accuracy and availability of funds for payment thereof. Certified by Anita Agramonte, Finance Manager.

  
\_\_\_\_\_  
this 16<sup>th</sup> day of February, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
COLANTUONO & LEVIN, PC	LOS AL MED CENTER 12/10	GENERAL FUND	NON-DEPARTMENTAL	115.00
	TRASH LITIGATION 12/10	GENERAL FUND	NON-DEPARTMENTAL	24,264.60
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	3,423.40
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	720.00
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	720.00
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	180.00
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	1,778.00
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	115.00
	GENERAL COUNSEL 12/10	GENERAL FUND	CITY ATTORNEY	1,562.50
				TOTAL:
DIEHL EVANS & COMPANY, LLP	AUDIT FY END 6/30/10	GENERAL FUND	ADMINISTRATIVE SERVICE	10,110.00
			TOTAL:	10,110.00
REDFLEX TRAFFIC SYSTEMS, INC.	JAN 11 PHOTO ENFORCEMENT	GENERAL FUND	TRAFFIC	13,500.00
			TOTAL:	13,500.00
STATE OF CALIFORNIA	10/10-12/10 - ELECTRIC	JFTB POOL FUND	AQUATICS	11,928.72
	10/10-12/10 - ESPC	JFTB POOL FUND	AQUATICS	129.75
	10/10-12/10 - GAS	JFTB POOL FUND	AQUATICS	19,006.33
	10/10-12/10 - WATER	JFTB POOL FUND	AQUATICS	2,982.29
	10/10-12/10 - SEWER	JFTB POOL FUND	AQUATICS	3,746.15
				TOTAL:

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===== FUND TOTALS =====
10  GENERAL FUND                56,488.50
77  JFTB POOL FUND              37,793.24
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GRAND TOTAL:                    94,281.74
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**CITY OF LOS ALAMITOS**  
**A/P Warrants**  
**February 22, 2011**

**Pages:**

01-07	\$ 84,380.12	A/P Warrants	02/22/2011
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**Total**        **\$ 84,380.12**

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\_\_\_\_\_  
this 16<sup>th</sup> day of February, 2011

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALAMITOS AUTO PARTS	WHEEL HUB	GARAGE FUND	GARAGE	204.41
	SHOP SUPPLIES	GARAGE FUND	GARAGE	6.60
			TOTAL:	211.01
ANDERSON ELECTRICAL & LIGHTING SERVICE	ELECTRIC REPAIR - POOL	GENERAL FUND	BUILDING MAINTENANCE	390.00
	ELECTRIC REPAIR - COMM CTR	BUILDING IMPROVEME	CAPITAL PROJECTS	532.00
	ELECTRIC REPAIR - COMM CTR	BUILDING IMPROVEME	CAPITAL PROJECTS	464.80
			TOTAL:	1,386.80
ANIMAL PEST MANAGEMENT SERVICES	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	250.00
	GOPHER CONTROL	GENERAL FUND	PARK MAINTENANCE	80.00
	SKUNK CONTROL	GENERAL FUND	PARK MAINTENANCE	500.00
			TOTAL:	830.00
AT & T MOBILITY	BILL CYCLE 12/24 - 1/23	GENERAL FUND	PATROL	389.77
	JFTB WIRELESS	JFTB POOL FUND	AQUATICS	46.00
			TOTAL:	435.77
PAUL BARBIERI	UNIFORM REIMBURSEMENT	GENERAL FUND	NON-DEPARTMENTAL	217.59
			TOTAL:	217.59
BENESYST	FLEX ADMIN SERVICES 03/11	GENERAL FUND	ADMINISTRATIVE SERVICE	150.00
			TOTAL:	150.00
BUSINESS PRODUCTS DISTRIBUTORS	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	23.72
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	47.28
			TOTAL:	71.00
CALIFORNIA PARK & REC SOCIETY	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	135.00
			TOTAL:	135.00
CAVENAUGH & ASSOCIATES	DUI SEMINAR	GENERAL FUND	POLICE ADMINISTRATION	499.00
			TOTAL:	499.00
CERTIFIED LABORATORIES	WEED KILLER	GENERAL FUND	PARK MAINTENANCE	499.08
			TOTAL:	499.08
CHARLES ABBOTT ASSOCIATES, INC.	BUILDING PERMIT FEES 01/11	GENERAL FUND	BUILDING INSPECTION	6,530.10
			TOTAL:	6,530.10
COMPUTER SERVICE CO.	MAINTAIN INTERSECT 01/11	GENERAL FUND	STREET MAINTENANCE	1,240.00
			TOTAL:	1,240.00
COUNTY OF ORANGE TREASURER-TAX COLLECT	GEN ELECT STMNTS NOV 10	GENERAL FUND	NON-DEPARTMENTAL	3,072.00
	GENERAL ELECTION NOV 10	GENERAL FUND	CITY MANAGER	5,872.92
	OCATS 01/11	GENERAL FUND	COMMUNICATIONS TECHNOL	305.00
			TOTAL:	9,249.92
DOOLEY ENTERPRISES, INC.	AMMUNITION	GENERAL FUND	PATROL	619.88
			TOTAL:	619.88
ELITE SPECIAL EVENT, INC.	FUN ZONE EQUIPMENT	GENERAL FUND	SPECIAL CLASSES	1,000.00
			TOTAL:	1,000.00
EWLES MATERIALS	REFUSE DUMP	GENERAL FUND	STREET MAINTENANCE	80.00
			TOTAL:	80.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GANAHL LUMBER COMPANY	SHOVEL	GENERAL FUND	SPECIAL EVENTS	48.88
	SILICON	GENERAL FUND	SPECIAL EVENTS	14.12
	EXTENSION CORDS	GARAGE FUND	GARAGE	21.74
			TOTAL:	84.74
GLENN E. THOMAS CO.	P/D CHARGER REPAIR	GARAGE FUND	GARAGE	320.00
	P/D CHARGER REPAIR	GARAGE FUND	GARAGE	80.00
	P/D CHARGER PARTS	GARAGE FUND	GARAGE	10.59
			TOTAL:	410.59
GOLDEN STATE WATER COMPANY	BILL CYCLE 12/1/10-1/31/11	GENERAL FUND	STREET MAINTENANCE	1,145.78
	BILL CYCLE 12/1/10-1/31/11	GENERAL FUND	PARK MAINTENANCE	1,520.37
	BILL CYCLE 12/1/10-1/31/11	GENERAL FUND	PARK MAINTENANCE	2,153.85
			TOTAL:	4,820.00
HARRY'S PLUMBING AND DRAIN, INC.	CLEAR DRAINS	GENERAL FUND	BUILDING MAINTENANCE	330.00
			TOTAL:	330.00
HI-WAY SAFETY INC.	CAUTION SIGNS	GENERAL FUND	STREET MAINTENANCE	75.69
			TOTAL:	75.69
HINDERLITER, DE LLAMAS & ASSOCIATES	SALES TAX 1Q 2011	GENERAL FUND	ADMINISTRATIVE SERVICE	1,105.74
			TOTAL:	1,105.74
HUNTINGTON BEACH HONDA	MOTORCYCLE MAINTENANCE	GENERAL FUND	TRAFFIC	1,279.50
			TOTAL:	1,279.50
INTELLIBRIDGE PARTNERS, LLC	ACCOUNTING ASSISTANCE	GENERAL FUND	ADMINISTRATIVE SERVICE	4,180.00
			TOTAL:	4,180.00
JDS TANK TESTING & REPAIR	DESIGNATED OPERATOR 01/11	GARAGE FUND	GARAGE	140.00
			TOTAL:	140.00
KIMBALL MIDWEST	SHOP SUPPLIES	GARAGE FUND	GARAGE	289.62
			TOTAL:	289.62
KONICA MINOLTA BUSINESS SOL	BW COPIES - COMPLEX II	GENERAL FUND	ADMINISTRATIVE SERVICE	26.70
	BW COPIES - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	38.87
	COPIER LEASE - COMPLEX II	GENERAL FUND	ADMINISTRATIVE SERVICE	274.10
	BW COPIES - COMPLEX II	GENERAL FUND	ADMINISTRATIVE SERVICE	37.29
	COLOR COPIES - COMPLEX II	GENERAL FUND	ADMINISTRATIVE SERVICE	100.65
	COPIER LEASE - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	398.88
	BW COPIES - CITY HALL	GENERAL FUND	ADMINISTRATIVE SERVICE	168.32
			TOTAL:	1,044.81
WARREN KUSUMOTO	COUNCIL MEMBERS ACADEMY	GENERAL FUND	CITY COUNCIL	292.51
			TOTAL:	292.51
LEAGUE OF CALIFORNIA CITIES	RESEARCH FEES & DUES	GENERAL FUND	CITY COUNCIL	934.13
	RESEARCH FEES & DUES	GENERAL FUND	CITY MANAGER	500.00
	RESEARCH FEES & DUES	GENERAL FUND	ADMINISTRATIVE SERVICE	500.00
	RESEARCH FEES & DUES	GENERAL FUND	COMMUNITY DEVEL ADMIN	100.00
	RESEARCH FEES & DUES	GENERAL FUND	PLANNING	300.00
	RESEARCH FEES & DUES	GENERAL FUND	NEIGHBORHOOD PRESERVAT	600.00
	RESEARCH FEES & DUES	GENERAL FUND	BUILDING INSPECTION	200.00
			TOTAL:	3,134.13

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MICHELLE LINDSEY	INSTRUCTOR - PAINTING	GENERAL FUND	SPECIAL CLASSES	78.00
			TOTAL:	78.00
YING LIU	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
	INSTRUCTOR - ART	GENERAL FUND	SPECIAL CLASSES	68.25
			TOTAL:	136.50
LONG BEACH SOCCER REFEREE ASSOCIATION	ASSIGNING SVCS 01/11	GENERAL FUND	SPECIAL CLASSES	243.00
			TOTAL:	243.00
LOS ALAMITOS AREA CHAMBER OF COMMERCE	STATE OF THE CITY LUNCH	GENERAL FUND	CITY COUNCIL	120.00
			TOTAL:	120.00
LOS ALAMITOS ORTHOPEDIC	INSTRUCTOR - EXERCISE	GENERAL FUND	SPECIAL CLASSES	60.00
			TOTAL:	60.00
LOS ALTOS TROPHY	AWARDS	GENERAL FUND	SPECIAL CLASSES	1,050.00
			TOTAL:	1,050.00
MAJOR LEAGUE SOFTBALL, INC.	ASSIGNING SVCS 01/11	GENERAL FUND	SPECIAL CLASSES	132.00
			TOTAL:	132.00
MISC. VENDOR	REFUND - PHOTOGRAPHY CLASS	GENERAL FUND	NON-DEPARTMENTAL	44.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	100.00
	REFUND - SECURITY DEPOSIT	GENERAL FUND	NON-DEPARTMENTAL	100.00
			TOTAL:	244.00
THOMAS OLIVER	PLANNING SERVICES	GENERAL FUND	PLANNING	300.00
	PLANNING SERVICES	GENERAL FUND	PLANNING	300.00
			TOTAL:	600.00
PACIFIC TELEMAGEMENT SERVICES	PAY PHONE	GENERAL FUND	COMMUNICATIONS TECHNOL	82.64
			TOTAL:	82.64
PAK WEST PAPER & PACKAGING	JANITORIAL SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	1,402.76
			TOTAL:	1,402.76
ANNE COREEN PENNYPACKER	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	254.80
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	573.30
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	191.10
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	127.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	159.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	127.40
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	159.25
	INSTRUCTOR - DANCE	GENERAL FUND	SPECIAL CLASSES	254.80
			TOTAL:	1,847.30
PETTY CASH	REFUND - MARTIAL ARTS	GENERAL FUND	NON-DEPARTMENTAL	4.00
	HOLIDAY GARLAND	GENERAL FUND	RECREATION ADMINISTRAT	14.21
	CONTEST SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	15.95
	CPRS MEETING	GENERAL FUND	RECREATION ADMINISTRAT	6.00
	OFFICE SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	9.86
	POSTER SUPPLIES	GENERAL FUND	COMMUNITY SERVICES	3.23
	HOLIDAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	94.81
	SPORTS LAUNDRY	GENERAL FUND	SPORTS	5.00
	SIGN CLAMPS	GENERAL FUND	SPECIAL CLASSES	50.21

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	INTERPRETER FOR DEAF	GENERAL FUND	SPECIAL CLASSES	50.00
	PRESCHOOL DESK	GENERAL FUND	SPECIAL CLASSES	53.28
	MAILING	GENERAL FUND	SPECIAL CLASSES	11.88
	INTERPRETER FOR DEAF	GENERAL FUND	SPECIAL CLASSES	80.00
	INTERPRETER FOR DEAF	GENERAL FUND	SPECIAL CLASSES	50.00
	TIME CAPSULE CAKE	GENERAL FUND	SPECIAL EVENTS	16.64
			TOTAL:	<u>465.07</u>
POWER DISTRIBUTORS, INC.	FIELD LIGHT - SPORTS	GENERAL FUND	SPORTS	1,475.72
	FIELD LIGHT - MCAULIFFE	GENERAL FUND	SPECIAL CLASSES	1,000.00
	FIELD LIGHT - OAK	GENERAL FUND	SPECIAL CLASSES	1,000.00
			TOTAL:	<u>3,475.72</u>
QUALITY CODE PUBLISHING LLC	WEBSITE MAINT & STORAGE	GENERAL FUND	CITY MANAGER	2,524.29
			TOTAL:	<u>2,524.29</u>
QUARTERMASTER	UNIFORMS	GENERAL FUND	PATROL	108.63
			TOTAL:	<u>108.63</u>
RBF CONSULTING	LOS AL MED CTR 12/10	GENERAL FUND	NON-DEPARTMENTAL	8,735.09
			TOTAL:	<u>8,735.09</u>
RED SCORPION MARTIAL ARTS	INSTRUCTOR - MARTIAL ARTS	GENERAL FUND	SPECIAL CLASSES	236.60
			TOTAL:	<u>236.60</u>
RED WING SHOE STORE	STEEL TOED BOOTS FOR PW	GENERAL FUND	STREET MAINTENANCE	146.90
	STEEL TOED BOOTS FOR PW	GENERAL FUND	STREET MAINTENANCE	260.00
	STEEL TOED BOOTS FOR PW	GENERAL FUND	STREET MAINTENANCE	260.00
	STEEL TOED BOOTS FOR PW	GENERAL FUND	STREET MAINTENANCE	260.00
	STEEL TOED BOOTS FOR PW	GENERAL FUND	PARK MAINTENANCE	260.00
			TOTAL:	<u>1,186.90</u>
RICOH AMERICAS CORP	COPIER LEASE 02/11	GENERAL FUND	RECREATION ADMINISTRAT	565.50
			TOTAL:	<u>565.50</u>
SUZANNE ROADY-ROSS	INSTRUCTOR - TAI CHI	GENERAL FUND	SPECIAL CLASSES	117.00
			TOTAL:	<u>117.00</u>
MARSHA ROE	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	9.60
	INSTRUCTOR - LINE DANCE	GENERAL FUND	SPECIAL CLASSES	4.80
			TOTAL:	<u>14.40</u>
SCMAF	MEMBERSHIP DUES	GENERAL FUND	RECREATION ADMINISTRAT	70.00
			TOTAL:	<u>70.00</u>
SKATEDOGS	INSTRUCTOR - SKATEBOARD	GENERAL FUND	SPECIAL CLASSES	378.00
			TOTAL:	<u>378.00</u>
SOUTH COAST SUPPLY & GARDEN DAZE	SOIL	GENERAL FUND	STREET MAINTENANCE	14.20
	MORTAR MIX	GENERAL FUND	STREET MAINTENANCE	6.82
	SOIL	GENERAL FUND	SPECIAL CLASSES	163.16
	CONCRETE - 50TH ANNIV	GENERAL FUND	SPECIAL EVENTS	13.66
	SOD - 50TH ANNIV	GENERAL FUND	SPECIAL EVENTS	15.66
			TOTAL:	<u>213.50</u>
SOUTHERN CALIFORNIA EDISON	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	51.30

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SPRINKLERS	GENERAL FUND	PARK MAINTENANCE	174.00
			TOTAL:	225.30
SOUTHERN CALIFORNIA GAS	3614 FENLEY	GENERAL FUND	STREET MAINTENANCE	21.49
	10911 OAK ST.	GENERAL FUND	BUILDING MAINTENANCE	408.15
			TOTAL:	429.64
SPARKLETT'S DRINKING WATER	SERVICE & RENTAL	GENERAL FUND	BUILDING MAINTENANCE	170.09
			TOTAL:	170.09
SPRINT	ACTIVITY THRU 1/21/11	GENERAL FUND	CITY MANAGER	37.30
	ACTIVITY THRU 1/21/11	GENERAL FUND	ADMINISTRATIVE SERVICE	37.30
	ACTIVITY THRU 1/21/11	GENERAL FUND	COMMUNICATIONS TECHNOL	37.29
	ACTIVITY THRU 1/21/11	GENERAL FUND	COMMUNITY DEVEL ADMIN	37.29
	ACTIVITY THRU 1/21/11	GENERAL FUND	PUBLIC WORKS ADMIN	37.29
	ACTIVITY THRU 1/21/11	GENERAL FUND	RECREATION ADMINISTRAT	37.29
			TOTAL:	223.76
SY NURSERY	FLOWERS - 50TH ANNIV	GENERAL FUND	SPECIAL EVENTS	21.40
			TOTAL:	21.40
TIME WARNER CABLE	ADMIN CABLE SERVICE 02/11	GENERAL FUND	CITY MANAGER	164.96
	INTERNET - SR. CENTER	GENERAL FUND	RECREATION ADMINISTRAT	69.95
			TOTAL:	234.91
U.S. BANK	SR. MEALS SUPPLIES	GENERAL FUND	NON-DEPARTMENTAL	103.26
	COFFEE FOR COUNCIL MEETING	GENERAL FUND	CITY COUNCIL	12.95
	COFFEE FOR COUNCIL MEETING	GENERAL FUND	CITY COUNCIL	12.95
	HYATT - LOCC MEETING	GENERAL FUND	CITY COUNCIL	359.46
	COFFEE FOR COUNCIL MEETING	GENERAL FUND	CITY COUNCIL	12.95
	COFFEE FOR COUNCIL MEETING	GENERAL FUND	CITY COUNCIL	12.95
	REFRESHMENTS FOR COUNCIL	GENERAL FUND	CITY COUNCIL	15.45
	RE-STOCK REFRESHMENTS	GENERAL FUND	CITY COUNCIL	14.12
	RE-STOCK REFRESHMENTS	GENERAL FUND	CITY COUNCIL	34.24
	DVD STORAGE BOXES	GENERAL FUND	CITY COUNCIL	13.03
	WIRELESS MOUSE	GENERAL FUND	CITY MANAGER	31.77
	OFFICE SUPPLIES	GENERAL FUND	CITY MANAGER	90.64
	TONER	GENERAL FUND	CITY MANAGER	171.80
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	76.17
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	16.66
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	41.17
	SEMINAR - CHIEF	GENERAL FUND	POLICE ADMINISTRATION	500.00
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	48.79
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	244.43
	OFFICE SUPPLIES	GENERAL FUND	POLICE ADMINISTRATION	64.21
	ANTISEPTIC HAND WIPES	GENERAL FUND	PATROL	128.33
	LATEX GLOVES	GENERAL FUND	PATROL	49.59
	MAGNETIC CARD READERS	GENERAL FUND	PATROL	548.10
	BATTERIES	GENERAL FUND	PATROL	102.72
	TONER	GENERAL FUND	INVESTIGATION	200.21
	ENTERSECT ONLINE	GENERAL FUND	INVESTIGATION	79.00
	EVIDENCE TAPE	GENERAL FUND	RECORDS	52.13
	DETECTIVE BUREAU COMPUTERS	GENERAL FUND	COMMUNICATIONS TECHNOL	330.00
	WEBSITE	GENERAL FUND	COMMUNITY OUTREACH	14.95
	WEBSITE	GENERAL FUND	COMMUNITY OUTREACH	12.95
	TONER - COMM DEV 5500	GENERAL FUND	BUILDING INSPECTION	628.03

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	TOOLS	GENERAL FUND	STREET MAINTENANCE	357.60
	REFUND - CLASS CANCELLED	GENERAL FUND	PARK MAINTENANCE	535.00
	LIGHT BULBS	GENERAL FUND	BUILDING MAINTENANCE	56.50
	LIGHT BULBS	GENERAL FUND	BUILDING MAINTENANCE	56.50
	DAY CAMP SUPPLIES	GENERAL FUND	BUILDING MAINTENANCE	101.30
	TARGETED DATA BASE	GENERAL FUND	RECREATION ADMINISTRAT	720.00
	CPRS CONFERENCE	GENERAL FUND	RECREATION ADMINISTRAT	125.00
	LAMINATOR SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	657.89
	50TH ANNIV SUPPLIES	GENERAL FUND	RECREATION ADMINISTRAT	22.65
	DAY CAMP SUPPLIES	GENERAL FUND	DAY CAMP	22.24
	RACE ON THE BASE RENTALS	GENERAL FUND	SPECIAL CLASSES	420.00
	RACE ON THE BASE AD	GENERAL FUND	SPECIAL CLASSES	350.00
	RACE ON BASE GOODIE BAGS	GENERAL FUND	SPECIAL CLASSES	150.00
	RACE ON THE BASE MEDALS	GENERAL FUND	SPECIAL CLASSES	704.50
	RACE ON THE BASE MEDALS	GENERAL FUND	SPECIAL CLASSES	1,045.00
	RACE ON THE BASE MAILING	GENERAL FUND	SPECIAL CLASSES	9.08
	RACE ON THE BASE HELMETS	GENERAL FUND	SPECIAL CLASSES	221.68
	50TH ANNIV TIME CAPSULE	GENERAL FUND	SPECIAL EVENTS	6.57
	50TH ANNIV TIME CAPSULE	GENERAL FUND	SPECIAL EVENTS	39.05
	50TH ANNIV SUPPLIES	GENERAL FUND	SPECIAL EVENTS	12.95
	50TH ANNIV SUPPLIES	GENERAL FUND	SPECIAL EVENTS	24.83
	50TH ANNIV SUPPLIES	GENERAL FUND	SPECIAL EVENTS	5.44
	LIGHT COVERS	BUILDING IMPROVEME	CAPITAL PROJECTS	335.07
	MOWER PARTS	GARAGE FUND	GARAGE	173.46
	TIRES FOR DOLLEY	GARAGE FUND	GARAGE	62.54
	SHOP SUPPLIES	GARAGE FUND	GARAGE	401.35
	REPAIR P/D CHARGER	GARAGE FUND	GARAGE	188.80
	SHOP SUPPLIES	GARAGE FUND	GARAGE	86.99
			TOTAL:	9,845.00
U.S. HEALTHWORKS MEDICAL GROUP	PRE-EMPLOYMENT PHYSICAL	GENERAL FUND	ADMINISTRATIVE SERVICE	498.00
			TOTAL:	498.00
UNDERGROUND SERVICE ALERT OF SO. CALIF	SERVICE ALERT FAXES	GENERAL FUND	STREET MAINTENANCE	19.50
			TOTAL:	19.50
VERIZON CALIFORNIA, INC.	ADMIN - FAX	GENERAL FUND	ADMINISTRATIVE SERVICE	44.25
	POLICE DEPT/RELAY LINE	GENERAL FUND	COMMUNICATIONS TECHNOL	79.39
	TELECOMMUNICATIONS	GENERAL FUND	COMMUNICATIONS TECHNOL	836.64
	EOC/FAX LINES	GENERAL FUND	COMMUNICATIONS TECHNOL	912.44
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	38.79
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	74.04
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	39.25
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.01
	TRAFFIC SIGNAL	GENERAL FUND	STREET MAINTENANCE	37.01
	PARK & REC - FAX	GENERAL FUND	RECREATION ADMINISTRAT	43.03
			TOTAL:	2,141.85
VERIZON WIRELESS	POLICE	GENERAL FUND	POLICE ADMINISTRATION	75.29
	COMMUNITY DEVELOPMENT	GENERAL FUND	NEIGHBORHOOD PRESERVAT	48.68
	PUBLIC WORKS	GENERAL FUND	STREET MAINTENANCE	256.78
			TOTAL:	380.75
VICTORY LOCK AND KEY	REPAIR DOORS	GENERAL FUND	BUILDING MAINTENANCE	222.50
			TOTAL:	222.50

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
VOYAGER FLEET SYSTEMS, INC.	FUEL	GARAGE FUND	GARAGE	5,437.70
	FUEL TAX CREDIT	GARAGE FUND	GARAGE	293.32-
	CNG FUEL	GARAGE FUND	GARAGE	245.36
	TOTAL:			<u>5,389.74</u>
KENNY WAGNER	INSTRUCTOR - COMPUTER	GENERAL FUND	SPECIAL CLASSES	71.50
			TOTAL:	
SHANNON ZEEMAN	INSTRUCTOR - SIGN LANGUAGE	GENERAL FUND	SPECIAL CLASSES	76.80
			TOTAL:	

===== FUND TOTALS =====

10	GENERAL FUND	75,626.41
25	BUILDING IMPROVEMENT	1,331.87
50	GARAGE FUND	7,375.84
77	JFTB POOL FUND	46.00
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GRAND TOTAL:		84,380.12
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# City of Los Alamitos

## Agenda Report Consent Calendar

February 22, 2011  
Item No: 7B

**To:** Mayor Kenneth Stephens and Council Members

**From:** Jeffrey L. Stewart, City Manager  
Steven A. Mendoza, Director of Community Development

**Subject:** Second Reading of Ordinance No. 11-01 – ZOA 09-01  
Second Reading of Ordinance No. 11-02 – LAMC SP (SP 09-01)

**Summary:** At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-01, which approves Zoning Ordinance Amendment 09-01 for the property generally located at 3751 Katella Ave.; and Ordinance No. 11-02 which adopts the Los Alamitos Medical Center Specific Plan (SP 09-01).

### Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 11-01 and Ordinance 11-02; and,
2. Mayor Stephens read the title of Ordinance No. 11-01, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 09-01 TO CHANGE THE ZONING DESIGNATIONS OF CERTAIN PARCELS FROM COMMUNITY FACILITIES (C-F), COMMERCIAL OFFICE (C-O) AND PLANNED LIGHT INDUSTRIAL (PM) TO LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION FOR THE LOS ALAMITOS MEDICAL CENTER WHICH INCLUDES THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE"; and,
3. Mayor Stephens read the title of Ordinance No. 11-02, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SP 09-01) FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION INCLUDING THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (09-01)"; and,
4. Adopt Ordinance No. 11-01 by roll call vote; and,
5. Adopt Ordinance No. 11-02 by roll call vote.

## Background

The Planning Commission considered the Los Alamitos Medical Center Specific Plan on October 11, 2010, and November 8, 2010. It recommended approval of the Specific Plan conditions to the City Council. The City Council conducted a public hearing on January 18, 2011, and received testimony regarding the request by the Los Alamitos Medical Center to approve a twenty-five year Specific Plan to guide the future development of the hospital site located at and around 3751 Katella Avenue. At the January 18, 2011, meeting, City Council requested additional information from Tenet Health regarding the corporation's commitment to the local project and its reaction to local concerns.

On February 7, 2011, staff presented responses to the Public Hearing comments on January 18, and recommended amendments to the conditions of approval to City Council. Council formally approved the recommendation and introduced Ordinance Numbers 11-01 and 11-02, and set for second reading. The meeting culminated with the City Attorney summarizing the modifications as follows.

Condition D is amended as follows:

- D. Should applicant fail to submit an complete application for Site Plan Review of Phase III by the tenth (10) anniversary of effective date of Ordinance, the approvals for all structures for which no Site Plan Review has been submitted shall be null and void*

Condition I has been added as follows:

- I. The applicant guarantees that, in the event that the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.*

The following recitals were added to resolution 2011-03

***WHEREAS**, some members of the public have expressed concern that this project could prevent future development in the area; and*

***WHEREAS**, the LAMC has offered to guarantee that, in the event that the City receives less than \$40,000 in annual revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued for the LAMC, the LAMC will make annual payments to the City to cover such deficiency; and*

The approval added No. 14 to the Statement of Facts and Findings from the Statement of Overriding Considerations as follows:

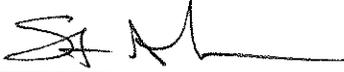
- 14. Guarantee revenues from the Hospital site. The Los Alamitos Medical Center guarantees that, in the event that the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued for the Medical Center, the Medical Center will make annual payments to the City to cover such deficiency.*

The Mitigation and Monitoring Program is amended to do four things:

1. Defer the median construction at Maple and Katella.
2. Provide a temporary left turn access to Maple via a painted left turn.
3. City will collect data on operation of those temporary measures and applicant shall reimburse City for those costs.
4. Upon completion of phase one, the City, in its sole discretion, will determine whether to require the original mitigation measures with a full median and no left turn into Maple or a modified plan with a shortened median and limited left turn access.

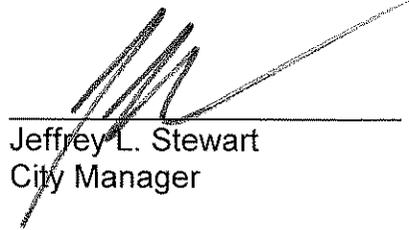
Ordinance No. 11-01 and 11-02, will become effective thirty (30) days from this evening.

Submitted by:



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Steven A. Mendoza  
Community Development Director



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Jeffrey L. Stewart  
City Manager

*Attachments:*      1) *Ordinance No. 11-01*  
                             2) *Ordinance No. 11-02*

## ORDINANCE 11-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 09-01 TO CHANGE THE ZONING DESIGNATIONS OF CERTAIN PARCELS FROM COMMUNITY FACILITIES (C-F), COMMERCIAL OFFICE (C-O) AND PLANNED LIGHT INDUSTRIAL (PM) TO LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION FOR THE LOS ALAMITOS MEDICAL CENTER WHICH INCLUDES THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE**

**WHEREAS**, the Los Alamitos Medical Center ("LAMC") has filed an application for a Specific Plan adoption (SP09-01), General Plan Amendment (GPA 09-01) to change the Land Use Designation from Community and Institutional, Planned Industrial and Professional Office to Specific Plan Land Use Designation, and Zoning Ordinance Amendment to change Zoning Designations from Community Facilities (C-F), Commercial Office (C-O) and Planned Light Industrial (PM) to Los Alamitos Medical Center Specific Plan, and Street Vacation No. 10-01 to vacate Kaylor Street for the construction of a proposed three-phase master planned expansion, including the provision of an additional 164 hospital beds, two new hospital buildings, one new medical office building to be used for additional outpatient and associated medical uses, and an additional 849 parking spaces (hereafter "Project"), for a project generally located at and around 3751 Katella Avenue (hereafter "subject property");

**WHEREAS**, some members of the public have expressed concern that this project could prevent future development in the area; and

**WHEREAS**, the LAMC has offered to guarantee that, in the event that the City receives less than \$40,000 in annual revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued for the LAMC, the LAMC will make annual payments to the City to cover such deficiency; and

**WHEREAS** the proposed change of zone is necessary for the adoption of the LAMC Specific Plan; and,

**WHEREAS**, a verified application has been filed to change the zoning designation for parcels APN 242-151-20, 242-152-20, 242-152-21, 242-162-13, 242-162-14, 242-163-11, 242-163-12, 242-163-13, 242-163-14; and,

**WHEREAS**, the application proposes to change the zoning designation for parcels 242-163-11, 242-163-13 and portion of 242-163-12 from Community Facilities (C-F) to Los Alamitos Medical Center Specific Plan; to change the zoning designation for parcels 242-152-21 portion of 242-162-13, portion of 242-163-12 from Commercial Office (C-O) to Los Alamitos Specific Plan; to change the zoning designation for parcels 242-151-20, 242-152-20, 242-162-14, 242-163-14, and portion of 242-162-13 from Planned Light Industrial (PM) to Los Alamitos Medical Center Specific Plan; and

**WHEREAS**, the verified application constitutes an application as required by Section 17.54 of the Los Alamitos Municipal Code; and,

**WHEREAS** the Planning Commission of the City of Los Alamitos at its regularly scheduled public meeting on October 11, 2010 and November 8, 2010 reviewed the requested Change of Zone and recommended City Council approval of Ordinance No. 11-01; and,

**WHEREAS**, a duly noticed public hearing as prescribed by law was held by the City Council on January 18, 2011 and continued to February 7, 2011 and based upon the evidence presented, the City Council makes the following findings of fact for Zone Ordinance Amendment 09-01 as required by Los Alamitos Municipal Code Section 17.70.050:

A. As specified in the table below, the proposed Zone Change will ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code set out in Title 17 of the Los Alamitos Municipal Code.

