# CITY OF LOS ALAMITOS
3191 Katella Avenue Los Alamitos, CA 90720

## AGENDA
CITY COUNCIL
REGULAR MEETING

Monday, October 21, 2019 – 6:00 p.m.

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<td><strong>NOTICE TO THE PUBLIC</strong> – 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 <a href="http://www.cityoflosalamitos.org">www.cityoflosalamitos.org</a> once the agenda has been publicly posted.</td>
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<td><strong>Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as “for information” or “for discussion” may also be the subject of an “action” taken by the City Council at the same meeting.</strong></td>
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<td><strong>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.</strong></td>
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<td><strong>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.</strong></td>
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<td><strong>Persons wishing to address the City Council on any item on the City Council Agenda should complete a blue “Request to Speak” card and will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.</strong></td>
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1. **CALL TO ORDER**

2. **ROLL CALL**
   - Mayor Kusumoto
   - Mayor Pro Tem Murphy
   - Council Member Chirco
   - Council Member Grose
   - Council Member Hasselbrink

3. **PLEDGE OF ALLEGIANCE**
   - Council Member Hasselbrink will lead the Pledge of Allegiance.

4. **INVOCATION**
   - Council Member Chirco will give the Invocation.
5. PRESENTATIONS

A. Presentation of a Commendation to Dr. Robert Pugach, Urologist

B. Presentation of a Proclamation to Police Chief Eric Nuñez in Recognition on Red Ribbon Week

6. 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. Remarks are to be limited to not more than five minutes per speaker.

7. 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.

8. ITEMS FROM THE CITY MANAGER

9. WARRANTS
Approve the Warrants for October 21, 2019, in the amount of $10,267.20 ratify the Warrants for September 17, 2019 to October 20, 2019 in the amount of $1,068,640.94 and authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period of

ROLL CALL
Mayor Kusumoto
Mayor Pro Tem Murphy
Council Member Chirco
Council Member Grose
Council Member Hasselbrink

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

A. Approval of Minutes (City Clerk)
Approve the City Council Regular meeting minutes of September 16, 2019.

B. Approval to Record an Alley Dedication from JRG Properties, LLC (10922 Walnut Street) (Development Services)
Approval to record 2½ feet of alley dedication from JRG Properties, LLC, property located at 10922 Walnut Street, which is ready for submission to the County Recorder’s Office.
Recommendations:


2. Direct the City Clerk to record the alley dedication by submitting maps to the County of Orange Recorder’s Office.

C. Award of Bid for Greenbrook Neighborhood and Little Cottonwood Park and Farquhar Pavement Rehabilitation Improvement Project (CIP No. 19/20-02) (Development Services)

This report recommends awarding of a bid to Hardy & Harper, Inc. for the grinding and overlay of the Greenbrook Neighborhood, Farquhar Avenue from Los Alamitos Boulevard to Bloomfield Street, and the Little Cottonwood Park Parking Lot (CIP No. 19/20-02).

Recommendations:

1. Award a bid for the grinding and overlay of the Greenbrook Neighborhood, Farquhar Avenue from Los Alamitos Boulevard to Bloomfield Street and Little Cottonwood Park Parking Lot (CIP No. 19/20-02) to Hardy & Harper, Inc. in the amount of $646,780.00; and,

2. Authorize the Mayor to execute the contract with Hardy & Harper Inc., for the subject project; and

3. Authorize City Engineer to add work and execute change orders in an amount not to exceed the contingency reserve of 10% or $64,678.00.

D. Approval of Plans and Specifications and Authorization to Bid for the Noel Street Pavement Rehabilitation Project (CIP No. 19/20-03) (Development Services)

This report recommends actions to begin facilitating the proposed grinding and overlay work along Noel Street, from Katella Avenue to Farquhar Avenue.

Recommendations:

1. Approve the Plans and Specifications for the Noel Street Pavement Rehabilitation Project (CIP No. 19/20-03); and,

2. Authorize Staff to advertise and solicit bid proposals.
E. **Purchase of New Computer Servers** *(Finance)*
The existing accounting software system is in need of upgrade as it will no longer be supported by the software company, Tyler Technologies. In light of such, Tyler Technologies has offered the City a free upgrade. In order to support the accounting software upgrade it is necessary to purchase two new computer servers.

Recommendation: Approve the purchase of new computer servers and amend the budget as necessary.

F. **Community Development Block Grant (CDBG) Project List for Fiscal Years 2020/2021 & 2021/2022** *(Development Services)*
This report sets forth a recommended project list for Fiscal Years 2020/2021 & 2021/2022 of the County’s Community Development Block Grant (CDBG) program and approval of the City’s participation in the program through an application usually due in the November to January timeframe. Applications have not been released at this time, and a due date has not been set.

Recommendations:


2. Direct Staff to prepare applications for submittal to the County of Orange; and,

3. Authorize the Interim City Manager to execute all CDBG program documents for Fiscal Year 2020/2021 & 2021/2022 and appropriate amendments, if any, as they become available.

G. **Approval of Notice of Completion for Alley, Americans with Disabilities Act (ADA) Ramps and Sidewalk Improvement Project (CIP No. 18/19-06)** *(Development Services)*
The Alley, ADA Ramps and Sidewalk Improvement Project (CIP No. 18/19-06) reconstructed portions of the existing alley west of Reagan Street, between Katella Avenue and Green Avenue. In addition, it included the installation of 10 new ADA ramps and sidewalk reconstruction in the Apartment Row neighborhood. Staff is recommending that City Council accept the work as completed, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.
Recommendations:

1. Accept as complete the construction for contract by Nobest Incorporated for the Alley, ADA Ramps and Sidewalk Improvement Project (CIP No. 18/19-06); and,

2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder's Office; and,

3. Authorize Staff to release the 5% retention to the contractor, in the amount of $6,163.22, thirty-five (35) days after recordation of the Notice of Completion.

H. Update on Video Recording and Broadcasting Traffic Commission Meetings (City Manager)

During the August 16, 2019 meeting, City Council discussed the possibility of video recording and broadcasting future Traffic Commission meetings. Following the discussion, the City Council directed staff to receive input from the Traffic Commission and report back to the City Council. This matter was discussed by the Traffic Commission during its September 11, 2019 meeting.

Recommendations:

1. Uphold the Traffic Commission’s recommendation to not proceed with video recording and broadcasting future Traffic Commission meetings; and,

2. Direct Staff to prepare comprehensive summary meeting minutes and pursue the ability to access audio recordings of meetings via the City website.

I. Reserve Policy for Fiscal Year Ending June 30, 2019 (Finance)

This report seeks to provide the City Council with an unaudited financial update regarding the General Fund reserves for the fiscal year ending June 30, 2019 and seeks approval from the City Council to establish a Fund Balance Reserve Policy.


J. Amendment No. 1 to Agreement with Matrix Imaging, Inc. to Digitize the City’s Records (City Clerk)

This is approve Amendment No. 1 to the Professional Services Agreement with Matrix Imaging (Matrix) to digitize the City’s records.
Recommendation: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Matrix Imaging for scanning and digitizing City records.

11. PUBLIC HEARING

A. Zoning Code, Zoning Map, and Subdivision Codes Update

(Development Services)

Consideration of a resolution to amend certain sections of the Los Alamitos General Plan in order to complete the Zoning & Subdivision Codes Update, followed by the consideration of an ordinance to approve the Zoning & Subdivision Code Update and an ordinance amending the zoning map of the City of Los Alamitos.

Recommendations:

1. Open the Public Hearing; and,

2. Discuss the Planning Commission’s recommended General Plan Amendments; and, if appropriate,

3. Approve “Addendum #2 to the 2015 General Plan FEIR” prepared pursuant to the California Environmental Quality Act (CEQA) regarding General Plan Amendment 19-01; and,

4. Adopt Resolution No. 2019-34, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 19-01 TO ENSURE THAT THE CURRENT ZONING CODE UPDATE WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED);” and,

5. Approve “Addendum #1 to the 2015 General Plan FEIR,” prepared pursuant to the California Environmental Quality Act (CEQA) regarding Zoning Ordinance Amendment 17-04; and,

6. City Attorney Daudt read the title of Ordinance No. 2019-03, entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CA, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE TO BE CONSISTENT WITH THE 2035 LOS ALAMITOS GENERAL PLAN AS PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED);” and,

ALAMITOS, CALIFORNIA, AMENDING THE ZONING MAP OF THE
CITY OF LOS ALAMITOS TO CONFORM TO THE CITY’S
GENERAL PLAN LAND USE MAP, AS A PART OF ZONING
ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED)."

12. ORDINANCE

A. 2019 Building Standards Code and Fire Code Adoption

(Department Services)

Every three years the State of California Building Standards Commission
adopts new construction regulations based on international model building
codes. Collectively, these State regulations are known as the "California
Building Standards Code" (Title 24, California Code of Regulations). The
2019 California Building Standards Code will take effect and apply to all

The California Health and Safety Code permits local governments to make
amendments to the California Building Standards Code that are
administrative or procedural, or that are more stringent than the
requirements adopted by the State. To incorporate local amendments, local
governments must adopt the California Building Standards Code, and adopt
local amendments to the same supported by findings that the local
amendments are necessary because of local climatic, geological or
topographical conditions.

Recommendations:

1. Waive reading in full and authorize reading by title only of Ordinance
   No. 2019-05 and 2019-06; and,

2. City Attorney Daudt read the title of Ordinance No. 2019-05, entitled,
   "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
   ALAMITOS, CALIFORNIA, AMENDING CHAPTER 15.04 OF TITLE
   15 OF THE LOS ALAMITOS MUNICIPAL CODE AND ADOPTING
   THE 2019 EDITION OF THE CALIFORNIA BUILDING
   STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS,
   TITLE 24) consisting of: THE 2019 CALIFORNIA
   ADMINISTRATIVE CODE THE 2019 CALIFORNIA BUILDING
   CODE, including appendix j; THE 2019 CALIFORNIA RESIDENTIAL
   CODE, including appendices H and V; the 2019 california electrical
   code; the 2019 california mechanical code; the 2019 california
   plumbing code; the california plumbing code, THE 2019
   CALIFORNIA ENERGY CODE; the 2019 california historical building
   code; the 2019 california existing building code; THE 2019
   CALIFORNIA GREEN BUILDING STANDARDS CODE; and THE
   2019 CALIFORNIA REFERENCED STANDARDS CODE, together
   with certain amendments, additions, and deletions; and adopting
THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, together with certain amendments, additions, and deletions," and,


4. Direct staff to schedule and properly notice a public hearing to adopt the Ordinances identified herein for the November 18, 2019 City Council meeting.

13. DISCUSSION ITEM

A. Approval of Amendment No. 2 to Employment Agreement for Interim City Manager Services (City Attorney)

This report seeks consideration of Amendment No. 2 to Employment Agreement with Mr. Les Johnson extending the term for Interim City Manager Services.

Recommendation: Authorize the Mayor to execute Amendment No. 2 to Employment Agreement with Les Johnson for Interim City Manager Services.

14. CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957
Title: City Manager

15. ADJOURNMENT

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.

Windmera Quintanar, MMC, City Clerk
Dated: October 17, 2019
CITY OF LOS ALAMITOS
A/P Warrants
October 21, 2019

To Approve

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To Ratify

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Authorize the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period October 22, 2019 to November 17, 2019.

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 Eric Hendrickson, Finance Director

this 15th day of October, 2019
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31 LAUREL PARK DEBT SERVICE 143,384.38

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MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – September 16, 2019

1. CALL TO ORDER
The City Council met in Regular Session at 6:02 p.m., Monday, September 16, 2019 in the Council Chamber, 3191 Katella Avenue, Mayor Kusumoto presiding.

2. ROLL CALL
Present: Council Members: Chirco, Grose, Hasselbrink, Mayor Pro Tem Murphy, Mayor Kusumoto

Absent: Council Members: None

Present: Staff: Les Johnson, Interim City Manager
David Cain, Fiscal Sustainability Manager
Michael Daudt, City Attorney
Eric Hendrickson, Finance Director
Dave Hunt, City Engineer
Captain Karrer, Police Captain
Emeline Noda, Recreation Manager
Ron Noda, Recreation Manager
Tom Oliver, Associate Planner
Windmera Quintanar, MMC, City Clerk
Ron Roberts, Battalion Chief Orange County Fire Authority

3. PLEDGE OF ALLEGIANCE
Council Member Grose led the Pledge of Allegiance.

4. INVOCATION
Mayor Pro Tem Murphy gave the Invocation.

5. PRESENTATIONS
Mayor Kusumoto and the Council presented recognitions to the recipients.

A. Presentation of Certificates of Recognition to the United Water Polo Club’s 14U Girls Team for Earning the Bronze Medal at the 2019 National Junior Olympics

B. Presentation of a Proclamation to Robert Acosta, Emergency Services Coordinator, for National Preparedness Month

C. Presentation of a Plaque to Bret M. Plumlee for his Six Years of Dedicated Service as City Manager
RECESS
The City Council took a brief recess at 6:18 p.m.

RECONVENE
The City Council reconvened in Regular session at 6:30 p.m.

6. 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. Remarks are to be limited to not more than five minutes per speaker.

The following residents spoke in opposition to permit parking: Linda Townsend, Stan Davidson, George Townsend, Mark Lindholm, Larry Andrade, Sandra Griffin, Frank Forman, Frank Janicke, Rob Stevens, and Julie Decker.

Dwayne Kelley, Gracias Music Foundation, spoke regarding the foundation and an upcoming event Christmas Cantata, September 29, 2019.

The following spoke in support of the registered nurses at the Los Alamitos Medical Center: Ginni Garry, Rick Baldwin and Gary Miller.

Mayor Kusumoto closed Oral Communications and advised the Traffic Commission is reviewing parking permits and will make a recommendation to the Council.

7. 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.

Council Member Grose advised he would submit his monthly report to the City Clerk’s Office.

Council Member Chirco spoke regarding attendance at Wahoo’s Ribbon Cutting Ceremony and the Orange County Mosquito and Vector Control District Board meeting.

Council Member Hasselbrink spoke regarding attendance at the Hail to Heroes Pacific Symphony Concert and Orange County Fire Authority Board meeting.

Mayor Pro Tem Murphy spoke regarding attendance at Wahoo’s Ribbon Cutting Ceremony, State of the District, Police Department Promotions, and requested a meeting with the City Manager to review building laws and penalties.

Mayor Kusumoto spoke regarding attendance at the Hail to Heroes Pacific
Symphony Concert and attendance at the White House State Leadership with Council Member Grose.

8. **ITEMS FROM THE CITY MANAGER**

Interim City Manager Johnson spoke regarding the upcoming Fiscal Sustainability Community Workshops.

Recreation Manager Emeline Noda spoke regarding the upcoming Family Dance on September 28, 2019.

9. **WARRANTS**

Motion/Second: Murphy/Hasselbrink

Unanimously Carried: The City Council approved the Warrants for September 16, 2019, in the amount of $21,433.93 ratified the Warrants for August 20, 2019 to September 15, 2019 in the amount of $793,816.90 and authorized the City Manager to approve such expenditures as are legally due and within an unexhausted balance of an appropriation against which the same may be charged for the time period of September 17, 2019 to October 20, 2019.

**ROLL CALL**

Mayor Kusumoto Aye
Mayor Pro Tem Murphy Aye
Council Member Chirco Aye
Council Member Grose Aye
Council Member Hasselbrink Aye

10. **CONSENT CALENDAR**

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

Motion/Second: Murphy/Chirco

Unanimously Carried: The City Council approved the following Consent Calendar Items:

A. **Approval of Minutes** *(City Clerk)*

   Approved the City Council Regular meeting minutes of August 19, 2019.

B. **Adopt Ordinance No. 2019-01 – Purchasing Ordinance Amendment** *(City Attorney)*

   At its regular meeting of August 19, 2019 the City Council conducted a first reading of Ordinance No. 2019-01. This was the second reading of a considered a proposed amendment to Chapter 2.60 (Purchasing System) of the Los Alamitos Municipal Code.

   This report recommended approval of Ordinance No. 2019-01 amending Los Alamitos Municipal Code Chapter 2.60 (Purchasing System). The
The proposed Ordinance would increase the monetary thresholds for formal, open market, and City department contract procedures for the purchase of supplies and equipment, increase the City Manager’s contract authority for the acquisition of personal, professional, consulting or other services, and make other revisions intended to streamline the procurement process and provide anticipated gains in efficiency.


C. **Adopt Ordinance No. 2019-02 – Zoning Ordinance Amendment (ZOA) 18-03 Concerning Small Wireless Cellular Installations** (Development Services)

At its regular meeting of August 19, 2019 the City Council conducted a first reading of Ordinance No. 2019-02. This was the second reading of a Zoning Ordinance Amendment to amend Section 17.30.030 and add Chapter 17.31 to the Los Alamitos Municipal Code through an ordinance regarding the location, standards, and general regulation of small wireless facilities within the City.


D. **Carry-Over Capital Improvement Projects** (Finance)

Capital improvement projects that have been appropriated, yet not completed, in the prior fiscal year need to be re-allocated and carried forward into the new fiscal year. This staff report sought approval from City Council to carry-over approved projects into Fiscal Year 2019-20.

The City Council reviewed and approved the proposed carry-over capital projects list and authorize the budget to be amended as such.

E. **Public Engagement via Community Survey Process – Professional Services Agreement with FM3 Research** (Finance)

As part of the City’s Fiscal Sustainability process, the City recently developed a 10 year financial plan which shows the City must take extraordinary measures to mitigate projected structural budget deficits and loss of cash balances. Staff has been working with the Budget Standing Committee to review and evaluate the pros and cons of cost cutting and revenue enhancement options available to the City. Another key part of the
Fiscal Sustainability process involves engaging community stakeholders in order to obtain their feedback on essential City service priorities. Engaging the Community early in the process provides constructive feedback before recommendations are made with regard to reductions in essential City services and/or specific revenue enhancement options. In addition, City staff has developed strategy as to how to conduct public outreach, polling, education workshops, community meetings, informational activities, web and social media communications, etc.

One of the critical items in this process is to obtain direct feedback from registered voters, which includes the design and conducting of a statistically reliable community survey. A request for proposals (RFP) was distributed to firms that specialize in these types of focused community surveys and three responses were timely received. After careful review of each proposal, staff is recommending City Council award an agreement to FM3 Research for the service of performing a community survey, allowing the City to gain a greater understanding of the community’s priorities, needs and desires. FM3 has worked with a number of California municipalities and is a recognized leader in conducting research, which will help city staff to craft a clear and concise fiscal sustainability solution plan based on our resident’s specific preferences and the City’s needs for the future.

The City Council:

1. Awarded a Professional Services Agreement (PSA) to FM3 Research in the amount not to exceed of $26,750 for public outreach survey and research related to the City’s continuing Fiscal Sustainability process; and,

2. Authorized the City Manager or his/her designee to execute an agreement on behalf of the City.

F. Award of Bid for Mobile Data Computer (RFP 2019-02) (Police)

This report recommended awarding a bid for purchase of eight (8) Mobile Data Computers for police operations (RFP 2019-02).

The City Council:

1. Awarded the bid for purchase of eight (8) Dell Latitude 7212 computers to DELL INC. in the amount of $25,662.41, and;

2. Authorized the City Manager to allocate funds from the Police Asset Seizure Fund (Fund 27) for the purchase of the computers.
G. Senate Bill 2 Planning Grants Program (Development Services)
This report recommended adoption of a resolution endorsing and authorizing Staff to file an application for the Senate Bill 2 Planning Grants Program. Use of the grant funds would be used to create a sub-area plan for the properties included in the Town Center Mixed Use Zone.


H. Professional Services Agreement with Special Olympics Southern California (Recreation)
The purpose of the report was to provide general information about and seek City Council approval of a new Professional Services Agreement with Special Olympics Southern California for third-party services to provide programs for special needs athletes in Los Alamitos.

The City Council authorized the Mayor to execute the Professional Services Agreement with Special Olympics Southern California for third-party administration services to provide programs for special needs athletes in Los Alamitos through August 8, 2020.

11. DISCUSSION ITEM

A. Provide Direction to the Voting Delegate Regarding the 2019 Annual Conference Resolution Packet (City Clerk)
The League of California Cities Annual Conference & Expo will be held at the Long Beach Convention Center, October 16-18, 2019. At the meeting of July 15, 2019 the City Council designated Council Member Dean Grose as its Voting Delegate to the Annual Business Meeting and Mayor Kusumoto and Council Member Hasselbrink as the Voting Alternates. This is an opportunity for the City Council to provide direction on its position regarding the proposed resolutions.

City Clerk Quintanar summarized the Staff report.

Motion/Second: Chirco/Hasselbrink
Unanimously Carried: The City Council directed the City’s Voting Delegate to support Resolution 1 and 2 of the 2019 Annual Conference Resolutions Packet.
12. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of Case: Justine Kim vs. City of Los Alamitos (EAMS No: ADJ11388154).

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

City Attorney Daudt read the items aloud.

RECESS
The City Council recessed into closed session at 7:27 p.m.

RECONVENE
The City Council reconvened in Regular Session at 8:20 p.m.

City Attorney Daudt stated there was no reportable action.

13. ADJOURNMENT
The City Council adjourned at 8:20 p.m.

____________________________________
Warren Kusumoto, Mayor

Attest:

____________________________________
Windmera Quintanar, MMC, City Clerk
Approval to record 2½ feet of alley dedication from JRG Properties, LLC, property located at 10922 Walnut Street, which is ready for submission to the County Recorder's Office.

RECOMMENDATIONS


2. Direct the City Clerk to record the alley dedication by submitting maps to the County of Orange Recorder’s Office.

BACKGROUND

On February 27, 2017 the Planning Commission of the City of Los Alamitos adopted Resolution No. 17-01 conditionally approving the site plan for construction of four residential units on an existing parcel located at 10922 Walnut Street which is in the Multiple-Family Residential (R-3) District.

DISCUSSION

Recording of the maps to dedicate 2½ feet for alley purposes was a requirement of the Conditions of Approval contained in Planning Commission Resolution No. 17-01, and also a requirement of Section 66426 of the California Government Code (Subdivision Map Act). The applicant has prepared the dedication maps for the proposed site and has submitted it to the City for approval and recording.
The City Engineer has reviewed the submitted alley dedication maps and all associated documentation and is satisfied with the Conditions of Approval for the subject property.

**FISCAL IMPACT**

None.

Submitted by: David Hunt, City Engineer  
Reviewed by and Approved By: Les Johnson, Interim City Manager

**Attachments:**  
1. Resolution No. 2019-31  
2. Exhibit A Legal Description Alley Dedication  
3. Exhibit B Plot Map  
4. Easement Deed  
5. Planning Commission Resolution No. 17-01
RESOLUTION NO. 2019-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ACCEPTING 2 ½ FEET OF ALLEY DEDICATION FROM JRG Properties, LLC, LOCATED AT 10922 WALNUT STREET

WHEREAS, on February 27, 2017 the Planning Commission of the City of Los Alamitos adopted Resolution No. 17-01 conditionally approving the site plan for construction of four residential units on an existing parcel located at 10922 Walnut Street which is in the Multiple-Family Residential (R-3) District; and,

WHEREAS, all necessary documentation associated with this site has been reviewed by the City Engineer; and,

WHEREAS, Resolution No. 17-01 required the 2 ½ foot alley dedication located at 10922 Walnut Street, attached and incorporated as Exhibits A and B. The proposed alley dedication is substantially in compliance with the relevant Conditions of Approval.

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

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

SECTION 2. The City Council of the City of Los Alamitos, California, hereby accepts the 2 ½ feet of alley dedication located at 10922 Walnut Street.

SECTION 3. The attached Legal Descriptions of Alley Dedication Portion of APN 242-202-07 are incorporated as Exhibits A and B.

SECTION 4. The City Clerk shall record the Alley Dedication located at 10922 Walnut Street with the Orange County Recorder’s Office.

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

PASSED, APPROVED, AND ADOPTED this 21th day of October, 2019.

________________________________________
Warren Kusumoto, Mayor
ATTEST:

______________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

_______________________________
Michael Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution No. 2019-31 was adopted at a regular meeting of the City Council held on the 21th day of October, 2019, by the following vote, to wit:

AYES:  COUNCILMEMBERS:

NOES:  COUNCILMEMBERS:
ABSTAIN:  COUNCILMEMBERS:
ABSENT:  COUNCILMEMBERS:

______________________________
Windmera Quintanar, MMC, City Clerk
EXHIBIT 'A'
LEGAL DESCRIPTION OF ALLEY DEDICATION
PORTION OF APN 242-202-07

IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA.

THE EAST 2.50 FEET OF LOT 7 IN BLOCK 33 OF THE TOWN OF LOS ALAMITOS, AS SHOWN ON MAP FILED IN BOOK 1, PAGE 25 OF LICENSED SURVEYOR'S MAPS OF ORANGE COUNTY, CALIFORNIA

AS SHOWN ON EXHIBIT 'B', ATTACHED HERETO AND MADE A PART HEREOF
NOTE
THIS OFFER OF DEDICATION ONLY AFFECTS
LOT 7 OF BLOCK 33 OF THE ORIGINAL
RECORD OF SURVEY

LEGEND

SUBJECT PROPERTY BOUNDARY LINE

STREET/ALLEY CENTERLINE

EXTERIOR TRACT BOUNDARY LINES

( ) INDICATES RECORD DATA FROM R.S.B 01/25

LEGAL DESCRIPTION
LOT 7 OF BLOCK 33 OF THE TOWN
OF LOS ALAMITOS AS PER RECORD
OF SURVEY BOOK 1, PAGE 25 IN
THE ORANGE COUNTY RECORDER'S OFFICE

EXHIBIT 'B'
IRREVOCABLE OFFER OF DEDICATION
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

A.P.N. 242-202-07
Also known as 10922 Walnut Street, Los Alamitos, CA. 90720

THIS IS TO CERTIFY THAT THIS DOCUMENT IS PRESENTED FOR RECORDING
BY THE CITY OF LOS ALAMITOS UNDER GOVERNMENT CODE 27383 AND IS
ALSO EXEMPT FROM PAYMENT OF DOCUMENTARY TRANSFER TAX

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JRG PROPERTIES, LLC, a California Limited Liability Company FORMED 12/1/7

do hereby GRANT to the

CITY OF LOS ALAMITOS, A MUNICIPAL CORPORATION

A DEDICATION OF THE EAST 2.5 FEET OF THE PROPERTY IN THE CITY OF LOS ALAMITOS,
COUNTY OF ORANGE, STATE OF CALIFORNIA AS DESCRIBED IN THE ATTACHED EXHIBIT “A”
AND SHOWN IN THE ATTACHED EXHIBIT “B.”

Owner

Signature Date  

10/1/19

Signature Date

ALL SIGNATURES MUST BE NOTARIZED.
ATTACH ACKNOWLEDGMENT(S) AS REQUIRED.
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On 10-1-2019 before me, Suzanne Kay, notary public, personally appeared Michael Garcia, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity(i.e., as), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Easement Deed
APN: 242-202-07

Number of Pages Document Date

CAPACITY CLAIMED BY THE SIGNER
- Individual(s)
- Corporate Officer
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other

INSTRUCTIONS FOR COMPLETING THIS FORM
This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document-signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
- Indicate title or type of attached document, number of pages and date.
- Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (e.g. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.
RESOLUTION NO. PC 17-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-10) TO DEMOLISH A SINGLE FAMILY RESIDENCE AND ALLOW CONSTRUCTION OF FOUR RESIDENTIAL APARTMENT UNITS IN TWO STRUCTURES ON ONE LOT AT 10922 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-202-07, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE GARNICA AND RON WIKSTROM).

WHEREAS, a completed application for a Site Plan Review was submitted by Mike Garnica and Ron Wikstrom on December 13, 2016, requesting approval for demolition of an existing SFR, and construction of four (4) residential apartment units at 10922 Walnut Street, APN 242-202-07; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.10.020 Table 2-01 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review at a duly noticed public hearing on February 27, 2017, at which time it considered all of the evidence presented, both written and oral.

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

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby makes the following findings which is based on all of the evidence presented, both written and oral; the Staff report is incorporated by reference:

1. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district: The design and layout of the four residential apartments on one lot at 10922 Walnut Street, as conditioned, is consistent with the development and design standards/guidelines of the Multiple Family (R-3) Residential Zoning District. As shown in the staff report, the development meets, or will be conditioned to meet, all requirements with the exception of the width of the site. The reduced width is allowed as this is a legal, non-conforming lot.
SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approve Site Plan Review SPR16-10, as represented by the plans and elevations in "Exhibit B" and subject to the conditions located in "Exhibit A."

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2017, by the following vote:

ATTEST:

[Signature]
Mary Anne Cuilty, Chair

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

[Signature]
Lisa Kranitz, Assistant City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF LOS ALAMITOS )
I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 27th day of February, 2017, by the following vote, to wit:

AYES: Andrade, Cuilty, DeBolt, Grose, Loe, Riley, Sofelkanik

NOES: None
ABSENT: None
ABSTAIN: None

[Signature]
Steven A. Mendoza, Secretary
GENERAL CONDITIONS

1. Approval of this application is to build a four-unit, residential apartment project in two structures at 10922 Walnut Street (APN 242-202-07) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated February 11, 2017 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of 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, the amendment may be approved by the Development Services Director without requiring a public meeting.

2. 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. 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.

3. The Applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. 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 Development Services Department.

4. In case of violation of any of the conditions of approval or applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is
11. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

LIGHTING

12. Prior to permit issuance, Applicant shall submit a lighting plan to the Development Services Department to the satisfaction of the Development Services Director.

13. The Applicant shall provide adequate exterior lighting for each residential unit that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

14. The Applicant shall provide an illuminated uniform address number near the entryway of each unit, or other location acceptable to the Development Services Director.

UTILITIES

15. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Development Services Department for review and approval prior to the Building and Safety Division Plan check.

16. All utility service lines shall be placed underground.

17. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each unit shall be separately metered.

CONSTRUCTION

18. During construction, the Applicant will display a sign visible to the public from Walnut Street with a contact number of the construction superintendent to address any questions or concerns about demolition, grading, and construction activities.

19. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.
29. There shall be no chain link fence installed within the front setback.

30. A Water Quality Management Plan (WQMP) is required to be processed for this project.

31. The common open space area improvements shall be reviewed and approved by the Development Services Department prior to issuance of building permits.

**ENGINEERING**

32. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.

33. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24” x 36”, with elevations to nearest 0.01 foot, minimum scale 1” = 20’. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.

34. 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.

35. Driveway slope shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.

36. If utility cuts in the street are excessive, the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.

37. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.

38. A City Public Works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.

39. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.
47. The Applicant shall coordinate with the neighbor at 10932 Walnut Street to relocate and replace their driveway approach (curb cut) per City standards.

48. If a utility cut is made in the alley, the Applicant shall replace the concrete panel entirely to the satisfaction of the City Engineer.

49. The Applicant shall provide sidewalks and gutters with the latest handicap accessibility features required by state and federal law.

50. The Applicant shall install 1 new tree on Walnut Street evenly spaced in the parkway in front of the subject parcel. Please call the Public Works Superintendent at 562-431-3538 for type and specifications.