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
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Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project		
<b>LAND USE ELEMENT</b>			
<b>Goal 1:</b> Preserve and promote land uses which reflect Los Alamitos' small-town character with due regard for economic development and future growth potential.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located within an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.		
<b>Goal 2:</b> Preserve and enhance the quality of the City's residential neighborhoods.	<u>Consistent.</u> The proposed project would result in the expansion of the existing Los Alamitos Medical Center campus. No expansion beyond the existing property boundaries would occur with the proposed project. Thus, the proposed project would not adversely affect the quality of existing residential neighborhoods.		
<b>Goal 3:</b> Promote and upgrade the quality of the City's commercial, industrial, and open space areas.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed project would upgrade the quality of the project site.		
<b>LAND USE ELEMENT</b>			
<b>Policy 1-1.1:</b> Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus and adoption of a Specific Plan to guide future development. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.		
<b>Policy 1-1.2:</b> Adopt feasible mitigation measures throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus and would not adversely impact existing residential neighborhoods and would be consistent with such existing development, subject to review and approval by the City. This EIR has identified a number of mitigation measures to reduce project-related impacts.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="138 1266 735 1336" style="text-align: center;">Applicable <i>General Plan</i> Implementing Goals and Policies</th> <th data-bbox="735 1266 1450 1336" style="text-align: center;">Consistency of Proposed Project</th> </tr> </thead> </table>		Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project		
<b>Policy 1-1.3:</b> Maintain consistency among General Plan Policies and Programs, the Zoning Ordinance, and related development regulations.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. Approval of the <i>Los Alamitos Medical Center Specific Plan</i> would be preceded by a General Plan Amendment that would create a new Specific Plan Land Use Designation over the entire Medical Center campus ("Specific Plan"). Furthermore, upon approval of the Specific Plan the Medical Center campus would be zoned "Specific Plan" with development standards and development parameters governed by this Specific Plan document. Project design standards and regulations would be subject to review and approval by the City.		
<b>Policy 1-1.4:</b> Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.		
<b>Policy 1-3.1:</b> Apply appropriate and consistent standards	<u>Consistent.</u> The project site is currently developed and occupied by		

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.	the Los Alamitos Medical Center campus. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions. The proposed project would be visually consistent with on-site and adjoining uses, consistent with the City's Early California theme, and consist of similar mass, heights, and landscaping. Refer to <u>Section 5.2, Aesthetics</u> , for a discussion of aesthetic impacts and mitigation measures.
<b>Policy 1-4.1:</b> Consider the fiscal impacts to the City as an integral part of land use decision-making.	<u>Consistent.</u> The proposed project includes medical service uses that would provide tax revenue to the City, while increased demands on public services and utilities from future on-site uses may require additional expenditures.
<b>Policy 1.4-2:</b> Base land use decisions on reasoned analysis incorporating technical standards for review included in the respective Elements of the General Plan.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. Approval of the <i>Los Alamitos Medical Center Specific Plan</i> would be preceded by a General Plan Amendment that would create a new Specific Plan Land Use Designations over the entire Medical Center campus ("Specific Plan"). Furthermore, upon approval of the Specific Plan the Medical Center campus would be zoned "Specific Plan" with development standards and development parameters governed by this Specific Plan document. Project design standards and regulations would be subject to review and approval by the City.
<b>Policy 1-4.3:</b> Consider General Plan Policies and Programs in making land use decisions.	<u>Consistent.</u> This table provides a review of applicable <i>General Plan</i> policies and programs. The policies and programs have also been reviewed in the <i>Los Alamitos Medical Center Specific Plan</i> .
<b>Policy 1-6.1:</b> Develop and implement land use programs which address and promote the architectural and site design characteristics associated with small town character.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions. The proposed project would be visually consistent with on-site and adjoining uses, consistent with the City's Early California theme, and consist of similar mass, heights, and landscaping. Refer to <u>Section 5.2, Aesthetics</u> , for a discussion of aesthetic impacts and mitigation measures. Furthermore, the proposed project would be subject to design review and approval by the City to ensure consistency with the small town community character.
<b>CONSERVATION ELEMENT</b>	
<b>Goal One:</b> Protect Los Alamitos' ground water resources from depletion and pollution.	<u>Consistent.</u> Domestic water is provided to the existing Los Alamitos Medical Center campus by the Golden State Water Company. Existing water lines ranging from six to eight inches are located in Catalina Street, Kaylor Street, Florista Street, Bloomfield Avenue, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet Golden State Water Company requirements. It is anticipated that the proposed buildings within the Specific Plan Area would tie into existing pipes in adjacent streets. Proposed new buildings would be served by the existing water lines through a series of laterals. Additionally, subsurface water storage would be located within the campus (located adjacent to Kaylor Street near Hospital Building 1) to provide for emergency water supply in the case of temporary water service interruption per State requirements for

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	<p>hospitals. Future development within the project site would increase the demand for water resources. Refer to <u>Section 5.11, Water</u>, for a discussion of impacts and mitigation measures related to water supply and demand.</p> <p>Stormwater drainage in the City is mostly provided by a network of local drainage facilities. Site-specific drainage patterns could change due to project-related grading. According to Appendix F, <i>Final Hydrology Report</i>, the proposed project would not increase impervious surfaces. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>, for a discussion of impacts and mitigation measures related to ground water resources.</p>
<b>Goal Two:</b> Improve air quality.	<u>Consistent.</u> Although the proposed project would not exceed the growth projections used as the basis for the SCAQMD's most recent AQMP, the proposed project would implement all feasible mitigation measures to reduce air pollutant emissions, which would serve to minimize conflicts with applicable policies, plans, and programs resulting from project implementation. Refer to <u>Section 5.4, Air Quality/Greenhouse Gas Emissions</u> , for a discussion of impacts and mitigation measures related to air quality policies, plans, and programs.
<b>Goal Three:</b> Reduce Los Alamitos' solid waste stream.	<u>Consistent.</u> Solid waste disposal service for the Medical Center campus would be provided by Consolidated Waste Disposal. Refer to <u>Section 5.13, Solid Waste</u> , for a discussion of impacts and mitigation measures related to solid waste federal, state, and local statutes and regulations.
<b>Goal Five:</b> Encourage the conservation of energy.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u> , for a discussion on impacts and mitigation measures related to energy.
<b>Goal Six:</b> Preserve and enhance the quality of the City's landscaped environment.	<u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and the <i>Los Alamitos Medical Center Specific Plan</i> . A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Planning Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.
<b>Policy 2-1.1:</b> Encourage the use of drought tolerant landscapes in new developments and encourage the replacement of existing water consumptive landscapes.	<u>Consistent.</u> To the extent possible, the Los Alamitos Medical Center would continue to promote water conservation and reclamation (i.e., landscaping with drought-tolerant plants and recycled water) to reduce water consumption. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and the <i>Los Alamitos Medical Center Specific Plan</i> .
<b>Policy 2-1.2:</b> Encourage the conservation of water used for irrigation in parks, golf courses, recreation areas, commercial and industrial uses, and schools through the use of low-flow drip systems and water-efficient irrigation systems.	<u>Consistent.</u> Future development within the project site would increase the demand for water resources. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and incorporate drought tolerant plants. The proposed project would incorporate all recommendations and requirements of the Golden State Water Company and Orange County Fire Authority. Refer to <u>Section 5.11, Water</u> , for a discussion of impacts and mitigation measures

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<p><b>Policy 2-1.3:</b> Comply with the policies and programs contained in the City's Water Conservation Ordinance.</p>	<p>related to water supply and demand, and fire flow.</p> <p><u>Consistent.</u> To the extent possible, the Los Alamitos Medical Center would continue to promote water conservation and reclamation (i.e., landscaping with drought-tolerant plants and recycled water) to reduce water consumption. The hospital would also comply with the policies and programs contained in the City's Water Conservation Ordinance. Refer to <u>Section 5.11, Water</u>, for a discussion on impacts and mitigation measures related to water.</p>
<p><b>Policy 2-1.4:</b> Regulate commercial and industrial land uses to guard against the pollution of Los Alamitos' ground water resources.</p>	<p><u>Consistent.</u> The proposed project shall maintain safe and adequate infrastructure services for domestic water service, sanitary sewer service, and storm drain service. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; <u>Section 5.11, Water</u>; and <u>Section 5.12, Wastewater</u>, for discussion of impacts and mitigation measures related to infrastructure services.</p>
<p><b>Policy 2.1-7:</b> Promote the use of reclaimed water for groundskeeping in parks, golf courses, recreation areas, commercial and industrial uses, and schools.</p>	<p><u>Consistent.</u> The provision of reclaimed water and associated programs is the responsibility of the Sanitation Districts of Orange County. As available, the proposed project would incorporate reclaimed water distribution infrastructure for irrigation of on-site landscaping with drought-tolerant plants preferred.</p>
<p><b>Policy 2-2.1:</b> Continue to provide and/or support alternative modes of transportation such as mass transit, dial-a-ride, rail systems, dedicated roadways, and conventional buses.</p>	<p>According to the <i>General Plan</i>, transit service is provided by the Orange County Transportation Authority (OCTA). Existing transit routes include Katella Avenue, Los Alamitos Boulevard, Bloomfield Avenue, and Cerritos Avenue. Buses are scheduled in 20 minute intervals during peak hours of the day. Fixed bus route 50 (Katella Avenue) services the immediate vicinity of the Medical Center campus with a bus stop located on Katella Avenue in front of MOB 3. Bus route 50 is available for visitors, patients, and employees. Other OCTA fixed routes in the vicinity of the project area include Route 42, which travels along Los Alamitos Boulevard just west of the project area, Route 46, which travels along Bloomfield Street and Cerritos Avenue just north of the project area, and Route 701, which travels along Katella Avenue and Los Alamitos Boulevard just west of the project area.</p>
<p><b>Policy 2-2.2:</b> Encourage increased vehicle occupancy and car-pooling.</p>	<p><u>Consistent.</u> As deemed necessary by the City, the project's proposed parking areas would provide facilities for high-occupancy vehicles. In addition, the Medical Center is currently in strong compliance with SCAQMD's Rule 2202, which requires that companies or agencies who employ 250 or more people provide a menu of options to reduce mobile source air emissions generated from employee commutes. Options include implementing or continuing with an Employee Commute Reduction Program (ECRP), Purchasing Emission Credits which is an Emission Reductions Strategy (ERS), and investing of one of the SCAQMD Air Quality Investment (AQIP) Programs. The Medical Center files under an ERS program, and also provides bike racks at each building, as well as \$25 monthly gift certificate drawings. 2010 numbers show exceedence of required Average Vehicle Reductions requirements.</p>
<p><b>Policy 2-2.3:</b> Provide safe and efficient facilities for pedestrians and bicyclists, integrating these with the County-wide system.</p>	<p><u>Consistent.</u> The proposed project would not alter existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways that allow pedestrian and cyclist mobility and access to the project site.</p>
<p><b>Policy 2-2.4:</b> Improve traffic monitoring and metering systems.</p>	<p><u>Consistent.</u> Kaylor Street would be reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street would extend south from</p>

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	Catalina Street and serve as a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street would terminate in a cul-de-sac constructed to City and OCFA standards. Refer to Section 5.3, Traffic, for a discussion of impacts and mitigation measures related to traffic.
<b>Policy 2-2.5:</b> Actively participate in regional and local governmental efforts to improve air quality.	<u>Consistent.</u> Although the proposed project would not exceed the growth projections used as the basis for the SCAQMD's most recent AQMP, the proposed project would implement all feasible mitigation measures to reduce air pollutant emissions, which would serve to minimize conflicts with applicable policies, plans, and programs resulting from project implementation. Refer to <u>Section 5.4, Air Quality/Greenhouse Gas Emissions</u> , for a discussion of impacts and mitigation measures related to air quality policies, plans, and programs.
<b>Policy 2-2.6:</b> Maintain and improve traffic signal synchronization and provisions for constant traffic flow on all major arteries throughout the City and as extensions of other programs of neighboring cities.	<u>Consistent.</u> Mitigation measures are identified to eliminate the potentially significant traffic impacts at the Kaylor Street/Katella Avenue study intersection for forecast year 2013 and 2035 with project conditions as well as the Los Alamitos Boulevard/Cerritos Avenue study intersection for forecast year 2035 and to achieve acceptable corridor operations along Katella Avenue. Assuming implementation of the identified mitigation measures, adequate left-turn storage capacity on Katella Avenue is available at the study intersections for mitigated forecast year 2035 with project conditions. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic and refer to the <i>Los Alamitos Medical Center Specific Plan Traffic Impact Analysis</i> , Appendix D.
<b>Policy 2-3.1:</b> Encourage recycling and waste reduction in accordance with the Source Reduction and Recycling Nondisposal Facility, and Household Hazardous Waste Elements of the adopted Integrated Waste Management Plan.	<u>Consistent.</u> Solid waste disposal service for the Medical Center campus would be provided by Consolidated Waste Disposal. Future development within the project site would increase solid waste generation, placing greater demands on existing solid waste collection services and diminishing landfill capacities. Refer to <u>Section 5.13, Solid Waste</u> , for a discussion of impacts and mitigation measures related to Federal, State, and local statutes and regulations. The transport, use, storage, and disposal of hazardous wastes would be subject to all local, state, and federal regulations. Refer to <u>Section 5.7, Hazards and Hazardous Materials</u> , for a discussion of impacts and mitigation measures related to hazardous materials.
<b>Policy 2-5.1:</b> Promote State energy conservation guidelines, which require the incorporation of energy-savings designs and features into new and refurbished buildings.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u> , for a discussion on impacts and mitigation measures related to energy.
<b>Policy 2-5.2:</b> Encourage residents, businesses, and public employees to follow energy conservation practices designed to reduce energy consumption.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u> , for a discussion on impacts and mitigation measures related to energy.
<b>Policy 2-5.3:</b> Consider purchasing energy-efficient and environmentally safe vehicles and machinery.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u> , for a discussion on impacts and mitigation measures related to energy.
<b>Policy 2-6.1:</b> Retain and maintain the quality and health of existing landscape in the public open spaces	<u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC Title 13, Public Services,

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(sidewalks, alleys, parks, civic and cultural facilities, and at schools).	Chapter 13.05, Water Efficient Landscaping and the <i>Los Alamitos Medical Center Specific Plan</i> . A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.
<b>Policy 2-6.2:</b> Encourage property owners to both maintain and promote landscaping on developed sites.	<u>Consistent</u> . All landscaping and irrigation systems and plans shall conform to the requirements of the <i>LAMC</i> and the <i>Los Alamitos Medical Center Specific Plan</i> . A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.
<b>Policy 2-6.3:</b> Encourage developers to incorporate mature and specimen trees and other significant vegetation, which may exist on a site into the design of a development project for that site.	<u>Consistent</u> . All landscaping and irrigation systems and plans shall conform to the requirements of the <i>LAMC</i> and the <i>Los Alamitos Medical Center Specific Plan</i> . A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.
<b>SAFETY ELEMENT</b>	
<b>Goal One:</b> Protect residents and property from natural disasters, fire, and crime.	<u>Consistent</u> . The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the City Police Department and Orange County Fire Authority (OCFA). The City's <i>Emergency Operations Plan (EOP)</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i> , the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <a href="#">Section 5.6, Geology and Seismic Hazards</a> ; <a href="#">Section 5.7, Hazards and Hazardous Materials</a> ; <a href="#">Section 5.8, Hydrology, Drainage, and Water Quality</a> ; <a href="#">Section 5.9, Fire Protection</a> ; and <a href="#">Section 5.10, Police Protection</a> ; for a discussion of impacts and mitigation measures related to natural disasters, fire, and crime.
<b>Policy 3-1.1:</b> Take all necessary steps to be prepared for a major disaster.	<u>Consistent</u> . The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and

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	<p>employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the City Police Department, Fire Department, and OCFA. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>; <u>Section 5.7, Hazards and Hazardous Materials</u>; <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; <u>Section 5.9, Fire Protection</u>; and <u>Section 5.10, Police Protection</u>; for a discussion of impacts and mitigation measures related to natural disasters, fire, and crime.</p>
<p><b>Policy 3-2.1:</b> Take all necessary steps to be prepared for a major earthquake.</p>	<p><u>Consistent.</u> The project site is located in tectonically active Southern California. However, the project site is not located on an Alquist-Priolo Earthquake Fault Zoning Map. The proposed project would meet or exceed all applicable seismic safety design standards, subject to review and approval by the City of Los Alamitos Building and Safety Division. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>, and <u>Section 5.7, Hazards and Hazardous Materials</u>, for a discussion of impacts and mitigation measures related to natural disasters.</p>
<p><b>Policy 3-3.1:</b> Take appropriate steps to protect new and existing development from flooding.</p>	<p><u>Consistent.</u> Flood hazards related to storm events generally are described in terms of the "100-year flood." As its name implies, the 100-year flood is the largest flood event, which may be expected to occur within a 100-year period. This flood is considered a severe flood but one that can be reasonably predicted and therefore reasonably mitigated. According to the <i>General Plan</i>, the project site is not located in a flood zone. Additionally, the project does not propose any residential uses. However, according to the <i>County of Orange General Plan</i>, the Santa Ana River poses as a potential flood threat for the City. According to the <i>General Plan</i>, potential damage to the City from a failure of the Prado Dam on the Santa Ana River is no longer an issue due to recent dam upgrades. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City</p>

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	officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u> for a discussion of impacts and mitigation measures related to flooding.
<b>Policy 3-4.1:</b> Maintain and expand programs that protect life and property from fire.	<u>Consistent.</u> The proposed project would incorporate all recommendations and requirements of the City Police Department and Orange County Fire Authority. Refer to <u>Section 5.9, Fire Protection</u> , and <u>Section 5.10, Police Protection</u> , for a discussion of impacts and mitigation related to fire hazards, fire protection services, and crime.
<b>Policy 3-5.1:</b> Continue to work closely with the Police Department and community groups to address crime problems and areas in the City.	<u>Consistent.</u> The proposed project would incorporate all recommendations and requirements of the City Police Department. Refer to <u>Section 5.10, Police Protection</u> , for a discussion of impacts and mitigation related to crime.
<b>CIRCULATION AND TRANSPORTATION</b>	
<b>Goal One:</b> Provide an efficient network of streets, bikeways, and pedestrian areas which promote the safe and efficient movement of people and goods.	<u>Consistent.</u> Kaylor Street will be vacated and reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street will extend south from Catalina Street and serve a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street will terminate in a cul-de-sac constructed to City and OCFA standards. No improvements are anticipated to be required for Katella Avenue other than frontage improvements associated with the new driveway entry. The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic.
<b>Goal Two:</b> Provide adequate on-street parking and loading facilities for businesses and public facilities throughout the City.	<u>Consistent.</u> A total of 1,943 on-site parking spaces would be provided within the Specific Plan Area at buildout, configured in surface and structures parking areas. The total parking required at buildout is 1,934 spaces. Total parking spaces provided at buildout is 1,943 spaces, exceeding the requirement by 9 total spaces. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to parking and the proposed <i>Draft Los Alamitos Medical Center Specific Plan</i> .
<b>Goal Three:</b> Maintain safe and adequate infrastructure services.	<u>Consistent.</u> The project shall maintain safe and adequate infrastructure services for domestic water service, sanitary sewer service, and storm drain service. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u> ; <u>Section 5.11, Water</u> ; <u>Section 5.12, Wastewater</u> ; and <u>Section 5.14, Electricity and Natural Gas</u> , for discussion of impacts and mitigation measures related to infrastructure services.
<b>Policy 5-1.1:</b> Maintain a Level of Service "D" or better on all City arterials and at intersections.	<u>Consistent.</u> Project implementation could increase vehicular movement in the vicinity of this project site during AM and PM peak hour periods. Forecast year 2013 with project phase 1 conditions AM & PM peak hour LOS would not result in a significant impact nor would forecast year 2035 with project conditions. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic and refer to the <i>Los Alamitos Medical Center Specific Plan Traffic Impact Analysis, Table 9 and 12, Appendix D</i> .
<b>Policy 5-2.1:</b> Protect and preserve residential neighborhoods from the intrusion of cut-through traffic.	<u>Consistent.</u> The proposed project would not create cut-through traffic. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation

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	measures related to traffic.
<b>Policy 5-4.1:</b> Encourage walking and bicycling as attractive alternatives to vehicular transportation.	<u>Consistent.</u> The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site.
<b>Policy 5-4.2:</b> Adequately illuminate and landscape City sidewalks and public areas to encourage pedestrian-oriented activities.	<u>Consistent.</u> Pedestrian scale lighting should be present at all entries, plazas, courtyards, parking lots, pedestrian ways, and other areas where nighttime pedestrian activity is expected. Refer to <i>Draft Los Alamitos Medical Center Specific Plan</i> Section 5 Design Guidelines, Section D Landscaping, 3 Lighting Design.
<b>Policy 5-4.3:</b> Support alternatives to single-occupancy vehicle use.	<u>Consistent.</u> The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Furthermore, as deemed necessary by the City, the project's proposed parking areas would provide facilities for high-occupancy vehicles.
<b>Policy 5-5.1:</b> Encourage owners of substantially remodeled commercial and industrial centers to provide adequate on-site parking.	<u>Consistent.</u> Total parking required at buildout is 1,934 spaces. Total parking spaces provided at buildout is 1,943 spaces, exceeding the requirement by 9 total spaces. Refer to the <i>Draft Los Alamitos Medical Center Specific Plan</i> .
<b>Policy 5-5.2:</b> Provide adequate on-site parking at civic facilities (parks, City Hall, Los Alamitos, Community Center, etc.).	<u>Consistent.</u> A total of 1,943 on-site parking spaces would be provided within the Specific Plan Area at buildout, configured in surface and structures parking areas. On-street parking is also present on the adjacent public streets. This on-street parking does not count towards meeting the parking needs for the site. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic.
<b>Policy 5-7.1:</b> Work with the Rossmoor-Los Alamitos Sewer District so that residents and businesses have adequate and efficient sewage waste disposal services.	<u>Consistent.</u> Sanitary sewer service is currently provided to Los Alamitos Medical Center campus by the Rossmoor/Los Alamitos Area Sewer District. Sewer treatment is provided by the Orange County Sanitation District treatment plant in Huntington Beach. Existing sewer lines ranging from eight to 30 inches are located in Cherry, Catalina, Kaylor, Kyle, Florista, and Bloomfield Streets, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet district requirements. Proposed new structures would connect with existing sewer lines via lateral connections to individual buildings. Additionally, subsurface storage tanks would be located within the campus (adjacent to Kaylor Street near new Hospital Building 1) to provide for emergency sewage capacity in the case of temporary sewer service interruption per State requirements for hospitals. Refer to <u>Section 5.12, Wastewater</u> , for discussion of impacts and mitigation measures related to wastewater services.

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<p><b>Policy 5-7.2:</b> Work with the Southern California Water Company so that residents and businesses have quality drinking water and adequate water supply for fire protection and landscaping needs.</p>	<p><u>Consistent.</u> Domestic water is provided to the Medical Center by the Golden State Water Company. Existing water lines ranging from six to eight inches are located in Catalina Street, Kaylor Street, Florista Street, Bloomfield Avenue, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet district requirements. It is anticipated that the proposed medical facilities within the Specific Plan Area would tie into existing pipes in adjacent streets. Proposed new buildings would be served by the existing water lines through a series of laterals. Additionally, subsurface water storage would be located within the campus (located adjacent to Kaylor Street near new Hospital Building 1) to provide for emergency water supply in the case of temporary water service interruption per State requirements for hospitals. Future development within the project site would increase the demand for water resources. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and incorporate drought tolerant plants. The proposed project would incorporate all recommendations and requirements of the Golden State Water Company and Orange County Fire Authority. Refer to <u>Section 5.9, Fire Protection</u>, for a discussion of impacts and mitigation related to fire hazards and fire protection services. Refer to <u>Section 5.11, Water</u>, for a discussion of impacts and mitigation measures related to water supply and demand, and fire flow.</p>
<p><b>Policy 5-7.3:</b> Work with the Los Angeles Flood Control District and Orange County Environmental Management Agency so that residents and businesses are adequately protected from flooding.</p>	<p><u>Consistent.</u> According to the <i>General Plan</i>, the project site is not located in a flood zone; refer to <i>General Plan</i> Figure 3-2, <u>Flood Zone Map</u>, which was derived from FEMA Map, September 1989. Additionally, the project does not propose any residential uses. However, according to the <i>County of Orange General Plan</i>, the Santa Ana River poses as a potential flood threat for the City. According to the <i>General Plan</i>, potential damage to the City from a failure of the Prado Dam on the Santa Ana River is no longer an issue due to recent dam upgrades. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Refer to <u>Section 5.7, Hazards and Hazardous Materials</u>, and <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>, for a discussion of impacts and mitigation measures related to flooding.</p>
<p><b>Policy 5.7-4:</b> Work with safety agencies, such as the Orange County Fire Authority and the AFRC Fire Department, so that residents and businesses are adequately protected from fires and other natural disasters.</p>	<p><u>Consistent.</u> The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the Orange County Fire Authority. The City's <i>Emergency Operations Plan (EOP)</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>; <u>Section 5.7, Hazards and Hazardous Materials</u>; <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; and <u>Section 5.9, Fire Protection</u>, for a discussion of impacts and mitigation measures related to natural</p>

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
	disasters and fire.
<b>NOISE ELEMENT</b>	
<p><b>Goal One:</b> Protect noise sensitive land uses, including residences, schools, hospitals, libraries, churches and convalescent homes from high noise levels from both existing and future noise sources.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan Noise Element, Municipal Code Section 17.24.020(d)</i> requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria and Incremental Effects</i>. Existing and future noise levels have been evaluated in the project's acoustical analysis. Noise sources would be reduced, where appropriate, to protect sensitive receptors. Construction noise levels would be temporary and masked by intervening structures and traffic along adjacent streets. Furthermore, off-site buildings, streets, trees, and vegetation would serve as buffers between sensitive receptors. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and mitigation measures related to noise.</p>
<p><b>Policy 6-1.1:</b> Noise mitigation measures for future development should comply with the standards included in the City of Los Alamitos Noise Element.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan Noise Element, Municipal Code Section 17.24.020(d)</i> requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria and Incremental Effects</i>. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and Mitigation Measures NOI-1, NOI-2, and NOI-3.</p>
<p><b>Policy 6-2.1:</b> Potential noise impacts due to stationary sources should be mitigated in the planning stage.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan Noise Element, Municipal Code Section 17.24.020(d)</i> requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria and Incremental Effects</i>. The Central Plant is located approximately 386 feet northwest of the nearest sensitive receptors. Furthermore, the off-site buildings, Catalina Street, and street trees and vegetation would serve as a buffer between the project site and these residential uses. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and Mitigation Measure NOI-1 which states stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporated insulations barriers, or other measures to the extent feasible.</p>
<b>ECONOMIC DEVELOPMENT ELEMENT</b>	
<p><b>Goal One:</b> Enhance the fiscal viability of Los Alamitos by promoting retention and expansion of existing revenue bases, and development of new City revenue sources.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The proposed project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed project would provide new jobs in the City, along with increased tax revenue.</p>
<p><b>Policy 7-1.2:</b> Actively promote expansion and retention of existing businesses.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The existing medical center provides medical care to over 100,000 patients per year, with over 88-percent of admissions from within an eight-mile radius. The facility is a significant local employer and supports local services through utility, property, "first functional use" and sales taxes. With the changing trends in medical care and hospital design, an update of the hospital facilities is needed, to provide a modernized</p>

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
	emergency room and reduced bed occupancy in hospital rooms, providing a higher percentage of low- or single-occupancy rooms. The proposed project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed expanded medical facilities would provide valuable medical services to the public and stimulate the local economy by providing jobs to residents in the City and expanded tax revenues.

B. That the proposed Zone Change will not adversely affect the public convenience, health, interest, safety, or welfare of the City. The project will be subject to the Mitigation Monitoring and Reporting Program, which will impose measures and project requirements relating to construction activities including construction notice best management practices, air quality mitigation measures, traffic mitigation measures, storm water project requirements and other mitigation which will sufficiently ensure that the construction will not be detrimental to the public or general welfare of persons residing or working in the vicinity of the project. The Project will be operated in a manner that will not be detrimental to the public health safety and welfare. In fact the Specific Plan will accommodate changed and improved medical technologies which will enhance the LAMC's ability to provide high quality medical care to the community thereby improving the public health safety and welfare of the public. Medical technologies have changed and improved over the last several decades which has resulted in the need to change specific hospital uses from those that can be accommodated under the existing configuration of the Medical Center. These changes require modifications to the layout of the campus facilities and square footages required for the medical uses occurring and proposed on the campus. Therefore, due to the improved medical technologies and capabilities that have been developed and have become available to the Medical Center as well as enhanced building codes and regulations for hospitals, construction of the requested facilities, additional square footage, new patient care rooms and single occupancy rooms would provide the community with up to date medical technologies and state of the art structures to serve the community. In addition, the patient care areas will be within a cohesive core of inter-connected facilities that will improve the efficiency of patient transfers and emergency room services as well as convenience to doctors, staff, patients and visitors.

C. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act ("CEQA") and the city's environmental review procedures. In compliance with CEQA, Section 15063 of the CEQA Guidelines, and local guidelines, an Environmental Impact Report has been prepared for this project with the purpose of identifying the Project's significant effects on the environment, to identify alternatives to the project and to indicate the manner in which those significant effects can be mitigated or avoided. Pursuant to Section 21081 of the California Public Resources Code, the Planning Commission has determined that although the project may have unavoidable significant effect on greenhouse gases, there are specific overriding benefits, including economic and social benefits of the

project, which outweigh the significant effects on the environment as outlined in a Statement of Overriding Consideration.

D. The 18.3 acres of property are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development as it is currently used for medical related uses. The proposed development would be located within an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project. The development review process would ensure that the proposed project would be consistent with the applicable zoning standards and other standards set forth by the Specific Plan.

E. The proposed Zone Change is internally consistent with other applicable provisions of this zoning code. To ensure further consistency between the proposed Specific Plan and Title 17 (Zoning) of the City of Los Alamitos Municipal Code (hereinafter "LAZC"), the LAZC will be revised alongside the adoption of the Specific Plan. More specifically, the proposed Zone Change would establish the boundaries and replace the Specific Plan Area's existing zoning districts of Community Facilities (C-F), Commercial Office (C-O), and Planned Light Industrial (P-M) with the Los Alamitos Medical Center Specific Plan district. The Los Alamitos Medical Center Specific Plan would be both a regulatory and policy document that will be adopted by the City Council by ordinance. Additionally, the existing zoning district standards and regulations would be replaced with the Specific Plan's development standards and design standards/guidelines. Section 4 (Development Regulations) of the Specific Plan provides development regulations for all uses included within the Specific Plan. They are precise specifications for such things as allowable uses, temporary uses and special events, conditional uses, intensity, general development standards, height, setbacks, building separation, landscaping requirements, fencing, parking requirements, signage, and development standards modifications. Application of these regulations is specifically intended to provide for the orderly development of the site and effective fulfillment of the project objectives, while protecting the health, safety, and welfare of the employees and users, as well as those of the surrounding community. Section 5 (Design Guidelines) of the Specific Plan identifies design guidelines, which provides an overall vision for the redevelopment of the Los Alamitos Medical Center. The guidelines offer design guidance in the areas of architecture, landscape, and public spaces to ensure a certain level of aesthetic quality and functional efficiency, as well as compatibility between the project's components and surrounding community. The intent of the design guidelines is to encourage the highest level of design quality and creativity to ensure an atmosphere of wellness. The Introduction of the Specific Plan establishes the goal that the City would enforce, in order to implement the Specific Plan. The goals are intended to serve as a benchmark for the Specific Plan. During project review and analysis, the goals can be used to determine if future development proposals are supportive of the spirit and intent of the Specific Plan. The goals also provide the

foundation for the Development Plan, Development Regulations, and the Design Guidelines.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA DOES ORDAIN AS FOLLOWS;**

**SECTION 1.** The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

**SECTION 2.** The City Council hereby adopts Ordinance No. 11-01 approving Zoning Ordinance Amendment 09-01 which:

- a. Changes the zoning designation for parcels 242-163-11, 242-163-13 and portion of 242-163-12 from Community Facilities (C-F) to Los Alamitos Medical Center Specific Plan;
- b. Changes the zoning designation for parcels 242-152-21 portion of 242-162-13, portion of 242-163-12 from Commercial Office (C-O) to Los Alamitos Specific Plan; and
- c. Changes the zoning designation for parcels 242-151-20, 242-152-20, 242-162-14, 242-163-14, and portion of 242-162-13 from Planned Light Industrial (P-M) to Los Alamitos Medical Center Specific Plan.

**SECTION 3.** The City Council's approval of Ordinance No. 11-01 approving Zoning Ordinance Amendment 09-01 is subject to the conditions attached hereto as Exhibit 1 and incorporated by reference as if fully set out herein.

**SECTION 4.** The City Council approves an amendment to the Zoning Map to reflect the zoning designations in accordance with Section 2 above.

**SECTION 5.** In compliance with the CEQA, Section 15063 of the CEQA Guidelines, and local guidelines, an Environmental Impact Report (EIR 2010041095) has been prepared for this project for the purpose of identifying the significant effects on the environment of the project, to identify alternatives to the project and to indicate the manner in which those significant effects can be mitigated or avoided. The City Council has determined that all potential environmental impacts, except for cumulative greenhouse gas emissions, would be reduced to levels less than significant with the implementation of mitigation measures outlined in the Mitigation Monitoring Program. Pursuant to Section 21081 of the California Public Resources Code, the City Council has determined that although the project may have unavoidable significant effect on greenhouse gases, the City Council finds that specific overriding benefits, including economic and social benefits of the project, outweigh the significant effects on the environment as outlined in a Statement of Overriding Consideration.

**SECTION 6.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the Chapter, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 7.** The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

**SECTION 8.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code 36933. This Ordinance shall take effect thirty 30 days after its final adoption.

**PASSED, APPROVED, and ADOPTED this 22<sup>nd</sup> day of February, 2011.**

\_\_\_\_\_  
KENNETH STEPHENS, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney

STATE OF CALIFORNIA )

COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Adria Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 7<sup>th</sup> day of February, 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 22<sup>nd</sup> day of February, 2011, by the following roll-call vote, to wit:

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

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Adria M. Jimenez, CMC, City Clerk

**LOS ALAMITOS MEDICAL CENTER  
CONDITIONS OF APPROVAL (FEBRUARY 7, 2011)**

EXHIBIT 1

- A. Applicant shall include a digitized 3D model of each proposed structure as part of the Planning Commissions submittal for site plan review.
- B. Los Alamitos Medical Center shall bring the accounting balance for all work completed for the Medical Center EIR, including legal, engineering, and traffic to a \$0 balance prior to Second Reading.
- C. Certificate of Occupancy/Completion shall be issued by the Chief Building Official on the Parking Structure. Such certification shall be issued prior to issuance of Permanent Certificate of Occupancy (C of O) or any business licenses on the proposed Medical Office Building.
- D. Should applicant fail to submit a complete application for Site Plan Review of Phase III by the tenth (10) anniversary of effective date of Ordinance, the approvals for all structures for which no Site Plan Review has been submitted shall be null and void.
- E. The Los Alamitos Medical Center shall permit the City of Los Alamitos to sublease roof top portions of the Hospital's Patient Care, Medical Office Building and Parking Structure for purpose of exclusively generating revenue to the City of Los Alamitos related to Telecommunication Antennas. This will include lease areas required to service various antenna. Any such use must maintain the integrity of an OSHPD building. Use shall not interfere with rooftop equipment and future leases shall indemnify building owner and will not invalidate roof warranty.
- F. Prior to the issuance of any building permit (demolition, construction, or utility related – but *excluding* grading), the applicant shall solely fund an independent peer review of any and all hydrology studies as required by the Mitigation Measures for each development phase to confirm conditions outlined in previously completed hydrology studies and as required by the RWQCB at the time of that development phase. The purpose of the peer review is to provide long-term assurance that the applicant shall detain and retain on site any storm water and runoff historically generated from the site (i.e., maintain status quo discharge levels with what was in place prior to project commencement) to the storm drain within Katella Avenue so as to eliminate the threat of an upstream overflow and flooding condition further east along Katella Avenue. The cities of Los Alamitos and Cypress shall jointly select the consultant for such studies. Such consultant shall be a licensed engineer within the State of California.
- G. The Los Alamitos Medical Center shall develop and maintain a list of preferred vendors of which to seek bids and services for construction related improvements. The City of Los Alamitos will assist the Medical Center in managing this list by supplying an annual list of business licenses.
- H. The Los Alamitos Medical shall modify the Specific Plan document to represent final approval of the City Council including timing limitations.
- I. The applicant guarantees that, in the event that the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.

## PLANNING

1. The applicant shall indemnify protect defend and hold harmless the City of Los Alamitos, its officials, officers, employees, agents, departments, and instrumentalities thereof, from any an all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature) and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul any approval of the City, its legislative body, advisory agencies or administrative officers, employees, agents, departments, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5 or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
2. Approval of this Specific Plan is for the 25 year build out of the Los Alamitos Medical Center, as shown within the LAMC Specific Plan as part of this approval, with such additions, revisions, changes or modifications as required by the Planning Commission and City Council pursuant to approval noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with the adopted Specific Plan and all subsequent conditions imposed by City Council.
3. The applicant shall be responsible for implementing the mitigation measures identified in the Mitigation and Monitoring Program, to the satisfaction of the City of Los Alamitos Community Development Director.
4. Applicant and all subsequent permit issues related to the Specific Plan shall be subject to the Mitigation Monitoring and Reporting Program, attached as an exhibit to the resolution for the Final Environmental Impact Report.
5. Wherever there appears to be a conflict between the Los Alamitos Medical Center Specific Plan and The City's Zoning Ordinance, this Specific Plan, including mitigation measures and conditions shall prevail. For development standards not covered by the Specific Plan, the City's Zoning Ordinance shall be used as a guideline.
6. The property applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 60 days of final approval of this ordinance. The property applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.

7. The Los Alamitos Medical Center Specific Plan is approved exclusively as a precise plan for the location and design as shown on the relevant drawings referenced in the Specific Plan including Mitigation Measures and Conditions. Procedures for minor modifications and amendments to the Specific Plan are included in Section 6 of the document. If any changes are proposed, a request for a determination of substantial conformance must be submitted to the Community Development Director. If the Community Development Director determines that such proposed change or changes are not material, consistent with the provisions and spirit and intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, a minor modification t may be approved by the Community Development Director without requiring a public meeting as outlined in Section 6 of the Specific Plan.
8. The applicant, and the applicant's successors in interest, shall be fully responsible for knowing and complying with all conditions of approval. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees are not included under this noticing requirement.
  - i. Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:
  - ii. Fees: Applicant shall pay an estimated total of \$702,777.00 in Traffic Impact Fees paid at the time of building permit issuance or OSHPD permit issuance as applicable for each building calculated at rate applicable at time of payment. City Resolution No. 1469 (adopted on June 14, 1993), established the City's current traffic impact fees. The fees were calculated based on the Seven-Year CIP established at that time. Per Resolution 1469, traffic impact fees are identified for four distinct types of land use; residential, commercial, office, and industrial. Increased square footage in the project was grouped by land use category and multiplied by the applicable traffic fee for a total of \$702,777.00 (\$49,347.00 for office uses and \$653,430.00 for commercial uses). The formula for calculation also takes into account the increase in traffic operations as included in the project traffic impact study
  - iii. Dedications: n/a
  - iv. Reservations: Kaylor Utility Easements
  - v. Other Exactions: n/a
  - vi. The applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.
9. The applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
10. Applicant shall supply four additional parking spaces upon the completion of Phase 1. Applicant shall supply 28 additional parking spaces at the full build out of the plan to meet the City's minimum requirements for parking. The 28 additional parking spaces are based upon application of a parking requirement for the Central Plant. At the time of site plan review for Phase 3, the applicant may submit a request for elimination of the additional parking requirement based upon floor plans for the central plant which demonstrate that no office uses are included in the building.

11. The pedestrian walkway within the rear parking lot shall be paved with an enhanced pavement to delineate the space as a walkway and a no-parking zone.
12. The applicant in conjunction with the Department of Public Works shall install signage along the public right-of-way on surrounding streets directing vehicles to the hospital parking lots. Site plans submitted for each phase shall include details and location of such signage.
13. During construction a ridesharing program implemented at the LAMC will continue to operate under the proposed Specific Plan and provide large parking spaces to accommodate vans used for ride sharing. This includes distribution of material to employees that provides information about public transit services and alternative transportation opportunities designation of a certain percentage of parking spaces for occupancy vehicles provision of larger parking spaces to accommodate vans used for ride sharing and designation of adequate passenger loading and unloading and waiting areas.
14. During construction of all phases of the proposed project temporary signage shall be placed in appropriate locations to direct pedestrians to safe walking routes through the medical campus. Type and locations of such signage shall be included within the required Construction Management Plan for each phase.
15. During construction of all phases of construction LAMC shall provide temporary moveable pedestrian pathway between inaccessible areas. This pathway shall be fenced to ensure safety for pedestrians. The Construction Management Plan prepared for each phase shall include this provision.
16. In case of violation of any of the conditions of approval, mitigation measures, or City law, the property owner and tenant will be issued a Notice of Correction If said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
17. The property owner shall remove any graffiti on the project site within 12 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity subject to the approval of the Community Development Director.
18. To properly buffer surrounding industrial properties – dense, fast growing or mature trees shall be planted prior to occupancy of Hospital Building 2. Areas at the campus perimeter boundaries that abut privately owned properties shall include permanent screening such as berming shrub hedge or wall. Such landscaping shall be shown on the landscape plan component of the Site Plan submittal for each phase as appropriate.
19. All fences and walls within public view from within or outside the LAMC shall be designed to be visually compatible with other site improvements. LAMC shall include wall and fence plans as part of the Site Plan submittal package for the entitlement of each phase of the Specific Plan project.

20. All sides of any cooling and mechanical buildings surface parking areas and parking structures as well as other service and mechanical areas shall be designed, treated and finished in a manner compatible with the surrounding campus pursuant to the design guidelines of the Specific Plan. All service maintenance cooling mechanical and trash collection areas within the Specific Plan area shall be fully screened from public view.
21. If roof mounted, all mechanical equipment shall be set back from the roof edge and either contained within a penthouse or otherwise screened from view in a manner that is architecturally consistent with the rest of the building to the satisfaction of the Community Development Director.
22. All trash areas must meet the following Structural or Treatment Control BMP requirements. Trash areas must have drainage from adjoining roofs and pavement diverted around the area. Trash containers areas must be screened or walled to prevent offsite transport of trash provide Proof of Ongoing BMP Maintenance. LAMC will be required to implement and maintain Structural or Treatment Control BMP's in project plans. LAMC shall provide verification of maintenance provisions to the City of Los Alamitos on an annual basis and shall conduct regular inspections of its treatment BMPs. All trash storage loading service maintenance and mechanical equipment areas in public view from within or outside the medical campus shall be screened by a solid masonry fence or wall of minimum height 6 feet subject to the satisfaction of the Community Development Director.
23. The trash enclosure must be included on construction plans submitted for building permit and are subject to review and approval of Community Development Director. The trash enclosure must be covered.
24. A landscape plan indicating plant types and sizes shall be submitted to the Community Development Department as part of the required Site Plan submittal for each phase prior to issuance of building permits. The landscape plan shall include an automatic irrigation system and shall be prepared by a licensed Landscape Architect. All landscaping material shall be maintained in a neat and orderly manner and shall comply with the City's Water Conservation Ordinance.
25. The parking structure shall be constructed with screening walls of sufficient height to block spill light from vehicle headlights.
26. Waste management and material pollution BMPs for control of pollutants associated with the storage of construction materials and construction activities may include the following:
  - a. Materials will be stored either off site or under cover. Hazardous materials will be stored in contained areas
  - b. Selection of less environmentally detrimental materials will be used where feasible and practical.
  - c. Stockpiles will be minimized and covered to prevent leaching of potential chemicals and sediment.
  - d. Spill Prevention and Control will be implemented to prevent contamination of soil or water with construction and equipment operations chemicals.

- e. Hazardous chemicals used in construction will be disposed of in accordance with hazardous waste materials management regulations.
- f. Contaminated Soil Management- Soil found to exhibit signs of pre-existing contamination will be tested and disposed of as required based on level of contamination. No contaminated soil will be brought on site and used as fill material

## ENGINEERING

- 27. All required Engineering plans and studies shall be prepared by a Registered Professional Engineer or applicable utility provider, and submitted to City Engineer for review and approval.
- 28. Prior to the start of work, the applicant shall obtain a City approval for all work in the public right-of-way. All work shall be done in accordance with Orange County Public Works Department Standards, and/or otherwise specified, to the satisfaction of the City Engineer and completed prior to issuance of the certificate of occupancy.
- 29. Approval of this project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Los Alamitos Municipal Code, the Orange County Public Works Department Standard Specifications and Standard Plans.
- 30. The applicant shall submit for review and approval from the City Engineer from the applicable service providers for sewer and water, the following reports.
  - a. A Master Utilities Plan, supported by calculations, that includes the specifics on sewer, water, drainage and storm drain that will serve the entire project.
  - b. The Master Utility Plan shall include a preliminary drainage study of the project including diversions, off-site areas that drain onto and/or through the development, and justification of any diversions and how the map grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood. Master plan shall also provide evidence to the City Engineer that the grading and development produces no overloading of downstream systems, grading a development shall balance tributary drainage areas to reflect existing conditions and prove, with an appropriate hydrological and hydraulic study, that downstream systems will not be overburdened, and that hazardous conditions are non-existent. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology and system hydraulic calculations, pipe size calculations, inlet capacity calculations, and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per County of Orange Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full (Design Manual Concrete Pipe, Page 7 and Caltrans Highway Design Manual, Page 830-15). Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan. City Engineer is authorized to use 2010 EIR hydraulic study if applicable.
  - c. Master Utilities Plan shall address the need if any for upsizing of existing sewer and water utilities necessary to provide service to the development.

- d. A geotechnical report for the review and approval of the Director of Community Development and City Engineer. The report shall include the information and be in a form as required by the Grading Ordinance. The report shall include a section on soils analysis verifying that on-site soils are suitable for the proposed development. These studies shall include assessment of potential soil-related constraints and hazards such as slope instability, settlement, liquefaction, and related seismic impacts. The studies shall include specific mitigation measures, addressing all identified geotechnical constraints, in accordance with the Uniform Building Code and relevant city grading and subdivision ordinances. Proof of completion of any required remediation shall be provided prior to completion of the grading and acceptance of the grading improvements. The applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements and Golden State Water District for connections and water improvements.
  - e. A Stormwater Pollution Prevention Plan. All recommendations shall including Best Management Practices (BMPs) shall be implemented to the maximum extent possible. Evidence that proper clearances have been obtained through the State Water Resources Control Board (SWRCB), including coverage under the NPDES statewide General Storm Water Permit for construction activities, shall be given to the City prior to issuance of any grading permits. On-site drainage shall be in compliance with the National Pollutant Discharge Elimination system (NPDES) guidelines to the satisfaction of the City Engineer. The applicant shall be responsible for filing a Notice of Intent and for filing the appropriate fees pursuant to the National Pollution Discharge Elimination System (NPDES) program.
31. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
  32. The applicant shall produce evidence acceptable to City of Los Alamitos, that:
    - a. All construction vehicles or equipment fixed or mobile, operated within 1,000 feet of dwelling shall be equipped with properly operating and maintained mufflers.
    - b. All operations shall comply with Division 6 (Noise Control) of the Codified Ordinances of the County of Orange as adopted by the City of Los Alamitos.
    - c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from neighboring property owners.
    - d. The construction disturbance "footprint" shall be kept as small as possible.
    - e. Truck idling shall be prohibited for periods of longer than 10 minutes.
    - f. Off site hauling operations shall be prohibited during rush hours unless approved by the City.
    - g. Staging areas shall be placed as far as practical from sensitive receptors.
    - h. Construction equipment shall be maintained in peak operating conditions to reduce emissions.

Notations in the above format, appropriately numbered and include with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

33. If applicable, as determined by the City Engineer for off-site hauling of export or import, prior to the issuance of the grading permit, the applicant shall prepare a traffic control plan for approval by the City Engineer. The traffic control plan shall address, to the City's satisfaction, the following issues (at a minimum):
  - a. A haul routing plan that identifies routes to be used.
  - b. The destination of the export earth materials.
  - c. The types of haul vehicles to be used (including load capacity and total weight).
  - d. Days and hours of hauling operation.
  - e. The placement of truck entry points, and the placement of truck exit points with all-weather access improvements.
  - f. A plan specifying the traffic safety measures proposed to minimize conflicts with non-project traffic including the number and placement of flag persons, the number and placement of temporary signals and signs, limitations on turning movements, and any other methods determined necessary by the City of assure safe traffic flow.
  - g. That the all weather surface access road be monitored, maintained and repaired for the full period the project. At each truck exit point the applicant (or contractor) shall provide an all-weather access comprised of no less than 300-feet of decomposed granite. All trucks will be required to pass over the entire length of the all weather access prior to exiting the site. The all-weather access shall be addressed as an element of the Traffic Control Plan.
  
34. Each grading permit shall include evidence that the applicant will comply with all relevant South Coast Air Quality Management District (SCAQMD) regulations, including Rule 402 (requiring that offsite dust be controlled to avoid nuisance impacts) and Rule 403 (restricting construction emissions). Included among Rule 403 requirements are the following:
  - a. Moisten soil prior to grading.
  - b. Water exposed surfaces at least twice daily, with more frequent watering when winds exceed 25 miles per hour (mph).
  - c. Use a soil conditioner on exposed earth to minimize erosion potential.
  - d. Wash mud-covered tires and undercarriages of trucks leaving the construction site.
  - e. Provide street sweeping as needed to remove dirt from public roadways adjacent to the construction area.
  - f. Suspend grading operations when winds exceed 25 mph.
  - g. Provide permanent sealing of all graded areas as soon as practical after grading.
  
35. The applicant shall be required to repair and/or replace any damaged public improvements fronting the project resulting from project construction.

36. Prior to the issuance of the first grading permit, the applicant shall submit a construction phase erosion and sediment control plan reviewed and approved by the City Engineer.
37. The following items related to public street frontage shall be installed by the Applicant and shown on the improvement plans or completed prior to approval of the plans:
  - a. All existing curb return pedestrian ramps that do not meet ADA standards shall be removed and replaced with ramps conforming to the current ADA and City Public Works Standards.
  - b. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
    - i. The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 1 inch asphalt concrete overlay, or petromat with a minimum 1 ½ inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. Applicant shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Development Engineering Division and approved by the City Engineer as part of the construction plan review.
    - ii. Any unanticipated street cuts or other street repair items that become evident following improvement plan approval shall be included by way of revisions to the Street Repair Plan.
38. Traffic control signs and pavement markings shall be installed at the project driveways. Such improvements shall be shown on the improvement plans and reviewed and approved by the Traffic Engineering Division.
39. The following items related to on-site access and circulation shall be installed by the Applicant and shown on the improvement plans or completed prior to approval of the plans:
  - a. All curb frontages intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane) as required by the Fire Department.
  - b. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Los Alamitos standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material).
40. The following items related to grading and drainage shall be shown on the improvement plans or completed prior to approval of the plans:

- a. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one foot intervals and extending a minimum of 100-feet beyond the limits of the site, or a sufficient distance to indicate impacts on adjacent properties.
  - b. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
  - c. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
41. In accordance with the NPDES Construction General Permit the Applicant shall incorporate water quality Best Management Practices (BMP's) into the project construction process. The improvement plans shall include an erosion control plan and a list of BMP's and construction notes that will be incorporated into the construction process as water quality measures as follows:
- a. The contractor shall manage the construction activities; and handle, store and dispose of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
  - b. The contractor shall incorporate spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility. The contractor shall incorporate protected and designated equipment cleanup and fueling areas into the construction operation.
  - c. The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
  - d. The project Storm Water Pollution Prevention Plan is to be available at the construction site. The contractor and project property owner are responsible for insuring that all individuals involved in the construction process have access to the SWPPP and are educated in the plan content details and their particular responsibilities within the plan.
42. Post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality.
- a. The post-construction BMP's shall be shown on the project improvement plans.
  - b. The Applicant shall prepare and submit a Stormwater Runoff Management Plan per "Post Construction Storm Water Pollution Prevention" standards.
  - c. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted PCSWPP Standards and an accepted design method such as that which is outlined in the "California Storm Water Association BMP (CSWA-BMP) Handbook". The design and calculations are to be reviewed and approved by the City Engineer.

- d. The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted PCSWPP Standards and Attachment 4 of the State General Permit.
43. The following items shall be shown on the improvement plans or completed prior to approval of the plans:
    - a. The improvement plans shall include a Joint Trench Plan.
    - b. The improvement plans shall include a Construction Traffic Control Plan.
    - c. The Applicant shall provide an accessible route of travel from the fronting sidewalk to the buildings. The site Development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per CBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
    - d. For trenching within existing roadway areas, the Applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems. This data shall be shown on the improvement plans.
    - e. The Applicant shall connect the project to the Los Alamitos Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with County of Orange standards.
  44. Prior to the issuance of each grading permit, whichever occurs first, the applicant shall in a manner meeting the approval of the Public Works Director/City engineer dedicate any and all easements necessary including easements for all utilities located in Kaylor Street to the City of Los Alamitos.
  45. As part of Phase 2 improvements, Applicant shall replace the intersection of Kaylor Street and Katella Avenue and the intersection of Kaylor Street and Catalina Street with a commercial drive approach per Orange County PF & RD Standard Plans. Vacation of the street shall be in accordance with the procedures set forth under the California Streets and Highways Code.
  46. Applicant shall close any not utilized existing drive approaches along the entire frontage of the project by constructing full height curb and gutter per APWA Standard Plans.
  47. Prior to issuance of any permit related to the Courtyard or Patient Care/Hospital Building 1, applicant shall satisfy all requirement of the City Engineer related to the vacation of Kaylor.
  48. Prior to issuance of a building permit for the project the Applicant shall submit documentation to the City Engineer for review and approval that indicates that the following items have been addressed:
    - a. All required improvements shall be completed by the Applicant prior to occupancy and establishment of the use. To guarantee completion of the improvements, the Applicant shall enter into an agreement with the City and provide a security acceptable to the city prior to issuance of any building permit. An agreement will not be required if the Applicant completes all of the required improvements to the satisfaction of the City Engineer prior to issuance of the building permit.

- b. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to issuance of a building permit for the applicable building.
  - c. The property owner shall enter into a long term maintenance agreement with the City of Los Alamitos approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project.
    - i. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
    - ii. The agreement shall be recorded prior to issuance of the building permit. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Los Alamitos shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
49. Prior to issuance of a certificate of occupancy for each structure the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Development Engineering Division:
- a. All onsite and offsite improvements shall be installed prior to occupancy.
  - b. The improvements identified on the Public Street Repair Plan shall be completed.
  - c. Installation of street paving by the Applicant shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Development Engineering Division and approved by the City Engineer as part of the construction plan review.
  - d. The Applicant shall submit to the Development Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Development Engineering Division prior to occupancy.
50. Prior to occupancy all newly installed assemblies must be tested in accordance with local ordinances before they are put in service.
51. A bypass meter shall be supplied by and be the property of Golden State Water Company.

## FIRE

52. In conjunction with the City's requirement for Site Plan Review, all building plans shall be submitted to OCFA for review.
53. Prior to the issuance of any building permits, the applicant shall submit a fire hydrant location plan to OCFA for review and approval.
54. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the fire chief, and must be maintained in good condition by the property owner.
55. Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval.
56. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
57. Prior to the issuance of a certificate of occupancy, any required sprinkler system shall be operational in a manner meeting the approval of the Fire Chief.
58. Prior to the issuance of a building permit, plans for the fire alarm system (if over 100 sprinklers installed) shall be submitted to the Fire Chief for review and approval. Contact OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for New and Existing Fire Alarm Systems."
59. Any required fire alarm system shall be operational prior to the issuance of a certificate of occupancy.
60. Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. Please contact OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."

## ORDINANCE 11-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN (SP 09-01) FOR THE CONSTRUCTION OF A PROPOSED THREE-PHASE MASTER PLANNED EXPANSION INCLUDING THE PROVISION OF AN ADDITIONAL 164 HOSPITAL BEDS, TWO NEW HOSPITAL BUILDINGS, ONE NEW MEDICAL OFFICE BUILDING TO BE USED FOR ADDITIONAL OUTPATIENT AND ASSOCIATED MEDICAL USES, AND AN ADDITIONAL 849 PARKING SPACES FOR A PROJECT GENERALLY LOCATED AT AND AROUND 3751 KATELLA AVENUE**

**WHEREAS**, the Los Alamitos Medical Center ("LAMC") has filed an application for a Specific Plan adoption (SP09-01), General Plan Amendment (GPA 09-01) to change the Land Use Designation from Community and Institutional, Planned Industrial and Professional Office to Specific Plan Land Use Designation, Zoning Ordinance Amendment to change Zoning Designations from Community Facilities (C-F), Commercial Office (C-O) and Planned Light Industrial (PM) to Los Alamitos Medical Center Specific Plan and Street Vacation No. 10-01 to vacate Kaylor Street for the construction of a proposed three-phase master planned expansion including the provision of an additional 164 hospital beds, two new hospital buildings, one new medical office building (75,100 gross square feet) to be used for additional outpatient and associated medical uses, and an additional 849 parking spaces (hereafter "Project") for a project generally located at and around 3751 Katella Avenue (hereafter "subject property");

**WHEREAS**, some members of the public have expressed concern that this project could prevent future development in the area; and

**WHEREAS**, the LAMC has offered to guarantee that, in the event that the City receives less than \$40,000 in annual revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued for the LAMC, the LAMC will make annual payments to the City to cover such deficiency; and

**WHEREAS**, a specific plan is designed to provide for flexibility and encourage innovative use of land resources and development of a variety of housing and other development types shall be required under Chapter 17.52 to assist in the comprehensive master planning of specific sites; and,

**WHEREAS**, a specific plan was prepared for the Project, which plan is attached hereto as Exhibit 1; and

**WHEREAS**, a specific plan was filed with the City by the Los Alamitos Medical Center as required by Section 17.52.050 of the Los Alamitos Municipal Code; and,

**WHEREAS**, the Planning Commission of the City of Los Alamitos at its regularly scheduled public meeting on October 11, 2010 and November 8, 2010 reviewed the requested Specific Plan for the Project and recommended City Council approval of Ordinance No. 11-02; and,

**WHEREAS**, after consideration of all applicable staff reports and all information testimony, and evidence presented at the public hearing, the City Council does hereby make the following findings of fact for the proposed Specific Plan as required by Los Alamitos Municipal Code Section 17.52.060:

A. As specified in the table below, the proposed development is generally consistent with the actions, goals, objectives, and policies of the general plan;

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
<b>LAND USE ELEMENT</b>	
<b>Goal 1:</b> Preserve and promote land uses which reflect Los Alamitos' small-town character with due regard for economic development and future growth potential.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located within an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.
<b>Goal 2:</b> Preserve and enhance the quality of the City's residential neighborhoods.	<u>Consistent.</u> The proposed project would result in the expansion of the existing Los Alamitos Medical Center campus. No expansion beyond the existing property boundaries would occur with the proposed project. Thus, the proposed project would not adversely affect the quality of existing residential neighborhoods.
<b>Goal 3:</b> Promote and upgrade the quality of the City's commercial, industrial, and open space areas.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed project would upgrade the quality of the project site.
<b>Policy 1-1.1:</b> Employ accepted planning and engineering standards and practices as the basis for determining the compatibility of new land uses with existing uses.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus and adoption of a Specific Plan to guide future development. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.
<b>Policy 1-1.2:</b> Adopt feasible mitigation measures throughout the land use decision-making process to reduce impacts of new or expanded uses on existing residential neighborhoods.	<u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus and would not adversely impact existing residential neighborhoods and would be consistent with such existing development, subject to review and approval by the City. This EIR has identified a number of mitigation measures to reduce project-related impacts.
Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
<p><b>Policy 1-1.3:</b> Maintain consistency among General Plan Policies and Programs, the Zoning Ordinance, and related development regulations.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. Approval of the <i>Los Alamitos Medical Center Specific Plan</i> would be preceded by a General Plan Amendment that would create a new Specific Plan Land Use Designation over the entire Medical Center campus ("Specific Plan"). Furthermore, upon approval of the Specific Plan the Medical Center campus would be zoned "Specific Plan" with development standards and development parameters governed by this Specific Plan document. Project design standards and regulations would be subject to review and approval by the City.</p>
<p><b>Policy 1-1.4:</b> Encourage commercial, office, and industrial uses which are compatible with surrounding residential neighborhoods.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.</p>
<p><b>Policy 1-3.1:</b> Apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.</p>	<p><u>Consistent.</u> The project site is currently developed and occupied by the Los Alamitos Medical Center campus. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions. The proposed project would be visually consistent with on-site and adjoining uses, consistent with the City's Early California theme, and consist of similar mass, heights, and landscaping. Refer to <u>Section 5.2, Aesthetics</u>, for a discussion of aesthetic impacts and mitigation measures.</p>
<p><b>Policy 1-4.1:</b> Consider the fiscal impacts to the City as an integral part of land use decision-making.</p>	<p><u>Consistent.</u> The proposed project includes medical service uses that would provide tax revenue to the City, while increased demands on public services and utilities from future on-site uses may require additional expenditures.</p>
<p><b>Policy 1.4-2:</b> Base land use decisions on reasoned analysis incorporating technical standards for review included in the respective Elements of the General Plan.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. Approval of the <i>Los Alamitos Medical Center Specific Plan</i> would be preceded by a General Plan Amendment that would create a new Specific Plan Land Use Designations over the entire Medical Center campus ("Specific Plan"). Furthermore, upon approval of the Specific Plan the Medical Center campus would be zoned "Specific Plan" with development standards and development parameters governed by this Specific Plan document. Project design standards and regulations would be subject to review and approval by the City.</p>
<p><b>Policy 1-4.3:</b> Consider General Plan Policies and Programs in making land use decisions.</p>	<p><u>Consistent.</u> This table provides a review of applicable <i>General Plan</i> policies and programs. The policies and programs have also been reviewed in the <i>Los Alamitos Medical Center Specific Plan</i>.</p>
<p><b>Policy 1-6.1:</b> Develop and implement land use programs which address and promote the architectural and site design characteristics associated with small town character.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions. The proposed project would be visually consistent with on-site and adjoining uses, consistent with the City's Early California theme, and consist of similar mass, heights, and landscaping. Refer to <u>Section 5.2, Aesthetics</u>, for a discussion of aesthetic impacts and mitigation measures. Furthermore, the proposed project would be subject to design review and approval</p>

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
	by the City to ensure consistency with the small town community character.
<b>CONSERVATION ELEMENT</b>	
<b>Goal One:</b> Protect Los Alamitos' ground water resources from depletion and pollution.	<p><u>Consistent.</u> Domestic water is provided to the existing Los Alamitos Medical Center campus by the Golden State Water Company. Existing water lines ranging from six to eight inches are located in Catalina Street, Kaylor Street, Florista Street, Bloomfield Avenue, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet Golden State Water Company requirements. It is anticipated that the proposed buildings within the Specific Plan Area would tie into existing pipes in adjacent streets. Proposed new buildings would be served by the existing water lines through a series of laterals. Additionally, subsurface water storage would be located within the campus (located adjacent to Kaylor Street near Hospital Building 1) to provide for emergency water supply in the case of temporary water service interruption per State requirements for hospitals. Future development within the project site would increase the demand for water resources. Refer to <u>Section 5.11, Water</u>, for a discussion of impacts and mitigation measures related to water supply and demand.</p> <p>Stormwater drainage in the City is mostly provided by a network of local drainage facilities. Site-specific drainage patterns could change due to project-related grading. According to Appendix F, <i>Final Hydrology Report</i>, the proposed project would not increase impervious surfaces. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>, for a discussion of impacts and mitigation measures related to ground water resources.</p>
<b>Goal Two:</b> Improve air quality.	<u>Consistent.</u> Although the proposed project would not exceed the growth projections used as the basis for the SCAQMD's most recent AQMP, the proposed project would implement all feasible mitigation measures to reduce air pollutant emissions, which would serve to minimize conflicts with applicable policies, plans, and programs resulting from project implementation. Refer to <u>Section 5.4, Air Quality/Greenhouse Gas Emissions</u> , for a discussion of impacts and mitigation measures related to air quality policies, plans, and programs.
<b>Goal Three:</b> Reduce Los Alamitos' solid waste stream.	<u>Consistent.</u> Solid waste disposal service for the Medical Center campus would be provided by Consolidated Waste Disposal. Refer to <u>Section 5.13, Solid Waste</u> , for a discussion of impacts and mitigation measures related to solid waste federal, state, and local statutes and regulations.
<b>Goal Five:</b> Encourage the conservation of energy.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u> , for a discussion on impacts and mitigation measures related to energy.
<b>Goal Six:</b> Preserve and enhance the quality of the City's landscaped environment.	<u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and the <i>Los Alamitos Medical Center Specific Plan</i> . A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Planning Director. The landscape area requirement may include

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
	setback areas and other unused areas of the site that are not intended for future use.
<b>Policy 2-1.1:</b> Encourage the use of drought tolerant landscapes in new developments and encourage the replacement of existing water consumptive landscapes.	<u>Consistent.</u> To the extent possible, the Los Alamitos Medical Center would continue to promote water conservation and reclamation (i.e., landscaping with drought-tolerant plants and recycled water) to reduce water consumption. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and the <i>Los Alamitos Medical Center Specific Plan</i> .
<b>Policy 2-1.2:</b> Encourage the conservation of water used for irrigation in parks, golf courses, recreation areas, commercial and industrial uses, and schools through the use of low-flow drip systems and water-efficient irrigation systems.	<u>Consistent.</u> Future development within the project site would increase the demand for water resources. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and incorporate drought tolerant plants. The proposed project would incorporate all recommendations and requirements of the Golden State Water Company and Orange County Fire Authority. Refer to <u>Section 5.11, Water</u> , for a discussion of impacts and mitigation measures related to water supply and demand, and fire flow.
<b>Policy 2-1.3:</b> Comply with the policies and programs contained in the City's Water Conservation Ordinance.	<u>Consistent.</u> To the extent possible, the Los Alamitos Medical Center would continue to promote water conservation and reclamation (i.e., landscaping with drought-tolerant plants and recycled water) to reduce water consumption. The hospital would also comply with the policies and programs contained in the City's Water Conservation Ordinance. Refer to <u>Section 5.11, Water</u> , for a discussion on impacts and mitigation measures related to water.
<b>Policy 2-1.4:</b> Regulate commercial and industrial land uses to guard against the pollution of Los Alamitos' ground water resources.	<u>Consistent.</u> The proposed project shall maintain safe and adequate infrastructure services for domestic water service, sanitary sewer service, and storm drain service. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u> ; <u>Section 5.11, Water</u> ; and <u>Section 5.12, Wastewater</u> , for discussion of impacts and mitigation measures related to infrastructure services.
<b>Policy 2-1.7:</b> Promote the use of reclaimed water for groundskeeping in parks, golf courses, recreation areas, commercial and industrial uses, and schools.	<u>Consistent.</u> The provision of reclaimed water and associated programs is the responsibility of the Sanitation Districts of Orange County. As available, the proposed project would incorporate reclaimed water distribution infrastructure for irrigation of on-site landscaping with drought-tolerant plants preferred.
<b>Policy 2-2.1:</b> Continue to provide and/or support alternative modes of transportation such as mass transit, dial-a-ride, rail systems, dedicated roadways, and conventional buses.	According to the <i>General Plan</i> , transit service is provided by the Orange County Transportation Authority (OCTA). Existing transit routes include Katella Avenue, Los Alamitos Boulevard, Bloomfield Avenue, and Cerritos Avenue. Buses are scheduled in 20 minute intervals during peak hours of the day. Fixed bus route 50 (Katella Avenue) services the immediate vicinity of the Medical Center campus with a bus stop located on Katella Avenue in front of MOB 3. Bus route 50 is available for visitors, patients, and employees. Other OCTA fixed routes in the vicinity of the project area include Route 42, which travels along Los Alamitos Boulevard just west of the project area, Route 46, which travels along Bloomfield Street and Cerritos Avenue just north of the project area, and Route 701, which travels along Katella Avenue and Los Alamitos Boulevard just west of the project area.
<b>Policy 2-2.2:</b> Encourage increased vehicle occupancy and car-pooling.	<u>Consistent.</u> As deemed necessary by the City, the project's proposed parking areas would provide facilities for high-occupancy vehicles. In addition, the Medical Center is currently in strong compliance with SCAQMD's Rule 2202, which requires that companies or agencies who employ 250 or more people provide a menu of options to reduce mobile source air emissions generated from employee commutes. Options include implementing or continuing with an Employee Commute