51. The Applicant shall install irrigation to each of the City trees planted. The irrigation shall be a bubbler sprinkler NOT a tree well type of bubbler sprinkler.

**ROSSMOOR/LOS ALAMITOS SEWER DISTRICT**

52. The Applicant shall provide the Sewer District with the engineering plans and proposed sewage flow for the project before connecting to the District’s sewer.

53. The Applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.

54. The Applicant shall pay all applicable Sewer District connection, permit, plan check and inspection fees.

**BUILDING AND SAFETY DIVISION**

55. The Applicant must comply with all current California Building Codes in effect at the time that the plans are submitted.

56. The Applicant shall submit three (3) sets of complete building plans to the Building and Safety Department for review.

57. Prior to obtaining grading permits, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.

58. Provide asbestos report for demo permit and submit to AQMD if asbestos is found.

59. For demo and construction, project must recycle 60% of material and submit a waste management plan.

**ORANGE COUNTY FIRE AUTHORITY (OCFA)**
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 2019 ITEM NUMBER: 10C

To: Mayor Warren Kusumoto & Members of the City Council
Presented By: David Hunt, City Engineer
Subject: Award of Bid for Greenbrook Neighborhood and Little Cottonwood Park and Farquhar Pavement Rehabilitation Improvement Project (CIP No. 19/20-02)

SUMMARY

This report recommends awarding of a bid to Hardy & Harper, Inc. for the grinding and overlay of the Greenbrook Neighborhood, Farquhar Avenue from Los Alamitos Boulevard to Bloomfield Street, and the Little Cottonwood Park Parking Lot (CIP No. 19/20-02).

RECOMMENDATIONS

1. Award a bid for the grinding and overlay of the Greenbrook Neighborhood, Farquhar Avenue from Los Alamitos Boulevard to Bloomfield Street and Little Cottonwood Park Parking Lot (CIP No. 19/20-02) to Hardy & Harper, Inc. in the amount of $646,780.00; and,

2. Authorize the Mayor to execute the contract with Hardy & Harper Inc., for the subject project; and

3. Authorize City Engineer to add work and execute change orders in an amount not to exceed the contingency reserve of 10% or $64,678.00.

BACKGROUND

The City of Los Alamitos proposes to grind and overlay the streets within the Greenbrook Neighborhood, Farquhar Avenue from Los Alamitos Boulevard to Bloomfield Street and the Little Cottonwood Park Parking Lot. Portions of the project limits will be removed and reconstructed with Plain Cement Concrete (PCC) pavement over compacted native and longitudinal gutter over compacted native. All manhole, water valve, anode and monitoring well covers within the project limits will be adjusted to grade. Existing curbs, fence, block wall and private facilities will be protected in place within the limits of the project unless otherwise shown.
DISCUSSION

Notices announcing the solicitation of bids for this project were posted in the local publications, consisting of: the News-Enterprise and the F.W. Dodge publication known as the "Green Sheet".

Bids for the grinding and overlay of the Greenbrook Neighborhood, Farquhar Ave from Los Alamitos Blvd to Bloomfield St and the Little Cottonwood Park Parking Lot (CIP No. 19/20-2), were publicly opened on 9/23/19 at 10:00 am. From the nine (9) total bids received, it was determined by Staff that the lowest responsible bid submitted was from, Hardy & Harper Inc. with the total bid amount of $1,070,000.00. The bid results are provided below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HARDY &amp; HARPER, INC</td>
<td>$ 1,070,000.00</td>
</tr>
<tr>
<td>R.J. NOBLE CO</td>
<td>$ 1,078,943.00</td>
</tr>
<tr>
<td>EXCEL PAVING</td>
<td>$ 1,088,373.00</td>
</tr>
<tr>
<td>SULLY-MILLER CONTRACTING COMPANY</td>
<td>$ 1,152,125.00</td>
</tr>
<tr>
<td>SEQUEL CONTRACTORS</td>
<td>$ 1,199,739.00</td>
</tr>
<tr>
<td>ALL AMERICAN ASPHALT</td>
<td>$ 1,238,808.00</td>
</tr>
<tr>
<td>SHAWNAN</td>
<td>$ 1,332,440.00</td>
</tr>
<tr>
<td>AID BUILDERS</td>
<td>$ 1,549,938.00</td>
</tr>
<tr>
<td>ONYX PAVING</td>
<td>$ 1,551,000.00</td>
</tr>
<tr>
<td>Average</td>
<td>$ 1,251,263.00</td>
</tr>
</tbody>
</table>

The contractors base bid was based on 4 Schedules A through D. The City will award only Schedule A and B. Schedule C and D were bid alternatives to use regular asphalt instead of the rubberized asphalt. Schedule C and D were added in case the rubberized asphalt came in too high. The low bid award based on Schedule A and B will be for $646,780.00.

The following is an estimated timeline for the project:

- 10/21/19 Award of Contract
- 1/6/20 Start of construction
- 3/6/20 End of construction

FISCAL IMPACT

Funding for this project is included in the $60,931 from 2017/2018 and $343,280 from 2018-2019 adopted budget with funding sources being from the SB1 fund for Greenbrook Neighborhood, $300,000 from SB1 and Measure M funds and $60,000 from 2018/2019 adopted budget Park fund for Little Cottonwood Park for a total of $764,211. Thus, there are sufficient funds to cover the project cost of $711,458.
Submitted by: David Hunt, City Engineer
Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Reviewed and Approved by: Les Johnson, Interim City Manager

Attachments: 1. Articles of Agreement for CIP No. 19/20-02
              2. Bid Summary
ARTICLES OF AGREEMENT

PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-02
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-02, ("AGREEMENT") is made and entered into for the above-stated project this 21st of October, 2019, BY AND BETWEEN the City of Los Alamitos, a municipal corporation, hereafter designated as "AGENCY", and HARDY & HARPER, INC, a California corporation, hereafter designated as "CONTRACTOR."

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I: Contract Documents

The contract documents for the PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-02 shall consist of the Notice Inviting Sealed Bids, Instructions To Bidders, Bid Proposal, Bid Schedule, Standard Specifications, Special Provisions, and all referenced specifications, details, standard drawings, and appendices; together with two signed copies of the AGREEMENT, two signed copies of required bonds; one copy of the insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner (collectively referred to herein as the “Contract Documents”). All of the provisions of the Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II: Scope of Work

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and equipment and perform all work required for the above-stated project, and to fulfill all other obligations as set forth in the aforesaid contract documents.

AGENCY hereby employs CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices provided herein, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in this AGREEMENT.

In entering into a public works contract or a subcontract to supply goods, services, or materials pursuant to this AGREEMENT, CONTRACTOR offers and agrees to assign to the AGENCY all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (Section 16700, et seq.) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to CONTRACTOR, without further acknowledgment by the parties.

ARTICLE III: Compensation
A. CONTRACTOR agrees to receive and accept the prices set forth in the Bid Proposal and Bid Schedule as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder. In no event shall the total compensation and costs payable to CONTRACTOR under this Agreement exceed the sum of Six-Hundred and Forty-Six Thousand, Seven-Hundred and Eighty and Zero Cents ($646,780.00), unless specifically approved in advance and in writing by AGENCY.

Such compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of the work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

B. This AGREEMENT is subject to the provisions of Article 1.7 (commencing at Section 20104.50) of Division 2, Part 3 of the Public Contract Code regarding prompt payment of contractors by local governments. Article 1.7 mandates certain procedures for the payment of undisputed and properly submitted payment requests within 30 days after receipt, for the review of payment requests, for notice to Contractor of improper payment requests, and provides for the payment of interest on progress payment requests which are not timely made in accordance with that Article. This AGREEMENT hereby incorporates the provisions of Article 1.7 as though fully set forth herein.

C. At the request and expense of CONTRACTOR, securities equivalent to the amount withheld shall be deposited with AGENCY, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to CONTRACTOR upon Agency’s confirmation of CONTRACTOR’S satisfactory completion of this AGREEMENT. At any time during the term of this AGREEMENT CONTRACTOR may, at its own expense, substitute securities for funds otherwise withheld as retention (or the retained percentage) in accordance with Public Contract Code § 22300.

ARTICLE IV: Labor Code

AGENCY and CONTRACTOR acknowledge that this AGREEMENT is subject to the provisions of Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code relating to public works and public agencies and agree to be bound by all the provisions thereof as though set forth fully herein. Full compensation for conforming to the requirements of the Labor Code and with other Federal, State and local laws related to labor, and rules, regulations and ordinances which apply to any work performed pursuant to this AGREEMENT is included in the price for all contract items of work involved.

This AGREEMENT is further subject to prevailing wage law, including, but not limited to, the following:

A. The CONTRACTOR shall pay the prevailing wage rates for all work performed under the AGREEMENT. When any craft or classification is omitted from the general prevailing wage
determinations, the CONTRACTOR shall pay the wage rate of the craft or classification most closely related to the omitted classification. The CONTRACTOR shall forfeit as a penalty to AGENCY $200.00 or any greater penalty provided in the Labor Code for each Calendar Day, or portion thereof, for each worker paid less than the prevailing wage rates for any work done under the AGREEMENT in violation of the provisions of the Labor Code whether such worker is employed in the execution of the work by CONTRACTOR or by any Subcontractor under CONTRACTOR. In addition, CONTRACTOR shall pay each worker the difference between such prevailing wage rates and the amount paid to each worker for each Calendar Day, or portion thereof, for which each worker was paid less than the prevailing wage rate.

B. CONTRACTOR shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects, and further agrees that CONTRACTOR is responsible for compliance with Section 1777.5 by all of its subcontractors.

C. Pursuant to Labor Code § 1776, CONTRACTOR and any subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with this AGREEMENT. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Labor Code §§ 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours as required by Labor Code § 1776.

D. This AGREEMENT is further subject to 8-hour work day and wage and hour penalty law, including, but not limited to, Labor Code Sections 1810 and 1813, as well as California nondiscrimination laws, as follows:

CONTRACTOR shall strictly adhere to the provisions of the Labor Code regarding the 8-hour day and the 40-hour week, overtime, Saturday, Sunday and holiday work and nondiscrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or sexual orientation, except as provided in Section 12940 of the Government Code. Pursuant to the provisions of the Labor Code, eight hours’ labor shall constitute a legal day’s work. Work performed by CONTRACTOR’s employees in excess of eight hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. CONTRACTOR shall forfeit as a penalty to AGENCY $25.00 or any greater penalty set forth in the Labor Code for each worker employed in the execution of the work by CONTRACTOR or by any Subcontractor of CONTRACTOR, for each Calendar Day during which such worker is required or permitted to the work more than eight hours in one Calendar Day or more than 40 hours in any one calendar week in violation of the Labor Code.

E. This AGREEMENT is subject to Public Contract Code Section 6109: CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Sections 1777.1 or 1777.7 of the Labor Code.
ARTICLE V: Work Site Conditions

A. In compliance with and pursuant to Government Code Section 4215, AGENCY shall assume the responsibility, as between the parties to this AGREEMENT, for the timely removal, relocation, or protection of existing main- or trunk-line utility facilities located on the site of any construction project that is a subject of this AGREEMENT, if such utilities are not identified by AGENCY in the plans and specifications made a part of the invitation for bids. The Contract Documents shall include provisions to compensate CONTRACTOR for the costs of locating, repairing damage not due to the failure of CONTRACTOR to exercise reasonable care, and removing or relocating such utility facilities not indicated in the plans and specifications with reasonable accuracy and for equipment on the project necessarily idled during such work. CONTRACTOR shall not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of AGENCY or the owner of a utility to provide for removal or relocation of such utility facilities.

B. To the extent that the work requires trenches in excess of five feet (5’) and is estimated to cost more than $25,000, prior to any excavation, CONTRACTOR must provide the AGENCY, or a registered civil or structural engineer employed by the AGENCY to whom authority has been delegated to accept such plans, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the Construction Safety Orders.

C. This AGREEMENT is further subject to Public Contract Code Section 7104 with regard to any trenches deeper than four feet (4’) involved in the proposed work as follows:

CONTRACTOR shall promptly, and before the following conditions are disturbed, notify AGENCY, in writing, of any:

(1) Material that CONTRACTOR believes may be hazardous waste, as defined in Section 25117 of the Health and Safety Code, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with existing law.

(2) Subsurface or latent physical conditions at the site differing from those indicated by all available information provided prior to the deadline for submission of bids.

(3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.

AGENCY shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or involve hazardous waste, and cause a decrease or increase in CONTRACTOR’s cost of, or the time required for, performance of any part of the work, AGENCY shall issue a change order under the procedures described in this AGREEMENT.
In the event that a dispute arises between AGENCY and CONTRACTOR whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in CONTRACTOR’s cost of, or time required for, performance of any part of the work, CONTRACTOR shall not be excused from any scheduled completion date provided in the AGREEMENT, but shall proceed with all work to be performed under the AGREEMENT. CONTRACTOR shall retain any and all rights provided either by contract or by law which pertain to the resolution of disputes and protests between the contracting parties.

ARTICLE VI: Insurance

A. With respect to performance of work under this AGREEMENT, CONTRACTOR shall maintain, and shall require all of its subcontractors to maintain, insurance as required by Section E “Standard Specifications” of the Contract Documents.

B. This AGREEMENT is further subject to Workers’ Compensation obligations, including, but not limited to, California Labor Code Sections 1860 and 1861 as follows:

CONTRACTOR shall take out and maintain, during the life of this contract, Worker’s Compensation Insurance for all of CONTRACTOR’s employees employed at the site of improvement; and, if any work is sublet, CONTRACTOR shall require the subcontractor similarly to provide Worker’s Compensation Insurance for all of the latter’s employees, unless such employees are covered by the protection afforded by CONTRACTOR. CONTRACTOR and any of CONTRACTOR’s subcontractors shall be required to provide AGENCY with a written statement acknowledging its obligation to secure payment of Worker’s Compensation Insurance as required by Labor Code § 1861; to wit: ‘I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.’ If any class of employees engaged in work under this AGREEMENT at the site of the Project is not protected under any Worker’s Compensation law, CONTRACTOR shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. CONTRACTOR shall indemnify and hold harmless AGENCY for any damage resulting from failure of either CONTRACTOR or any subcontractor to take out or maintain such insurance.

ARTICLE VII: Indemnification

To the fullest extent permitted by law, CONTRACTOR shall, at its sole cost and expense, fully defend, indemnify and hold harmless AGENCY, its authorized representatives and their respective subsidiaries, affiliates, members, directors, officers, employees and agents (collectively, the “Indemnitees”) from and against any and all claims, actions, demands, costs, judgments, liens, penalties, liabilities, damages, losses, and expenses, including but not limited to any fees of accountants, attorneys or other professionals (collectively “Liabilities”), arising out of, in connection with, resulting from or related to, any act, omission, fault or negligence of CONTRACTOR, CONTRACTOR’s Representative, or any of its officers, agents, employees, Subcontractors or Suppliers, or any person or organization directly or indirectly employed by any
of them (Collectively, the “Indemnitors”), in connection with or relating to or claimed to be in connection with or relating to the work performed under this AGREEMENT.

If CONTRACTOR is a joint venture or partnership, each venturer or partner shall be jointly and severally liable for any and all of the duties and obligations of CONTRACTOR that are assumed under or arise out of this AGREEMENT. Each of such venturers or partners waives notice of the breach or non-performance of any undertaking or obligation of CONTRACTOR contained in, resulting from or assumed under this AGREEMENT, and the failure to give any such notice shall not affect or impair such venturer’s or partner’s joint and several liability hereunder.

**ARTICLE VIII: Binding Effect**

AGENCY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto and to its partners, successors, assigns, and legal representatives in respect of all covenants, agreements, and obligations contained in the Contract Documents. This AGREEMENT is not assignable nor the performance of either party’s duties delegable without the prior written consent of the other party. Any attempted or purported assignment or delegation of any of the rights of obligations of either party without the prior written consent of the other shall be void and of no force and effect.

**ARTICLE IX: Dispute Resolution**

A. In the event of a dispute arising out of the terms of this AGREEMENT, including any action brought to declare the rights granted herein or to enforce any of the terms of this AGREEMENT, the party prevailing in such dispute shall be entitled to all reasonable costs and litigation expenses actually incurred, including fees of attorneys and expert witnesses. Any court action arising out of this AGREEMENT shall be filed in the Los Angeles County Superior Court. Any alternative dispute resolution proceeding arising out of this AGREEMENT shall be heard in the City of Los Angeles or the City of Los Alamitos, California.

B. AGENCY shall have full authority to compromise or otherwise settle any claim relating to this AGREEMENT or any part hereof at any time. AGENCY shall provide timely notification to CONTRACTOR of the receipt of any third-party claim relating to this AGREEMENT. AGENCY shall be entitled to recover its reasonable costs incurred in providing the notification required by this section.

C. This AGREEMENT is further subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the Public Contract Code regarding the resolution of public works claims of less than $375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by Contractor, for the response to such claims by the Agency, for a mandatory meet and confer conference upon the request of Contractor, for mandatory nonbinding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the parties’ failure to resolve the dispute through mediation. This AGREEMENT hereby incorporates the provisions of Article 1.5 as though fully set forth herein.

**ARTICLE X: Independent Contractor**
CONTRACTOR is and shall at all times remain as to AGENCY, a wholly independent contractor. Neither AGENCY nor any of its agents shall have control of the conduct of CONTRACTOR or any of CONTRACTOR’s employees, except as herein set forth. CONTRACTOR shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of AGENCY.

ARTICLE XI: Taxes

CONTRACTOR is responsible for paying all retail, sales and use, transportation, export, import, special or other taxes and duties applicable to, and assessable against any work, materials, equipment, services, processes and operations incidental to or involved in this AGREEMENT. The CONTRACTOR is responsible for ascertaining and arranging to pay such taxes and duties. The prices established in this AGREEMENT shall include compensation for any taxes the CONTRACTOR is required to pay by laws and regulations in effect as of the execution of this AGREEMENT.

ARTICLE XII: Notices

All notices and communications shall be sent in writing to the parties at the following addresses:

AGENCY:  Dave Hunt  CONTRACTOR: Steve Kirschner
CITY OF LOS ALAMITOS  Hardy & Harper, Inc.
3191 Katella Avenue  32 Rancho Circle
Los Alamitos, CA  90720  Lake Forest, CA 92630

ARTICLE XIII: Entire Agreement

This AGREEMENT supersedes any and all other agreements, either oral or written, between the parties and contains all of the covenants and agreements between the parties pertaining to the work of improvements described herein. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement, statement or promise not contained in this AGREEMENT shall not be valid or binding. Any modification of this AGREEMENT will be effective only if signed by the party to be charged.

The benefits and obligations of this AGREEMENT shall inure to and be binding upon the representatives, agents, partners, heirs, successors and assigns of the parties hereto. This AGREEMENT shall be construed pursuant to the laws of the State of California.

ARTICLE XIV: Authority to Contract

The signatories hereto represent that they are authorized to sign on behalf of the respective parties they represent and are competent to do so, and each of the parties hereto hereby irrevocably waives any and all rights to challenge signatures on these bases.
ARTICLE XV: General Provisions

A. All reports, documents or other written material ("written products" herein) developed by CONTRACTOR in the performance of this Agreement shall be and remain the property of AGENCY without restriction or limitation upon its use or dissemination by AGENCY. CONTRACTOR may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by CONTRACTOR.

B. In the performance of this Agreement, CONTRACTOR shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.

C. The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph at the head of which it appears, the section or paragraph hereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

D. The waiver by AGENCY or CONTRACTOR of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by AGENCY or CONTRACTOR unless in writing.

E. Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this AGREEMENT to be executed in duplicate by setting hereunto their names, titles, hands, and seals this ________________________.

CONTRACTOR: Hardy & Harper, Inc.

__________________________________________
Steve Kirshner, Vice President
Contractor’s License No. 215952
Subscribed and sworn to this _______ day of _________, 2019.

NOTARY PUBLIC ____________________________________________ (SEAL)

AGENCY:  
Warren Kusumoto, Mayor  
City of Los Alamitos  

ATTESTED:  
Windmera Quintanar, MMC, City Clerk  
City of Los Alamitos  

APPROVED AS TO FORM:  
Michael S. Daudt, City Attorney  
City of Los Alamitos  

(EXECUTE IN DUPLICATE)
PAYMENT BOND

PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-02
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

WHEREAS, the City of Los Alamitos, as AGENCY has awarded to Hardy & Harper, Inc., as CONTRACTOR, a contract for the above-stated project;

AND WHEREAS, CONTRACTOR is required to furnish a bond in connection with the contract, to secure the payment of claims of laborers, mechanics, material persons, and other persons as provided by law;

NOW THEREFORE, we, the undersigned CONTRACTOR and SURETY, are held and firmly bound unto AGENCY in the sum of Six-Hundred and Forty-Six Thousand, Seven-Hundred and Eighty and Zero Cents ($646,780.00), which is one hundred percent (100%) of the total contract amount for the above-stated project, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH that if CONTRACTOR, its heirs, executors, administrators, successors, assigns or subcontractors, shall fail to pay any of the persons named in Civil Code Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor withheld, and to pay over to the Employment Development Department from the wages of employees of the CONTRACTOR and its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, that the surety or sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond, SURETY will pay reasonable attorneys’ fees to the plaintiffs and AGENCY in an amount to be fixed by the court.

This bond shall ensure to the benefit of any of the persons named in Civil Code Section 3181 as to give a right of action to such persons or their assigns in any suit brought upon this bond.

The SURETY hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or the specifications accompanying it shall in any manner affect SURETY’s obligations on this bond. The SURETY hereby waives notice of any such change, extension, alteration or addition and hereby waives the requirements of Section 2845 of the Civil Code as a condition precedent to any remedies AGENCY may have.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this day of ________________, 2019.

Contractor*   Steve Kirschner, Vice President
Hardy & Harper, Inc.
32 Rancho Circle
Lake Forest, CA 92630
714-444-1851

Surety*                _________________________________________________
_________________________________________________
_________________________________________________
________________________________________________

SECTION D – Page 10
CONTRACT INFORMATION AND DOCUMENT
*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for the respective authorized representatives. Power of Attorney must be attached.

Subscribed and sworn to this___ day of _____________________, 2019.

NOTARY PUBLIC........................................................................................................  (SEAL)

(E X E C U T E I N D U P L I C A T E)
KNOw ALL PERSONS BY THESE PRESENTS that Hardy & Harper, Inc., hereinafter referred to as “CONTRACTOR” as PRINCIPAL, and, a corporation duly organized and doing business under and by virtue of the laws of the State of California and duly licensed for the purpose of making, guaranteeing, or becoming sole surety upon bonds or undertakings as Surety, are held and firmly bound unto the CITY OF LOS ALAMITOS, CALIFORNIA, hereinafter referred to as the “AGENCY” in the sum Six-Hundred and Forty-Six Thousand, Seven-Hundred and Eighty and Zero Cents ($648,780.00) which is one hundred percent (100%) of the total contract amount for the above stated project; lawful money of the United States of America for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, assigns and successors, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that whereas CONTRACTOR has been awarded and is about to enter into a Contract with AGENCY to perform all work required pursuant to the contract documents for the project entitled: PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-02, which Contract is by this reference incorporated herein, and is required by AGENCY to give this Bond in connection with the execution of the Contract;

NOW, THEREFORE, if CONTRACTOR and his or her Subcontractors shall well and truly do and perform all the covenants and obligations of the Contract on his or her part to be done and performed at the times and in the manner specified herein including compliance with all Contract specifications and quality requirements, then this obligation shall be null and void, otherwise it shall be and remain in full force and effect;

PROVIDED, that any alterations in the work to be done, or in the material to be furnished, which may be made pursuant to the terms of the Contract, shall not in any way release CONTRACTOR or the Surety thereunder, nor shall any extensions of time granted under the provisions of the Contract release either CONTRACTOR or said Surety, and notice of such alterations of extensions of the Contract is hereby waived by said Surety.

In the event suit is brought upon this Bond by AGENCY and judgment is recovered, said Surety shall pay all costs incurred by AGENCY in such suit, including a reasonable attorney’s fee to be fixed by the Court.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this___________ day of ________, 2019.

Contractor* Steve Kirschner, Vice President
Hardy & Harper, Inc.
32 Rancho Circle
Lake forest, CA 92630
714-444-1851

SURETY*………………………

*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for their respective authorized representatives. Power of Attorney must be attached.
Subscribed and sworn to this ___ day of ______________ , 2019

NOTARY PUBLIC .................................................................................................. (SEAL)

( EXECUTE IN DUPLICATE )
MAINTENANCE BOND

PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-02
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

KNOW ALL PERSONS BY THESE PRESENTS THAT WHEREAS, the City of Los Alamitos, as AGENCY has awarded to Hardy & Harper, Inc., as CONTRACTOR, a contract for the above-stated project.

AND WHEREAS, CONTRACTOR is required to furnish a bond in connection with the contract guaranteeing maintenance thereof;

NOW, THEREFORE, we, the undersigned CONTRACTOR and SURETY, are held firmly bound unto AGENCY in the sum of Three-Hundred and Twenty-Three Thousand, Three-Hundred and Ninety and Zero Cents ($323,390.00), which is fifty percent (50%) of the total contract amount for the above-stated project to be paid to AGENCY, its successors and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that if CONTRACTOR shall remedy without cost to AGENCY any defects which may develop during a period of one (1) year from the date of recordation of the Notice of Completion of the work performed under the contract, provided such defects are caused by defective or inferior materials or work, then this obligation shall be void; otherwise it shall be and remain in full force and effect. In case suit is brought upon this bond, SURETY will pay reasonable attorneys’ fees to the AGENCY in an amount to be fixed by the court.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this ___ day of ______________________, 2019.

Contractor*        Steve Kirschner, Vice President
Hardy & Harper, Inc.
32 Rancho Circle
Lake Forest, CA 92630
714-444-1851

SURETY*                           

*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for their respective authorized representatives. Powers of Attorney must be attached.

Subscribed and sworn to this ........ day of ______________________, 2019.

NOTARY PUBLIC....................................................................................... (SEAL)
The undersigned declares:

I am the ____________ of _______________________, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on [date], at _____________[city], ______________[state].

__________________________
Signature of Declarant

__________________________
Printed Name of Declarant
WORKERS’ COMPENSATION INSURANCE CERTIFICATE

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: ____________ Hardy & Harper, Inc. __________________________
(Contractor)

By: __________________________
(Signature)

______________________________
(Title)

Attest:
By: __________________________
(Signature)

______________________________
(Title)

Note: See Section 7 Responsibility of the Contractor, Paragraph 7-3 of the Standard Specifications for insurance carrier rating requirements.
ENDORSEMENTS TO INSURANCE POLICY

Name of Insurance Company:

Policy Number:

Effective Date:
The following endorsements are hereby incorporated by reference into the attached Certificate of Insurance as though fully set forth thereon:

1. The naming of an additional insured as herein provided shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured, and

2. The additional insured named herein shall not be held liable for any premium or expense of any nature on this policy or any extensions thereof, and

3. The additional insured named herein shall not by reason of being so named be considered a member of any mutual insurance company for any purpose whatsoever, and

4. The provisions of the policy will not be changed, suspended, canceled or otherwise terminated as to the interest of the additional insured named herein without first giving such additional insured twenty (20) days’ written notice.

5. Any other insurance held by the additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance, which is referred to by this certificate.

6. The company provided insurance for this certificate is a company licensed to do business in the State of California with a Best’s rating of A+ VIII or greater.

It is agreed that the City of Los Alamitos, its officers and employees, are included as Additional Insurers under the contracts of insurance for which the Certificate of Insurance is given.

________________________________________

Authorized Insurance Agent

Date: ____________________________________
STATEMENT REGARDING INSURANCE COVERAGE

PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-02
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

The undersigned representative of Bidder hereby certifies that he/she has reviewed the insurance coverage requirements specified in 7-3 LIABILITY INSURANCE of Section E, Standard Specifications. Should Bidder be awarded the contract for the work, the undersigned further certifies that Bidder can meet all of these specification requirements for insurance including insurance coverage of his/her subcontractors.

NAME OF BIDDER:  ........................................................................................................

MAILING ADDRESS:  ........................................................................................................

........................................................................................................

........................................................................................................

AUTHORIZED SIGNATURE:  ...........................................................................................

TITLE:  ............................................................................................................................

DATE:  ............................................................................................................................
STATEMENT REGARDING CONTRACTOR’S LICENSING LAWS

PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-02
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

[Business & Professions Code § 7028.15]
[Public Contract Code § 20103.5]

I, the undersigned, certify that I am aware of the following provisions of California law and that I, or the entity on whose behalf this certification is given, hold a currently valid California contractor’s license as set forth below:

Business & Professions Code § 7028.15:

a) It is a misdemeanor for any person to submit a bid to a public agency to engage in the business or act in the capacity of a contractor within this state without having a license therefore, except in any of the following cases:

   (1) The person is particularly exempted from this chapter.

   (2) The bid is submitted on a state project governed by Section 10164 of the Public Contract Code or on any local agency project governed by Section 20104 [now § 20103.5] of the Public Contract Code.

b) If a person has been previously convicted of the offense described in this section, the court shall impose a fine of 20 percent of the price of the contract under which the unlicensed person performed contracting work, or four thousand five hundred dollars ($4,500), whichever is greater, or imprisonment in the county jail for not less than 10 days nor more than six months, or both.

   In the event the person performing the contracting work has agreed to furnish materials and labor on an hourly basis, “the price of the contract” for the purposes of this subdivision means the aggregate sum of the cost of materials and labor furnished and the cost of completing the work to be performed.

c) This section shall not apply to a joint venture license, as required by Section 7029.1. However, at the time of making a bid as a joint venture, each person submitting the bid shall be subject to this section with respect to his/her individual licensor.

d) This section shall not affect the right or ability of a licensed architect, land surveyor, or registered professional engineer to form joint ventures with licensed contractors to render services within the scope of their respective practices.

e) Unless one of the foregoing exceptions applies, a bid submitted to a public agency by a contractor who is not licensed in accordance with this chapter shall be considered nonresponsive and shall be rejected by the public agency. Unless one of the foregoing exceptions applies, a local public agency shall, before awarding a contract or issuing a purchase order, verify that the contractor was properly licensed when the contractor submitted the bid. Notwithstanding any other provision of law, unless one of the foregoing exceptions applies, the registrar may issue a citation to any public officer or employee of a public entity who knowingly awards a contract or issues a purchase order to a contractor who is not licensed pursuant to this chapter. The amount of civil penalties, appeal, and finality of such citations shall be subject to Sections 7028.7 to 7028.13, inclusive. Any contract awarded to, or any purchase order issued to, as contractor who is not licensed pursuant to this chapter is void.
f) Any compliance or noncompliance with subdivision (e) of this section, as added by Chapter 863 of the Statutes of 1989, shall not invalidate any contract or bid awarded by a public agency during which time that subdivision was in effect.

g) A public employee or officer shall not be subject to a citation pursuant to this section if the public employee, officer, or employing agency made an inquiry to the board for the purposes of verifying the license status of any person or contractor and the board failed to respond to the inquiry within three business days. For purposes of this section, a telephone response by the board shall be deemed sufficient.