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	Reduction Program (ECRP), Purchasing Emission Credits which is an Emission Reductions Strategy (ERS), and investing of one of the SCAQMD Air Quality Investment (AQIP) Programs. The Medical Center files under an ERS program, and also provides bike racks at each building, as well as \$25 monthly gift certificate drawings. 2010 numbers show exceedence of required Average Vehicle Reductions requirements.
<b>Policy 2-2.3:</b> Provide safe and efficient facilities for pedestrians and bicyclists, integrating these with the County-wide system.	<u>Consistent.</u> The proposed project would not alter existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways that allow pedestrian and cyclist mobility and access to the project site.
<b>Policy 2-2.4:</b> Improve traffic monitoring and metering systems.	<u>Consistent.</u> Kaylor Street would be reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street would extend south from Catalina Street and serve as a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street would terminate in a cul-de-sac constructed to City and OCFA standards. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic.
<b>Policy 2-2.5:</b> Actively participate in regional and local governmental efforts to improve air quality.	<u>Consistent.</u> Although the proposed project would not exceed the growth projections used as the basis for the SCAQMD's most recent AQMP, the proposed project would implement all feasible mitigation measures to reduce air pollutant emissions, which would serve to minimize conflicts with applicable policies, plans, and programs resulting from project implementation. Refer to <u>Section 5.4, Air Quality/Greenhouse Gas Emissions</u> , for a discussion of impacts and mitigation measures related to air quality policies, plans, and programs.
<b>Policy 2-2.6:</b> Maintain and improve traffic signal synchronization and provisions for constant traffic flow on all major arteries throughout the City and as extensions of other programs of neighboring cities.	<u>Consistent.</u> Mitigation measures are identified to eliminate the potentially significant traffic impacts at the Kaylor Street/Katella Avenue study intersection for forecast year 2013 and 2035 with project conditions as well as the Los Alamitos Boulevard/Cerritos Avenue study intersection for forecast year 2035 and to achieve acceptable corridor operations along Katella Avenue. Assuming implementation of the identified mitigation measures, adequate left-turn storage capacity on Katella Avenue is available at the study intersections for mitigated forecast year 2035 with project conditions. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic and refer to the <i>Los Alamitos Medical Center Specific Plan Traffic Impact Analysis</i> , Appendix D.
<b>Policy 2-3.1:</b> Encourage recycling and waste reduction in accordance with the Source Reduction and Recycling Nondisposal Facility, and Household Hazardous Waste Elements of the adopted Integrated Waste Management Plan.	<u>Consistent.</u> Solid waste disposal service for the Medical Center campus would be provided by Consolidated Waste Disposal. Future development within the project site would increase solid waste generation, placing greater demands on existing solid waste collection services and diminishing landfill capacities. Refer to <u>Section 5.13, Solid Waste</u> , for a discussion of impacts and mitigation measures related to Federal, State, and local statutes and regulations. The transport, use, storage, and disposal of hazardous wastes would be subject to all local, state, and federal regulations. Refer to <u>Section 5.7, Hazards and Hazardous Materials</u> , for a discussion of impacts and mitigation measures related to hazardous materials.
<b>Policy 2-5.1:</b> Promote State energy conservation guidelines, which require the incorporation of energy-savings designs and features into new and refurbished buildings.	<u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to Section 5.14, <u>Electricity and Natural Gas</u> , for a discussion on

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	impacts and mitigation measures related to energy.
<p><b>Policy 2-5.2:</b> Encourage residents, businesses, and public employees to follow energy conservation practices designed to reduce energy consumption.</p>	<p><u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u>, for a discussion on impacts and mitigation measures related to energy.</p>
<p><b>Policy 2-5.3:</b> Consider purchasing energy-efficient and environmentally safe vehicles and machinery.</p>	<p><u>Consistent.</u> The proposed project would incorporate all applicable conservation measures and technologies into project design, and would meet all the State's standards for building energy efficiency. Refer to <u>Section 5.14, Electricity and Natural Gas</u>, for a discussion on impacts and mitigation measures related to energy.</p>
<p><b>Policy 2-6.1:</b> Retain and maintain the quality and health of existing landscape in the public open spaces (sidewalks, alleys, parks, civic and cultural facilities, and at schools).</p>	<p><u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the <i>LAMC</i> Title 13, Public Services, Chapter 13.05, <i>Water Efficient Landscaping</i> and the <i>Los Alamitos Medical Center Specific Plan</i>. A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.</p>
<p><b>Policy 2-6.2:</b> Encourage property owners to both maintain and promote landscaping on developed sites.</p>	<p><u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the <i>LAMC</i> and the <i>Los Alamitos Medical Center Specific Plan</i>. A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.</p>
<p><b>Policy 2-6.3:</b> Encourage developers to incorporate mature and specimen trees and other significant vegetation, which may exist on a site into the design of a development project for that site.</p>	<p><u>Consistent.</u> All landscaping and irrigation systems and plans shall conform to the requirements of the <i>LAMC</i> and the <i>Los Alamitos Medical Center Specific Plan</i>. A California licensed landscape architect shall prepare all landscape drawings and plans, and oversee the installation of all plantings and landscape materials within the Specific Plan Area. Furthermore, a landscape plan for the campus shall be provided at the time of site plan review for review and approval by the Community Development Director. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use.</p>
<b>SAFETY ELEMENT</b>	
<p><b>Goal One:</b> Protect residents and property from natural disasters, fire, and crime.</p>	<p><u>Consistent.</u> The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the City Police Department and Orange County Fire Authority (OCFA). The City's <i>Emergency Operations Plan (EOP)</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or</p>

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
	<p>nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>; <u>Section 5.7, Hazards and Hazardous Materials</u>; <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; <u>Section 5.9, Fire Protection</u>; and <u>Section 5.10, Police Protection</u>; for a discussion of impacts and mitigation measures related to natural disasters, fire, and crime.</p>
<p><b>Policy 3-1.1:</b> Take all necessary steps to be prepared for a major disaster.</p>	<p><u>Consistent.</u> The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the City Police Department, Fire Department, and OCFA. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>; <u>Section 5.7, Hazards and Hazardous Materials</u>; <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; <u>Section 5.9, Fire Protection</u>; and <u>Section 5.10, Police Protection</u>; for a discussion of impacts and mitigation measures related to natural disasters, fire, and crime.</p>
<p><b>Policy 3-2.1:</b> Take all necessary steps to be prepared for a major earthquake.</p>	<p><u>Consistent.</u> The project site is located in tectonically active Southern California. However, the project site is not located on an Alquist-Priolo Earthquake Fault Zoning Map. The proposed project would meet or exceed all applicable seismic safety design standards, subject to review and approval by the City of Los Alamitos Building and Safety Division. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>, and <u>Section 5.7, Hazards and Hazardous Materials</u>, for a discussion of impacts and mitigation measures related to natural disasters.</p>
<p><b>Policy 3-3.1:</b> Take appropriate steps to protect new and existing development from flooding.</p>	<p><u>Consistent.</u> Flood hazards related to storm events generally are described in terms of the "100-year flood." As its name implies, the 100-year flood is the largest flood event, which may be expected to occur within a 100-year period. This flood is considered a severe flood but one that can be reasonably predicted and therefore reasonably</p>

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	mitigated. According to the <i>General Plan</i> , the project site is not located in a flood zone. Additionally, the project does not propose any residential uses. However, according to the <i>County of Orange General Plan</i> , the Santa Ana River poses as a potential flood threat for the City. According to the <i>General Plan</i> , potential damage to the City from a failure of the Prado Dam on the Santa Ana River is no longer an issue due to recent dam upgrades. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i> , the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Furthermore, prior to the construction and operation of the proposed project, review and approval is required at the State level from the OSHPD and DHS as part of the approval and licensing process for hospitals outside of the purview of the City of Los Alamitos. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u> for a discussion of impacts and mitigation measures related to flooding.
<b>Policy 3-4.1:</b> Maintain and expand programs that protect life and property from fire.	<u>Consistent.</u> The proposed project would incorporate all recommendations and requirements of the City Police Department and Orange County Fire Authority. Refer to <u>Section 5.9, Fire Protection</u> , and <u>Section 5.10, Police Protection</u> , for a discussion of impacts and mitigation related to fire hazards, fire protection services, and crime.
<b>Policy 3-5.1:</b> Continue to work closely with the Police Department and community groups to address crime problems and areas in the City.	<u>Consistent.</u> The proposed project would incorporate all recommendations and requirements of the City Police Department. Refer to <u>Section 5.10, Police Protection</u> , for a discussion of impacts and mitigation related to crime.
<b>CIRCULATION AND TRANSPORTATION</b>	
<b>Goal One:</b> Provide an efficient network of streets, bikeways, and pedestrian areas which promote the safe and efficient movement of people and goods.	<u>Consistent.</u> Kaylor Street will be vacated and reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street will extend south from Catalina Street and serve a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street will terminate in a cul-de-sac constructed to City and OCFA standards. No improvements are anticipated to be required for Katella Avenue other than frontage improvements associated with the new driveway entry. The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to traffic.
<b>Goal Two:</b> Provide adequate on-street parking and loading facilities for businesses and public facilities throughout the City.	<u>Consistent.</u> A total of 1,943 on-site parking spaces would be provided within the Specific Plan Area at buildout, configured in surface and structures parking areas, The total parking required at buildout is 1,934 spaces. Total parking spaces provided at buildout is 1,943 spaces, exceeding the requirement by 9 total spaces. Refer to <u>Section 5.3, Traffic</u> , for a discussion of impacts and mitigation measures related to parking and the proposed <i>Draft Los Alamitos Medical Center Specific Plan</i> .
<b>Goal Three:</b> Maintain safe and adequate infrastructure services.	<u>Consistent.</u> The project shall maintain safe and adequate infrastructure services for domestic water service, sanitary sewer service, and storm drain service. Refer to <u>Section 5.8, Hydrology, Drainage, and Water Quality</u> ; <u>Section 5.11, Water</u> ; <u>Section 5.12, Wastewater</u> ., and <u>Section 5.14, Electricity and Natural Gas</u> , for discussion of impacts and mitigation measures related to infrastructure services.

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<p><b>Policy 5-1.1:</b> Maintain a Level of Service "D" or better on all City arterials and at intersections.</p>	<p><u>Consistent.</u> Project implementation could increase vehicular movement in the vicinity of this project site during AM and PM peak hour periods. Forecast year 2013 with project phase 1 conditions AM &amp; PM peak hour LOS would not result in a significant impact nor would forecast year 2035 with project conditions. Refer to <u>Section 5.3, Traffic</u>, for a discussion of impacts and mitigation measures related to traffic and refer to the <i>Los Alamitos Medical Center Specific Plan Traffic Impact Analysis, Table 9 and 12, Appendix D</i>.</p>
<p><b>Policy 5-2.1:</b> Protect and preserve residential neighborhoods from the intrusion of cut-through traffic.</p>	<p><u>Consistent.</u> The proposed project would not create cut-through traffic. Refer to <u>Section 5.3, Traffic</u>, for a discussion of impacts and mitigation measures related to traffic.</p>
<p><b>Policy 5-4.1:</b> Encourage walking and bicycling as attractive alternatives to vehicular transportation.</p>	<p><u>Consistent.</u> The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site.</p>
<p><b>Policy 5-4.2:</b> Adequately illuminate and landscape City sidewalks and public areas to encourage pedestrian-oriented activities.</p>	<p><u>Consistent.</u> Pedestrian scale lighting should be present at all entries, plazas, courtyards, parking lots, pedestrian ways, and other areas where nighttime pedestrian activity is expected. Refer to <i>Draft Los Alamitos Medical Center Specific Plan Section 5 Design Guidelines, Section D Landscaping, 3 Lighting Design</i>.</p>
<p><b>Policy 5-4.3:</b> Support alternatives to single-occupancy vehicle use.</p>	<p><u>Consistent.</u> The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Furthermore, as deemed necessary by the City, the project's proposed parking areas would provide facilities for high-occupancy vehicles.</p>
<p><b>Policy 5-5.1:</b> Encourage owners of substantially remodeled commercial and industrial centers to provide adequate on-site parking.</p>	<p><u>Consistent.</u> Total parking required at buildout is 1,934 spaces. Total parking spaces provided at buildout is 1,943 spaces, exceeding the requirement by 9 total spaces. Refer to the <i>Draft Los Alamitos Medical Center Specific Plan</i>.</p>
<p><b>Policy 5-5.2:</b> Provide adequate on-site parking at civic facilities (parks, City Hall, Los Alamitos, Community Center, etc.).</p>	<p><u>Consistent.</u> A total of 1,943 on-site parking spaces would be provided within the Specific Plan Area at buildout, configured in surface and structures parking areas. On-street parking is also present on the adjacent public streets. This on-street parking does not count towards meeting the parking needs for the site. Refer to <u>Section 5.3, Traffic</u>, for a discussion of impacts and mitigation measures related to traffic.</p>
<p><b>Policy 5-7.1:</b> Work with the Rossmoor-Los Alamitos Sewer District so that residents and businesses have adequate and efficient sewage waste disposal services.</p>	<p><u>Consistent.</u> Sanitary sewer service is currently provided to Los Alamitos Medical Center campus by the Rossmoor/Los Alamitos Area Sewer District. Sewer treatment is provided by the Orange County Sanitation District treatment plant in Huntington Beach. Existing sewer lines ranging from eight to 30 inches are located in Cherry, Catalina, Kaylor, Kyle, Florista, and Bloomfield Streets, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet district requirements. Proposed new structures would connect with existing sewer lines via lateral connections to individual buildings. Additionally, subsurface storage tanks would be located within the campus (adjacent to Kaylor Street near new Hospital Building 1) to provide for emergency sewage capacity in the case of temporary sewer service interruption per State requirements for hospitals. Refer to <u>Section 5.12, Wastewater</u>, for discussion of impacts and mitigation measures related to wastewater services.</p>

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<p><b>Policy 5-7.2:</b> Work with the Southern California Water Company so that residents and businesses have quality drinking water and adequate water supply for fire protection and landscaping needs.</p>	<p><u>Consistent.</u> Domestic water is provided to the Medical Center by the Golden State Water Company. Existing water lines ranging from six to eight inches are located in Catalina Street, Kaylor Street, Florista Street, Bloomfield Avenue, and Katella Avenue. Existing easements would be retained and new easements dedicated to meet district requirements. It is anticipated that the proposed medical facilities within the Specific Plan Area would tie into existing pipes in adjacent streets. Proposed new buildings would be served by the existing water lines through a series of laterals. Additionally, subsurface water storage would be located within the campus (located adjacent to Kaylor Street near new Hospital Building 1) to provide for emergency water supply in the case of temporary water service interruption per State requirements for hospitals. Future development within the project site would increase the demand for water resources. All landscaping and irrigation systems and plans shall conform to the requirements of the LAMC and incorporate drought tolerant plants. The proposed project would incorporate all recommendations and requirements of the Golden State Water Company and Orange County Fire Authority. Refer to <u>Section 5.9, Fire Protection</u>, for a discussion of impacts and mitigation related to fire hazards and fire protection services. Refer to <u>Section 5.11, Water</u>, for a discussion of impacts and mitigation measures related to water supply and demand, and fire flow.</p>
<p><b>Policy 5-7.3:</b> Work with the Los Angeles Flood Control District and Orange County Environmental Management Agency so that residents and businesses are adequately protected from flooding.</p>	<p><u>Consistent.</u> According to the <i>General Plan</i>, the project site is not located in a flood zone; refer to <i>General Plan Figure 3-2, Flood Zone Map</i>, which was derived from FEMA Map, September 1989. Additionally, the project does not propose any residential uses. However, according to the <i>County of Orange General Plan</i>, the Santa Ana River poses as a potential flood threat for the City. According to the <i>General Plan</i>, potential damage to the City from a failure of the Prado Dam on the Santa Ana River is no longer an issue due to recent dam upgrades. The City's <i>EOP</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Refer to <u>Section 5.7, Hazards and Hazardous Materials</u>, and <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>, for a discussion of impacts and mitigation measures related to flooding.</p>
<p><b>Policy 5.7-4:</b> Work with safety agencies, such as the Orange County Fire Authority and the AFRC Fire Department, so that residents and businesses are adequately protected from fires and other natural disasters.</p>	<p><u>Consistent.</u> The proposed project was designed such that hazards would not threaten proposed structures or future hospital residents and employees. The proposed project would adhere to all applicable recommendations related to seismic safety as well as comply with all applicable building code requirements. The proposed project would incorporate all recommendations and requirements of the Orange County Fire Authority. The City's <i>Emergency Operations Plan (EOP)</i> addresses the jurisdictions planned response to natural disasters and public safety emergency situations. According to the <i>General Plan</i>, the <i>EOP</i> is activated immediately upon the existences or declaration of a state of emergency for the state or nation, or locally if placed into effect by City officials. Refer to <u>Section 5.6, Geology and Seismic Hazards</u>; <u>Section 5.7, Hazards and Hazardous Materials</u>; <u>Section 5.8, Hydrology, Drainage, and Water Quality</u>; and <u>Section 5.9, Fire Protection</u>, for a discussion of impacts and mitigation measures related to natural disasters and fire.</p>

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
<b>NOISE ELEMENT</b>	
<p><b>Goal One:</b> Protect noise sensitive land uses, including residences, schools, hospitals, libraries, churches and convalescent homes from high noise levels from both existing and future noise sources.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan</i> Noise Element, <i>Municipal Code</i> Section 17.24.020(d) requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria</i> and <i>Incremental Effects</i>. Existing and future noise levels have been evaluated in the project's acoustical analysis. Noise sources would be reduced, where appropriate, to protect sensitive receptors. Construction noise levels would be temporary and masked by intervening structures and traffic along adjacent streets. Furthermore, off-site buildings, streets, trees, and vegetation would serve as buffers between sensitive receptors. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and mitigation measures related to noise.</p>
<p><b>Policy 6-1.1:</b> Noise mitigation measures for future development should comply with the standards included in the City of Los Alamitos Noise Element.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan</i> Noise Element, <i>Municipal Code</i> Section 17.24.020(d) requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria</i> and <i>Incremental Effects</i>. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and Mitigation Measures NOI-1, NOI-2, and NOI-3.</p>
<p><b>Policy 6-2.1:</b> Potential noise impacts due to stationary sources should be mitigated in the planning stage.</p>	<p><u>Consistent.</u> The impacts of project-related noise have been evaluated as part of the environmental review process for the proposed project and shall comply with the <i>General Plan</i> Noise Element, <i>Municipal Code</i> Section 17.24.020(d) requirements, recommended mitigation measures, and the acoustical <i>Significance Criteria</i> and <i>Incremental Effects</i>. The Central Plant is located approximately 386 feet northwest of the nearest sensitive receptors. Furthermore, the off-site buildings, Catalina Street, and street trees and vegetation would serve as a buffer between the project site and these residential uses. Refer to <u>Section 5.5, Noise</u>, for a discussion of impacts and Mitigation Measure NOI-1 which states stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporated insulations barriers, or other measures to the extent feasible.</p>
<b>ECONOMIC DEVELOPMENT ELEMENT</b>	
<p><b>Goal One:</b> Enhance the fiscal viability of Los Alamitos by promoting retention and expansion of existing revenue bases, and development of new City revenue sources.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The proposed project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed project would provide new jobs in the City, along with increased tax revenue.</p>
<p><b>Policy 7-1.2:</b> Actively promote expansion and retention of existing businesses.</p>	<p><u>Consistent.</u> The proposed project includes the expansion of the existing Los Alamitos Medical Center campus which would balance the growing population and availability of local medical services. The existing medical center provides medical care to over 100,000 patients per year, with over 88-percent of admissions from within an eight-mile radius. The facility is a significant local employer and supports local services through utility, property, "first functional use" and sales taxes. With the changing trends in medical care and hospital design, an update of the hospital facilities is needed, to provide a modernized emergency room and reduced bed occupancy in hospital rooms, providing a higher percentage of low- or single-occupancy rooms. The</p>

Applicable <i>General Plan</i> Implementing Goals and Policies	Consistency of Proposed Project
	proposed project proposes an additional 164 hospital beds, two new hospital buildings, one new medical office building, a new central plant, and an additional 849 parking spaces. The proposed expanded medical facilities would provide valuable medical services to the public and stimulate the local economy by providing jobs to residents in the City and expanded tax revenues.

B. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire, protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located as the Specific Plan proposed a development that is located adjacent to Katella Avenue, a main thoroughfare currently occupied by similar facilities, creates a development would be located within an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project.

C. The proposed development would:

a. Ensure quality development by encouraging greater flexibility with more creative and aesthetically pleasing designs for major urban developments. Through the adoption of the Los Alamitos Medical Center Specific Plan, the project has been reviewed for consistency with the City's General Plan and Zoning Code and has been conditioned to have each facility within the Specific Plan be reviewed separately by the Planning Commission prior to construction to ensure compatibility.

b. Ensure the timely provision of essential public services and facilities consistent with the demand for the services and facilities wherein the Los Alamitos Medical Center Specific Plan ensures the provision of Dry utilities and Public Services. Cable service for the Los Alamitos Medical Center Specific Plan will be provided by Time Warner Cable through connections to existing lines. Telephone service for the Los Alamitos Medical Center Specific Plan will be provided by Verizon through connections to existing lines. Natural Gas service for the Los Alamitos Medical Center will be provided by Southern California Gas. Existing gas lines ranging from 2 to 4 inches in size are located in Cherry Street, Catalina Avenue, Kyle Street, Florista Street, Bloomfield Street, and Katella Avenue. Electrical Power for the Los Alamitos Medical Center will be provided by Southern California Edison through connections to existing lines on surrounding streets. Public Services for fire service for the Los Alamitos Medical Center Specific Plan is provided by the Orange County Fire Authority (OCFA) and receives fire protection from two stations: Fire Station #2 and Fire Station #17. Fire Station #2 is located at 3642 Green Avenue, which is less than 0.2 miles southwest of the project site. Estimated response time to the Los Alamitos

Medical Center is less than five minutes. Fire Station #17 is located at 4991 Cerritos Avenue in Cypress. Police service for the Los Alamitos Medical Center Specific Plan is provided by the Los Alamitos Police Department. The Police Station is located on Katella Avenue, several blocks west of the Specific Plan Area. Estimated response time to the Los Alamitos Medical Center is less than five minutes. Solid waste (trash) disposal service for the Los Alamitos Medical Center Specific Plan will be provided by Consolidated Waste Disposal. Hazardous and/or Medical Waste disposal services will be provided by Steri-Cycle.

c. Promote a harmonious variety of housing choices and commercial and industrial activities; attain a desirable balance of residential and employment opportunities; and result in a high level of urban amenities and the preservation of the natural and scenic qualities of open space. The Los Alamitos Medical Center Specific Plan allows for a variety of commercial activities within the 18.3 acres site. The Los Alamitos Medical Center Specific Plan increases density within the 18.3 acres to allow for a campus like environment conducive to walkability among Medical users, medical employees and medical employers. The direct effects of the project would create two types of secondary effects or indirect growth. First, the direct spending associated with the increased commercial activity would stimulate production of associated products and services in the economy. Although this secondary impact would not be substantial in terms of the local economy, existing firms throughout Orange and Los Angeles Counties, and in some cases beyond, would increase production. They would increase their purchases for materials and supplies, and at some point, they would hire new workers. Second, the new employees would form households. These new households, through spending, would increase demand for housing and a range of related services. Thus, the direct employment increase would, in turn, increase indirect employment, households, and population. Construction of the proposed project would directly, but temporarily, increase construction employment.

D. The subject property is physically suitable for the proposed lands use designation(s) as the Los Alamitos Medical Center Specific Plan includes the expansion of the existing Los Alamitos Medical Center campus. The proposed development would be located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions. The proposed project would be visually consistent with on-site and adjoining uses, consistent with the City's Early California theme, and consist of similar mass, heights, and landscaping.

E. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures. In compliance with Section 15063 of the CEQA Guidelines, and local guidelines, and Environmental Impact Report has been prepared

for this project with the purpose of identifying the Project's significant effects on the environment, to identify alternative to the project and to indicate the manner in which those significant effects can be mitigated or avoided. Pursuant to Section 21081 of the California Public Resources Code, the Planning Commission had determined that although the project may have unavoidable significant effect on greenhouse gasses, there are specific overriding benefits including economic and social benefits of the project, which outweigh the significant effects on the environment as outlined in a Statement of Overriding Consideration.

F. There would not be potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless the council adopts a statement of overriding considerations. In compliance with the California Environmental Quality Act, Section 15063 of the California Environmental Quality Act guidelines, and local guidelines, an Environmental Impact Report has been prepared for this project with the purpose of identifying the Project's significant effects on the environment, to identify alternatives to the project and to indicate the manner in which those significant effects can be mitigated or avoided Pursuant to Section 261081 of the California Public Resources Code. The City has determined that although the project may have unavoidable significant effect on greenhouse gases, there are specific overriding economic, social and other benefits of the project which outweigh the significant effects on the environment as outlined in a Statement of Overriding Consideration.

G. The sites are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development as the Project is located on an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with the proposed project. The project site and its surroundings are primarily urbanized and contain a mix of land uses with structures of various age and conditions.

H. The proposed Zone Change is internally consistent with other applicable provisions of this zoning code. To ensure consistency between the proposed Specific Plan and the LAZC (Title 17, Zoning, of the City of Los Alamitos Municipal Code), the LAZC would be revised alongside the adoption of the Specific Plan. More specifically, the proposed Zone Change would establish the boundaries and replace the Specific Plan Area's existing zoning districts of Community Facilities (CF), Commercial Office (CO), and Planned Light Industrial (PM) with the Los Alamitos Medical Center Specific Plan district. The Los Alamitos Medical Center Specific Plan would be both a regulatory and policy document needed to be adopted by the City of Los Alamitos by ordinance. Additionally, the existing zoning district standards and regulations would be replaced with the Specific Plan's development standards and design standards/guidelines. As previously noted, Specific Plan Section 4, Development Regulations, includes development regulations for all uses included within the Specific Plan. They are precise specifications for such things as allowable uses, temporary uses and special events, conditional uses, intensity, general development standards, height, setbacks, building

separation, landscaping requirements, fencing, parking requirements, signage, and development standards modifications. Application of these regulations is specifically intended to provide for the orderly development of the site and effective fulfillment of the project objectives, while protecting the health, safety, and welfare of the employees and users, as well as those of the surrounding community. Specific Plan Section 5, Design Guidelines, identifies design guidelines, which provides an overall vision for the redevelopment of the Los Alamitos Medical Center. The guidelines offer design guidance in the areas of architecture, landscape, and public spaces to ensure a certain level of aesthetic quality and functional efficiency, as well as compatibility between the project's components and surrounding community. The intent of the design guidelines is to encourage the highest level of design quality and creativity to ensure an atmosphere of wellness. Specific Plan Chapter 1, Introduction, establishes the goal that the City would enforce, in order to implement the Specific Plan. The goals are intended to serve as a benchmark for the Specific Plan. During project review and analysis, the goals can be used to determine if future development proposals are supportive of the spirit and intent of the Specific Plan. The goals also provide the foundation for the Development Plan, Development Regulations, and the Design Guidelines.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA DOES ORDAIN AS FOLLOWS;**

**SECTION 1.** The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

**SECTION 2.** The City Council hereby adopts Ordinance No. 11-02 approving Specific Plan (SP 09-01) for the Los Alamitos Medical Center, attached hereto as Exhibit 1 and incorporated by reference herein subject to the conditions imposed attached hereto as Exhibit 2 and incorporated by reference as in full set out herein.

**SECTION 3.** In compliance with the California Environmental Quality Act, Section 15063 of the California Environmental Quality Act guidelines, and local guidelines an Environmental Impact Report (EIR) 2010041095 has been prepared for this project for the purpose of identifying the significant effects on the environment of the project, to identify alternatives to the project and to indicate the manner in which those significant effects can be mitigated or avoided. The City Council has determined that all potential environmental impacts, except for cumulative greenhouse gas emissions, would be reduced to levels less than significant with the implementation of mitigation measures outlines in the Mitigation Monitoring Program. Pursuant to Section 261081 of the California Public Resources Code the City Council has determined that although the project may have unavoidable significant effect on greenhouse gases, the City Council finds that specific overriding benefits, including economic and social benefits of the project outweigh the significant effects on the environment as outlined in a Statement of Overriding Consideration.

**SECTION 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity

of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the Chapter, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5.** The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

**SECTION 6.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code 36933. This Ordinance shall take effect thirty 30 days after its final adoption.

**PASSED, APPROVED, and ADOPTED this 22<sup>nd</sup> day of February, 2011.**

\_\_\_\_\_  
KENNETH STEPHENS, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Adria Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 7<sup>th</sup> day of February, 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 22<sup>nd</sup> day of February, 2011, by the following roll-call vote, to wit:

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

\_\_\_\_\_  
Adria M. Jimenez, CMC City Clerk

**EXHIBIT 1**

**LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN**

**LOS ALAMITOS MEDICAL CENTER  
CONDITIONS OF APPROVAL (FEBRUARY 7, 2011)**

EXHIBIT 2

- A. Applicant shall include a digitized 3D model of each proposed structure as part of the Planning Commissions submittal for site plan review.
- B. Los Alamitos Medical Center shall bring the accounting balance for all work completed for the Medical Center EIR, including legal, engineering, and traffic to a \$0 balance prior to Second Reading.
- C. Certificate of Occupancy/Completion shall be issued by the Chief Building Official on the Parking Structure. Such certification shall be issued prior to issuance of Permanent Certificate of Occupancy (C of O) or any business licenses on the proposed Medical Office Building.
- D. Should applicant fail to submit a complete application for Site Plan Review of Phase III by the tenth (10) anniversary of effective date of Ordinance, the approvals for all structures for which no Site Plan Review has been submitted shall be null and void.
- E. The Los Alamitos Medical Center shall permit the City of Los Alamitos to sublease roof top portions of the Hospital's Patient Care, Medical Office Building and Parking Structure for purpose of exclusively generating revenue to the City of Los Alamitos related to Telecommunication Antennas. This will include lease areas required to service various antenna. Any such use must maintain the integrity of an OSHPD building. Use shall not interfere with rooftop equipment and future leases shall indemnify building owner and will not invalidate roof warranty.
- F. Prior to the issuance of any building permit (demolition, construction, or utility related – but *excluding* grading), the applicant shall solely fund an independent peer review of any and all hydrology studies as required by the Mitigation Measures for each development phase to confirm conditions outlined in previously completed hydrology studies and as required by the RWQCB at the time of that development phase. The purpose of the peer review is to provide long-term assurance that the applicant shall detain and retain on site any storm water and runoff historically generated from the site (i.e., maintain status quo discharge levels with what was in place prior to project commencement) to the storm drain within Katella Avenue so as to eliminate the threat of an upstream overflow and flooding condition further east along Katella Avenue. The cities of Los Alamitos and Cypress shall jointly select the consultant for such studies. Such consultant shall be a licensed engineer within the State of California.
- G. The Los Alamitos Medical Center shall develop and maintain a list of preferred vendors of which to seek bids and services for construction related improvements. The City of Los Alamitos will assist the Medical Center in managing this list by supplying an annual list of business licenses.
- H. The Los Alamitos Medical shall modify the Specific Plan document to represent final approval of the City Council including timing limitations
- I. The applicant guarantees that, in the event that the City receives less than \$40,000 in annual sales tax revenues attributable to the subject property in the first five years beginning after the Certificate of Occupancy is issued to the applicant, the applicant will make annual payments to the City to cover such deficiency.

**PLANNING**

1. The applicant shall indemnify protect defend and hold harmless the City of Los Alamitos, its officials, officers, employees, agents, departments, and instrumentalities thereof, from any an all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature) and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul any approval of the City, its legislative body, advisory agencies or administrative officers, employees, agents, departments, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5 or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
2. Approval of this Specific Plan is for the 25 year build out of the Los Alamitos Medical Center, as shown within the LAMC Specific Plan as part of this approval, with such additions, revisions, changes or modifications as required by the Planning Commission and City Council pursuant to approval noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with the adopted Specific Plan and all subsequent conditions imposed by City Council.
3. The applicant shall be responsible for implementing the mitigation measures identified in the Mitigation and Monitoring Program, to the satisfaction of the City of Los Alamitos Community Development Director.
4. Applicant and all subsequent permit issues related to the Specific Plan shall be subject to the Mitigation Monitoring and Reporting Program, attached as an exhibit to the resolution for the Final Environmental Impact Report.
5. Wherever there appears to be a conflict between the Los Alamitos Medical Center Specific Plan and The City's Zoning Ordinance, this Specific Plan, including mitigation measures and conditions shall prevail. For development standards not covered by the Specific Plan, the City's Zoning Ordinance shall be used as a guideline.
6. The property applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 60 days of final approval of this ordinance. The property applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.

7. The Los Alamitos Medical Center Specific Plan is approved exclusively as a precise plan for the location and design as shown on the relevant drawings referenced in the Specific Plan including Mitigation Measures and Conditions. Procedures for minor modifications and amendments to the Specific Plan are included in Section 6 of the document. If any changes are proposed, a request for a determination of substantial conformance must be submitted to the Community Development Director. If the Community Development Director determines that such proposed change or changes are not material, consistent with the provisions and spirit and intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, a minor modification may be approved by the Community Development Director without requiring a public meeting as outlined in Section 6 of the Specific Plan.
  
8. The applicant, and the applicant's successors in interest, shall be fully responsible for knowing and complying with all conditions of approval. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees are not included under this noticing requirement.
  - i. Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:
  
  - ii. Fees: Applicant shall pay an estimated total of \$702,777.00 in Traffic Impact Fees paid at the time of building permit issuance or OSHPD permit issuance as applicable for each building calculated at rate applicable at time of payment. City Resolution No. 1469 (adopted on June 14, 1993), established the City's current traffic impact fees. The fees were calculated based on the Seven-Year CIP established at that time. Per Resolution 1469, traffic impact fees are identified for four distinct types of land use; residential, commercial, office, and industrial. Increased square footage in the project was grouped by land use category and multiplied by the applicable traffic fee for a total of \$702,777.00 (\$49,347.00 for office uses and \$653,430.00 for commercial uses). The formula for calculation also takes into account the increase in traffic operations as included in the project traffic impact study
  - iii. Dedications: n/a
  - iv. Reservations: Kaylor Utility Easements
  - v. Other Exactions: n/a
  - vi. The applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.
  
9. The applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
  
10. Applicant shall supply four additional parking spaces upon the completion of Phase 1. Applicant shall supply 28 additional parking spaces at the full build out of the plan to meet the City's minimum requirements for parking. The 28 additional parking spaces are based upon application of a parking requirement for the Central Plant. At the time of site plan review for Phase 3, the applicant may submit a request for elimination of the additional parking requirement based upon floor plans for the central plant which demonstrate that no office uses are included in the building.

11. The pedestrian walkway within the rear parking lot shall be paved with an enhanced pavement to delineate the space as a walkway and a no-parking zone.
12. The applicant in conjunction with the Department of Public Works shall install signage along the public right-of-way on surrounding streets directing vehicles to the hospital parking lots. Site plans submitted for each phase shall include details and location of such signage.
13. During construction a ridesharing program implemented at the LAMC will continue to operate under the proposed Specific Plan and provide large parking spaces to accommodate vans used for ride sharing. This includes distribution of material to employees that provides information about public transit services and alternative transportation opportunities designation of a certain percentage of parking spaces for occupancy vehicles provision of larger parking spaces to accommodate vans used for ride sharing and designation of adequate passenger loading and unloading and waiting areas.
14. During construction of all phases of the proposed project temporary signage shall be placed in appropriate locations to direct pedestrians to safe walking routes through the medical campus. Type and locations of such signage shall be included within the required Construction Management Plan for each phase.
15. During construction of all phases of construction LAMC shall provide temporary moveable pedestrian pathway between inaccessible areas. This pathway shall be fenced to ensure safety for pedestrians. The Construction Management Plan prepared for each phase shall include this provision.
16. In case of violation of any of the conditions of approval, mitigation measures, or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
17. The property owner shall remove any graffiti on the project site within 12 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity subject to the approval of the Community Development Director.
18. To properly buffer surrounding industrial properties – dense, fast growing or mature trees shall be planted prior to occupancy of Hospital Building 2. Areas at the campus perimeter boundaries that abut privately owned properties shall include permanent screening such as berming shrub hedge or wall. Such landscaping shall be shown on the landscape plan component of the Site Plan submittal for each phase as appropriate.
19. All fences and walls within public view from within or outside the LAMC shall be designed to be visually compatible with other site improvements. LAMC shall include wall and fence plans as part of the Site Plan submittal package for the entitlement of each phase of the Specific Plan project.

20. All sides of any cooling and mechanical buildings surface parking areas and parking structures as well as other service and mechanical areas shall be designed, treated and finished in a manner compatible with the surrounding campus pursuant to the design guidelines of the Specific Plan. All service maintenance cooling mechanical and trash collection areas within the Specific Plan area shall be fully screened from public view.
21. If roof mounted, all mechanical equipment shall be set back from the roof edge and either contained within a penthouse or otherwise screened from view in a manner that is architecturally consistent with the rest of the building to the satisfaction of the Community Development Director.
22. All trash areas must meet the following Structural or Treatment Control BMP requirements. Trash areas must have drainage from adjoining roofs and pavement diverted around the area. Trash containers areas must be screened or walled to prevent offsite transport of trash provide Proof of Ongoing BMP Maintenance. LAMC will be required to implement and maintain Structural or Treatment Control BMP's in project plans. LAMC shall provide verification of maintenance provisions to the City of Los Alamitos on an annual basis and shall conduct regular inspections of its treatment BMPs. All trash storage loading service maintenance and mechanical equipment areas in public view from within or outside the medical campus shall be screened by a solid masonry fence or wall of minimum height 6 feet subject to the satisfaction of the Community Development Director.
23. The trash enclosure must be included on construction plans submitted for building permit and are subject to review and approval of Community Development Director. The trash enclosure must be covered.
24. A landscape plan indicating plant types and sizes shall be submitted to the Community Development Department as part of the required Site Plan submittal for each phase prior to issuance of building permits. The landscape plan shall include an automatic irrigation system and shall be prepared by a licensed Landscape Architect. All landscaping material shall be maintained in a neat and orderly manner and shall comply with the City's Water Conservation Ordinance.
25. The parking structure shall be constructed with screening walls of sufficient height to block spill light from vehicle headlights.
26. Waste management and material pollution BMPs for control of pollutants associated with the storage of construction materials and construction activities may include the following:
  - a. Materials will be stored either off site or under cover. Hazardous materials will be stored in contained areas
  - b. Selection of less environmentally detrimental materials will be used where feasible and practical.
  - c. Stockpiles will be minimized and covered to prevent leaching of potential chemicals and sediment.
  - d. Spill Prevention and Control will be implemented to prevent contamination of soil or water with construction and equipment operations chemicals.

- e. Hazardous chemicals used in construction will be disposed of in accordance with hazardous waste materials management regulations.
- f. Contaminated Soil Management- Soil found to exhibit signs of pre-existing contamination will be tested and disposed of as required based on level of contamination. No contaminated soil will be brought on site and used as fill material

## ENGINEERING

- 27. All required Engineering plans and studies shall be prepared by a Registered Professional Engineer or applicable utility provider, and submitted to City Engineer for review and approval.
- 28. Prior to the start of work, the applicant shall obtain a City approval for all work in the public right-of-way. All work shall be done in accordance with Orange County Public Works Department Standards, and/or otherwise specified, to the satisfaction of the City Engineer and completed prior to issuance of the certificate of occupancy.
- 29. Approval of this project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Los Alamitos Municipal Code, the Orange County Public Works Department Standard Specifications and Standard Plans.
- 30. The applicant shall submit for review and approval from the City Engineer from the applicable service providers for sewer and water, the following reports.
  - a. A Master Utilities Plan, supported by calculations, that includes the specifics on sewer, water, drainage and storm drain that will serve the entire project.
  - b. The Master Utility Plan shall include a preliminary drainage study of the project including diversions, off-site areas that drain onto and/or through the development, and justification of any diversions and how the map grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood. Master plan shall also provide evidence to the City Engineer that the grading and development produces no overloading of downstream systems, grading a development shall balance tributary drainage areas to reflect existing conditions and prove, with an appropriate hydrological and hydraulic study, that downstream systems will not be overburdened, and that hazardous conditions are non-existent. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology and system hydraulic calculations, pipe size calculations, inlet capacity calculations, and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per County of Orange Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full (Design Manual Concrete Pipe, Page 7 and Caltrans Highway Design Manual, Page 830-15). Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan. City Engineer is authorized to use 2010 EIR hydraulic study if applicable.
  - c. Master Utilities Plan shall address the need if any for upsizing of existing sewer and water utilities necessary to provide service to the development.

- d. A geotechnical report for the review and approval of the Director of Community Development and City Engineer. The report shall include the information and be in a form as required by the Grading Ordinance. The report shall include a section on soils analysis verifying that on-site soils are suitable for the proposed development. These studies shall include assessment of potential soil-related constraints and hazards such as slope instability, settlement, liquefaction, and related seismic impacts. The studies shall include specific mitigation measures, addressing all identified geotechnical constraints, in accordance with the Uniform Building Code and relevant city grading and subdivision ordinances. Proof of completion of any required remediation shall be provided prior to completion of the grading and acceptance of the grading improvements. The applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements and Golden State Water District for connections and water improvements.
  - e. A Stormwater Pollution Prevention Plan. All recommendations shall including Best Management Practices (BMPs) shall be implemented to the maximum extent possible. Evidence that proper clearances have been obtained through the State Water Resources Control Board (SWRCB), including coverage under the NPDES statewide General Storm Water Permit for construction activities, shall be given to the City prior to issuance of any grading permits. On-site drainage shall be in compliance with the National Pollutant Discharge Elimination system (NPDES) guidelines to the satisfaction of the City Engineer. The applicant shall be responsible for filing a Notice of Intent and for filing the appropriate fees pursuant to the National Pollution Discharge Elimination System (NPDES) program.
31. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
32. The applicant shall produce evidence acceptable to City of Los Alamitos, that:
- a. All construction vehicles or equipment fixed or mobile, operated within 1,000 feet of dwelling shall be equipped with properly operating and maintained mufflers.
  - b. All operations shall comply with Division 6 (Noise Control) of the Codified Ordinances of the County of Orange as adopted by the City of Los Alamitos.
  - c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from neighboring property owners.
  - d. The construction disturbance "footprint" shall be kept as small as possible.
  - e. Truck idling shall be prohibited for periods of longer than 10 minutes.
  - f. Off site hauling operations shall be prohibited during rush hours unless approved by the City.
  - g. Staging areas shall be placed as far as practical from sensitive receptors.
  - h. Construction equipment shall be maintained in peak operating conditions to reduce emissions.

Notations in the above format, appropriately numbered and include with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

33. If applicable, as determined by the City Engineer for off-site hauling of export or import, prior to the issuance of the grading permit, the applicant shall prepare a traffic control plan for approval by the City Engineer. The traffic control plan shall address, to the City's satisfaction, the following issues (at a minimum):
  - a. A haul routing plan that identifies routes to be used.
  - b. The destination of the export earth materials.
  - c. The types of haul vehicles to be used (including load capacity and total weight).
  - d. Days and hours of hauling operation.
  - e. The placement of truck entry points, and the placement of truck exit points with all-weather access improvements.
  - f. A plan specifying the traffic safety measures proposed to minimize conflicts with non-project traffic including the number and placement of flag persons, the number and placement of temporary signals and signs, limitations on turning movements, and any other methods determined necessary by the City of assure safe traffic flow.
  - g. That the all weather surface access road be monitored, maintained and repaired for the full period the project. At each truck exit point the applicant (or contractor) shall provide an all-weather access comprised of no less than 300-feet of decomposed granite. All trucks will be required to pass over the entire length of the all weather access prior to exiting the site. The all-weather access shall be addressed as an element of the Traffic Control Plan.
34. Each grading permit shall include evidence that the applicant will comply with all relevant South Coast Air Quality Management District (SCAQMD) regulations, including Rule 402 (requiring that offsite dust be controlled to avoid nuisance impacts) and Rule 403 (restricting construction emissions). Included among Rule 403 requirements are the following:
  - a. Moisten soil prior to grading.
  - b. Water exposed surfaces at least twice daily, with more frequent watering when winds exceed 25 miles per hour (mph).
  - c. Use a soil conditioner on exposed earth to minimize erosion potential.
  - d. Wash mud-covered tires and undercarriages of trucks leaving the construction site.
  - e. Provide street sweeping as needed to remove dirt from public roadways adjacent to the construction area.
  - f. Suspend grading operations when winds exceed 25 mph.
  - g. Provide permanent sealing of all graded areas as soon as practical after grading.
35. The applicant shall be required to repair and/or replace any damaged public improvements fronting the project resulting from project construction.

36. Prior to the issuance of the first grading permit, the applicant shall submit a construction phase erosion and sediment control plan reviewed and approved by the City Engineer.
37. The following items related to public street frontage shall be installed by the Applicant and shown on the improvement plans or completed prior to approval of the plans:
  - a. All existing curb return pedestrian ramps that do not meet ADA standards shall be removed and replaced with ramps conforming to the current ADA and City Public Works Standards.
  - b. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
    - i. The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 1 inch asphalt concrete overlay, or petromat with a minimum 1 ½ inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. Applicant shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Development Engineering Division and approved by the City Engineer as part of the construction plan review.
    - ii. Any unanticipated street cuts or other street repair items that become evident following improvement plan approval shall be included by way of revisions to the Street Repair Plan.
38. Traffic control signs and pavement markings shall be installed at the project driveways. Such improvements shall be shown on the improvement plans and reviewed and approved by the Traffic Engineering Division.
39. The following items related to on-site access and circulation shall be installed by the Applicant and shown on the improvement plans or completed prior to approval of the plans:
  - a. All curb frontages intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane) as required by the Fire Department.
  - b. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Los Alamitos standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material).
40. The following items related to grading and drainage shall be shown on the improvement plans or completed prior to approval of the plans:

- a. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one foot intervals and extending a minimum of 100-feet beyond the limits of the site, or a sufficient distance to indicate impacts on adjacent properties.
  - b. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
  - c. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
41. In accordance with the NPDES Construction General Permit the Applicant shall incorporate water quality Best Management Practices (BMP's) into the project construction process. The improvement plans shall include an erosion control plan and a list of BMP's and construction notes that will be incorporated into the construction process as water quality measures as follows:
- a. The contractor shall manage the construction activities; and handle, store and dispose of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
  - b. The contractor shall incorporate spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility. The contractor shall incorporate protected and designated equipment cleanup and fueling areas into the construction operation.
  - c. The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
  - d. The project Storm Water Pollution Prevention Plan is to be available at the construction site. The contractor and project property owner are responsible for insuring that all individuals involved in the construction process have access to the SWPPP and are educated in the plan content details and their particular responsibilities within the plan.
42. Post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality.
- a. The post-construction BMP's shall be shown on the project improvement plans.
  - b. The Applicant shall prepare and submit a Stormwater Runoff Management Plan per "Post Construction Storm Water Pollution Prevention" standards.
  - c. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted PCSWPP Standards and an accepted design method such as that which is outlined in the "California Storm Water Association BMP (CSWA-BMP) Handbook". The design and calculations are to be reviewed and approved by the City Engineer.

- d. The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted PCSWPP Standards and Attachment 4 of the State General Permit.
43. The following items shall be shown on the improvement plans or completed prior to approval of the plans:
    - a. The improvement plans shall include a Joint Trench Plan.
    - b. The improvement plans shall include a Construction Traffic Control Plan.
    - c. The Applicant shall provide an accessible route of travel from the fronting sidewalk to the buildings. The site Development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per CBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
    - d. For trenching within existing roadway areas, the Applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems. This data shall be shown on the improvement plans.
    - e. The Applicant shall connect the project to the Los Alamitos Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with County of Orange standards.
  44. Prior to the issuance of each grading permit, whichever occurs first, the applicant shall in a manner meeting the approval of the Public Works Director/City engineer dedicate any and all easements necessary including easements for all utilities located in Kaylor Street to the City of Los Alamitos.
  45. As part of Phase 2 improvements, Applicant shall replace the intersection of Kaylor Street and Katella Avenue and the intersection of Kaylor Street and Catalina Street with a commercial drive approach per Orange County PF & RD Standard Plans. Vacation of the street shall be in accordance with the procedures set forth under the California Streets and Highways Code.
  46. Applicant shall close any not utilized existing drive approaches along the entire frontage of the project by constructing full height curb and gutter per APWA Standard Plans.
  47. Prior to issuance of any permit related to the Courtyard or Patient Care/Hospital Building 1, applicant shall satisfy all requirement of the City Engineer related to the vacation of Kaylor.
  48. Prior to issuance of a building permit for the project the Applicant shall submit documentation to the City Engineer for review and approval that indicates that the following items have been addressed:
    - a. All required improvements shall be completed by the Applicant prior to occupancy and establishment of the use. To guarantee completion of the improvements, the Applicant shall enter into an agreement with the City and provide a security acceptable to the city prior to issuance of any building permit. An agreement will not be required if the Applicant completes all of the required improvements to the satisfaction of the City Engineer prior to issuance of the building permit.

- b. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to issuance of a building permit for the applicable building.
- c. The property owner shall enter into a long term maintenance agreement with the City of Los Alamitos approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project.
  - i. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
  - ii. The agreement shall be recorded prior to issuance of the building permit. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Los Alamitos shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.

49. Prior to issuance of a certificate of occupancy for each structure the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Development Engineering Division:

- a. All onsite and offsite improvements shall be installed prior to occupancy.
- b. The improvements identified on the Public Street Repair Plan shall be completed.
- c. Installation of street paving by the Applicant shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Development Engineering Division and approved by the City Engineer as part of the construction plan review.
- d. The Applicant shall submit to the Development Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Development Engineering Division prior to occupancy.

50. Prior to occupancy all newly installed assemblies must be tested in accordance with local ordinances before they are put in service.

51. A bypass meter shall be supplied by and be the property of Golden State Water Company.

## FIRE

52. In conjunction with the City's requirement for Site Plan Review, all building plans shall be submitted to OCFA for review.
53. Prior to the issuance of any building permits, the applicant shall submit a fire hydrant location plan to OCFA for review and approval.
54. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the fire chief, and must be maintained in good condition by the property owner.
55. Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval.
56. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
57. Prior to the issuance of a certificate of occupancy, any required sprinkler system shall be operational in a manner meeting the approval of the Fire Chief.
58. Prior to the issuance of a building permit, plans for the fire alarm system (if over 100 sprinklers installed) shall be submitted to the Fire Chief for review and approval. Contact OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for New and Existing Fire Alarm Systems."
59. Any required fire alarm system shall be operational prior to the issuance of a certificate of occupancy.
60. Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. Please contact OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."

# City of Los Alamitos

## Agenda Report Consent Calendar

February 22, 2011  
Item No: 7C

**To:** Mayor Kenneth Stephens and Council Members  
**Via:** Jeffrey L. Stewart, City Manager  
**From:** Steven A. Mendoza, Director of Community Development  
**Subject:** Second Reading of Ordinance No. 11-03 - Pipeline Franchise

**Summary:** At its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-03, granting a 15 year franchise to Crimson California Pipeline L.P.

### Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 11-03; and,
2. Mayor Stephens read the title of Ordinance No. 11-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE CITY OF LOS ALAMITOS GRANTING A FRANCHISE TO CONSTRUCT AND USE AN OIL PIPELINE TO CRIMSON CALIFORNIA PIPELINE, L.P."
3. Adopt Ordinance No. 11-03, by roll call vote.

### Background

During its regular meeting of February 7, 2011, the City Council conducted a first reading of Ordinance No. 11-03, granting a 15 year franchise to Crimson California Pipeline L.P. The City Attorney has approved Ordinance No 11-03, as to form. Crimson will continue to maintain a bond of \$50,000 per year, as they have previously. After eight years, the bond amount will increase 20%.

### Fiscal Impact

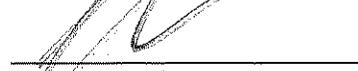
The first year franchise payment will be \$1,077. An annual Consumer Price Index increase is built in for future years, which is based upon the rates established by state law. The City has negotiated a one time fee of \$12,500, upon execution.

Submitted By:



Steven A. Mendoza  
Director of Community Development

Approved By:



Jeffrey L. Stewart  
City Manager

Attachments: 1) Ordinance No 11-03

## ORDINANCE NO. 11-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY LOS ALAMITOS GRANTING A FRANCHISE TO CONSTRUCT AND USE AN OIL PIPELINE TO CRIMSON CALIFORNIA PIPELINE, L.P.**

**WHEREAS**, on May 9, 1994, the City of Los Alamitos ("City") had pursuant to Ordinance No. 574 granted to Shell Oil Company, a Delaware corporation, together with its successors and assigns ("Shell"), a 15 year franchise for an oil pipeline depicted in Exhibit "A" of the Ordinance and described as the Shell 8" Brea Crude Oil Pipeline ("pipeline") and;

**WHEREAS**, on May 1, 2005, Equilon Enterprises LLC, dba, Shell Oil Products US sold all of the assets covered by this agreement to Cardinal Pipeline, L.P.; and,

**WHEREAS**, on May 1, 2005, the City and Cardinal Pipeline, L.P. entered into an Agreement for Transfer of Oil Pipeline Franchise, transferring the ownership of Ordinance No. 574 from Equilon enterprises LLC to Cardinal Pipeline, L.P; and

**WHEREAS**, Ordinance No. 574 expired on March 1, 2009, although the City and Cardinal Pipeline L.P. continued to abide by the terms of Ordinance No. 574 during the period from March 1, 2009 to September 2010; ("holdover period") and

**WHEREAS**, on June 25, 2010 Crimson Pipeline L.P., the parent company to Cardinal Pipeline, L.P. requested a new franchise for Cardinal; and

**WHEREAS**, on December 6, 2010 The Los Alamitos City Council adopted Resolution 2010-26 setting a Hearing Date for January 18, 2011; and

**WHEREAS**, on January 18, 2011 the Los Alamitos City Council opened the Public Hearing and continued to February 7, 2011; and

**WHEREAS**, on May 1, 2005, Crimson California Pipeline, L.P. purchased the pipeline operated by Shell under Ordinance No. 1.10.59; thus, the City wishes to grant an oil pipeline Franchise to Crimson; and

**WHEREAS**, pursuant to Chapter 2 of Division 3 of the California Public Utilities Code (commencing with Section 6201, "Chapter 2"), the State of California authorizes cities to issue franchises with terms and conditions, so long as those terms and conditions are not in conflict with the standards set forth therein; and

**WHEREAS**, among other things, Chapter 2 regulates the manner of granting a franchise, the application process, the amount of the fee to be paid to the city, and;

**WHEREAS**, the terms of this franchise are not in conflict with Chapter 2, and are in the public interest; and

**WHEREAS**, Chapter 12.10 of the Los Alamitos Municipal Code establishes procedures for the adoption of a franchise;

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** NATURE OF FRANCHISE. The City of Los Alamitos hereby grants a non-exclusive Franchise to Crimson California Pipeline, L.P., a California limited partnership (hereinafter referred to as "Grantee"), for a period of twenty (20) years from and after May 1, 2005 ("Effective Date"), to lay and use pipelines, not to exceed twenty-four (24) inches in internal diameter, for the transportation of oil and products thereof, in, under, along and across the public streets, highways, and alleys (collectively "streets"), in the City of Los Alamitos (hereinafter referred to as "City"), as described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Franchise"). The Grantee may request, by written notice, up to three (3) five (5) year extensions to the term of this Franchise prior to its expiration, as may be extended from time to time. Such extensions shall be subject to approval by the City in its sole discretion. The City shall provide written notice to the Grantee of its approval or disapproval of any extension request.

This Franchise is hereby granted to Grantee, under and in accordance with the provisions of the Franchise Act of 1937 and the City's Municipal Code. This Franchise shall include the right, for the period and subject to the conditions hereof, to so maintain, operate, repair, renew, and change the size of the pipeline system, if any, of Grantee, as already laid and constructed in said streets.

The terms and conditions of this Franchise shall also apply to any pipe or other facilities of Grantee which are located within the right of way of any road or highway at the time such road or highway becomes a City highway.

The granting of this Franchise is expressly conditioned upon payment of all franchise fees due and owing from May 1, 2005, to the date of adoption of this Ordinance.

**SECTION 2.** APPURTENANCES. The Grantee shall have the right, subject to the prior approval of the City Engineer, to construct and maintain such traps, manholes, conduits, valves, appliances, attachments, and appurtenances (hereinafter for convenience collectively referred to as "appurtenances"), as may be necessary or convenient for the proper maintenance and operation of the pipelines under the Franchise. Said appurtenances shall be kept flush with the surface of the streets and so located as to conform to any order of the City Engineer in regard thereto and not to interfere with the use of the street for travel. The Grantee shall have the right, subject to such ordinances, rules, or

regulations as are now or may hereafter be in force, to make all necessary excavations in said highways for the construction and repair of said pipelines and appurtenances subject to the prior approval of the City Engineer. Such approval may be conditioned by the City Engineer, including, without limitation, the issuance to Grantee of certain encroachment permits.

**SECTION 3.** LOCATION OF PIPELINES. So far as is practicable, any pipelines hereinafter laid shall be located along the edge or shoulder of the streets or in the parking areas adjacent thereto so as not to unreasonably disturb the flow of traffic and where possible shall be laid in the unpaved portion of the street.

If the pipelines shall be laid across or along the paved portion of a street, the repair of the street, after the pipelines have been laid, shall be made by the Grantee within ten (10) days of the completion of the laying of such pipeline, at the expense of the Grantee and in accordance with all applicable provisions of the City's Municipal Code and any other generally applicable policy or procedure established by Los Alamitos pertaining to street excavations, and all other applicable laws.

**SECTION 4.** CONSTRUCTION OF PIPELINES.

A. Terms of Construction. The pipelines and appurtenances laid, constructed or maintained under the provisions of this Franchise shall be installed, maintained, and inspected by the Grantee in a satisfactory, safe, and workmanlike manner, of good material, and in conformity with all ordinances, rules, or regulations now or hereafter adopted or prescribed by the City Council, State, or Federal authorities.

B. Restoration of Streets. The work of laying, constructing, maintaining, operating, renewing, repairing, changing and moving any of the pipeline system contemplated by this Franchise and all other work in exercise of this Franchise shall be performed in compliance with all applicable provisions of the City's Municipal Code pertaining to street excavations and restoration, including but not limited to the City's encroachments ordinance, and any current or future generally applicable policies, and other applicable laws and shall be conducted with the least possible hindrance or interference to the use of City roads by the public or by the City of Los Alamitos, and Grantee shall provide all necessary warning, safety and traffic control devices as are or may be required by City, County, State or Federal regulations. All excavations shall be back filled and adequately compacted. The surface of City roads shall be placed in a condition that is as good and as serviceable as existed at the beginning of this work and must be to the satisfaction of the City Engineer. If the City has an applicable road restoration ordinance, policy or other standard, then the City Engineer's discretion shall be consistent with that ordinance, policy, or other standard.

**SECTION 5.** MAPS AND DATE TO BE FURNISHED. Within ninety (90) days following the date in which any pipelines or additional pipelines have been laid or constructed under this Franchise, the Grantee shall file a map in such form as may be required by the City Engineer showing the accurate location and size of all its facilities then in place, and shall, upon installation of any additional facilities or upon removal, change or abandonment of all or any portion thereof, file a revised map or maps showing the location and size of all such additional and/or abandoned facilities as of that date. If cathodic protection is to be used for facilities installed or maintained pursuant to this Franchise, a description of all the protective devices shall be furnished to the City Engineer which shall show the location and types of anodes, including a description of methods to be used as protection against corrosion and electrolytic leakage.

**SECTION 6.** COMPENSATION TO THE CITY

A. Amount of Franchise Fee. As consideration for the Franchise hereby granted, the Grantee shall pay a Franchise Fee to the City. The Franchise Fee shall be paid annually to the City in lawful money of the United States within sixty (60) days after the end of each calendar year. The payments due to the City shall be computed as follows:

The length of the pipe expressed in feet located within the franchised area, rounded to the nearest foot shall be multiplied by the applicable base rate, as adjusted pursuant to subdivision (B), in accordance with the following schedule:

Pipe (internal diameter in inches)	Size	Base rate per lineal foot
0 – 4		\$0.088
6		0.132
8		0.176
10		0.220
12		0.264
14		0.308
16		0.352
18		0.396
20		0.440
22		0.484
24		0.528
26		0.572
28		0.616
30		0.660

For pipelines with an internal diameter not listed above, the Fee shall be in the same proportion to the Fee of a 12-inch-diameter pipe as the diameter of the unlisted pipe is to 12 inches.

B. Computation of Payments. Such payments shall be computed from the Effective Date of this Franchise, to and including the date of either actual removal of the facilities or the effective date of a properly approved abandonment "in place" authorized by the City, and until the Grantee shall have fully complied with all the provisions of this Franchise and of all other applicable provisions of law or ordinance relative to such abandonments. All such payments shall be made payable to the City, and shall be supported by the Grantee's verified statement concerning the computation thereof. In the event of installation or abandonment of facilities with the approval of the City as elsewhere in this Franchise provided, or in the event of removal of such facilities by the Grantee, the payments otherwise due to the City or occupancy of the streets by such facilities shall be prorated for the calendar year in which such installation, removal or abandonment occurs as of the end of the calendar month in which installed, removed or abandoned.

Provided, however, that the amount of each annual payment shall be computed and revised each calendar year as follows:

(1) The applicable base rate shall be multiplied by the Consumer Price Index (CPI-U), All Items for the Los Angeles-Riverside-Orange County areas, as published by the United States Department of Labor, Bureau of Labor Statistics for the month of September immediately preceding the month in which payment is due and payable, and divided by the Consumer Price Index for June 30, 1989, which is declared to be 100.0. Under no circumstances shall the multiplying factor be less than one.

(2) If the United States Department of Labor, Bureau of Labor Statistics discontinues the preparation or publication of a Consumer Price Index for the area, and if no translation table prepared by the Department of Labor is available so as to make those statistics which are then available applicable to the index of June 30, 1989, the City shall prescribe a rate of payment which shall, in its judgment, vary from the rates specified in this Section in approximate proportion as commodity consumer prices then current vary from commodity consumer prices current in December 1988. On this point, the determination by the City shall be final and conclusive.

(3) If said Bureau revises the said Index, the parties hereto shall accept the method of revision or conversion recommended by the said Bureau.

C. Right of Inspection. The City shall have the right to inspect Grantee's pipeline records relating to its annual report and to audit and recompute any and all amounts payable under this Franchise. Costs of audit

shall be borne by Grantee when audits result in an increase of more than five percent of Grantee's annual payments due the City. Acceptance of any payment shall not be construed as a release, waiver, acquiescence, or accord and satisfaction of any claim the city may have for further or additional sums payable under this Ordinance or for the performance of any other obligation hereunder.

D. Granting Fee. In consideration for the granting of this Franchise, and to reimburse the City for its administrative expenses in preparing and approving the Franchise documents, Grantee shall pay the City Twelve Thousand Five Hundred (\$12,500.00) within thirty (30) days of the date the City Council approves this Franchise.

#### **SECTION 7. EMERGENCY PREPAREDNESS.**

A. Equipment and Crews. At all times during the terms of this Franchise, the Grantee shall maintain on a twenty-four (24) hour-a-day basis a fully-operational computer-aided system, such as Supervisory Control and Data Acquisition (SCADA), or a similar system designed for the purpose of controlling and monitoring rates of flow, pressures and fluid characteristics or provide adequate emergency equipment and a properly trained emergency crew or representatives within a radius of fifteen (15) miles from any facilities installed or maintained pursuant hereto for the purpose of shutting off the pressure and the flow of contents of such facilities in the event of an emergency resulting from any earthquake, act of war, civil disturbance, flood or other cause.

B. Plans. Within ninety (90) days of the effective date of this Ordinance, Grantee shall submit an emergency preparedness plan. Grantee shall obtain approval from the City Engineer of the plan, and update it to the satisfaction of the City Engineer.

**SECTION 8. REPAIRS.** Grantee shall pay to City on demand the cost of all repairs to City property made necessary by any of the operations of Grantee under the Franchise, provided however that Grantee may make repairs to streets, sidewalks, curbs and gutters itself at its own cost in accordance with City specifications, if the same can be done without undue inconvenience to the public use of the streets.

#### **SECTION 9. REARRANGEMENT OF FACILITIES.**

A. Expense of Grantee.

(1) If any of the Grantee's facilities, in the discretion of the City, shall endanger the public in the use of the public streets or interfere with or obstruct the use of any street by the public or for public purpose, the City shall have the right to require the Grantee, and the Grantee shall move, alter or relocate the same (hereinafter called "rearrangement") to avoid such danger interference or obstruction, in conformity with the written notice of the City Engineer, at the Grantee's sole expense.

(2) Whenever, during the existence of this Franchise, the City, any water, electric, gas or other utility system now or hereafter owned or operated by the City, or any community facilities or assessment district, or similar agency established by the City, shall change the grade, width, alignment or location of any street, way, alley or place or improve any said street in any manner, including but not limited to the laying of any sewer, storm drain, conduits, gas, water or other pipes, pedestrian tunnels, subway, viaduct or other work of the City (the right to do all of which is specifically reserved to the City without any admission on its part that it would not otherwise have such rights), the Grantee shall, at its own cost and expense, do any and all things to effect such change in position, or location, in conformity with the written approval of the City Engineer, including without limitation the acceptance of encroachment permits, and the removal or relocation of any facilities installed, if and when made necessary by the determination of the City Engineer.

B. Expense of Others

(1) The City shall also have the right to require the Grantee to rearrange any part of the Grantee's facilities for the accommodation of any private person, firm, or corporation. When such rearrangement is done for the accommodation of any private person, firm or corporation, the cost of such rearrangement shall be borne by the accommodated party. Such accommodated party, in advance of such rearrangement, shall deposit with the Grantee funds in an amount as, in the reasonable discretion of the Grantee, shall be required to pay the costs of such rearrangement.

(2) The rearrangement referred to in subsection (1) of Subsection B of this Section shall be accomplished in conformity with the written notice of the City Engineer.

C. Rearrangement of the Facilities of Others. Nothing in this Franchise contained shall be construed to require the City to move, alter or relocate any of its facilities upon said streets, at its own expense, for the convenience, accommodation or necessity of any other public utility, person, firm or corporation now or hereafter owning a public utility system of any type or nature, or to move, alter or relocated any part of its system upon said streets for the convenience, accommodation or necessity of the Grantee.

D. Notice. The Grantee shall be given not less than ninety (90) days written notice of any rearrangement of facilities that the Grantee is required to make herein. Such notice shall specify in reasonable detail the work to be done by the Grantee and shall specify the time that such work is to be accomplished. In the event that the City shall change the provisions of any such notice given to the Grantee, the Grantee shall be given an additional period not less than ninety (90) days to accomplish such work.