Public Contract Code § 20103.5:

In all contracts subject to this part where federal funds are involved, no bid submitted shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of this state. However, at the time the contract is awarded, the contractor shall be properly licensed in accordance with the laws of this state. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the agency that the records of the Contractors’ State License Board indicate that the contractor was properly licensed at the time the contract was awarded. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors’ State License Board. The agency shall include a statement to that effect in the standard form of pre-qualification questionnaire and financial statement. **Failure of the bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the bidder.**

Contractors License Number: _____________________________________________  
License Expiration Date: _______________________________________________  
Authorized Signature: _________________________________________________  
Date: _______________________________________________________________
### CITY OF LOS ALAMITOS
### PAVEMENT REHABILITATION
### SPECIFICATION NO. CIP 19/20-02

**BID OPENING:** SEPTEMBER 23, 2019 AT 11:00 AM

---

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cold mill existing AC pavement depth varies from 1.5 inches to 0 inches as per detail “C” on sheet 2</td>
</tr>
<tr>
<td>2</td>
<td>Cold mill existing AC pavement 2 inch uniform depth</td>
</tr>
<tr>
<td>3</td>
<td>Cold mill existing AC pavement 1.5 inch uniform depth (Los Alamitos Blvd. Cerritos Ave intersection)</td>
</tr>
<tr>
<td>4</td>
<td>Construct 1.5 inch thick asphalt rubber hot mix (ARHM) overlay</td>
</tr>
<tr>
<td>5</td>
<td>Construct 2 inch thick HMA</td>
</tr>
<tr>
<td>6</td>
<td>Remove and construct 6-inch thick full depth AC pavement over compacted native</td>
</tr>
<tr>
<td>7</td>
<td>Remove and construct 2-inch thick full depth AC pavement</td>
</tr>
<tr>
<td>8</td>
<td>Remove and construct 6-inch aggregate base</td>
</tr>
<tr>
<td>9</td>
<td>Remove and construct A2-6 curb and gutter per SPPWC Std plan No. 120-2</td>
</tr>
<tr>
<td>10</td>
<td>Install detectable warning surface per SPPWC Std plan NO. 111-5</td>
</tr>
<tr>
<td>11</td>
<td>Remove and construct 4-inch thick PCC sidewalk or portion of residential driveway per SPPWC std plan 113-2 as shown</td>
</tr>
<tr>
<td>12</td>
<td>Adjust sewer manhole covers to grade</td>
</tr>
<tr>
<td>13</td>
<td>Adjust water valve covers to grade</td>
</tr>
<tr>
<td>14</td>
<td>Construct Type II slurry seal</td>
</tr>
<tr>
<td>15</td>
<td>Install signing and striping complete per plans</td>
</tr>
<tr>
<td>16</td>
<td>Install inductive loop detectors</td>
</tr>
</tbody>
</table>

**Total Costs:** $602,221.00

---

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
</tr>
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<tbody>
<tr>
<td>17</td>
<td>Coldmill existing AC pavement 1 inch uniform depth</td>
</tr>
<tr>
<td>18</td>
<td>Construct 1.5 inch thick asphalt rubber hot mix (ARHM) overlay</td>
</tr>
<tr>
<td>19</td>
<td>Remove and construct 3 inch thick AC over aggregate base</td>
</tr>
<tr>
<td>20</td>
<td>Install sign and striping complete per plans</td>
</tr>
<tr>
<td>21</td>
<td>Install court surfacing and striping complete per plans</td>
</tr>
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</table>

**Total Costs:** $44,559.00

---

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>22</td>
<td>Cold mill existing AC pavement depth varies from 2 inches to 0 inches</td>
</tr>
<tr>
<td>23</td>
<td>Construct 3 inch thick asphalt overlay hot mix (ARHM) overlay</td>
</tr>
<tr>
<td>24</td>
<td>Remove and construct 3 inch thick AC over aggregate base</td>
</tr>
<tr>
<td>25</td>
<td>Install sign and striping complete per plans</td>
</tr>
<tr>
<td>26</td>
<td>Install court surfacing and striping complete per plans</td>
</tr>
</tbody>
</table>

**Total Costs:** $401,660.00

---

### SCHEDULE B - LITTLE COTTONWOOD PARK PAVEMENT REHAB

<table>
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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
</tr>
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<tbody>
<tr>
<td>27</td>
<td>Construct AC pavement 1 inch uniform depth</td>
</tr>
</tbody>
</table>

**Total Costs:** $38,575.00

---

### SCHEDULE C - ADDITIVE ALTERNATIVE 1

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Construct AC pavement depth varies from 2 inches to 3 inches</td>
</tr>
</tbody>
</table>

**Total Costs:** $38,575.00

---

### SCHEDULE D - ADDITIVE ALTERNATIVE 2

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>29</td>
<td>Construct AC pavement depth varies from 2 inches to 3 inches</td>
</tr>
</tbody>
</table>

**Total Costs:** $38,575.00

---

### DEVELOPMENT SERVICES DEPARTMENT
### PUBLIC WORKS DIVISION
## SCHEDULE D - ADDITIVE

### ALTERNATIVE 2

<table>
<thead>
<tr>
<th>CITY</th>
<th>QTY.</th>
<th>UNITS</th>
<th>TOTAL COST</th>
<th>UNIT TOTAL COST</th>
<th>TOTAL</th>
<th>UNIT TOTAL COST</th>
<th>TOTAL</th>
<th>UNIT TOTAL COST</th>
<th>TOTAL</th>
<th>UNIT TOTAL COST</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASE</td>
<td>279</td>
<td>TON</td>
<td>$21,560.00</td>
<td>$21,560.00</td>
<td>$27,720.00</td>
<td>$27,720.00</td>
<td>$28,560.00</td>
<td>$28,560.00</td>
<td>$23,520.00</td>
<td>$23,520.00</td>
<td>$31,360.00</td>
</tr>
</tbody>
</table>

### PROJECT TOTAL

| TOTAL | $1,070,000.00 | $1,078,943.00 | $1,088,373.00 | $1,152,125.00 | $1,199,739.00 |

---

**Note:**

- **QTY.** - Quantity
- **UNITS** - Units
- **TOTAL COST** - Total Cost
- **UNIT TOTAL COST** - Unit Total Cost

**Development Services Department**

**Public Works Division**
SUMMARY

This report recommends actions to begin facilitating the proposed grinding and overlay work along Noel Street, from Katella Avenue to Farquhar Avenue.

RECOMMENDATIONS

1. Approve the Plans and Specifications for the Noel Street Pavement Rehabilitation Project (CIP No. 19/20-03); and,

2. Authorize Staff to advertise and solicit bid proposals.

BACKGROUND

The City of Los Alamitos proposes to grind and overlay portions of Noel Street as part of the City’s ongoing pavement management program.

DISCUSSION

The following represents an approximate timeline for the completion of the project which consist of: grind and overlay, signing and striping, and the installation loops for the street improvement project:

- 10/21/19 Approval of plans & specifications by the City Council
- 10/31/19 Advertise project
- 11/21/19 Bid Opening
- 12/16/19 Award of Contract
- 1/6/20 Start of construction
- 03/11/20 End of construction
**FISCAL IMPACT**

Total cost for the projects is estimated to be $150,000. The construction budget for the project is estimated at $136,050 with an additional $5,000 for design and $8,950 for inspection and project administration.

Available funding for the projects is provided as follows:

<table>
<thead>
<tr>
<th>Budget Fiscal Year</th>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-20</td>
<td>CDBG</td>
<td>135,000</td>
</tr>
<tr>
<td>2019-20</td>
<td>Gas Tax</td>
<td>15,000</td>
</tr>
</tbody>
</table>

Noel St Pavement Project 150,000

Submitted by: David Hunt, City Engineer
Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Approved by: Les Johnson, Interim City Manager

Attachment: 1. CIP No. 19/20-03 Bids & Specifications
CONTRACT DOCUMENTS AND SPECIFICATIONS

FOR

NOEL STREET PAVEMENT REHABILITATION
CIP 19/20-03

IN THE CITY OF LOS ALAMITOS, CALIFORNIA

OCTOBER 2019

NOTICE TO THE BIDDERS:

1. Contract bid documents: $15 at counter or $25 if purchased by mail (Prepaid amount/non-refundable).
2. Bid bond required – 10% of bid amount to be submitted with bid.
3. Bids must be received by 11:00 a.m. on the 23rd day of September 2019
CITY OF LOS ALAMITOS

SPECIFICATIONS FOR

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

GENERAL REQUIREMENTS AND TECHNICAL PROVISIONS
PREPARED BY:

Willdan Engineering
2401 East Katella Avenue, Suite 300
Anaheim, Ca 92806
(714) 978-8200

FOR THE CITY OF LOS ALAMITOS
PUBLIC WORKS DIVISION
DEVELOPMENT SERVICES DEPARTMENT

David Hunt, P. E.
P.E. 30514
Expiration Date: 03-31-20
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# TABLE OF CONTENTS

**NOEL STREET PAVEMENT REHABILITATION**  
**SPECIFICATION NO. CIP 19/20-03**  
**IN THE CITY OF LOS ALAMITOS, CALIFORNIA**

## SECTION

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTICE INVITING SEALED BIDS</td>
<td>A</td>
</tr>
<tr>
<td>INSTRUCTIONS TO BIDDERS</td>
<td>B</td>
</tr>
<tr>
<td>PROPOSAL INFORMATION AND DOCUMENTS</td>
<td>C</td>
</tr>
<tr>
<td>CONTRACT INFORMATION AND DOCUMENTS</td>
<td>D</td>
</tr>
<tr>
<td>STANDARD SPECIFICATIONS</td>
<td>E</td>
</tr>
<tr>
<td>SPECIAL PROVISIONS - 700 SERIES</td>
<td>F</td>
</tr>
<tr>
<td>SPECIAL PROVISIONS - ATTACHMENTS</td>
<td>G</td>
</tr>
</tbody>
</table>
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SECTION A

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

NOTICE INVITING SEALED BIDS
NOTICE INVITING SEALED BIDS

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

PUBLIC NOTICE IS HEREBY GIVEN that the City of Los Alamitos as AGENCY, invites sealed bids for the above stated project and will receive such bids in the office of the City Clerk, 3191 Katella Avenue, Los Alamitos, CA 90720 up to the hour of 11:00 a.m., on the 19th day of November 2019. The bids will be publicly opened and read at 11:00 a.m. on the 19th day of November 2019, in the Los Alamitos City Hall Council Chambers.

The City of Los Alamitos proposes to cold-mill and overlay existing pavement within the Farquhar Avenue, Los Alamitos Boulevard at Cerritos Avenue, Greenbrook Neighborhood and Little Cottonwood Park. Portions of the project limits will be removed and reconstructed with asphalt concrete pavement over compacted native. All manholes and water valves within the project limits will be adjusted to grade. Existing curbs and private facilities will be protected in place within the limits of the project unless otherwise shown. In addition, it will include sidewalk, curb and gutter reconstruction in the Greenbrook neighborhood.

Copies of the plans, specifications, and contract documents are available from the City of Los Alamitos, 3191 Katella Avenue, Los Alamitos, CA 90720 upon payment of a $15.00 non-refundable fee if picked up, or payment of a $25.00 non-refundable fee if mailed. In accordance with the provisions of California Public Contract Code § 3300, and Business and Professions Code § 7028.15(e), the Agency has determined that the contractor shall possess a valid Class A contractor’s license at the time that the contract is awarded. Failure to possess the specified license shall render a bidder’s bid as non-responsive and shall bar award of the contract to any bidder not possessing the specified license at the time of the award.

CONTRACTORS ARE REQUIRED BY LAW TO BE LICENSED AND REGULATED BY THE CONTRACTORS’ STATE LICENSE BOARD. ANY QUESTIONS CONCERNING A CONTRACTOR MAY BE REFERRED TO THE REGISTRAR, CONTRACTORS’ STATE LICENSE BOARD, P.O. BOX 2600, SACRAMENTO, CA 95826. At the time the contract is awarded, the contractor shall be properly licensed in accordance with the laws of this state. The first payment for work or material shall not be made unless and until the Registrar of Contractors verifies to the Agency that the records of the Contractors’ State License Board indicate that the contractor was properly licensed at the time the contract was awarded. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by law including, but not limited to, any appropriate disciplinary action by the Contractors’ State Board. Failure of the bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the bidder. (Public Contract Code § 20103.5)

Bids must be prepared on the approved bid forms in conformance with INSTRUCTIONS TO BIDDERS and submitted in the envelopes provided, sealed and plainly marked on the outside:

“SEALED BID FOR NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
DO NOT OPEN WITH REGULAR MAIL”

SECTION A – Page 9
NOTICE INVITING BID
The bid must be accompanied by a bid guarantee in the amount of 10% of the total bid by 11:00 a.m. ON THE DATE ADVERTISED FOR THE OPENING OF BIDS. More specifically, pursuant to Public Contract Code §§ 20170 and 20171, all bids for the project shall be presented, under sealed cover and shall be accompanied by one of the following forms of bidder’s security in the amount of ten percent (10%) of the bid: (a) cash; (b) a cashier’s check made payable to the City of Los Alamitos; (c) a certified check made payable to the City of Los Alamitos; or (d) a bidder’s bond executed by an admitted surety insurer made payable to the City of Los Alamitos. Such security shall be forfeited should the successful bidder to whom the contract is awarded fails to timely execute the contract and to deliver the necessary bonds and insurance certificates as specified in the contract documents.

To the extent applicable, at any time during the term of the Agreement for the proposed project, the successful bidder may, at its own expense, substitute securities equivalent to the amount withheld as retention (or the retained percentage) in accordance with Public Contract Code § 22300.

Pursuant to California Civil Code § 3247, a payment bond is required to be submitted for all projects estimated in excess of $25,000.00.

The Agency has determined that the proposed project is a public works subject to the provisions of Labor Code § 1720 thereby requiring the Contractor to pay the prevailing wage rates for all work performed under the Contract.

The Agency reserves the right to reject any and all bids.

If you have any questions, please contact Dave Hunt, at (562) 431-3538 extension 301.

BY ORDER OF the City Council of the City of Los Alamitos, California.
SECTION B

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

INSTRUCTIONS TO BIDDERS
INSTRUCTIONS TO BIDDERS

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

B1.01 INSPECTION OF SITE OF WORK

Bidders are required to inspect the site of the work in order to satisfy themselves, by personal examination or by such other means as they may prefer, of the location of the proposed work and as to the actual conditions of and at the site of work. If, during the course of his/her examination, a bidder finds facts or conditions which appear to him/her to conflict with the letter or spirit of the contract documents, or with any other data furnished him/her, he/she may apply to the Agency in writing in accordance with B1.04 INTERPRETATION OF CONTRACT DOCUMENTS for additional information and explanation before submitting his/her bid.

The submission of a proposal by the bidder shall constitute the acknowledgment that, if awarded the contract, he/she has relied and is relying on his/her own examination of (a) the site of the work, (b) the access to the site, and (c) all other data, matters, and things requisite to the fulfillment of the work and on his/her own knowledge of existing services and utilities on and in the vicinity of the site of the work to be constructed under the contract, and not on any representation or warranty of the Agency. No claim for additional compensation will be allowed which is based upon a lack of knowledge of these items.

B1.02 EXAMINATION OF CONTRACT DOCUMENTS

Each bidder shall thoroughly examine and be familiar with legal and procedural documents, general conditions, specifications, drawings and addenda (if any). The submission of a proposal shall constitute an acknowledgment upon which the Agency may rely that the bidder has thoroughly examined and is familiar with the contract documents. The bidders’ attention is directed to the need, if any, for special invoicing for this project. The failure or neglect of a bidder to receive or examine any of the contract documents shall in no way relieve him/her from any obligations with respect to his/her proposal or to the contract. No claim for additional compensation will be allowed which is based upon a lack of knowledge of any contract document.