**SECTION 10.** REMOVAL OR ABANDONMENT OF FACILITIES. At the time of expiration, revocation or termination of this Franchise or the permanent discontinuance of the use of its facilities, or any portion thereof, the Grantee shall, within thirty (30) days thereafter, make a written application to the City Engineer to either: (1) abandon all, or a portion, of such facilities in place, or (2) remove all, or a portion, of such facilities as the City Engineer, in his discretion, shall consider to be appropriate. Such application shall describe the facilities desired to be abandoned by reference to the map or maps required by Section 5 of this Ordinance and shall also describe with reasonable accuracy the relative physical condition of such facilities. Thereupon, the City Engineer shall determine whether any abandonment or removal which is thereby proposed may be effected without detriment to the public interest or under what conditions such proposed abandonment or removal may be safely effected and shall then notify the Grantee, according to such requirements as shall be specified in the City Engineer's order, and within ninety (90) days thereafter, to either:

- (a) Remove all or a portion of such facilities, or
- (b) Abandon in place all or a portion of such facilities.

If any facilities to be abandoned in place subject to prescribed conditions shall not be abandoned in accordance with all such conditions, then the City Engineer may make additional appropriate orders, including, if he deems desirable, an order that the Grantee shall remove all such facilities in accordance with applicable requirements.

A request of the Grantee to abandon in place any facilities shall be deemed an offer of transfer of such facilities to the City and by resolution authorizing Grantee to abandon any facility in place, the City shall succeed to all right, title and interest of Grantee in said facilities.

**SECTION 11.** COMPLETION OF WORK. If Grantee fails to commence any work or act and diligently proceed or complete any such act or work required of the Grantee by the terms of this Franchise within the time limits required hereby, the City may cause such act or work to be completed by the City or, at the election of the City, by a private contractor. The City agrees that, to the extent reasonably possible, any work by the City or its private contractors shall be performed in a manner that does not cause damage to Grantee's facilities or disruption to the transportation of oil and other petroleum products through Grantee's pipeline system. In the event the City causes such act or work to be completed by the City or a private contractor, the City shall send an itemized bill to Grantee. Within ten days (10) of receipt of the bill, Grantee shall either pay the bill in writing plus an amount equal to fifteen percent (15%) thereof for overhead, or detail in writing to the City Manager why such bill is inappropriate. If Grantee timely provides this statement to the City, the City Manager shall consider Grantee's statement, and shall notify Grantee in writing of the City Managers determination. If Grantee determines that the City Manager's determination was

incorrect, Grantee may bring an action in court challenging that decision. Regardless of Grantee's position on the accuracy of the City Manager's decision, Grantee shall pay all amounts determined by City Manager within 10 days of receipt of City Manager's determination.

**SECTION 12.** RECOVERY OF COSTS OF REPAIRS AND UNPAID FEES. If the Grantee has not paid the City for such fees and expenses incurred by or payable to the City as hereinabove set forth, the City may take any and all reasonable enforcement actions, including, but not limited to, ordering that the charge(s) be assessed against the property of the Grantee in the City, that liens be imposed on said property, instituting collection proceedings, and instituting franchise default proceedings.

**SECTION 13.** BOND. Grantee shall, within thirty (30) days of the Effective Date of this Franchise, file with the City Clerk, and yearly thereafter, maintain in full force and effect, a bond of the required amount for the benefit of the City, with a surety to be approved by the City Finance Director. The bond shall be surety that the Grantee shall, will and truly observe, fulfill, and perform each and every term and condition of this Franchise, and in case of a breach of condition of said Franchise, at the discretion of the City Council, the whole amount of the penal sum therein shall be paid to the City in addition to any damages recoverable by the City and shall be recoverable from the principal and sureties of the bond. If said bond is not so filed, Grantee agrees and acknowledges that the award of this Franchise will be set aside and any money paid therefore will be forfeited.

For the first eight years from the Effective Date, the amount of the bond shall be Fifty Thousand Dollars (\$50,000.00). For each five year period thereafter, the amount of the required bond shall increase by 20%, compounded at each five year interval.

Whenever a bond is taken and deemed to be liquidated damages for any breach of a term or condition of this Franchise, the Grantee must immediately file another bond of like amount and character, and if the Grantee fails to do so within the time set by the City Council, the Council may, by resolution, declare said Franchise automatically forfeited.

Nothing herein shall insulate Grantee from liability in excess of the amount of said bond or shall be construed as a waiver by the City of any remedy at law against the Grantee for any breach of the terms and conditions of this Franchise, or for any damage, loss or injuries suffered by the City in case of any damage, loss or injury suffered by any person, firm, or corporation by reason of any work done or any activity conducted by the Grantee in the exercise of this Franchise.

**SECTION 14.** INSURANCE.

A. Within thirty (30) days of the Effective Date of this Franchise, Grantee shall furnish proof that the Grantee is insured under a broad form policy of liability insurance issued by a company authorized to do business in California. Such proof may be by one or more certificates of insurance evidencing compliance with the provisions of this Section and the Franchise Ordinance. The City shall approve the form and provisions of the insurance. The insurance policy shall include, but not be limited to, coverage for premises operations, explosion and collapse hazard, underground hazards, contractual insurance, natural disasters, property damage, independent contractors and personal injury, and automobile liability. The insurance shall be maintained in an amount not less than \$5,000,000.00 throughout the term of the Franchise.

B. The City and its officers, agents and employees shall be named as additional insureds on said policy at no cost to the City. Grantee shall also provide workers' compensation coverage consistent with California statutory requirements. The City shall receive thirty (30) days advance written notice of any proposed reduction in coverage of the insurance policies on which it is carried as a named insured, as well as on coverage required to be maintained by this section. Such advance notice shall also be required as to any proposed or actual cancellation of any such policies of insurance. Insurance endorsements of such coverage shall be filed with the City.

**SECTION 15.** INDEMNIFICATION BY GRANTEE. For all claims relating to activity taken during the times subject to this Ordinance, including any retroactivity dates, the Grantee shall indemnify, defend with counsel selected by the City subject to approval of Grantee whose approval shall not be unreasonably withheld, protect and hold harmless City, its officers, employees, agents, assigns and any successor or successors to City's interest from and against all claims, demands, losses, costs, expenses, penalties, damages of any kind (including but not limited to special and consequential damages, the death of persons, damage to property), attorneys' fees, consultant's and expert's fees and costs ("Liabilities") directly or indirectly arising as a result of the Grantee's exercise of the Franchise or operation of the pipeline system, regardless whether any act or omission complained of is authorized, allowed, or prohibited by the Franchise. This indemnity includes, but is not limited to any repair, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, closure or other, plan (regardless of whether undertaken due to governmental action) concerning any facilities or equipment or the effects of such facilities or equipment authorized by this franchise, and any hazardous substance or hazardous wastes including petroleum and its fractions as defined in the Comprehensive Environmental Response, Compensation and Liability Act ["CERCLA"; 42 U.S.C. § 9601, et seq.] the Resource Conservation and Recovery Act ["RCRA"; 42 U.S.C. § 6901 et seq.] and California Health & Safety Code § 25280 et seq. at any place where Grantee maintains a pipeline for the transportation of substances and liquids pursuant to this Franchise. The foregoing indemnity is intended to (1) supplement and not replace any other indemnity from any source, and (2) operate as an agreement pursuant to Section

107(e) of CERCLA and California Health & Safety Code Section 25364, to assure, protect, hold harmless and indemnify City from liability. Further, Grantee shall indemnify, protect, defend, and hold harmless the city, its officers, officials, employees, and agents against any and all claims, demands, losses, costs, expenses, penalties, damages, or liability of any kind or nature resulting from, or arising with respect to, the award of the franchise, including but not limited to the procedure for accepting and reviewing proposals and the decision of award, negligent or otherwise, including but not limited to a claim of bad faith.

#### **SECTION 16. ASSIGNMENT.**

A. Grantee shall not transfer, sell, hypothecate, sublet or assign the Franchise, nor shall any of the rights or privileges therein be hypothecated, leased, assigned, sold or transferred, either in whole or in part, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person, except the Grantee, either by act of the Grantee or by operation of law, nor shall there be any "Change in Control" (as hereinafter defined) of Grantee, without the prior consent of the City expressed by resolution. The aforesaid provisions of this Section shall not prohibit the Grantee from using its pipelines for the purpose of transporting for other persons oil, petroleum, gas, gasoline or other hydrocarbon substances or water, but in such event the Grantee shall be responsible to the City for the full performance and observance of the terms and conditions of this Franchise.

B. Any sale, lease, assignment or transfer of this Franchise or the rights or privileges granted hereby, or any of them, or any Change in Control of Grantee without the prior written consent of the City Council first having been obtained, whether by operation of law or otherwise, shall be null and void.

C. The City shall not unreasonably withhold its consent to a Franchise transfer or a Change in Control of Grantee. For the purpose of determining whether it shall consent to such transfer, City may inquire into the qualifications of the prospective transferee or controlling party, and Grantee shall assist City in any such inquiry. In seeking City's consent to any change of ownership or Change in Control, Grantee shall have the responsibility of ensuring that transferee completes an application in form and substance reasonably satisfactory to City. An application shall be submitted to City not less than ninety (90) days prior to the date of transfer. The Grantee shall be required to establish that it is in material compliance with its Franchise. The transferee shall be required to establish that it possesses the qualifications and financial and technical capability to operate and maintain the pipeline and comply with all Franchise requirements for the remainder of the term of the Franchise. If the City finds that the legal, financial, character, technical and other public interest qualities of the applicant are satisfactory, and that the proposed transferee has the capability to operate and maintain the system and comply with all Franchise requirements for the then remaining term thereof, the City shall consent to the transfer and assignment of the rights and obligations of such Franchise. The City

may condition the transfer to insure the transferee is in material compliance, and remains in material compliance with the Franchise. Subject to the provisions of Section 16.E below, the City may also condition the transfer upon payment of a transfer fee of Twelve Thousand Five Hundred Dollars (\$12,500.00) to be paid by the transferee to the City.

D. For purposes of Section 16.A above, a "Change in Control" of Grantee shall be deemed to be a transfer requiring the City's consent. "Change in Control" means (i) any merger, consolidation or other reorganization of Grantee in which Grantee, or an affiliate of Grantee, is not the surviving entity, (ii) any transfer or change in ownership of fifty percent (50%) or more of the capital stock, capital accounts, equity interests or memberships, as the case may be, of Grantee, (iii) the acquisition of management control by any owner or new owner of interests in Grantee that previously did not control the management of Grantee, or (iv) the sale of fifty percent (50%) or more of the market value of the assets of Grantee.

E. Notwithstanding the above, Grantee shall be entitled to pledge, encumber, or grant any security interest in the Franchise, provided that Grantee shall first notify and obtain City consent in writing of such proposed transaction. City shall consent to such transaction, subject, however, to the following conditions:

(1) Any consent so granted shall not be deemed a consent to such pledgee, encumbrancer, or secured-party exercising any rights or prerogatives of Grantee under the Franchise, nor to its exercise of any rights or prerogatives of a holder of an ownership interest in Franchise.

(2) Any consent so granted shall not be deemed a consent to any subsequent transfer or assignment as referred to in this Section. Any such subsequent transfer or assignment shall be deemed an assignment of this Franchise within the meaning of this Section, and shall be subject to the provisions of this Section.

(3) The pledgee, encumbrancer, or secured party shall have executed and delivered to City an instrument in writing agreeing to be bound by the provisions of the Franchise.

F. The provisions of this Section shall not apply to Grantee's assignment of rights, duties and obligations under the Franchise to any affiliate of Grantee. As used in this Franchise, the term "affiliate" shall mean an entity controlling, controlled by or under common control with the entity to which the term applies, whether by ownership, contract or voting control. Franchisee and the entity to whom the rights are to be assigned shall sign an assignment and assumption agreement whereby the transferee agrees to be bound by and comply with the terms of this Franchise.

**SECTION 17.** RECEIVERSHIP AND FORECLOSURE.

A. Subject to applicable provisions of the Bankruptcy Code, the Franchise shall, at the option of the city, cease and terminate one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

(1) Such receiver or trustee shall have, within one hundred twenty (120) days after his election or appointment, fully complied with all terms of the Franchise and remedied all breaches of the Franchise or provided a plan for the remedy of such breaches which is satisfactory to the City; and

(2) Such receiver or trustee shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction, whereby such receiver or trustee assumes and agrees to be bound by each and every term, provision and limitation of the Franchise.

B. Upon the foreclosure or other judicial sale of all or a substantial part of a pipeline system, the Grantee shall notify the City Clerk of such fact, and such notification shall be treated as a notification that a change in ownership of the Grantee has taken place and the provisions of this Chapter governing such changes shall apply.

**SECTION 18.** WAIVER OF BREACH. No waiver of the breach of any of the covenants, agreements, restrictions, or conditions of this, Franchise by the City shall be construed to be a waiver of any such succeeding breach of the same or other covenants, agreements, restrictions or conditions of this Franchise. No delay or omission of the City in exercising the right, power or remedy herein provided in the event of default shall be construed as a waiver thereof, or acquiescence therein, nor shall the acceptance of any payments made in a manner or at a time other than is herein provided be construed as a waiver of or variation in any of the terms of this Franchise.

**SECTION 19.** DEFAULT

A. Default. In any event that the Grantee shall default in the performance of any of the terms, covenants and conditions herein, the City Manager may give written notice to the Grantee of such default. In the event that the Grantee does not commence the work necessary to cure such default within ten (10) business days after such notice is sent or prosecute such work diligently to completion, Grantee agrees and acknowledges that the City Council may declare this Franchise forfeited by giving written notice thereof to the Grantee, whereupon this Franchise shall be void and the rights of the Grantee hereunder

shall terminate and the Grantee shall execute an instrument of surrender and deliver the same to the City.

If the City Council declares this Franchise forfeited, it may thereupon and thereafter exclude the Grantee from further occupancy or use of all City roads authorized under this Franchise. A forfeiture of said Franchise shall not of itself operate to release the bond filed for said Franchise. Upon declaring a Franchise forfeited, the City Council may elect to take and accept the bond as liquidated damages therefor and pursue any other legal remedy for any damage, loss or injury suffered by the City as a result of such breach. After forfeiture, the bond shall remain in full force and effect for a period of one (1) year unless exonerated by the City Council. No bond shall be exonerated unless a release is obtained from the City Engineer of the City of Los Alamitos and is filed with the Clerk of the City of Los Alamitos. The release shall state whether all excavations have been back filled, all obstructions removed, and whether the substratum or surface of City roads occupied or used have been placed in good and serviceable condition. Release shall not constitute a waiver of any right or remedy which the City of Los Alamitos may have against the Grantee or any person, firm or corporation for any damage, loss or injury suffered by the City as a result of any work or activity performed by the Grantee in the exercise of this Franchise.

B. Cumulative Remedies. No provision herein made for the purpose of securing the enforcement of the terms and conditions of this Franchise shall be deemed an exclusive remedy or to afford the exclusive procedure, for the enforcement of said terms and conditions, but the remedy and procedure herein provided, in addition to those provided by law, shall be deemed to be cumulative.

**SECTION 20.** SCOPE OF RESERVATION. Nothing herein contained shall ever be construed so as to exempt the Grantee from compliance with all ordinances of the City now in effect or which may be hereafter adopted which are not inconsistent with the terms of this Franchise. The enumeration herein of specific rights reserved shall not be construed as exclusive, or as limiting the general reservation herein made or as limiting such rights as the City may now or hereafter have in law.

**SECTION 21.** NOTICE. Any notice required to be given under the terms of this Franchise, the manner of service of which is not specifically provided for, may be served personally or by United States First Class Mail as follows:

- A. Upon the City, by addressing a written notice to the City Clerk of the City of Los Alamitos, City Hall, 3191 Los Alamitos Ave., Los Alamitos, California 93021;

- B. Upon the Grantee, by addressing a written notice to Crimson California Pipeline, L.P., 2459 Redondo Avenue, Long Beach, CA 90806;
- C. For such other address as may from time to time be furnished in writing by one party to the other and depositing said notice in the United States Mail, postage prepaid.

When service of any such notice is made by mail, the time of such notice shall begin with and run from three (3) business days after the date of the deposit of same in the United States Mail.

**SECTION 22.** SUCCESSORS. The terms herein shall inure to the benefit of and shall bind, as the case may be, the successors and assigns of the parties hereto, subject, however, to the provisions of Section 16 of this franchise.

**SECTION 23.** INTERPRETATION. This Franchise is granted upon each and every condition herein contained, and shall be strictly construed against Grantee. Nothing shall pass by the Franchise granted hereby to Grantee unless it be granted in plain and unambiguous terms. Each of said conditions is a material and essential condition to the granting of the Franchise.

**SECTION 24.** FORCE MAJEURE. The time within which Grantee is obligated hereunder to construct, erect, maintain, operate, repair, renew, change the size of and remove pipelines or other improvements shall be extended for a period of time equal in duration to, and performance in the meantime shall be excused on account of and for and during the period of any delay caused by strikes, threats of strikes, lockouts, war, threats of war, insurrection, invasion, acts of God, calamities, violent action of the elements, fire, impossibility of obtaining materials, or other things beyond the reasonable control of Grantee.

**SECTION 25.** ATTORNEYS' FEES. If either party brings an action to enforce the terms of any covenant, agreement or condition contained in this Franchise, the prevailing party in such action, in trial or appeal, shall be entitled to reasonable attorneys' fees to be paid by the losing party as fixed by the court.

**SECTION 26.** PUBLICATION EXPENSES. The Grantee of this Franchise shall, pursuant to California Public Utilities Code Section 6293, pay to the City a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of this Franchise; said payment to be made within thirty (30) days after the City shall have furnished said Grantee with a written statement of such expenses.

**SECTION 27.** ACCEPTANCE. The Franchise granted hereby shall not become effective until written acceptance thereof shall have been filed by the Grantee with the City Clerk of the City within thirty (30) days of the effective date of this Ordinance.

**SECTION 28.** SEVERABILITY. The City Council hereby declares that the provisions of this Ordinance are severable and if for any reason a court of competent jurisdiction shall hold any sentence, paragraph, or section of this Ordinance to be invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 29.** CERTIFICATION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted as required by law.

**SECTION 30.** BUSINESS DAYS. As used in the Ordinance, the term "business days" shall mean days other than Saturdays, Sundays, and legal holidays and closures observed by the City, and "days" shall mean calendar days. If the time for performance of an obligation under this Ordinance falls on other than a business day, the time for performance shall be extended to the next business day.

**SECTION 31.** EFFECTIVE DATE OF FRANCHISE-RETROACTIVITY. This Ordinance shall be in full force and effect thirty days after its adoption. All conditions precedent having first been met to make this Franchise effective and binding upon the City and the Grantee, the rights, privileges, limitations, restrictions, conditions, obligations and duties granted and imposed hereby shall be retroactive to May 1, 2005, provided however, the Grantee is deemed to be in full compliance with the requirements and conditions of this Ordinance as of the date of the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF FEBRUARY 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez CMC, City Clerk

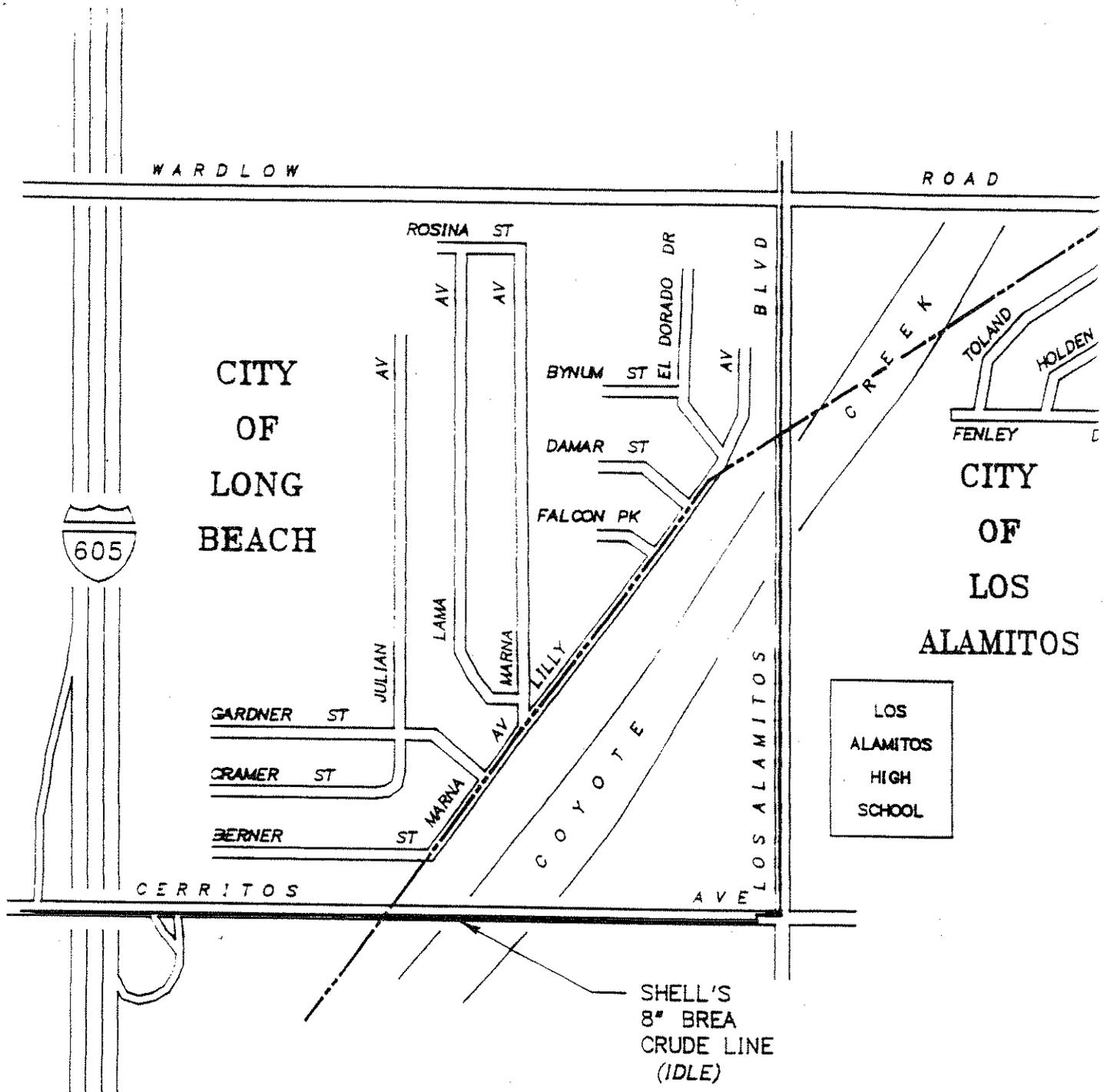
STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )     SS  
CITY OF LOS ALAMITOS    )

I, Adria M. Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance 11-03 was duly introduced and placed upon its first reading a regular meeting of the City Council on the 7<sup>th</sup> day of February 2011, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 22<sup>nd</sup> day of February, 2011, by the following vote, to wit:

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

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Adria M. Jimenez, CMC, City Clerk



SHELL 8" BREA CRUDE OIL LINE  
IN THE CITY OF  
LOS ALAMITOS

NOT TO SCALE

# City of Los Alamitos

## Agenda Report Public Hearing

February 22, 2011  
Item No: 8A

**To:** Mayor Kenneth Stephens and Honorable Council Members

**From:** Jeffrey L. Stewart, City Manager

**Via:** Steven A. Mendoza, Community Development Director

**Subject:** Consideration of a Zoning Ordinance Amendment 10-02 to Amend the Municipal Code as it relates to Window Signs

**Summary:** This public hearing is to request consideration to amend the City's Zoning Regulations related to the amount of windows that can be covered by signage.

### Recommendation:

1. Conduct a Public Hearing; and,
2. Waive reading in full and authorize reading by title only of Ordinance No. 11-04, and set for second reading; and,
3. Mayor Stephens read the title of Ordinance No. 11-04 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 10-02 BY AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3)(A) AND (5)(A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

### Background

The Planning Commission has recommended the City Council adopt the above-referenced ordinance amending the Los Alamitos Municipal (LAMC) Code pertaining to window signs. The sections were brought to the attention of the Commission by staff because of the recent increased use of window signs in the City and the lack of regulations for certain window signs contained in the Zoning Code.

At its regular meeting on August 9, 2010, the Planning Commission adopted Resolution No. 10-20, a resolution of intention to reevaluate LAMC sections regulating window signs. A public hearing was scheduled for September 13, 2010, and subsequently continued to meetings on October 11, November 8, 2010, December 13, 2010, and January 10, 2011, at which meeting they formulated the recommendation for tonight's meeting.

## Discussion

A window sign is defined in LAMC, Section 17.28.030 as, “a sign exposed to public view, attached, painted, posted or displayed, either permanent or temporary, on, or within one foot of the interior or exterior surface of a window.” As written, this section does not provide a definition of the term “window.” Because of this lack of definition, the purpose of a window on a commercial or industrial building is not explained, which makes enforcement of window signage and other regulations pertaining to windows difficult.

Staff proposes to define the term “window” as: “An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure; enclosed by frame and/or mullion; and containing glass or other similar transparent or semi-transparent material.”

The Exempt Signs Section 17.28.050(C) of LAMC, allows window signs to be exempt from the sign permit requirement as well as exempt from the sign regulations if a window sign does not exceed twenty-five percent (25%) of the aggregate window area. From a regulatory standpoint, this regulation has been challenging to enforce because of the difficulty in calculating such aggregate areas where a structure may have a large number of windows.

For example, all windows must be measured and their area totaled. Then the area of total signage must be calculated and subtracted from the total area of the windows. Photographs illustrating types of window signs and their impact on visibility into the business and ability to display products or services are shown in Attachment 1. The proposed amendment to this section will change the maximum window area calculation from the aggregate window area to 25% of each window pane.

LAMC Sections 17.28.090(3A) and (5A) contain the Allowed Sign Matrices for temporary signs within the Commercial-Professional Office (C-O), General Commercial (C-G), Planned Light Industrial (P-M) Zoning Districts, and for Service Station uses. Subsections 3A and 5A allow window signs up to “25 percent of the aggregate window area.” With the proposed changes to the LAMC Exempt Signs Section, 17.28.050(C), Subsections 3A and 5A, will also be amended from an aggregate calculation to 25% of each window pane.

The Prohibited Signs Section, 17.28.140 of the LAMC, does not currently regulate or prohibit the obscuring, “blacking out,” or opaque treatment of windows. Complete obscuring of windows does not allow for the purpose and function of windows, which is: to provide space for display of goods and services provided within; allows for a more direct relationship with the public to draw the consumer in from the street; and, allow light and air into the interior space. The following will be added to the Prohibited Signs section to prohibit the use of opaque and reflective glass on windows: “All glass in windows and doorways shall be clear for maximizing visibility into stores; may include a minimal amount of neutral tinting of glass to achieve some sun control if the glass appears essentially transparent when viewed from the outside, and should not include opaque and reflecting glass that would prevent view of the interior from the outside.”

Many businesses utilize their window spaces as a location for extra signage for advertising and identification purposes, thereby preventing view into the interior of the structure. This poses negative impacts to aesthetics and business visibility, as well as public safety. Barriers to visibility into a business can compromise the safety of emergency responders as well as occupants inside a structure. It is also useful to consider the impacts additional signage on windows have on the visual appearance of the City's character.

For reference, below are the purposes of LAMC Chapter 17.28.010:

- A. The purpose of this sign chapter is to provide a reasonable system for regulation of the location, size, type, content, illumination, number of signs; and, to enhance the quality of the City's visual appearance.
- B. Recognize that the primary purpose of signage is to identify, locate, and encourage businesses and events.
- C. Provide a balance between the City's economic needs and protecting the visual appearance of the community's character.
- D. Eliminate potential traffic and safety hazards to motorists and pedestrians.
- E. Preserve and maintain the attractiveness of the community and enhance the character of the City as a desirable place in which to live, work, play and visit.
- F. Promote the public health, safety, and general welfare of the citizens and business community of the City through a quality sign ordinance;
- G. Protect public and private investments in structures and open spaces.
- H. Create an attractive and pleasing atmosphere for nonresidents who come to visit or to trade. (Ord. 688§ 1 (part), 2006)

The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the amendments will have no significant effect on the environment.

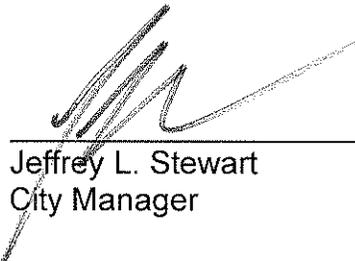
### **Fiscal Impact**

None.

Submitted by:



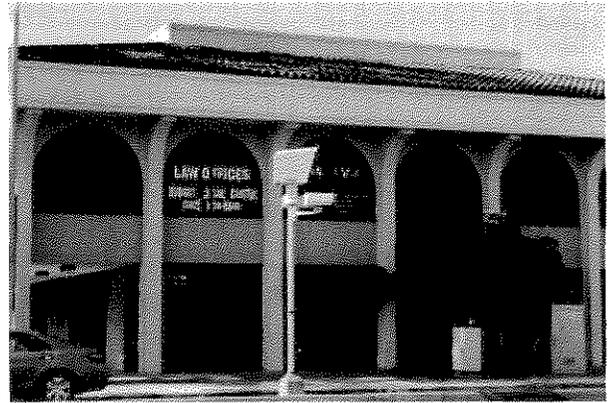
Steven A. Mendoza  
Community Development Director



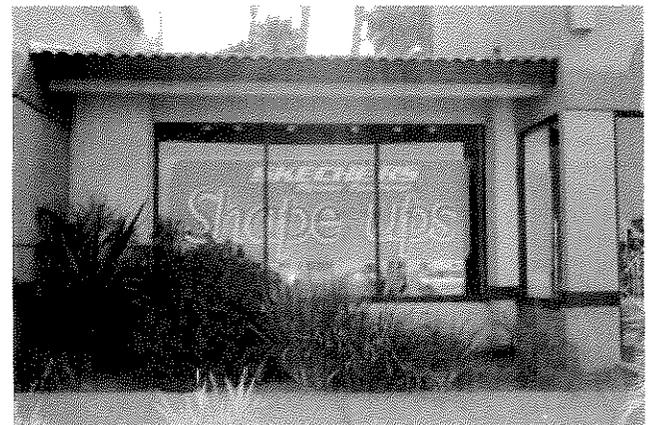
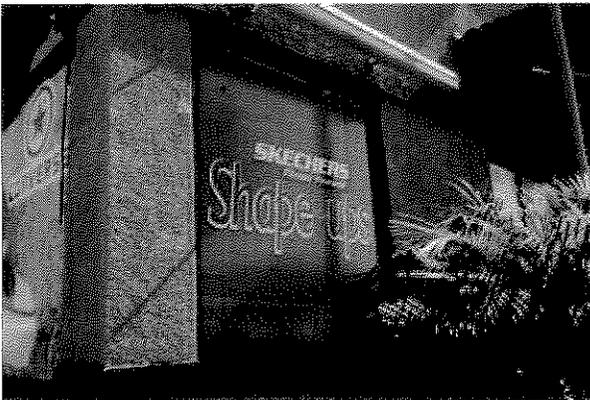
Jeffrey L. Stewart  
City Manager

- Attachments:*
- 1. *Photographs*
  - 2. *Ordinance No. 11-04*
  - 3. *Planning Commission Staff Report for January 10, 2011 meeting*
  - 4. *Planning Commission Minutes for January 10, 2011 meeting*
  - 5. *Planning Commission Resolution 11-01*

Photographs of window signage that meet current 25 percent aggregate standards.



Photographs of opaque window treatments



## ORDINANCE NO. 10- 04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS,  
AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030,  
17.28.050(C), 17.28.090(3)(A) and (5)(A), AND 17.28.140, REGARDING  
WINDOW SIGN REGULATIONS CITYWIDE**

**WHEREAS**, the City-initiated Zoning Ordinance Amendment ZOA10-02 proposes to amend Section 17.28.030 by adding the definition of the term "window"; to amend 17.28.050(C) and 17.28.090(3)(A) and (5)(A) exempting from a sign permit window signage not exceeding twenty-five percent (25%) of "each window pane" instead of the "aggregate window area"; and adding to 17.28.140 a prohibition of window treatment that prevents transparency of windows, has been considered by the Director of Community Development and has been submitted to the Planning Commission; and,

**WHEREAS**, the Planning Commission held three public hearings and adopted Resolution No. PC 10-20 recommending that the proposed amendments which are set forth in Exhibit A, attached herein, be adopted by the City Council; and,

**WHEREAS**, the City Council held a public hearing on \_\_\_\_\_, 2011 to receive public input on the proposed amendments to Chapter 17.28 as it relates to window signs;

**WHEREAS**, the proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the general plan, and would not create any inconsistencies with this Zoning Code. The proposed amendment is consistent with General Plan Land Use Policy 1-3.1 to "apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City." The proposed amendment establishes consistent standards and a cohesive definition of how window signs are to be utilized by commercial businesses in the City. The proposed amendment to Sections 17.28.030, 17.28.050(C), 17.28.090(3)(A) and (5)(A), and 17.28.140, related to window signs, are not a significant change to Chapter 17.28 and the modifications add clarity by adding a definition of the term "window"; allow for easier education and enforcement; allow for the transparency of commercial and industrial windows to permit maximum visibility into commercial and industrial spaces, while allowing for some neutral tinting of window glass to minimize heat effect from the sun; and all other regulations of Chapter 17.28 have been maintained; and,

**WHEREAS**, the proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city in that there are no adverse impacts anticipated in the clarification of definitions and the regulation of window signage location. The modification of allowed window signage does not represent a reduction in allowed sign area, only in the location of that window signage and the manner in which it is calculated. Prohibiting opacity in windows will not pose any adverse effects. The purpose of a window is to allow for a more

direct relationship with the public to draw the consumer in from the street, as well as to provide for the transmission of light and air into the interior space. Windows also provide a primary function of the display of goods and services of the business. The complete obscuring of any window by opaque materials such as paint, or the "blacking out" of such windows, provides a similar challenge to law enforcement's ability to see activity within businesses.