B1.03 CONTRACT PERIOD/CONSTRUCTION COMPLETION DATE

Bidder’s attention is called to the provisions set forth in SECTION E, STANDARD SPECIFICATIONS, particularly those pertaining to the contract period and liquidated damages for avoidable delays.

The Contractor shall begin work within fifteen (15) calendar days after the date of the Notice to Proceed, and shall diligently prosecute said work to completion before the expiration 30 WORKING DAYS. The Contractor shall pay to the Agency the sum of $500.00 per day, for each and every calendar day’s delay in finishing the work in excess of the number of working days prescribed above.

B1.04 INTERPRETATION OF CONTRACT DOCUMENTS

No oral interpretations will be made to any bidder as to the meaning of the contract documents. Requests for an interpretation shall be made in writing and delivered to the Agency at least ten (10) days before the time announced for opening the proposals. Interpretations by the Agency will be in the form of addenda to the contract documents and, when issued, will be sent as promptly as is practical to all parties to whom the contract documents have been issued. Agency makes no guarantee that all bidders will receive all
addenda. Copies of addenda will be made available for inspection at the office where contract documents are on file for inspection as indicated on the Invitation for Bids. All such addenda shall become part of the contract. All questions shall be addressed to Dave Hunt, City of Los Alamitos, (562)-431-3538, ext. 110

B1.05 SOIL INFORMATION

Soil reports have not been prepared for this project.

B1.06 PROPOSAL

Proposals shall be made on the forms enclosed in SECTION C of these specifications with or without removal from the bound contract documents. All proposals shall give the prices proposed, both in words and in numbers, shall give all other information requested herein, and shall be signed by the bidder or his/her authorized representative, with his/her address. If the proposal is made by an individual, his/her name, signature and mailing address must be shown; if made by firm or partnership, the name and mailing address of the firm or partnership and the signature of at least one of the general partners must be shown; if made by a corporation, the proposal shall show the name of the state under the laws of which the corporation is chartered, the name and mailing address of the corporation, and the name and title of the person who signs on behalf of the corporation. If the proposal is made by a corporation, a certified copy of the bylaws or resolution of the board of directors of the corporation shall be furnished demonstrating the authority of the officer signing the proposal to execute contracts on behalf of the corporation.

Each proposal shall be enclosed in a sealed envelope, labeled as specified in SECTION A - NOTICE INVITING SEALED BIDS. Bidders are warned against making erasures or alterations of any kind, and proposals which contain omissions, erasures or irregularities of any kind may be rejected. No oral, telegraphic or telephonic proposals or modifications will be considered.

In conformance with the Business and Profession Code, § 7028.15, the Contractor must state clearly his/her license number and expiration date. In addition he/she shall sign a statement that these representations were made under the penalty of perjury. This statement shall be made on the EXPERIENCE STATEMENT in SECTION C.

The contractor will be required to pay prevailing wage pursuant to California Law, including California Labor Code §§ 1770 et seq. Copies of the prevailing rate of per diem wages are on file at the offices of the Agency.

B1.07 ADDENDA

Each proposal shall include specific acknowledgment in the space provided on SECTION C - BID PROPOSAL of receipt of all addenda issued during the bidding period. Failure to so acknowledge may result in the proposal being rejected as not responsive.

B1.08 BID PRICES

Bid prices shall include everything necessary for the completion of construction and fulfillment of the contract including, but not limited to, furnishing all materials, equipment, tools, plant and other facilities and all management, superintendence, labor and services, except as may be provided otherwise in the contract documents. In the event of a difference between a price quoted in words and a price quoted in numbers for the same quotation, the words shall be the amount bid.

In preparing bid prices, bidder represents that he/she has carefully examined the Contract Documents and the site where the work is to be performed and that he/she has familiarized himself with all local
conditions and federal, state and local laws, ordinances, rules, and regulations that may affect the performance of the work in any manner. The bidder further represents that he/she has studied all surveys and investigation reports about subsurface and physical conditions pertaining to the job site, that he/she has performed such additional surveys and investigations as he/she deems necessary to complete the work at his/her bid price, and that he/she has correlated the results of all such data with the requirements of the Contract Documents. The submittal of a bid shall be conclusive evidence that the bidder has investigated and is satisfied as to the conditions to be encountered, including locality, uncertainty of weather and all other contingencies, and as to the character, quality, quantities, and scope of the work.

The plans and specifications for the work show subsurface conditions or otherwise hidden conditions as the Design Engineer supposes or believes them to exist, but is not intended or to be inferred that the conditions as shown thereon constitute a representation that such conditions are actually existent. Except as otherwise specifically provided in the Contract Documents, the Agency, the Design Engineer and their consultants or agents shall not be liable for any loss sustained by the Contractor as a result of any variance of such conditions as shown on the plans and the actual conditions revealed during the progress of the work or otherwise.

The Contractor shall perform an independent take-off of the plans and bid accordingly. Quantities listed in the BID SCHEDULE in SECTION C are intended only as a guide for the Contractor as to the anticipated order of magnitude of work. Contractor shall be responsible for verifying all estimated quantities. Contractor will be reimbursed for the quantity of items actually installed as required by the Contract Documents and shown on the plans to neat line and grade.

The Contractor will not be reimbursed for unauthorized work performed outside of that required by the Contract Documents.

**B1.09 TAXES**

No mention shall be made in the proposal of sales tax, use tax, or any other tax, as all amounts bid will be deemed and held to include any such taxes which may be applicable.

**B1.10 RECOGNITION OF BONDING COMPANIES**

All bonding companies used by the Contractor in this contract must be recognized by the Federal Government within Circular 570. All proposals or contracts received that include bonds posted by bonding companies not recognized in Circular 570 will result in the disqualification of the bid proposal and forfeiture of the bid bond.

**B1.11 QUALIFICATION OF BIDDERS**

Each bidder shall be skilled and regularly engaged in the general class or type of work called for under the contract. A statement setting forth his/her experience shall be submitted by each bidder on the EXPERIENCE STATEMENT form provided in SECTION C.

Each bidder shall posses a valid Contractor’s License issued by the Contractor’s State License Board at the time his/her bid is submitted. The class of license shall be applicable to the work specified in the contract. Each bidder shall also have no less than five (5) years experience in the magnitude and character of the work bid.

It is the intention of the Agency to award a contract to a bidder who furnished satisfactory evidence that he/she has the requisite experience and ability, and that he/she has sufficient capital, facilities, and plant to enable him/her to prosecute the work successfully and properly, and to complete it within the time stated in the contract.
To determine the degree of responsibility to be credited to the bidder, the Agency will weigh any evidence that the bidder has performed satisfactorily other contracts of like nature, magnitude and comparable difficulty and comparable rates of progress. If in the opinion of the Agency, a bidder is determined to be insufficiently qualified, then that bidder will not be considered for award of the contract.

**B1.12 DESIGNATION OF SUPPLIERS AND SUBCONTRACTORS**

Each proposal shall have listed on the **DESIGNATION OF SUPPLIERS AND SUBCONTRACTORS** form provided in SECTION C the name and address of each subcontractor to whom the bidder proposes to sublet portions of the work in excess of one-half percent of the total amount of his/her bid. For the purpose of this paragraph, a subcontractor is defined as one who contracts with the Contractor to furnish materials and labor, or labor only for the performance of work at the site of the work or who will specially fabricate a portion of the work off the site pursuant to detailed drawings in the contract documents.

Public Contract Code § 4104 requires all bidders to list subcontractors who will perform work in excess of ½% of the total bid, or in the case of streets and highways, ½% or $10,000, whichever is greater.

Public Contract Code § 6109 prohibits a contractor from performing work with a subcontractor who is debarred pursuant to Labor Code §§ 1777.1 or 1777.7.

**B1.13 PROPOSAL GUARANTEE**

The proposal shall be accompanied by a proposal guarantee bond duly completed on the form provided herewith by a guarantee company authorized to carry on business in the State of California for payments to the Agency in the sum of at least 10% of the total amount of the bid proposal, or alternatively by a certified or cashier’s check payable to the Agency, or cash, in the sum of at least 10% of the total amount of the bid proposal. The amount payable to the Agency under the proposal guarantee shall be forfeited to the Agency in case of failure or neglect of the bidder to furnish, execute and deliver to the Agency the required bonds, evidence of insurance and to enter into, execute and deliver to the Agency the agreement on the form provided herewith, within ten (10) days after being notified in writing by the Agency that the award has been made and the agreement is ready for execution.

**B1.14 MODIFICATION OF PROPOSAL**

A modification of a bid proposal already received will be considered only if the modification is received before the time announced for the opening of bids. All modifications shall be made in writing, executed and submitted in the same form and manner as the original bid proposal.

**B1.15 WITHDRAWAL OF PROPOSAL**

A proposal may be withdrawn by a written request signed by the bidder. Such requests must be delivered to the Agency’s designated official prior to the bid opening hour stipulated in **SECTION A – NOTICE INVITING SEALED BIDS.** Proposals may not be withdrawn after that time without forfeiture of the proposal guarantee. The withdrawal of a proposal will not prejudice the right of the bidder to submit a new proposal, providing there is time to do so.

**B1.16 POSTPONEMENT OF BID OPENING**

The Agency reserves the right to postpone the date and time for opening of bids at any time prior to the date and time announced in **SECTION A–NOTICE INVITING SEALED BIDS.**
B1.17 DISQUALIFICATION OF BIDDERS

If there is reason to believe that collusion exists among the bidders, none of the bids of the participants in such collusion will be considered. In the event that any bidder acting as a prime Contractor has an interest in more than one proposal, all such proposals will be rejected, and the bidder will be disqualified. This restriction does not apply to subcontractors or suppliers who may submit quotations to more than one bidder, and while doing so, may also submit a formal proposal as a prime Contractor.

B1.18 REJECTION OF PROPOSALS

The Agency reserves the right to reject any and all proposals, to waive any irregularity, and to reject any proposals which are incomplete, obscure or irregular; any proposals which omit a bid on any one or more items on which bids are required; which omit unit prices if unit prices are required; in which unit prices are unbalanced in the opinion of the Agency; which are accompanied by insufficient or irregular bid security; or which are from bidders who have previously failed to perform properly or to timely complete contracts of any nature.

B1.19 AWARD OF CONTRACT

The Contract will be awarded, if at all, to the lowest responsible and responsive bidder, whose bid proposal is not rejected for cause by the Agency. However, until an award is made, the Agency reserves right will be reserved to reject any or all bids, and to waive technical errors or discrepancies, if to do so is deemed to best serve the interests of the Agency. In no event will an award be made until all necessary investigations are made as to the responsibility and qualifications of the bidder to whom it is proposed to make such an award.

Each bidder’s attention is directed to the possibility that the award of the project may be delayed for various reasons. The Agency reserves the right to delay the award of the project for 45 calendar days. After 45 calendar days, the low bidder may at any time request release from its bid without penalty.

The acceptance of a proposal will be evidenced by a Notice of Award of Contract in writing, delivered by mail to the bidder whose proposal is accepted. No other act of the Agency shall constitute acceptance of a proposal. The award of contract shall obligate the bidder whose proposal is accepted to furnish a performance bond, payment bond and maintenance bond, as well as evidence of insurance and to execute the contract set forth herein.

B1.20 RETURN OF PROPOSAL GUARANTEES

Within ten (10) calendar days after the bids are opened, the Agency will release the proposal guarantees accompanying the proposals which are not to be considered in making the award. Proposal guarantees for the two lowest bidders will be held until the contract has been fully executed, after which they will be returned to the respective bidders.

B2.21 EXECUTION OF CONTRACT

The contract agreement shall be executed in duplicate by the successful bidder and returned, together with the contract bonds and evidence of insurance, within ten (10) calendar days after the notification of the contract award by the Agency in writing. In case of failure of the successful bidder to execute the contract agreement within ten (10) calendar days after such notice, or any subsequent extension approved by Agency, the Agency at its option may consider the bidder in default, in which case the bid bond or proposal guarantee accompanying the bid shall become the property of the Agency. After execution by the Agency, one original contract shall be returned to the Contractor.
B1.22 FLEXIBILITY OF BID SCHEDULE

It is the intent of the Agency to award a contract to the lowest responsible and responsive bidder and the flexibility shown in the bid schedule is necessary to ensure a project within the Agency’s budget limits and constraints.
SECTION C

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

PROPOSAL INFORMATION AND DOCUMENTS

BID PROPOSAL
BID SCHEDULE
BID BOND
BID GUARANTEE
BIDDER INFORMATION
EXPERIENCE STATEMENT
DESIGNATION OF SUPPLIERS AND SUBCONTRACTORS
The undersigned, as bidder, declares that he/she has examined all of the contract documents and specifications contained in this project manual for the above referenced project, and that he/she will contract with the Agency on the form of contract provided herewith to do everything necessary for the fulfillment of this contract at the price, and on the terms and conditions therein contained.

The following are included and are to be considered as forming a part of this proposal: BID PROPOSAL, BID SCHEDULE, BID BOND, NONCOLLUSION AFFIDAVIT, BID GUARANTEE (if submitted in lieu of Bid Bond), BIDDER INFORMATION, EXPERIENCE STATEMENT, DESIGNATION OF SUPPLIERS & SUBCONTRACTORS, BIDDER’S STATEMENT REGARDING INSURANCE COVERAGE, and STATEMENT REGARDING CONTRACTOR’S LICENSING LAWS.

Contractor acknowledges receipt and inclusion of addenda ______ to ______ into this bid proposal and the contract documents.

Attached is a Bid Bond duly completed by a guarantee company authorized to carry on business in the State of California in the amount of at least 10% of the total amount of this proposal, or alternatively, there is attached a certified or cashier’s check payable to the Agency or evidence of a cash payment to the Agency, in the amount of at least 10% of the total amount of our proposal.

If this proposal is accepted, we agree to sign the contract form and to furnish the Performance Bond and the Payment Bond (each to be 100% of the bid amount), the Maintenance Bond (to be 50% of the bid amount), and the required evidences of insurance within ten (10) calendar days after receiving written Notice of Award of Contract.

We further agree if our proposal is accepted and a contract for the performance of the work is entered into with the Agency, to so plan the work and to prosecute it with such diligence that all of the work shall be completed within the time stipulated in SECTION E - TIME OF COMPLETION.

NAME OF BIDDER: __________________________________________________________
MAILING ADDRESS: _________________________________________________________
STATE OF INCORPORATION: _________________________________________________
AUTHORIZED SIGNATURE: ________________________________________________
TITLE: _____________________________________________________________________
DATE: _____________________________________________________________________
(If Company is a Corporation, provide corporate resolution per B 1.06 PROPOSAL.)
BID SCHEDULE

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

The cost of all labor, services, material, equipment and installation necessary for the completion of the work itemized under this schedule, even though not shown or specified, shall be included in the unit price for the various items shown herein. For a description of the work associated with each bid item, see SECTION E–SPECIAL PROVISIONS. The Agency reserves the right to increase or decrease the quantity of any item or omit items as may be necessary, and the same shall in no way affect or void the contract, except that appropriate additions or deductions from the contract total price will be made at the stipulated unit price in accordance with these Contract Documents.

The Agency reserves the right to reject any and all bids, to waive any informality in a bid, and to make awards in the interest of the Agency.

The Contractor shall perform an independent take-off of the plans and bid accordingly. Quantities listed in this Bid Schedule are intended only as a guide for the Contractor as to the anticipated order of magnitude of work. The Contractor shall be responsible for verifying all estimated quantities. The Contractor will be reimbursed for the quantity of items actually installed as required by the Contract Documents, including addenda, and shown on the plans to neat line and grade.

The Contractor will not be reimbursed for work performed for his convenience, or as required to adapt to field conditions, or for unauthorized work performed outside of that required by the Contract Documents.

The Contractor shall be responsible for calculating and providing totals for the bid schedule. The proposal schedule shall include all costs for labor, services, material, equipment, and installation associated with completing the work in place per the plans, specifications and details.

NAME OF BIDDER:_________________________________________________________
CONTRACTOR'S LICENSE NO.:_____________________________________________
AUTHORIZED SIGNATURE:__________________________________________________
TITLE:_________________________________________________________________
DATE:_________________________________________________________________
**BID SCHEDULE** (Continued)

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03

IN THE CITY OF LOS ALAMITOS, CALIFORNIA

BID SCHEDULES

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<th>No.</th>
<th>Item Description</th>
<th>Estimated Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Item Amount</th>
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</thead>
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<tr>
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<td>Mobilization</td>
<td>1</td>
<td>LS</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>1</td>
<td>LS</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>3</td>
<td>Unclassified Excavation</td>
<td>400</td>
<td>CY</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4</td>
<td>Construct 3&quot; AC Over Compacted Existing AB</td>
<td>780</td>
<td>TON</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>5</td>
<td>Remove and Construct 4&quot; Sidewalk per SPPWC Std Plan 113-2</td>
<td>60</td>
<td>SF</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>6</td>
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<td>4</td>
<td>EA</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>7</td>
<td>Adjust Manhole to Grade</td>
<td>3</td>
<td>EA</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>8</td>
<td>Reset Survey Monument</td>
<td>1</td>
<td>LS</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>9</td>
<td>Install Loop Detectors</td>
<td>2</td>
<td>EA</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>10</td>
<td>Signing and Striping</td>
<td>1</td>
<td>LS</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

**Subtotal - Schedule A**

Bid Schedule Total (Schedule A) $ ________________

Bid Schedule Total (Schedule A) (in words):

_____________________________________________________________________________________

The Contractor shall be responsible for calculating and providing unit prices for the schedule. The proposal schedule shall include all costs for services, labor, materials, equipment, and installation associated with completing the work in place per the plans, specifications and details.

For the purposes of determining the lowest responsible bidder, the Bid Schedule Total of Schedule A shall be considered.

(Company Name of Bidder) (Date)
BID BOND

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-0
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

KNOW ALL MEN BY THESE PRESENTS that Bidder ________________________, as PRINCIPAL, and ________________________, as SURETY, are held and firmly bound unto the City of Los Alamitos as AGENCY, in the penal sum of __________________________________________________________ dollars ($____________________), which is ten percent (10%) of the total amount bid by PRINCIPAL to AGENCY for the above stated project, for the payment of which sum, PRINCIPAL and SURETY agree to be bound, jointly and severally, firmly by these presents.

The SURETY, for value received, hereby stipulates and agrees that the obligations of said SURETY and its BOND shall be in no way impaired or affected by any extension of the time within which the AGENCY may accept such Bid; and said SURETY does hereby waive notice of any such extension.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas PRINCIPAL is about to submit a bid to AGENCY for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by PRINCIPAL in the manner and time specified, and PRINCIPAL provides the required payment and performance bonds and insurance coverages to AGENCY, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of AGENCY.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this__ day of ......................................., 2019.

PRINCIPAL* ...........................................................................................

________________

_____________________________________________

_____________________________________________

SURETY*  _____________________________________________

_____________________________________________

_____________________________________________

*Provide BIDDER and SURETY name, address and telephone number and the name, title, address and telephone number for their authorized representatives. Power of Attorney must be attached.

Subscribed and sworn to this ............ day of..............................., 2019.

NOTARY PUBLIC ___________________________________________           (SEAL)
BID GUARANTEE

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

Note: The following statement shall be used if other than a bid surety bond accompanies bid.

“Accompanying this proposal is a money order*, certified check*, cashier’s check*, cash*, payable to the order of the City of Los Alamitos in the amount of ______________________________________________________ Dollars ($__________________) which is at least ten percent (10%) of the total amount of this bid. The proceeds of this bid guarantee shall become the property of the City of Los Alamitos provided this bid is accepted by said City, through action of its legally constituted contracting authorities, and the undersigned fails to execute a contract and furnish the required bonds and insurance within the stipulated time. Otherwise, the proceeds of this bid guarantee shall be returned to the undersigned.”

NAME OF BIDDER: ........................................................................................................

MAILING ADDRESS: ........................................................................................................
........................................................................................................
........................................................................................................

AUTHORIZED SIGNATURE: ........................................................................................................

TITLE: ........................................................................................................

DATE: ........................................................................................................

(*Delete the inapplicable words)
BIDDER INFORMATION

NOEL STREETPAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03

IN THE CITY OF LOS ALAMITOS, CALIFORNIA

BIDDER certifies that the following information is true and correct:

Name of Bidder:..................................................................................................................................

Business Address: ..................................................................................................................................

Telephone:........................................ FAX:..........................................................................................

E-mail:..................................................................................................................................................

Contractor’s License No.:........................................ Date License Issued:...........................................

License Expiration Date:..........................................................................................................................

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal: (Name / Title / Address / Telephone)

............................................................................................................................................................
............................................................................................................................................................
............................................................................................................................................................
............................................................................................................................................................

Any voluntary or involuntary bankruptcy judgments against any principal having an interest in this proposal are as follows: (Type of Judgment / Date)

............................................................................................................................................................
............................................................................................................................................................
............................................................................................................................................................
............................................................................................................................................................

All current and prior DBA’s, aliases, and/or fictitious business names for any principal having an interest in this proposal are as follows: (Principal / DBA’s / Applicable Dates)

............................................................................................................................................................
............................................................................................................................................................

Prior Disqualification
Has your firm ever been disqualified from performing work for any City, County, Public or Private Contracting entity? Yes / No _______. If yes, provide the following information. (If more than once, use separate sheets):

Date: .................................................................Entity: .................................................................................................

Location: .............................................................................................................................................

Reason:.............................................................................................................................................

Provide Status and any Supplemental Statement:..............................................................................
.............................................................................................................................................................
.............................................................................................................................................................
.............................................................................................................................................................
.............................................................................................................................................................

Has your firm been reinstated by this entity? Yes / No ..........................................

Violations of Federal or State Law

A. Has your firm or its officers been assessed any penalties by any agency for noncompliance, violations of Federal or State labor laws and/or business or licensing regulations within the past five (5) years relating to your construction projects?

Yes / No: ................................................. Federal / State: .............................................................................................

If “yes”, identify and describe, (including status):..............................................................................
.............................................................................................................................................................
.............................................................................................................................................................
.............................................................................................................................................................
.............................................................................................................................................................

Have the penalties been paid? Yes / No:___________________
B. Does your firm or its officers have any ongoing investigations by any AGENCY regarding violations of the State Labor Code, California Business and Professions Code or State Licensing laws?

Yes / No: .................................. Codes / Laws: ........................................ Section / Article: ........

If “yes”, identify and describe (including status):........................................................................................................
...........................................................................................................................................................................
...........................................................................................................................................................................

I declare under penalty of perjury under the laws of the State of California that all of the representations made in this BIDDER INFORMATION are true and correct. Executed this ________________ day of ____________________, 2019, at ______________________, California.

Authorized Representative Signature and Title ______________________________________________
EXPERIENCE STATEMENT

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

Pursuant to this BID PROPOSAL and QUALIFICATION OF BIDDERS, the following is a record of the Bidder’s experience in construction of a type similar in magnitude and character to that contemplated under this contract. Included in this section should be a complete list of references for similar projects in terms of scope of work, value of work, and time constraints. The Contractor must demonstrate that he/she has experience with this type of project and can manage this project effectively. If necessary, additional numbered pages can be attached to this page. The Contractor must be properly licensed to perform the work in this project as determined by the State Contractor’s License Board.

Project Title: ____________________________________________
Client: __________________________ Date: __________ Project Value: ________________
Contact: _______________ Tel # __________

Description: ____________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________

Subject to Federal Labor Standards: Yes No

Project Title: ____________________________________________
Client: __________________________ Date: __________ Project Value: ________________
Contact: _______________ Tel # __________

Description: ____________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________

Subject to Federal Labor Standards: Yes No
EXPERIENCE STATEMENT (Continued)

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

Project Title: ____________________________
Client: ______________________ Date: __________ Project Value: ____________
Contact: _______________ Tel # _______________

Description: __________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Subject to Federal Labor Standards: Yes No

Project Title: ____________________________
Client: ______________________ Date: __________ Project Value: ____________
Contact: _______________ Tel # _______________

Description: __________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Subject to Federal Labor Standards: Yes No

I declare under penalty of perjury under the laws of the State of California that all of the representations
made in this EXPERIENCE STATEMENT are true and correct. Executed this ________________
day of ______________________, 20__, at ______________________________, California.

____________________________________________________
Authorized Representative Signature and Title
DESIGNATION OF SUPPLIERS AND SUBCONTRACTORS

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03

IN THE CITY OF LOS ALAMITOS, CALIFORNIA

The following is a list of subcontractors and suppliers, as defined in 2-3 SUBCONTRACTS of the Standard Specifications, who will perform work or provide materials of value in excess of one-half percent of the total bid price or $10,000, whichever is greater.

No subcontractor shall perform work in excess of the amount specified in 2-3 SUBCONTRACTS of the Standard Specifications, without the written approval of the Agency.

The Contractor is responsible to ensure that appropriate provisions are to be inserted in all subcontracts to bind subcontractors to the contract requirements as contained herein.

Each subcontractor must agree to comply with all applicable Federal, State, and local requirements.

<table>
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<tr>
<th>Name and Address of Subcontractor</th>
<th>Employer Tax Id #</th>
<th>MBE/WBE (Y/N)</th>
<th>Work Subcontracted</th>
<th>Portion of Work (% of Contract Price)</th>
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These representations are made under the penalty of perjury under the laws of the State of California. The undersigned hereby certifies that each subcontractor has been notified in writing of its equal opportunity obligations.

NAME OF BIDDER: _______________________________________________________

AUTHORIZED SIGNATURE: ________________________________________________

Date: _____________________________
SECTION D

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

CONTRACT INFORMATION AND DOCUMENTS
CONTRACT AGREEMENT
PAYMENT BOND
FAITHFUL PERFORMANCE BOND
MAINTENANCE BOND
NON-COLLUSION AFFIDAVIT
WORKER'S COMPENSATION INSURANCE CERTIFICATE
INSURANCE ENDORSEMENT
STATEMENT RE INSURANCE COVERAGE
STATEMENT RE THE CONTRACTOR'S LICENSING LAWS
ARTICLES OF AGREEMENT

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

THIS NOEL STREET PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-03 AGREEMENT ("AGREEMENT") is made and entered into for the above-stated project this __ day of Month, 20XX (Council Action Date Here), BY AND BETWEEN the City of Los Alamitos, a municipal corporation, hereafter designated as “AGENCY”, and CONTRACTOR’S BUSINESS NAME, a ____________ (State) ___________ (corporation, partnership, limited liability company, or other business form), hereafter designated as “CONTRACTOR.”

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I: Contract Documents

The contract documents for the NOEL STREET PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-03, shall consist of the Notice Inviting Sealed Bids, Instructions To Bidders, Bid Proposal, Bid Schedule, Standard Specifications, Special Provisions, and all referenced specifications, details, standard drawings, and appendices; together with two signed copies of the AGREEMENT, two signed copies of required bonds; one copy of the insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner (collectively referred to herein as the “Contract Documents”). All of the provisions of the Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II: Scope of Work

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and equipment and perform all work required for the above-stated project, and to fulfill all other obligations as set forth in the aforesaid contract documents.

AGENCY hereby employs CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices provided herein, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in this AGREEMENT.

In entering into a public works contract or a subcontract to supply goods, services, or materials pursuant to this AGREEMENT, CONTRACTOR offers and agrees to assign to the AGENCY all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (Section 16700, et seq.) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to CONTRACTOR, without further acknowledgment by the parties.
ARTICLE III: Compensation

A. CONTRACTOR agrees to receive and accept the prices set forth in the Bid Proposal and Bid Schedule as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder. In no event shall the total compensation and costs payable to CONTRACTOR under this Agreement exceed the sum of Dollars ($____ _____), unless specifically approved in advance and in writing by AGENCY.

Such compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of the work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

B. This AGREEMENT is subject to the provisions of Article 1.7 (commencing at Section 20104.50) of Division 2, Part 3 of the Public Contract Code regarding prompt payment of contractors by local governments. Article 1.7 mandates certain procedures for the payment of undisputed and properly submitted payment requests within 30 days after receipt, for the review of payment requests, for notice to Contractor of improper payment requests, and provides for the payment of interest on progress payment requests which are not timely made in accordance with that Article. This AGREEMENT hereby incorporates the provisions of Article 1.7 as though fully set forth herein.

C. At the request and expense of CONTRACTOR, securities equivalent to the amount withheld shall be deposited with AGENCY, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to CONTRACTOR upon Agency’s confirmation of CONTRACTOR’S satisfactory completion of this AGREEMENT. At any time during the term of this AGREEMENT CONTRACTOR may, at its own expense, substitute securities for funds otherwise withheld as retention (or the retained percentage) in accordance with Public Contract Code § 22300.

ARTICLE IV: Labor Code

AGENCY and CONTRACTOR acknowledge that this AGREEMENT is subject to the provisions of Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code relating to public works and public agencies and agree to be bound by all the provisions thereof as though set forth fully herein. Full compensation for conforming to the requirements of the Labor Code and with other Federal, State and local laws related to labor, and rules, regulations and ordinances which apply to any work performed pursuant to this AGREEMENT is included in the price for all contract items of work involved.

This AGREEMENT is further subject to prevailing wage law, including, but not limited to, the following:

A. The CONTRACTOR shall pay the prevailing wage rates for all work performed under the AGREEMENT. When any craft or classification is omitted from the general prevailing wage determinations, the CONTRACTOR shall pay the wage rate of the craft or classification most closely related to the omitted classification. The CONTRACTOR shall forfeit as a penalty to AGENCY $200.00 or any greater penalty provided in the Labor Code.
for each Calendar Day, or portion thereof, for each worker paid less than the prevailing wage rates for any work done under the AGREEMENT in violation of the provisions of the Labor Code whether such worker is employed in the execution of the work by CONTRACTOR or by any Subcontractor under CONTRACTOR. In addition, CONTRACTOR shall pay each worker the difference between such prevailing wage rates and the amount paid to each worker for each Calendar Day, or portion thereof, for which each worker was paid less than the prevailing wage rate.

B. CONTRACTOR shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects, and further agrees that CONTRACTOR is responsible for compliance with Section 1777.5 by all of its subcontractors.

C. Pursuant to Labor Code § 1776, CONTRACTOR and any subcontractor shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with this AGREEMENT. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Labor Code §§ 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours as required by Labor Code § 1776.

D. This AGREEMENT is further subject to 8-hour work day and wage and hour penalty law, including, but not limited to, Labor Code Sections 1810 and 1813, as well as California nondiscrimination laws, as follows:

CONTRACTOR shall strictly adhere to the provisions of the Labor Code regarding the 8-hour day and the 40-hour week, overtime, Saturday, Sunday and holiday work and nondiscrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or sexual orientation, except as provided in Section 12940 of the Government Code. Pursuant to the provisions of the Labor Code, eight hours’ labor shall constitute a legal day’s work. Work performed by CONTRACTOR’s employees in excess of eight hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. CONTRACTOR shall forfeit as a penalty to AGENCY $25.00 or any greater penalty set forth in the Labor Code for each worker employed in the execution of the work by CONTRACTOR or by any Subcontractor of CONTRACTOR, for each Calendar Day during which such worker is required or permitted to work more than eight hours in one Calendar Day or more than 40 hours in any one calendar week in violation of the Labor Code.