**WHEREAS**, the proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment.

**WHEREAS**, the proposed amendments are internally consistent with other applicable provisions of this zoning code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 17.28 of Title 17 of the Los Alamitos Municipal Code is hereby amended to read as set forth in Exhibit A attached hereto and incorporated by reference herein.

SECTION 2. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. This Ordinance shall take effect thirty days after second reading as provided in Government Code Section 36937.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss.  
CITY OF LOS ALAMITOS         )

I, Adria Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 11-\_\_\_\_ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote, to wit:

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

\_\_\_\_\_  
Adria Jimenez, City Clerk

## EXHIBIT A

1. Amend Section 17.28.030 (“Definitions”) to add the following provision to read as follows:

“Window” An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure and to allow for the display of products and services for commercial and industrial businesses; enclosed by frame and/or mullion; and containing a single pane of glass or other similar transparent or semi-transparent material.”

2. Amend Section 17.28.050(C) (“Exempt Signs”) to read as follows:

“C. Window signs not exceeding twenty-five (25) percent of the aggregate window area of each window pane.”

3. Amend 17.28.090(3)(A) (“Temporary Signs Allowed within Professional Office (C-O), General Commercial (C-G) and Planned Light Industrial (P-M) Districts”) as follows:

CLASS	TYPE OF SIGN	PERMIT REQ'D	MAXIMUM NUMBER PERMITTED	AGGREGATE AREA	SIGN HEIGHT	ADDITIONAL STANDARDS
4. Window Signs	Affixed to a permanent window only	No	---	25 percent of the aggregate window area of each window pane	---	<ul style="list-style-type: none"> <li>• Neon Signs shall conform to Section 17.28.100 (Neon Signs).</li> </ul>

4. Amend Section 17.28.090(5)(A) (“Temporary Signs Allowed for Service Stations”) as follows:

CLASS	TYPE OF SIGN	PERMIT REQ'D	MAXIMUM NUMBER PERMITTED	AGGREGATE AREA	SIGN HEIGHT	ADDITIONAL STANDARDS
4. Window signs	Affixed to a permanent window only	No	---	25 percent of the aggregate window area of each window pane	---	<ul style="list-style-type: none"> <li>• See also Section 17.28.100 (Neon Signs).</li> </ul>

5. Amend Section 17.28.140 (“Prohibited signs”) to add the following provision to read as follows:

“R. Opaque and reflecting glass windows. All glass in windows and doorways shall be clear for maximizing visibility into commercial and industrial spaces. A minimal amount of neutral tinting of glass to achieve some sun control is acceptable if the glass appears essentially transparent when viewed from the outside.”

# City of Los Alamitos

## Agenda Report Public Hearing

January 10, 2011  
Item No: 8B

**To:** The Members of the Planning Commission  
**From:** Steven A. Mendoza, Community Development Director  
**Subject:** Zoning Ordinance Amendment 10-02

**Summary:** This is to request consideration to amend the City's Zoning Regulations related to window signs. Citywide. (City initiated)

### Recommendation:

- 1) Open the Public Hearing; and,
- 2) Take Testimony; and,
- 3) Adopt Resolution No. PC 11-01, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO APPROVE ZONING ORDINANCE AMENDMENT 10-02 ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(c), 17.28.090(3A) AND (5A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

**Applicant:** City Initiated

**Location:** Citywide

**Environmental:** The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the amendments will have no significant effect on the environment.

**Approval Criteria:** Sections 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that upon receipt of a complete application to amend the zoning code, or on initiation by the commission, and following director review, public hearings shall be set before the commission and council not later than forty-five (45) days after the commission's or council's receipt of the application or resolution.

LAMC Section 17.70.030 requires the Planning Commission to forward a written recommendation on an amendment based on the findings in Section 17.70.050 following the close of the public hearing.

## **Background**

At its regular meeting on August 9, 2010, the Planning Commission adopted Resolution No. 10-20, a Resolution of Intention to reevaluate Section 17.28.030, Section 17.28.050(C), 17.28.090 (3A), and (5A), and Section 17.28.140 of the LAMC regulating window signs, and scheduled a public hearing for September 13, 2010, and subsequently continued the meeting to October 11 and November 8, 2010. Due to a lack of quorum of Commissioners on December 13, 2010, the item was continued to tonight's meeting.

## **Discussion**

The Director of Community Development is requesting the Planning Commission review the above-referenced Los Alamitos Municipal Code sections pertaining to window signs. The sections were brought to the attention of the Commission because of the recent increased use of window signs in the City and the lack of regulations for certain window signs in the City and the lack of regulations for certain signs contained in the Zoning Code. A window sign is defined in Section 17.28.030 as, "a sign exposed to public view, attached, painted, posted or displayed, either permanent or temporary, on, or within one foot of the interior or exterior surface of a window."

Section 17.28.030 Definitions, does not provide a definition of the term "window." Because of this lack of definition, the purpose of a window on a commercial or industrial building is not described, which makes enforcement of window signage and other regulations pertaining to windows more difficult. Staff proposed to define the term "window" as: "An opening that is in a wall of a structure; designed to allow light and/or ventilation into the structure; enclosed by frame and/or mullion; and containing glass or other similar transparent or semi-transparent material."

The Exempt Signs Section 17.28.050© allows window signs to be exempt from the sign permit requirement as well as exempt from the sign regulations if a window sign does not exceed twenty-five percent (25%) of the aggregate window area. From a regulatory standpoint, this regulation has been challenging to enforce because of the difficulty in calculating such aggregate areas where a structure may have a large number of windows. For example, all windows must be measured, and their area totaled. Then the area of total signage must be calculated and subtracted from the total area of the windows. Photographs illustrating types of window signs and their impact on visibility into the business and ability to display products or services are shown in Attachment 1. The proposed amendment to this section will change the maximum window area calculation from the aggregate window area to 25% of each window pane.

Sections 17.28.090(3A) and (5A) contain the Allowed Sign Matrices for temporary signs within the Commercial-Professional Office (C-O), General Commercial (C-G), and Planned Light Industrial (P-M) Zoning Districts, and for Service Station uses.

Subsections 3A and 5A allow window signs up to “25 percent of the aggregate window area.” With the proposed changes to the Exempt Signs Section 17.28.050(C), Subsections 3A and 5A will also be amended from an aggregate calculation to 25% of each window pane.

The Prohibited Signs Section 17.28.140 does not currently regulate or prohibit the obscuring, “blacking out,” or opaque treatment of windows, whether by signage or by a solid opaque window treatment such as darkened glass. Complete obscuring of windows does not allow for the purpose and function of windows, which is to provide space for display of goods and services provided within and to allow for a more direct relationship with the public to draw the consumer in from the street, as well as light and air, into the interior space. The following will be added to the Prohibited Signs section to prohibit the use of opaque and reflective glass on windows: “All glass in windows and doorways shall be clear for maximizing visibility into stores; may include a minimal amount of neutral tinting of glass to achieve some sun control if the glass appears essentially transparent when viewed from the outside, and should not include opaque and reflecting glass that would prevent view of the interior from the outside.”

Many businesses utilize their window spaces as a location for extra signage for advertising and identification purposes, thereby preventing view into the interior of the structure. This poses negative impacts to aesthetics and business visibility, as well as public safety. Barriers to visibility into a business can compromise the safety of emergency responders as well as occupants inside a structure. It is also useful to consider the impacts additional signage on windows have on the visual appearance of the City’s character.

For reference, Chapter 17.28.010 Purpose:

- A. The purpose of this sign chapter is to provide a reasonable system for regulation of the location, size, type, content, illumination, and number of signs; and, to enhance the quality of the City’s visual appearance.
  
- B. The intent of this chapter is to:
  - 1. Recognize that the primary purpose of signage is to identify, locate, and encourage businesses and events;
  - 2. Provide a balance between the City’s economic needs and protecting the visual appearance of the community’s character;
  - 3. Eliminate potential traffic and safety hazards to motorists and pedestrians;
  - 4. Preserve and maintain the attractiveness of the community and to enhance the character of the City as a desirable 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 a quality sign ordinance;
  - 6. Protect public and private investments in structures and open spaces;
  - 7. Create an attractive and pleasing atmosphere for nonresidents who come to visit or to trade. (Ord. 688§ 1 (part), 2006)

**Attachment:**

- 1) Resolution No. PC 11-01

**MINUTES OF PLANNING COMMISSION MEETING  
OF THE CITY OF LOS ALAMITOS**

**January 10, 2011**

**1. CALL TO ORDER**

A regular meeting of the Planning Commission was called to order at 7:00 p.m. on January 10, 2011, in the Council Chambers, 3191 Katella Avenue, Los Alamitos, Commissioner Andrade presiding.

**2. ELECTION OF OFFICERS - REORGANIZATION**

Commissioner Loe nominated Commissioner Daniel for the Chair. The nomination was seconded by Commissioner Sutherlin. Nomination passed unanimously.

Commissioner Loe nominated Commissioner Riley for Vice Chair. The nomination was seconded by Commissioner Sutherlin. Nomination passed unanimously.

**Chairperson Daniel assumed his new position on the dais.**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

Present: Commissioners: Andrade, Daniel, Grose, Loe, Sofelkanik (arrived at 7:12 p.m.), Sutherlin

Absent: Commissioners: Riley – (excused)

Staff Present: Steven A. Mendoza, Community Development Director  
Thomas Oliver, Intern Planning Assistant  
Yana Welinder, Assistant City Attorney

**5. ORAL COMMUNICATIONS**

None

**6. MINUTES**

**A. Approval of the November 8, 2010 Planning Commission Meeting minutes.**

**Motion/Second: Grose/Andrade**

**Carried: 5/0** Approve the November 8, 2010 Planning Commission minutes.

AYES: Andrade, Daniel, Grose, Sofelkanik, Sutherlin

NOES: None

ABSENT: Riley

ABSTAIN: Loe

RECUSE: None

**7. CONSENT CALENDAR**

None

**8 PUBLIC HEARINGS**

**Item 8C was presented first to accommodate the applicant.**

**C. Conditional Use Permit 10-12** – A request by Debbie Stryker to establish “New 2 You” a 1,180 square foot secondhand/consignment shop in an existing multi-tenant commercial building within the General Commercial (C-G) Zoning District located at 10680 Los Alamitos Boulevard.

Planning Intern Thomas Oliver provided a brief summary of the report and the information contained therein, while Community Development Director Steven Mendoza distributed some letters of support for the applicant.

**Chair Daniel opened the Public Hearing.**

Debra Stryker, applicant, thanked the Commission for the opportunity to address her application. Her shop will specialize in boutique clothing, from casual to up-scale formal, shoes, handbags and accessories for women only; she will not consign clothing for men or children. She underscored that in no way will this be a “thrift store or pawn shop.” During times of economic challenges, women patronize consignment shops in an effort to be current and stylish, while watching their finances. Her children have all attended Los Alamitos schools and her husband’s Los Alamitos business has been here for 25 years. Ms. Stryker responded to questions from the Commission.

Christine Welsh, co-owner of Mr. C’s Towing, spoke in favor of this business.

Judy Klabouch, owner of Green Street Interiors, spoke in favor of this business. She’d love to see the “For Lease” sign removed from this site. She had a consignment store in Los Alamitos twenty years ago. She knows Ms. Stryker’s business would be an asset to the City.

Mike Richards, owner of Gourmet Pie Café, spoke in favor of Ms. Stryker and her business.

**Chair Daniel closed the Public Hearing.**

Director Mendoza briefly discussed the number of consignment businesses in the City, and the mandatory process of issuing CUPs for this type of business.

**Motion/Second: Andrade/Grose**

**Carried: 6/0:** Moved to Adopt Resolution No. PC 11-02 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 10-12 TO

OPERATE A 1,180 SQUARE FOOT SECONDHAND/CONSIGNMENT SHOP AT 10680 LOS ALAMITOS BOULEVARD IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01. (APPLICANT: DEBRA STRYKER)

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None  
ABSENT: Riley  
ABSTAIN: None  
RECUSE: None

**A. Parkway Landscaping Guidelines** – City initiated proposal to amend Section 12.08.190 of the City's Municipal Code regarding landscape parkway regulations Citywide.

Community Development Director Steven Mendoza provided a brief summary of the report and the information contained therein. This item was generated by the City Council, who requested a Planning Commission Public Hearing. The City needs to establish guidelines within the Municipal Code, which are currently too vague. Director Mendoza discussed the nine (9) points to be included in the City's Code, and answered questions from the Commission.

Director Mendoza introduced the new Assistant City Attorney Yana Welinder.

Commissioner Grose discussed the maintenance issue of artificial turf.

Commissioner Sofelkanik said that clear definitions should be included in the Code. Hardscape and softscape materials were discussed. He said the Commission should be mindful of the related item 11A, concerning the *2010 California Green Building Standards Code*.

The draft Parkway Landscaping Ordinance (Attachment 1) was reviewed for clarifications. Citizens' responsibility for parkway maintenance was discussed. Shrubbery height preferences and the width of access ways were discussed. Commissioner Grose cautioned that the City's center medians are also landscaped; are they included in the Code restrictions?

**Motion/Second: Daniel/Andrade**

**Carried: 6/0:** Moved to redraft the Parkway Regulations in Section 12.08.190 of the City's Municipal Code and incorporate changes as stated in the staff report to be presented for Council consideration, and to include the following modifications: 1) Allow artificial turf, which must be permitted and professionally maintained, 2) A maximum of three (3) foot diameter around the parkway tree, 3) No plants, 4) Shrubbery not more than eighteen (18) inches high, and 5) twenty-five (25%) percent of the hardscape must be permitted.

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None

ABSENT: Riley  
ABSTAIN: None  
RECUSE: None

**B. Zoning Ordinance Amendment ZOA10-02** – This is to request consideration to amend the City's Zoning Regulations related to window signage. Citywide (City initiated)

Community Development Director Steven Mendoza provided a brief summary of the report and the information contained therein. He said there is an enforcement problem when a business covers more than 25% of their windows with signage; they need a Code amendment to support enforcement. While this is not a rampant problem, issues still exist; the biggest violators tend to be liquor stores with giant beer posters, etc.

**Chair Daniel opened the Public Hearing.** No one came forth to speak.

**Chair Daniel closed the Public Hearing.**

**Motion/Second: Sofelkanik/Grose**

**Carried: 6/0:** Moved to Adopt Resolution No. PC 11-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO APPROVE ZONING ORDINANCE AMENDMENT 10-02 ADOPTING AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.28.030, 17.28.050(C), 17.28.090(3A) AND (5A), AND 17.28.140, REGARDING WINDOW SIGN REGULATIONS CITYWIDE."

AYES: Andrade, Daniel, Grose, Loe, Sofelkanik, Sutherlin  
NOES: None  
ABSENT: Riley  
ABSTAIN: None  
RECUSE: None

## **9. STAFF REPORTS**

Director Mendoza provided a brief update follow-up on three items:

1. City Council upheld the Commission's denial on the pawn shop appeal.
2. The Corridor Project is moving forward having received unanimous Council support with a 5/0 vote to allocate \$90,000 for a traffic study and design work.
3. At their January 18, 2011 meeting, City Council will hear a staff report on the Los Alamitos Medical Center's Specific Plan and EIR.

## **10. DISCUSSION**

None

## **11. COMMUNITY DEVELOPMENT REPORTS**

- A. 2010 California Green Building Standards Code** – Community Development Staff will provide a presentation and open discussion on the new 2010 CALGreen Code that is now part of the California Building Standards Code adopted by the City Council on November 15, 2010.

Director Mendoza provided a brief history of this issue as it relates to Los Alamitos. The City Council is interested in how the incorporation of the Green Code will impact home owners and businesses and how this will financially impact our City. The Planning Commission was tasked with reading the staff report and the 2010 California Green Building Standards Code before their next meeting on February 14<sup>th</sup>, bringing back ideas and suggestions to be shared with the City Council.

## **12. COMMISSIONER REPORTS**

Chair Daniel expressed his satisfaction with the Council's consideration of the Corridor Project. He suggested that a volunteer group of community members be assembled to provide input and oversight for the best use of the allotted \$90,000. Director Mendoza said that the Council wants to disband the General Plan committee, replacing that with a Planning sub-committee to include consideration of the Corridor Project within the General Plan revision. Moreover, he suggested that each previously completed similar project, i.e., Belmont Shore, Pasadena, Fullerton, provides an opportunity for lessons learned for the City's proposed Corridor Project, which can be viewed via a link on the City's website.

## **13. FUTURE ITEMS/APPLICATIONS**

- A. T-Mobile Monopine on Lampson Avenue – Withdrawn
- B. Mini-storage facility on Sausalito Street
- C. McDonalds Remodel Site Plan Review

## **14. ADJOURNMENT**

Adjournment at 8:54 PM, to a meeting of the Planning Commission on Monday, February 14, 2011, at 7 p.m. in the City Council Chambers.

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Steven Mendoza, Secretary  
LOS ALAMITOS PLANNING COMMISSION

## RESOLUTION NO. 11-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO OPERATE A 1,180 SQUARE FOOT SECONDHAND/CONSIGNMENT SHOP AT 10680 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) DISTRICT, APN 242-245-01. (APPLICANT: DEBRA STRYKER.)

SECTION 1. The Planning Commission does hereby find, determine and declare as follows:

- A. That an application for a Conditional Use Permit was submitted by the applicant to allow a Secondhand/Consignment shop at the subject property; and,
- B. That said verified application constitutes a request as required by Section 17.10.020 Table 2-04 of the Los Alamitos Municipal Code; and
- C. The Planning Commission considered said application at a duly noticed public hearing on January 10, 2011; and,
- D. At this public hearing, the applicant, applicant's representatives and members of the public were provided the opportunity to present written and oral testimony.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 2. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 3. Conditional Use Permit is hereby approved to allow a 1,180 square feet Secondhand/Consignment shop on the subject property based upon the following findings:

1. The use, as a Secondhand/Consignment shop as conditioned, will not endanger the public health or general welfare if the use is located at 10680 Los Alamitos Boulevard. The use will not foster circumstances that tend to generate nuisance condition because the site is located three-hundred and seventy-five (375) feet away from the nearest residential zoned area to the west. The residential area to the west is buffered by the 120' wide Los Alamitos Boulevard and other commercial properties compatible with the proposed use.

2. The proposed use as a secondhand dealer will be located in a general commercial area and is a conditionally permitted use within the General Commercial (C-G) Zoning District. The (C-G) Zoning District permits secondhand/consignment uses provided that the use is found to be compatible and harmonious with surrounding uses with the approval of a Conditional Use Permit. The site is located three-hundred and seventy-five (375) feet away from the nearest residential zoned area to the west. The residential area to the west is buffered by the 120' wide Los Alamitos Boulevard and other commercial properties compatible with the proposed use.
3. The proposed secondhand/consignment use is compatible with similar uses located in the General Commercial (C-G) Zoning District and is surrounded by retail, service, and restaurant uses, and is in harmony with those uses. The addition of the proposed use will provide synergy with existing uses, such as a nutritional supply shop, a weight-loss center, home decorating businesses and various retail and hobby shops.
4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the public hearing before the Planning Commission.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves subject to the following conditions:

**Planning Division**

1. Approval, with conditions, of this application is to allow 1,180 square feet secondhand/consignment store at 10680 Los Alamitos Blvd., as shown on the drawings submitted by the applicant and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans, subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. This approval is for a 1,180 square feet secondhand/consignment store at 10680 Los Alamitos Blvd. Any proposal to expand the use beyond that which is shown in the relevant drawings and all documents that are a part of this application that are included in this approval shall require a modification to be approved by the Planning Commission.
3. The applicant shall defend, indemnify and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body,

advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

4. Business operation shall not be conducted other than between the hours of eight a.m. and nine p.m. daily and shall not be operated on Sundays or holidays.
5. All landscaping in the site, including, without limitation, trees, shrubs and other vegetation, drainage and irrigation systems, shall be permanently maintained in good, first class condition, healthy, without deterioration, free of waste and debris, through all phases of construction, and after by the Owner of the property. Dead or diseased plants shall be promptly replaced with landscaping similar in type, size and quality. Automatic irrigation systems shall be properly maintained and other reasonable and adequate landscape maintenance facilities and procedures shall be provided to fulfill the foregoing requirements.
6. The applicant agrees to maintain the site per Section 17.14.070 of the Los Alamitos Municipal Code.
7. Approval of the Conditional Use Permit shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.
8. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of this approval.
9. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
10. Prior to permit issuance, the property owner and applicant shall file an Agreement Accepting Conditions of Approval with the Community Development Department. The property owner and applicant shall be required to record the agreement with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.

11. Any signs shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and/or any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Director.
12. Applicant shall comply with applicable City, County, and/or State regulations.

#### **Building Division**

13. The applicant/operator shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements.
14. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 a.m. until 5:00 p.m. during the week; 8:00 a.m. until 5:00 p.m. on Saturday; and not at all on Sunday or federal holidays.

#### **Code Enforcement**

15. The tenant shall contact the City if they intend to erect any signs, banners, flags, or other similar items in conjunction with the operation of this business to obtain a permit for those uses.

#### **Orange County Fire Authority**

16. The tenant use and tenant improvements shall be in compliance with Orange County Fire Authority regulations and will obtain all required permits.

#### **Los Alamitos Police Department**

17. In accordance with Chapter 5.36 PAWNBROKERS AND SECONDHAND DEALERS, applicant will be required to annually obtain a Secondhand Dealers Permit from the City.
18. The applicant agrees comply with all the requirements described in Municipal Code Chapter 5.36 concerning "Secondhand Dealers."
19. Applicant shall be required to keep business inventory and transaction records subject to inspection by the Chief of Police or his designee. All consignment item records shall contain the following: The name, address, and phone number of the person placing the item on consignment, as well as record of a valid government issued identification.
20. The applicant shall install a video surveillance system for security purposes.

SECTION 5. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant, and any person requesting the same.

PASSED AND APPROVED this 10th day of January 2011, by the following vote:

AYES: Andrade, Daniel, Grose, Loe, Sutherlin  
NOES: None  
ABSENT: Riley, Sofelkanik  
ABSTAIN: None

ATTEST:



\_\_\_\_\_  
Steven A. Mendoza, Secretary  
LOS ALAMITOS PLANNING COMMISSION

# City of Los Alamitos

## Agenda Report Public Hearing

February 22, 2011  
Item No: 8B

**To:** Mayor Kenneth Stephens and Council Members

**From:** Jeffrey L. Stewart, City Manager  
David L. Hunt, City Engineer

**Subject:** Consideration of Kaylor Avenue Vacation

**Summary:** At its regular meeting of February 7, 2011, the City Council adopted Resolution No. 2011-04 scheduling a public hearing to consider the vacation of Kaylor Ave. in conjunction with the adoption of the Los Alamitos Medical Center Specific Plan.

**Recommendation:** Adopt Resolution No. 2011-06, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS TO VACATE ALL THAT CERTAIN PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS KAYLOR AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF CATALINA STREET AND ON THE SOUTH BY THE NORTHERLY LINE OF KATELLA AVENUE, AS DELINEATED AND DEDICATED TO PUBLIC USE FOR STREET PURPOSES ON THE MAP OF TRACT NUMBER 5354, RECORDED IN BOOK 206, PAGES 48 THROUGH 50 OF MAPS, OFFICIAL RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA AND AS ACCEPTED BY THE CITY OF LOS ALAMITOS CITY COUNCIL ON SEPTEMBER 22, 1964, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ."

## Background

Kaylor Avenue was created and conveyed an easement in 1964 via Tract Map 5354, from the Katella Industrial Development Company. Katella Industrial Development Company as required by Tract Map 5354, constructed the street including curbs, gutters, and sidewalks. Since that time, the City of Los Alamitos has been maintaining the constructed areas. The attached title report confirms the City of Los Alamitos is not the owner of Kaylor Ave.

Council first considered this vacation in 2002, but asked the Medical Center to develop a Master Plan for the property prior to vacation. The Medical Center has completed that task and has created one cohesive campus, thus eliminating the need to maintain Kaylor Avenue as a public street. The Planning Commission considered and subsequently recommended approval of the vacation of the easement during their deliberations on November 8, 2010, including a finding for conformance with the General Plan. The City Council approved Resolution No. 2011-04, declaring its intent to vacate and setting the public hearing date. Staff has attached Resolution No. 2011-06, for Council consideration.

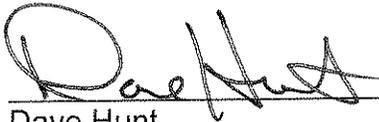
The act of vacating a street is governed by California Streets and Highway Code (the vacation guidelines begin at Section 8300).

We have established by a title report that the underlying ownership of the street is vested in Katella Industrial Developments, Inc. This company was the original subdivider of the property. At this time, the Orange County Assessor is showing that Tenet Healthsystem Hospitals and Los Alamitos Medical Center are the owners of the various properties with frontage on Kaylor. These two entities have identified themselves as the owners by various recorded documents over the years. After the vacation, the eastern half of Kaylor will revert back to the property owner to the east and the western half of Kaylor will revert back to that adjacent owner. Those owners, Los Alamitos Medical Center and Tenet Healthcare Systems have recorded a "Covenant and Agreement to Hold Property As One Parcel" which secures the property from being conveyed to anyone other than property owners. Thus, the City of Los Alamitos will incur no liability in vacating this easement.

## Fiscal Impact

There will be savings as the City will no longer maintain, sweep, rehabilitate, or be responsible for replacement of this street.

Submitted by:



Dave Hunt  
City Engineer



Jeffrey L. Stewart  
City Manager

- Attachments:
1. Title Report
  2. Resolution 2011-06
  3. Legal Description
  4. Council Resolution 2011-04
  5. Planning Commission Resolution 10-25
  6. Deed



**ORANGE COAST TITLE COMPANY**  
 Builder Services/Commercial Division  
 3536 Concoours Drive #120  
 Ontario, CA 91764

<b>PRELIMINARY REPORT</b>
---------------------------

Willdan Engineering  
 13191 Crossroads Parkway North, #405  
 Industry, CA 91746

Attention: David Knell  
 Your Reference No.: KAYLOR ST  
 Property address: Section Of Kaylor St  
 Los Alamitos, CA 90720

Dated: February 2, 2011

In response to the above referenced application for a policy of title insurance, **Orange Coast Title Builder Services** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit B attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit B. Copies of the policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit B of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters, which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a binder or commitment should be requested.

Dated as of January 23, 2011 at 7:30 A.M.

Manuel Villalobos  
 Title Officer  
 Phone # 909-987-5433  
 Fax # 909-297-2547  
 mannyv@octitle.com

**The form of Policy of Title Insurance contemplated by this report is:**

C.L.T.A. Standard Coverage Policy - 1990 (Owner's Policy or Joint Protection)

**SCHEDULE "A"**

**The estate or interest in the land hereinafter described or referred to covered by this report is:**

A fee.

**Title to said estate or interest at the date hereof is vested in:**

Katella Industrial Developments, Inc., a Corporation

**The land referred to in this report is situated in the County of Orange, State of California, and is described as follows:**

Kaylor Street, bounded on the North by the Southerly line of Catalina Street and on the South by the Northerly line of Katella Avenue, as delineated and dedicated to the public use for street purposes on the Map of Tract Number 5354, recorded in Book 206, Pages 48 through 50 of Maps, Official Records of Orange County, State of California.

**SCHEDULE "B"**

**At the date hereof exception to coverage in addition to the printed exceptions and exclusion contained in said policy form would be as follows:**

- 1) STREET (No Assessments)
- 2) The effect of a map of community facilities district and the notice of special tax authorization and the lien of any taxes or assessments levied by or bonds issued by Los Alamitos Unified School District, filed in book 49, page(s) 47, assessment maps, as disclosed by a document recorded December 5, 1989 as Instrument No. 89-660322, Official Records.
- 3) The lien of supplemental taxes, if any, assessed pursuant to the provisions of section 75, et seq. of the revenue and taxation code of the State of California.
- 4) An easement for purposes herein stated, and rights incidental thereto as provided in an instrument  
 Recorded: June 27, 1961, in Book 5767 Page 440, Official Records  
 For: Pipe lines and incidental purposes  
 In favor of: Southern California Water Company, a Corporation  
 Affects: Said land.
- 5) NOTE: Information in possession of this company indicates that a division of land is contemplated in the current transaction involving land described in this report. Such contemplated division of land would appear to fall within the purview of the subdivision map act (G.C. 66410 et seq.) As a prerequisite to the issuance of final title evidence, at least one of the following requirements must be accomplished to this company's satisfaction;
  - (1) A subdivision map must be recorded in compliance with the subdivision map act or related local ordinances;
  - (2) A parcel map must be recorded in compliance with the subdivision map act or related local ordinances;
  - (3) A certificate of compliance as provided for in the subdivision map act (G.C. 66499.35) must be recorded;
  - (4) A waiver as provided for in the subdivision map act (G.C. 66428) must be obtained; or
  - (5) Other satisfactory evidence indicating compliance or non-violation must be furnished.
- 6) Rights of parties in possession of said land by reason of unrecorded leases, if any. Please forward said leases for our examination.
- 7) Any facts, rights, interest or claims which a correct survey would show.
- 8) Any facts, rights, interest or claims which may be shown by an inspection of the land or which may be disclosed by inquiry of persons in possession of said land.
- 9) "NOTE: Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact your title officer immediately for further review".
- 10) This company will require the following in order to insure title in, or a conveyance or encumbrance from the entity named below.

Name: Katella Industrial Developments, Inc., a Corporation

- (a) A copy of the by-laws or articles of association (sometimes known as the "agreement" or "charter").
- (b) A copy of the resolution of the association approving the present transaction and identifying the subject land. The resolution should also state that the transaction is necessary for the business purposes of the association and should name the parties who are authorized to execute documents for the association.
- (c) Articles of incorporation

**End of Schedule B**

**“NOTES AND REQUIREMENTS SECTION”**

**Note No. 1**

California Revenue and Taxation Code Section 18662, effective January 1, 1994 and by amendment effective January 1, 2003, provides that the buyer in all sales of California Real Estate may be required to withhold 3 and 1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained.

**NOTE NO. 2 PAYOFF INFORMATION:**

Note: this company does require current beneficiary demands prior to closing.

If the demand is expired and a correct demand cannot be obtained, our requirements will be as follows:

- A. If this company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. The amount of this hold will be over and above the verbal hold the lender may have stipulated.
- B. If this company cannot obtain a verbal update on the demand, will either pay off the expired demand or wait for the amended demand, at the discretion of the escrow.
- C. In the event that a payoff is being made to a servicing agent for the beneficiary, this company will require a complete copy of the servicing agreement prior to close.

**Note No. 3**

If this company is requested to disburse funds in connection with this transaction, chapter 598, statutes of 1989 mandates hold periods for checks deposited to escrow or sub-escrow accounts. The mandatory hold is one business day after the day deposited. Other checks require a hold period from three to seven business days after the day deposited.

**Notice Regarding Your Deposit of Funds**

California Insurance Code Sections 12413 *et. Seq.* Regulates the disbursement of escrow and sub-escrow funds by title companies. The law requires that funds be deposited in the title company escrow and sub-escrow accounts and be available for withdrawal prior to disbursement. Funds deposited with the Company by wire transfer may be disbursed upon receipt. Funds deposited with the Company via cashier's checks drawn on a California based bank may be disbursed the next business day after the day of deposit. If funds are deposited with by other methods, recording or disbursement may be delayed. All escrow and sub-escrow funds received by the Company will be deposited with other funds in one or more non-interest bearing escrow accounts of the Company in a financial institution selected by the Company. The Company and/or its parent company may receive certain direct or indirect benefits from the financial institution by reason of the deposit of such funds or the maintenance of such accounts with the financial institution, and the Company shall have no obligation to account to the depositing party in any manner for the value of, or to pay such party, any benefit received by the Company and/or its parent Company. Those benefits may include, without limitation, credits allowed by such financial institution on loans to the Company and/or its parent company and earnings on investments made on the proceeds of such loans, accounting, reporting and other services and products of such financial institution. Such benefits shall be deemed additional compensation of the Company for its services in connection with the escrow or sub-escrow. If funds are to be deposited with **Orange Coast Title Builder Services** by wire transfer, they should be wired to the following bank/account:

Wiring Instructions for This Office:

**Citizens Business Bank**  
301 Vanderbilt Way  
San Bernardino, CA 92408  
ABA 122234149  
Account No. 245121776  
Credit to the account of **Orange Coast Title Builder Services**  
Reference Title Order No. 1223395-32  
and Manuel Villalobos, title officer

/GE

**Exhibit B (Revised 11-17-06)**

**CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY – 1990 EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:
- (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
  - Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
  - Defects, liens, encumbrances, adverse claims or other matters: (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
  - Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
  - Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
  - Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I**

- This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:
- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
  - Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
  - Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
  - Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
  - (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE EXCLUSIONS**

- In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:
- Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning: a. building, b. zoning, c. Land use d. improvements on the Land, e. Land division, f. environmental protection. This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date. This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
  - The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
  - The right to take the Land by condemning it, unless: a. a notice of exercising the right appears in the Public Records at the Policy Date; or b. the taking happened before the Policy Date and is binding on You if You bought the Land without knowing of the taking.
  - Risks: a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records; b. that are known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date; c. that result in no loss to You; or d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8, d, 22, 23, 24 or 25.
  - Failure to pay value for Your Title.
  - Lack of a right: a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and b. in streets, alleys, or waterways that touch the Land. This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:  
 \* For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.  
 The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

Covered Risk 14:	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 15:	_____ % of Policy Amount or \$ _____ (whichever is less)	\$ _____
Covered Risk 16:	_____ % of Policy Amount or \$ _____ (whichever is less)	\$ _____
Covered Risk 18:	_____ % of Policy Amount or \$ _____ (whichever is less)	\$ _____

**AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS**

- In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:
- Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning: \* land use \* improvements on the land \* land division \* environmental protection. This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
  - The right to take the land by condemning it, unless: \* a notice of exercising the right appears in the public records \* on the Policy Date \* the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
  - Title Risks: \* that are created, allowed, or agreed to by you \* that are known to you, but not to us, on the Policy Date -- unless they appeared in the public records \* that result in no loss to you \* that first affect your title after the Policy Date -- this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
  - Failure to pay value for your title.
  - Lack of a right: \* to any land outside the area specifically described and referred to in Item 3 of Schedule A OR \* in streets, alleys, or waterways that touch your land. This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**ALTA LOAN POLICY (10-17-92) WITH ALTA ENDORSEMENT-FORM 1 COVERAGE EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:
- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
  - Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
  - Defects, liens, encumbrances, adverse claims or other matters: (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material) or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
  - Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
  - Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
  - Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
  - Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on: (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or (b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor. The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

- This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:
- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
  - Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
  - Easements, liens or encumbrances, or claims thereof, not shown by the public records.
  - Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
  - (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**2006 ALTA LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE**

- The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:
- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to: (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5. (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters: (a) created, suffered, assumed, or agreed to by the Insured Claimant; (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy; (c) resulting in no loss or damage to the Insured Claimant; (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is: (a) a fraudulent conveyance or fraudulent transfer, or (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b). The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

#### ALTA OWNER'S POLICY (10-17-92) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters: (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on: (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer, or (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor. The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage Policy will also include the following Exceptions from Coverage:

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

#### 2006 ALTA OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5. (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters: (a) created, suffered, assumed, or agreed to by the Insured Claimant; (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy; (c) resulting in no loss or damage to the Insured Claimant; (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is (a) a fraudulent conveyance or fraudulent transfer, or (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A. The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

#### ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or areas of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters: (a) created, suffered, assumed or agreed to by the Insured Claimant; (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy; (c) resulting in no loss or damage to the Insured Claimant; (d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 26.
7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are Known to the Insured at: (a) The time of the advance; or (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

# ORANGE COAST TITLE BUILDER SERVICES PRIVACY POLICY

## **We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information that you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

## **Applicability**

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

## **Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information we receive from providers of services to us, such as appraisers, appraisal management companies, real estate agents and brokers and insurance agencies (this may include the appraised value, purchase price and other details about the property that is the subject of your transaction with us).
- Information about your transactions with us, our Affiliated Companies, or others; and
- Information we receive from a consumer reporting agency.

## **Use of Information**

We request information from you for our own legitimate business purposes and not for benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

## **Former Customers**

**Even if you are no longer our customer, our Privacy Policy will continue to apply to you.**

## **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

## **Opting Out**

We may also share the information we collect about you within our family of companies (our “Affiliated Companies”). We may also provide this information to companies that perform marketing or other services on our behalf, or on behalf of our Affiliated Companies (“Service Providers”). However, we will not share this information with our Affiliated Companies or our Service Providers if you choose to opt out, in writing. To opt out, please use the form entitled “Request Not to Share Nonpublic Personal Information”, which is attached hereto. This form provides instructions on how to request us not to share information with third parties.

Please be aware that Orange Coast Title Builder Services and its Affiliated Companies maintain high standards to safeguard nonpublic, personal information, and do not rent or sell such information. Please note, however, that unless you opt out in writing, our Affiliated Companies and Service Providers will have access to the information in our files.

## **Other Important Information**

We reserve the right to modify or supplement this Privacy Policy at any time. If our Privacy Policy changes, we will provide the new Privacy Policy and the ability to opt out (as required by law) before the new policy becomes effective.

## **Attention**

Please note that this preliminary report now has an extra copy of the legal description on a separate sheet of paper. There are no markings on the page. The idea is to provide you with a legal description that can be attached to other documents as needed.

Thank you for your support of **Orange Coast Title Builder Services**. We hope that this makes your job a little easier.

## **Exhibit "A"**

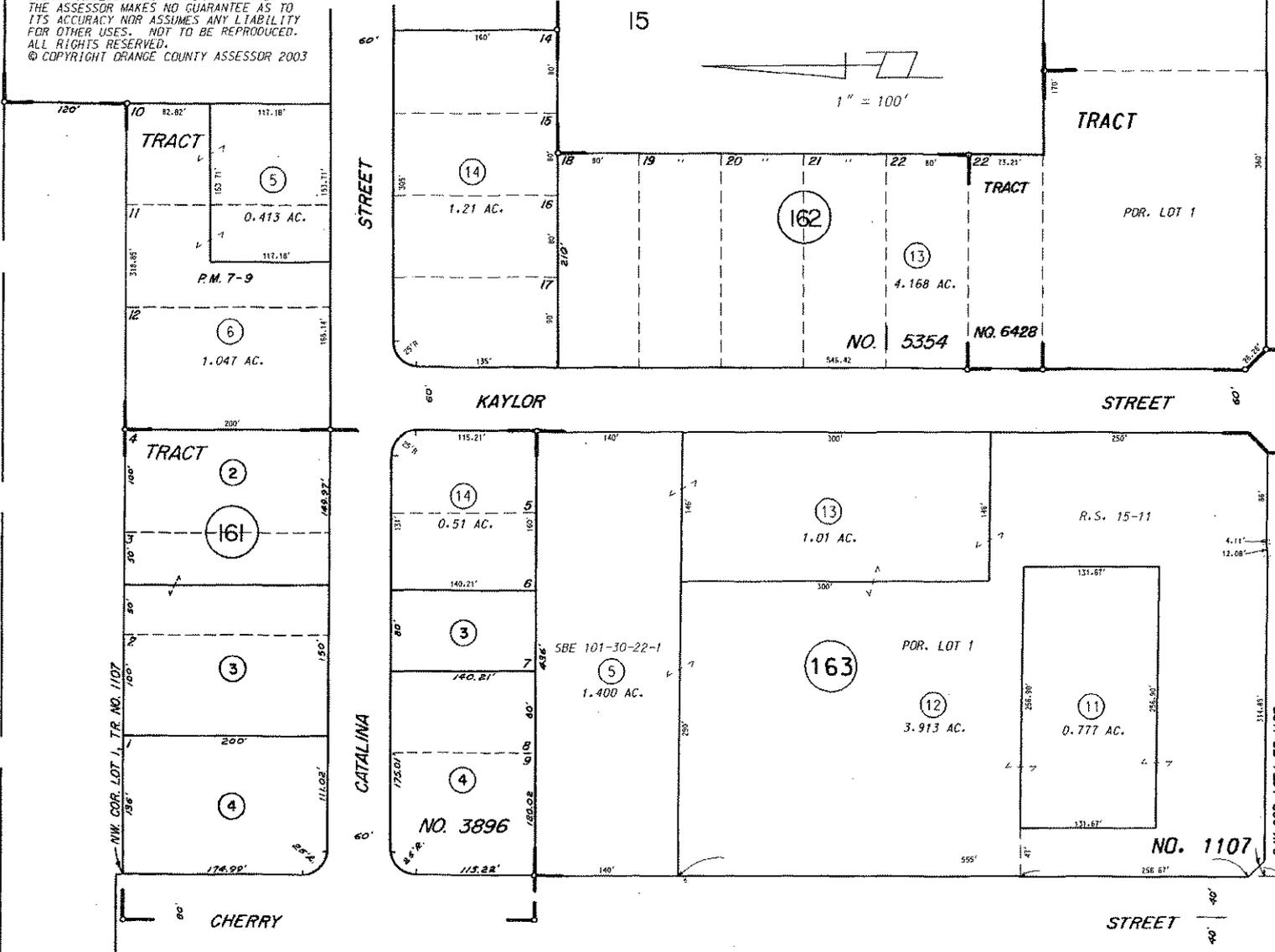
Kaylor Street, bounded on the North by the Southerly line of Catalina Street and on the South by the Northerly line of Katella Avenue, as delineated and dedicated to the public use for street purposes on the Map of Tract Number 5354, recorded in Book 206, Pages 48 through 50 of Maps, Official Records of Orange County, State of California.

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT ORANGE COUNTY ASSESSOR 2003

POR. S1/2, SE1/4, SE1/4, SE1/4, SEC. 19, T4S, R11W

242-16

24



MARCH 1969

TR. NO. 1107	18	M.M. 35-35
TR. NO. 3896		M.M. 145-3, 4
TR. NO. 5354		M.M. 206-48, 49, 50
TR. NO. 6428		M.M. 240-34, 35

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 242 PAGE 16 COUNTY OF ORANGE

222-10

## RESOLUTION NO. 2011-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO VACATE THE PUBLIC RIGHT OF WAY KNOWN AS KAYLOR AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF CATALINA STREET AND ON THE SOUTH BY THE NORTHERLY LINE OF KATELLA AVENUE, AS DELINEATED AND DEDICATED TO PUBLIC USE FOR STREET PURPOSES ON THE MAP OF TRACT NUMBER 5354, RECORDED IN BOOK 206, PAGES 48 THROUGH 50 OF MAPS, OFFICIAL RECORDS OF ORANGE COUNTY, STATE OF CALIFORNIA AND AS ACCEPTED BY THE CITY OF LOS ALAMITOS CITY COUNCIL ON SEPTEMBER 22, 1964, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ.

**WHEREAS**, the owner of the subject property, Los Alamitos Medical Center, has requested a vacation of an easement on Kaylor Street from Katella Avenue to Catalina Street in the City of Los Alamitos, County of Orange, California, as more particularly described in Exhibit "A" attached hereto; and,

**WHEREAS**, the process for vacation of an easement is specified in the California Streets and Highways Code, Section 8320 et seq.; and,

**WHEREAS**, California Streets and Highways Code Section 8300 et seq. provides for General Vacation when certain conditions are met; and,

**WHEREAS**, California Government Code Section 65402 requires that prior to an agency taking any action to vacate any street segment, an assessment must be made by the Planning Commission of that agency as to conformity of that action with the City's General Plan; and,

**WHEREAS**, Section 8320 of the State of California Streets and Highways Code provides that the City Council may, upon receipt of written request and by resolution, declare its intention to vacate any public service easement; and,

**WHEREAS**, the Planning Commission adopted Resolution No. 10-25, on November 8, 2010, making the appropriate findings of conformance with the Los Alamitos General Plan of vacation of the Kaylor Street from Katella Avenue to Catalina Street, as more particularly described in Exhibit "A."; and,

**WHEREAS**, the vacation of Kaylor Street was found to be in conformance with Goal One of the City's General Plan as it provides an efficient network of streets, bikeways, and pedestrian areas which promote the safe and efficient movement of people and goods. Kaylor Street will be vacated and reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street will extend south from Catalina Street and serve a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street will terminate in a cul-de-sac constructed to City and Orange County Fire Authority standards. No improvements are anticipated to be required for Katella Avenue other than frontage improvements associated with the new driveway entry. The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site; and,

**WHEREAS**, the vacation of Kaylor Street was found to be in conformance with Goal Two of the City's General Plan as it allows for improving traffic monitoring and metering systems. Kaylor Street would be reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street would extend south from Catalina Street and serve as a private road for ambulances to the new emergency room and access for employees and visitors; and,

**WHEREAS**, staff has published and posted notices in accordance with California Streets and Highways Code Sections 8320-8325; and,

**WHEREAS**, the City Council adopted Resolution No. 2011-04, on February 7, 2011, stating their intent to vacate Kaylor Street and setting the public hearing date; and,

**WHEREAS**, on this basis, the City has concluded that the subject easement is unnecessary for public use for street purposes.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Los Alamitos, California, finds that the property described in the attached legal description, "Exhibit A," is not necessary for present or prospective public use for street purposes.

**SECTION 2.** The City Clerk is hereby authorized to send a certified copy of this resolution, attested by the Clerk under seal per the Streets and Highways Code Section 8325, to the Office of the County Recorder who is hereby directed to record it.

**SECTION 3.** That from and after the date of recording, the above described property shall no longer constitute a right-of-way of a street or highway.

**SECTION 4.** Pursuant to California Streets and Highways Code Sections 8340 and 8341, the City reserves and excepts from the vacation any and all easements and rights to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures and to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water in, upon, over, and across the property described in "Exhibit A." The vacation shall further not affect any public utility facilities currently in, upon, over, and across the property described in "Exhibit A."

**SECTION 5.** The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 22<sup>nd</sup> day of February 2011.

---

Kenneth Stephens, Mayor

ATTEST:

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Adria M. Jimenez, CMC  
City Clerk

APPROVED AS TO FORM:

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Sandra J. Levin, City Attorney



## RESOLUTION 2011-04

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DECLARING ITS INTENTION TO VACATE KAYLOR STREET EASEMENT AND SETTING A PUBLIC HEARING DATE OF FEBRUARY 22, 2011

**WHEREAS**, the owner of the subject property, Los Alamitos Medical Center has requested a vacation of an easement on Kaylor Street from Katella Avenue to Catalina Street in the City of Los Alamitos, County of Orange, California, as more particularly described in Exhibit "A" attached hereto; and,

**WHEREAS**, the process for vacation of an easement is specified in the California Streets and Highways Code, Section 8320 et seq; and,

**WHEREAS**, California Government Code Section 65402 requires that prior to an agency taking any action to vacate any street segment, an assessment must be made by the Planning Commission of that agency as to conformity of that action with the City's General Plan; and,

**WHEREAS**, Part 3, Chapter 3, Section 8320 of the State of California Streets and Highways Code provides that the City Council may, upon receipt of written request and by resolution, declare its intention to vacate any public service easement; and,

**WHEREAS**, the Planning Commission adopted Resolution No. 10-25 on November 8, 2010 making the appropriate findings of conformance with the Los Alamitos General Plan of vacation of the Kaylor Street from Katella Avenue to Catalina Street, as more particularly described in Exhibit "A." The vacation of Kaylor Street was found to be in conformance with Goal One of the City's General Plan as it provides an efficient network of streets, bikeways, and pedestrian areas which promote the safe and efficient movement of people and goods. Kaylor Street will be vacated and reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street will extend south from Catalina Street and serve a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street will terminate in a cul-de-sac constructed to City and OCFA standards. No improvements are anticipated to be required for Katella Avenue other than frontage improvements associated with the new driveway entry. The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Furthermore, Policy 2-2.4 allows for Improving traffic monitoring and metering systems. Kaylor Street would be reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street would extend south from Catalina Street and serve as a private road for ambulances to the new emergency room and access for employees and visitors.

**WHEREAS**, on this basis, the City has concluded that the subject easement is unnecessary for public use; and,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Los Alamitos, California hereby:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** Authorizes staff to notify the public of the City Council's intention to vacate and abandon the existing easement; and,

**SECTION 2.** Sets a public hearing date of February 21, 2011; and,

**SECTION 3.** The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 7<sup>th</sup> day of February 2011.

\_\_\_\_\_  
Kenneth Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Adria M. Jimenez, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sandra J. Levin, City Attorney



## RESOLUTION NO. PC 10-25

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, FINDING THE PROPOSED VACATION OF KAYLOR STREET TO BE IN CONFORMANCE WITH THE LOS ALAMITOS GENERAL PLAN**

**WHEREAS**, the City Council is considering the possible street vacation of Kaylor Street from Katella Avenue to Catalina Street in the City of Los Alamitos, County of Orange, California as more particularly described in Exhibit "A" attached hereto; and,

**WHEREAS**, California Government Code Section 65402 requires that prior to an agency taking any action to vacate any street segment, an assessment must be made by the Planning Commission of that agency as to conformity of that action with the City's General Plan; and,

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The vacation of Kaylor Street as more particularly described in Exhibit "A", attached hereto and incorporated by reference herein is found to be in conformance with Goal One of the City's General Plan as it provides an efficient network of streets, bikeways, and pedestrian areas which promote the safe and efficient movement of people and goods. Kaylor Street will be vacated and reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street will extend south from Catalina Street and serve a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street will terminate in a cul-de-sac constructed to City and OCFA standards. No improvements are anticipated to be required for Katella Avenue other than frontage improvements associated with the new driveway entry. The proposed project would maintain existing pedestrian and bicycle access via sidewalks and bike lanes along adjacent roadways to allow pedestrian and cyclist mobility and access to the project site. Furthermore, Policy 2-2.4 allows for Improving traffic monitoring and metering systems. Kaylor Street would be reconfigured as a driveway access into the site, providing access to the new parking structure and surface parking lots. On the north, Kaylor Street would extend south from Catalina Street and serve as a private road for ambulances to the new emergency room and access for employees and visitors. Kaylor Street would terminate in a cul-de-sac constructed to City and OCFA standards.

**SECTION 2.** Said finding is made pursuant to California Government Code Section 65402.

**SECTION 3.** The Secretary of the Planning Commission shall certify to the adoption of this resolution and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 8<sup>th</sup> day of November 2010, by the following vote:

AYES: Andrade, Daniel, Grose, Riley, Sutherlin

NOES: None

ABSENT: Loe

ABSTAIN: Sofelkanik

ATTEST:

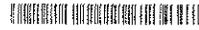


Steven A. Mendoza, Secretary  
LOS ALAMITOS PLANNING COMMISSION

RECORDING REQUESTED BY  
CHICAGO TITLE COMPANY  
AND WHEN RECORDED MAIL TO

CITY CLERK  
CITY OF LOS ALAMITOS  
3191 KATELLA AVE.  
LOS ALAMITOS, CA 90720

Recorded In Official Records, County of Orange  
Darlene Bloom, Interim Clerk Recorder



16.00

20020716336 09:02am 08/27/02

105 21 A12 6

0.00 0.00 0.00 0.00 10.00 0.00 0.00 0.00

Escrow No. -  
Order No. 13803671-M07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL

This document filed for record as  
an accommodation only. It has not  
been examined as to its execution  
or as to its effect upon the title.

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Additional recording fee applies)

When recorded mail to:

City Clerk  
City of Los Alamitos  
3191 Katella Ave.  
Los Alamitos, CA 90720

(Space above this line for Recorder's use)

EXEMPT FROM RECORDING FEES PER  
GOVERNMENT CODE SECTION 27283

**COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL**

The undersigned hereby certifies that it is the owner of the hereinafter legally described real property located in the City of Los Alamitos, County of Orange, State of California, more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION  
(collectively the "Real Property")

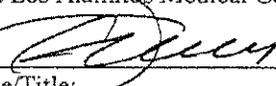
Street Address: SEE EXHIBIT "B"  
A.P.N. SEE EXHIBIT "B"

We hereby covenant and agree with said City that (i) the Real Property shall be held as one parcel; (ii) no portion of the Real Property shall be sold, transferred or conveyed separately; and (iii) the Real Property shall be treated as one parcel for purposes of the Uniform Building Code and the Los Alamitos Municipal Code.

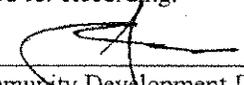
Nothing herein to the contrary, no provision of this Covenant and Agreement shall be interpreted or construed to supersede, restrict, or otherwise derogate or limit the authority of the City of Los Alamitos to administer, apply or enforce the Uniform Building Code as adopted by the City.

This Covenant and Agreement shall run with the land and shall be binding upon ourselves, and future owners, encumbrances of the Real Property, and their successor, heirs, assignees, and shall continue in effect until such time as released by written authority of the City Engineer of the City of Los Alamitos and recorded in the Office of the County Recorder.

TENET HEALTHSYSTEM HOSPITALS, INC.,  
a Delaware corporation  
d/b/a Los Alamitos Medical Center

(Sign)   
Name/Title: \_\_\_\_\_  
**Douglas G. Lerner**  
(Sign) \_\_\_\_\_  
**Authorized Signatory**

Approved for Recording:

By:   
Community Development Director  
City of Los Alamitos

Date: 8/8/02

Project Reference: Planning Department File:

ACKNOWLEDGMENT

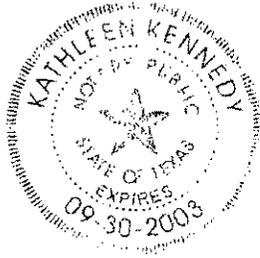
STATE OF Texas )  
 ) ss.  
COUNTY OF Tarrant

On July 25, 2002, before me, the undersigned  
Notary Public, personally appeared Douglas H. Lerner

- personally known to me  
 proved to me on the basis of satisfactory  
evidence

to be the person whose name is/are subscribed to the  
within instrument, and acknowledged to me that he  
executed the same in his/her/their capacity(ies), and  
that by his/her/their signature on the instrumen t the  
person, or the entity upon behalf of which the person  
acted, executed the instrument.

WITNESS my hand and official seal.



Kathleen Kennedy  
Notary Public

SIGNER'S CAPACITY  
(Optional)

TITLE:

- INDIVIDUAL  
 CORPORATE OFFICER(S)

Title(s)

- PARTNER(S)  L  
  G

- ATTORNEY-IN-FACT  
 TRUSTEE(S)  
 GUARDIAN/CONSERVATOR  
 OTHER: \_\_\_\_\_

REPRESENTING:

THIS CERTIFICATE MUST BE ATTACHED  
TO THE DOCUMENT DESCRIBED AT RIGHT:  
Though the date requested here is not required by law, it could  
prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT: \_\_\_\_\_  
NUMBER OF PAGES: \_\_\_\_\_  
DATE OF DOCUMENT: \_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE: \_\_\_\_\_

## EXHIBIT "A"

### PARCEL 1: (242-163-6,8,9)

THE WESTERLY 436.00 FEET OF THE SOUTHERLY 590.00 FEET OF LOT 1 OF TRACT NO. 1107, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 35, PAGE 35 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 1, LYING 436 FEET EASTERLY ON THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHERLY 40.00 FEET ALONG A LINE PARALLEL WITH AND DISTANT 436 FEET EASTERLY OF THE WEST LINE OF SAID LOT 1; THENCE SOUTHWESTERLY TO A POINT IN A LINE PARALLEL WITH AND DISTANT 416 FEET EASTERLY OF SAID WEST LINE; SAID POINT LYING 20.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID LOT 1; THENCE SOUTHERLY 20.00 FEET ALONG THE LAST MENTIONED PARALLEL LINE TO SAID SOUTH LINE; THENCE EASTERLY 20.00 FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION OF SAID LAND CONVEYED TO THE CITY OF LOS ALAMITOS, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA, IN A DEED RECORDED JANUARY 23, 2001 AS INSTRUMENT NO. 20010037535, OFFICIAL RECORDS.

### PARCEL 2: (242-162-3,4,5,6 AND 7)

LOTS 18, 19, 20, 21 AND 22 OF TRACT NO. 5354, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 206, PAGES 48 TO 50 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### PARCEL 3: (242-162-12)

LOT 22 OF TRACT NO. 6428, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240, PAGES 34 AND 35 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### PARCEL 4: (242-162-9)

THAT PORTION OF LOT 1 OF TRACT NO. 1107, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 35, PAGE 35 OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY, AND THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 11 WEST, IN THE RANCHO LOS ALAMITOS, CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP NO. 2 OF THE FINAL DECREE OF PARTITION OF SAID RANCHO, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 2, 1891 IN BOOK 14, PAGE 31 OF DEEDS, RECORDS OF SAID ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF TRACT NO. 6428, AS SHOWN ON A MAP RECORDED IN BOOK 240, PAGES 34 AND 35 OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY, SAID POINT BEING IN THE BOUNDARY OF TRACT NO. 5354, AS SHOWN ON A MAP RECORDED IN BOOK 206, PAGES 48, 49 AND 50 OF SAID MISCELLANEOUS MAPS; THENCE SOUTH  $0^{\circ} 13' 05''$  WEST, ALONG SAID BOUNDARY BEING ALSO THE EASTERLY LINE OF KAYLOR STREET AS SHOWN ON SAID MAP OF TRACT NO. 5354, 197.00 FEET; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH  $44^{\circ} 47' 12''$  EAST 28.28 FEET AND SOUTH  $00^{\circ} 13' 05''$  WEST 20.00 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH  $89^{\circ} 47' 30''$  EAST, ALONG SAID SOUTH LINE, 274.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  $00^{\circ} 13' 05''$  WEST, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 1, 40.00 FEET TO THE SOUTHERLY LINE OF SAID SECTION 19; THENCE SOUTH  $89^{\circ} 47' 30''$  EAST ALONG SAID SOUTHERLY LINE, 86.00 FEET; THENCE NORTH  $0^{\circ} 12' 30''$  EAST, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 277.00 FEET TO THE SOUTH LINE OF SAID TRACT NO. 6428; THENCE NORTH  $89^{\circ} 47' 30''$  WEST ALONG THE SOUTH LINE OF SAID TRACT NO. 6428, TO THE POINT OF BEGINNING.

PARCEL 5: (242-163-01,02)

LOTS 5 AND 6 OF TRACT NO. 3896, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 145, PAGES 3 AND 4 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING FROM SAID LOT 5 THAT PORTION CONVEYED TO THE CITY OF LOS ALAMITOS PER DEED RECORDED OCTOBER 23, 1964 IN BOOK 7273, PAGE 295 OF OFFICIAL RECORDS OF SAID COUNTY, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5;

THENCE NORTH  $89^{\circ} 47' 30''$  WEST 25.00 FEET ALONG THE NORTH LINE OF SAID LOT 5 TO A POINT ON A CURVE, BEING TANGENT, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET.

THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG SAID CURVE 39.27 FEET THROUGH A CENTRAL ANGLE OF  $90^{\circ} 00' 35''$  TO A POINT ON A TANGENT LINE, SAID TANGENT LINE ALSO BEING THE EAST LINE OF SAID LOT 5.

THENCE NORTH  $0^{\circ} 13' 05''$  EAST 25.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

PARCEL 6: (242-162-01,02)

LOTS 14 TO 17 INCLUSIVE OF TRACT NO. 5354, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 206, PAGES 48, 49 AND 50 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 7: (242-151-20)

LOTS 5, 6, 7 AND 8 OF TRACT NO. 6428, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240, PAGES 34 AND 35 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 8: (242-152-16,17)

LOTS 13 TO 17 INCLUSIVE OF TRACT NO. 6428, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240, PAGES 34 AND 35 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PDR. S 1/2. SE 1/4. SE 1/4. SE 1/4. SEC. 19. T 4 S. R 11 W

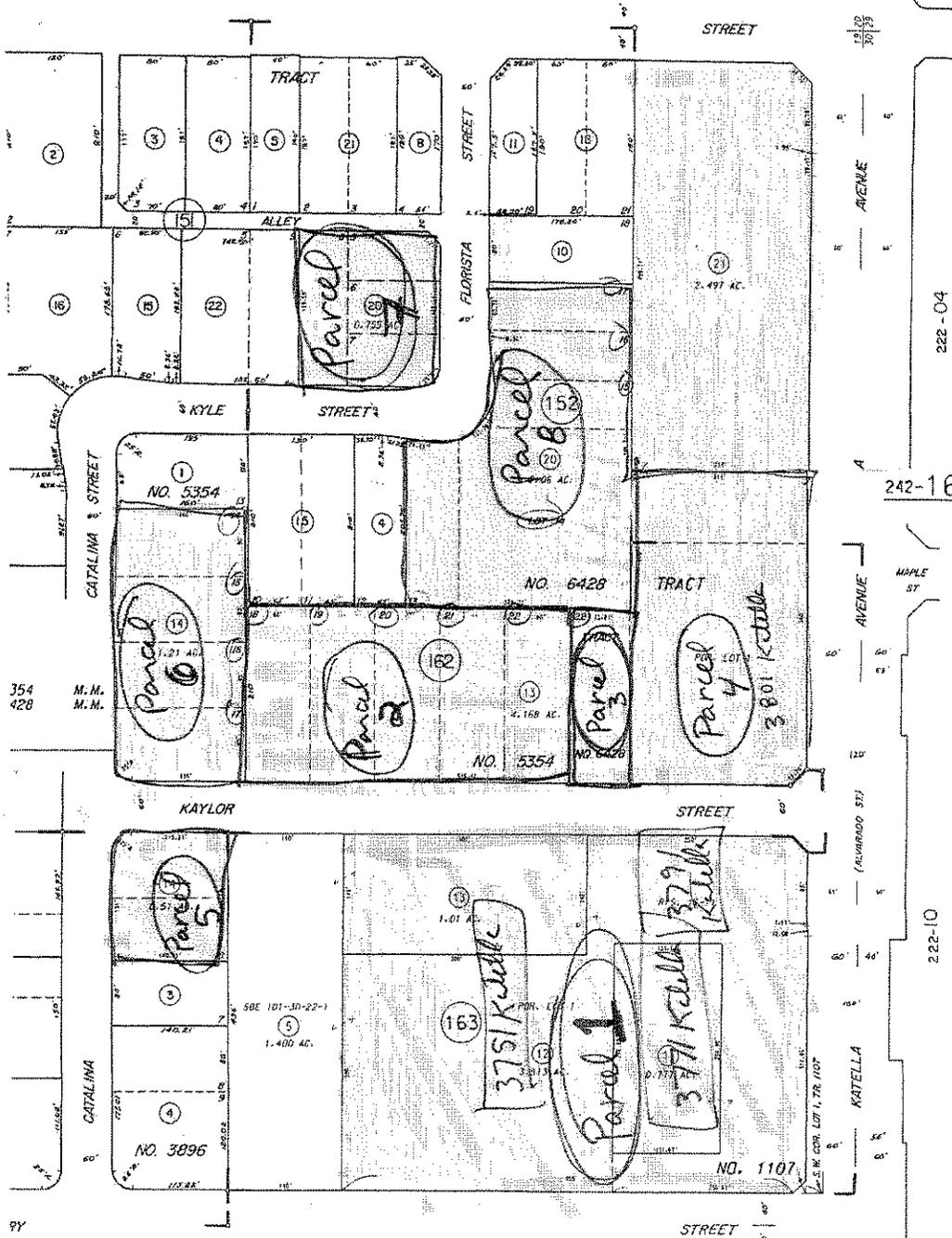
ONLY AS TO ABILITY INCORP. SDR 2003

242-15

241-24

1" = 100'

222-11



242-16

222-04

222-10

1107	M.M. 35-35
3896	M.M. 145-3, 4
5354	M.M. 206-48, 49, 50
6428	M.M. 240-34, 35

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 242 PAGE 16 COUNTY OF ORANGE

**EXHIBIT "B"**

Parcel 1:

Street Address: 3751 – 3771 Katella Avenue  
A.P.N. 242-163-9  
3791 Katella Avenue  
A.P.N. 242-163-6 and 242-163-8

Parcel 2:

Street Address: 10802 Kaylor Street  
A.P.N. 242-162-3  
10804 Kaylor Street  
A.P.N. 242-162-4  
10806 Kaylor Street  
A.P.N. 242-162-5  
10808 Kaylor Street  
A.P.N. 242-162-6  
10810 Kaylor Street  
A.P.N. 242-1627

Parcel 3:

Street Address: 10812 Kaylor Street  
A.P.N. 242-162-12

Parcel 4:

Street Address: 3801 Katella Avenue  
A.P.N. 242-162-9

Parcel 5:

Street Address: 3776 Catalina Street  
A.P.N. 242-163-01 and 242-163-02

Parcel 6:

Street Address: 3802-32 Catalina Street  
A.P.N. 242-162-01 and 242-162-02

Parcel 7:

Street Address: 3871 Florista Street  
A.P.N. ✓242-151-20

Parcel 8:

Street Address: 3878 Florista Street and 3855 Katella Street  
A.P.N. 242-152-17 and 242-152-16

# City of Los Alamitos

## Agenda Report Discussion Items

February 22, 2011  
Item No: 9A

**To:** Mayor Kenneth Stephens & Members of the City Council  
**Via:** Jeffrey L. Stewart, City Manager  
**From:** Adria M. Jimenez, CMC, City Clerk  
**Subject:** Review of City Council Practices Regarding Oral Communications

**Summary:** During the regular City Council Meeting of February 7, 2011, Council Member Graham-Mejia requested that staff place an item on the City Council agenda regarding the City's current policy on public comment for non-public hearing agenda items. The current policy requires that persons who desire to comment on non-public hearing agenda items must provide those comments during the Oral Communications portion of the City Council agenda.

**Recommendation:** Should the City Council choose to amend its current practices regarding public comment, it would be appropriate to provide further direction to staff.

### Discussion

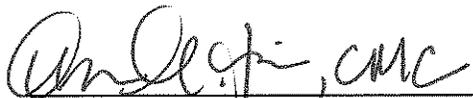
At a previous Council Meeting, Council Member Graham-Mejia requested the City Council review its current practice of allowing the public to comment on non-public hearing agenda items only during Oral Communications and to consider using speaker cards for public comment.

The City Council's current practice is to allow any individual in the audience to come forward to speak on any item within the subject matter jurisdiction of the City Council during Oral Communications. Each member of the public is allowed to comment for five minutes, as outlined in Chapter 2.04.170 of the Los Alamitos Municipal Code.

### Fiscal Impact

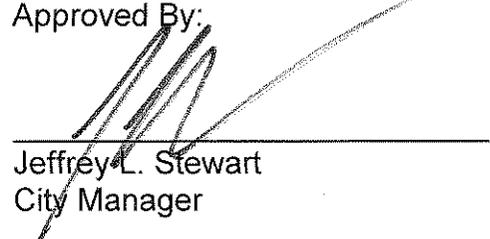
None.

Submitted By:



Adria M. Jimenez, CMC  
City Clerk

Approved By:



Jeffrey L. Stewart  
City Manager