E. This AGREEMENT is subject to Public Contract Code Section 6109: CONTRACTOR shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Sections 1777.1 or 1777.7 of the Labor Code.

ARTICLE V: Work Site Conditions
A. In compliance with and pursuant to Government Code Section 4215, AGENCY shall assume the responsibility, as between the parties to this AGREEMENT, for the timely removal, relocation, or protection of existing main- or trunk-line utility facilities located on the site of any construction project that is a subject of this AGREEMENT, if such utilities are not identified by AGENCY in the plans and specifications made a part of the invitation for bids. The Contract Documents shall include provisions to compensate CONTRACTOR for the costs of locating, repairing damage not due to the failure of CONTRACTOR to exercise reasonable care, and removing or relocating such utility facilities not indicated in the plans and specifications with reasonable accuracy, and for equipment on the project necessarily idled during such work. CONTRACTOR shall not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of AGENCY or the owner of a utility to provide for removal or relocation of such utility facilities.

B. To the extent that the work requires trenches in excess of five feet (5’) and is estimated to cost more than $25,000, prior to any excavation, CONTRACTOR must provide the AGENCY, or a registered civil or structural engineer employed by the AGENCY to whom authority has been delegated to accept such plans, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the Construction Safety Orders.

C. This AGREEMENT is further subject to Public Contract Code Section 7104 with regard to any trenches deeper than four feet (4’) involved in the proposed work as follows:

CONTRACTOR shall promptly, and before the following conditions are disturbed, notify AGENCY, in writing, of any:

(1) Material that CONTRACTOR believes may be hazardous waste, as defined in Section 25117 of the Health and Safety Code, which is required to be removed to a Class I, Class II, or Class III disposal site in accordance with existing law.

(2) Subsurface or latent physical conditions at the site differing from those indicated by all available information provided prior to the deadline for submission of bids.

(3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.

AGENCY shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or involve hazardous waste, and cause a decrease or increase in CONTRACTOR’s cost of, or the time required for, performance of any part of the work, AGENCY shall issue a change order under the procedures described in this AGREEMENT.

In the event that a dispute arises between AGENCY and CONTRACTOR whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in CONTRACTOR’s cost of, or time required for, performance of any part of the work, CONTRACTOR shall not be excused from any scheduled completion date provided in the AGREEMENT, but shall proceed with all work to be performed under the AGREEMENT.
CONTRACTOR shall retain any and all rights provided either by contract or by law which pertain to the resolution of disputes and protests between the contracting parties.

ARTICLE VI: Insurance

A. With respect to performance of work under this AGREEMENT, CONTRACTOR shall maintain, and shall require all of its subcontractors to maintain, insurance as required by Section E “Standard Specifications” of the Contract Documents.

B. This AGREEMENT is further subject to Workers’ Compensation obligations, including, but not limited to, California Labor Code Sections 1860 and 1861 as follows:

CONTRACTOR shall take out and maintain, during the life of this contract, Worker’s Compensation Insurance for all of CONTRACTOR’s employees employed at the site of improvement; and, if any work is sublet, CONTRACTOR shall require the subcontractor similarly to provide Worker’s Compensation Insurance for all of the latter’s employees, unless such employees are covered by the protection afforded by CONTRACTOR. CONTRACTOR and any of CONTRACTOR’s subcontractors shall be required to provide AGENCY with a written statement acknowledging its obligation to secure payment of Worker’s Compensation Insurance as required by Labor Code § 1861; to wit: ‘I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.’ If any class of employees engaged in work under this AGREEMENT at the site of the Project is not protected under any Worker’s Compensation law, CONTRACTOR shall provide and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected. CONTRACTOR shall indemnify and hold harmless AGENCY for any damage resulting from failure of either CONTRACTOR or any subcontractor to take out or maintain such insurance.

ARTICLE VII: Indemnification

To the fullest extent permitted by law, CONTRACTOR shall, at its sole cost and expense, fully defend, indemnify and hold harmless AGENCY, its authorized representatives and their respective subsidiaries, affiliates, members, directors, officers, employees and agents (collectively, the “Indemnitees”) from and against any and all claims, actions, demands, costs, judgments, liens, penalties, liabilities, damages, losses, and expenses, including but not limited to any fees of accountants, attorneys or other professionals (collectively “Liabilities”), arising out of, in connection with, resulting from or related to, any act, omission, fault or negligence of CONTRACTOR, CONTRACTOR’s Representative, or any of its officers, agents, employees, Subcontractors or Suppliers, or any person or organization directly or indirectly employed by any of them (Collectively, the “Indemnitors”), in connection with or relating to or claimed to be in connection with or relating to the work performed under this AGREEMENT.

If CONTRACTOR is a joint venture or partnership, each venturer or partner shall be jointly and severally liable for any and all of the duties and obligations of CONTRACTOR that are assumed under or arise out of this AGREEMENT. Each of such venturers or partners waives notice of the breach or non-performance of any undertaking or obligation of CONTRACTOR contained in, resulting from or assumed under this AGREEMENT, and the failure to give any
such notice shall not affect or impair such venturer’s or partner’s joint and several liability hereunder.

**ARTICLE VIII: Binding Effect**

AGENCY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto and to its partners, successors, assigns, and legal representatives in respect of all covenants, agreements, and obligations contained in the Contract Documents. This AGREEMENT is not assignable nor the performance of either party’s duties delegable without the prior written consent of the other party. Any attempted or purported assignment or delegation of any of the rights of obligations of either party without the prior written consent of the other shall be void and of no force and effect.

**ARTICLE IX: Dispute Resolution**

A. In the event of a dispute arising out of the terms of this AGREEMENT, including any action brought to declare the rights granted herein or to enforce any of the terms of this AGREEMENT, the party prevailing in such dispute shall be entitled to all reasonable costs and litigation expenses actually incurred, including fees of attorneys and expert witnesses. Any court action arising out of this AGREEMENT shall be filed in the Los Angeles County Superior Court. Any alternative dispute resolution proceeding arising out of this AGREEMENT shall be heard in the City of Los Angeles or the City of Los Alamitos, California.

B. AGENCY shall have full authority to compromise or otherwise settle any claim relating to this AGREEMENT or any part hereof at any time. AGENCY shall provide timely notification to CONTRACTOR of the receipt of any third-party claim relating to this AGREEMENT. AGENCY shall be entitled to recover its reasonable costs incurred in providing the notification required by this section.

C. This AGREEMENT is further subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the Public Contract Code regarding the resolution of public works claims of less than $375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by Contractor, for the response to such claims by the Agency, for a mandatory meet and confer conference upon the request of Contractor, for mandatory nonbinding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the parties’ failure to resolve the dispute through mediation. This AGREEMENT hereby incorporates the provisions of Article 1.5 as though fully set forth herein.

**ARTICLE X: Independent Contractor**

CONTRACTOR is and shall at all times remain as to AGENCY, a wholly independent contractor. Neither AGENCY nor any of its agents shall have control of the conduct of CONTRACTOR or any of CONTRACTOR’s employees, except as herein set forth. CONTRACTOR shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of AGENCY.

**ARTICLE XI: Taxes**

CONTRACTOR is responsible for paying all retail, sales and use, transportation, export, import, special or other taxes and duties applicable to, and assessable against any work,
materials, equipment, services, processes and operations incidental to or involved in this AGREEMENT. The CONTRACTOR is responsible for ascertaining and arranging to pay such taxes and duties. The prices established in this AGREEMENT shall include compensation for any taxes the CONTRACTOR is required to pay by laws and regulations in effect as of the execution of this AGREEMENT.

ARTICLE XII: Notices

All notices and communications shall be sent in writing to the parties at the following addresses:

AGENCY:  Dave Hunt
CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, CA  90720

CONTRACTOR: [INSERT CONTACT]
CONTRACTOR’S BUSINESS NAME
Mailing Street Address
City, State Zip Code

ARTICLE XIII: Entire Agreement

This AGREEMENT supersedes any and all other agreements, either oral or written, between the parties and contains all of the covenants and agreements between the parties pertaining to the work of improvements described herein. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement, statement or promise not contained in this AGREEMENT shall not be valid or binding. Any modification of this AGREEMENT will be effective only if signed by the party to be charged.

The benefits and obligations of this AGREEMENT shall inure to and be binding upon the representatives, agents, partners, heirs, successors and assigns of the parties hereto. This AGREEMENT shall be construed pursuant to the laws of the State of California.

ARTICLE XIV: Authority to Contract

The signatories hereto represent that they are authorized to sign on behalf of the respective parties they represent and are competent to do so, and each of the parties hereto hereby irrevocably waives any and all rights to challenge signatures on these bases.

ARTICLE XV: General Provisions

A. All reports, documents or other written material (“written products” herein) developed by CONTRACTOR in the performance of this Agreement shall be and remain the property of AGENCY without restriction or limitation upon its use or dissemination by AGENCY. CONTRACTOR may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by CONTRACTOR.
B. In the performance of this Agreement, CONTRACTOR shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability, medical condition or any other unlawful basis.

C. The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph at the head of which it appears, the section or paragraph hereof, as the case may be, and not such heading, shall control and govern in the construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).

D. The waiver by AGENCY or CONTRACTOR of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition herein contained. No term, covenant or condition of this Agreement shall be deemed to have been waived by AGENCY or CONTRACTOR unless in writing.

E. Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance of the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this AGREEMENT to be executed in duplicate by setting hereunto their names, titles, hands, and seals this ______ day of ______, 20XX (Council Action Date Here)

CONTRACTOR: Contractor’s Business Name

________________________________________
Contractor’s Sign Name, Title
Contractor’s License No. XXXXXX

Subscribed and sworn to this ______ day of __________, 20__.  

NOTARY PUBLIC ________________________________ (SEAL)
AGENCY: ______________________________
Mayor
City of Los Alamitos
Date

ATTESTED: ______________________________
Windmera Quintanar, MMC, City Clerk
City of Los Alamitos
Date

APPROVED AS TO FORM: ______________________________
Michael S. Daudt, City Attorney
City of Los Alamitos
Date

(EXECUTE IN DUPLICATE)
PAYMENT BOND

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03

IN THE CITY OF LOS ALAMITOS, CALIFORNIA

WHEREAS, the City of Los Alamitos, as AGENCY has awarded to Contractor’s Business Name, as CONTRACTOR, a contract for the above-stated project;
AND WHEREAS, CONTRACTOR is required to furnish a bond in connection with the contract, to secure the payment of claims of laborers, mechanics, material persons, and other persons as provided by law;
NOW THEREFORE, we, the undersigned CONTRACTOR and SURETY, are held and firmly bound unto AGENCY in the sum of [DESCRIBE VERBALLY; 100% OF TOTAL CONTRACT AMOUNT—TO BE INSERTED BY CONTRACTOR] Dollars ($XXX,XXX.XX) which is one hundred percent (100%) of the total contract amount for the above-stated project, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH that if CONTRACTOR, its heirs, executors, administrators, successors, assigns or subcontractors, shall fail to pay any of the persons named in Civil Code Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor withheld, and to pay over to the Employment Development Department from the wages of employees of the CONTRACTOR and its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, that the surety or sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond, SURETY will pay reasonable attorneys’ fees to the plaintiffs and AGENCY in an amount to be fixed by the court.
This bond shall inure to the benefit to any of the persons named in Civil Code Section 3181 as to give a right of action to such persons or their assigns in any suit brought upon this bond.
The SURETY hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or the specifications accompanying it shall in any manner affect SURETY’s obligations on this bond. The SURETY hereby waives notice of any such change, extension, alteration or addition and hereby waives the requirements of Section 2845 of the Civil Code as a condition precedent to any remedies AGENCY may have.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this day of __________, 20__. 

Contractor* 
Contractor’s Signer’s Name, Title
Contractor’s Business Name
Mailing Street Address
City, State, Zip Code
Telephone #

Surety* 
________________________________________
________________________________________
________________________________________

*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for the respective authorized representatives. Power of Attorney must be attached.
Subscribed and sworn to this ___ day of __________, 20__.
NOTARY PUBLIC.........................................................................................................
.........................................................................................................................................(SEAL)

(E X E C U T E   I N   D U P L I C A T E)

SECTION D – Page 11
CONTRACT INFORMATION AND DOCUMENT
KNOW ALL PERSONS BY THESE PRESENTS That Contractor’s Business Name, hereinafter referred to as “CONTRACTOR” as PRINCIPAL, and , a corporation duly organized and doing business under and by virtue of the laws of the State of California and duly licensed for the purpose of making, guaranteeing, or becoming sole surety upon bonds or undertakings as Surety, are held and firmly bound unto the CITY OF LOS ALAMITOS, CALIFORNIA, hereinafter referred to as the “AGENCY” in the sum of [DESCRIBE VERBALLY; 100% OF TOTAL CONTRACT AMOUNT—TO BE INSERTED BY CONTRACTOR]Dollars ($XXX,XXX.XX); which is one hundred percent (100%) of the total contract amount for the above stated project; lawful money of the United States of America for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, assigns and successors, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that whereas CONTRACTOR has been awarded and is about to enter into a Contract with AGENCY to perform all work required pursuant to the contract documents for the project entitled: NOEL STREET PAVEMENT REHABILITATION, SPECIFICATION NO. CIP 19/20-03 CONTRACT which Contract is by this reference incorporated herein, and is required by AGENCY to give this Bond in connection with the execution of the Contract;

NOW, THEREFORE, if CONTRACTOR and his or her Subcontractors shall well and truly do and perform all the covenants and obligations of the Contract on his or her part to be done and performed at the times and in the manner specified herein including compliance with all Contract specifications and quality requirements, then this obligation shall be null and void, otherwise it shall be and remain in full force and effect;

PROVIDED, that any alterations in the work to be done, or in the material to be furnished, which may be made pursuant to the terms of the Contract, shall not in any way release CONTRACTOR or the Surety thereunder, nor shall any extensions of time granted under the provisions of the Contract release either CONTRACTOR or said Surety, and notice of such alterations of extensions of the Contract is hereby waived by said Surety.

In the event suit is brought upon this Bond by AGENCY and judgment is recovered, said Surety shall pay all costs incurred by AGENCY in such suit, including a reasonable attorney’s fee to be fixed by the Court.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this____day of            , 20__

Contractor* Name, Title of Signer
SURETY*……………………………………………

Contractor’s Business Name

Mailing Street Address

City, State, Zip Code

Telephone #

*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for their respective authorized representatives. Power of Attorney must be attached.

Subscribed and sworn to this___ day of ______________ , 20__

NOTARY PUBLIC...................................................................................................(SEAL)
MAINTENANCE BOND

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

KNOW ALL PERSONS BY THESE PRESENTS THAT WHEREAS, the City of Los Alamitos, as AGENCY has awarded to Contractor’s Business Name, as CONTRACTOR, a contract for the above-stated project.
AND WHEREAS, CONTRACTOR is required to furnish a bond in connection with the contract guaranteeing maintenance thereof;
NOW, THEREFORE, we, the undersigned CONTRACTOR and SURETY, are held firmly bound unto AGENCY in the sum of DESCRIBE VERBALLY; 50% OF TOTAL CONTRACT AMOUNT—TO BE INSERTED BY CONTRACTOR|Dollars ($XXX,XXX.XX), which is fifty percent (50%) of the total contract amount for the above-stated project to be paid to AGENCY, its successors and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.
THE CONDITIONS OF THIS OBLIGATION ARE SUCH that if CONTRACTOR shall remedy without cost to AGENCY any defects which may develop during a period of one (1) year from the date of recordation of the Notice of Completion of the work performed under the contract, provided such defects are caused by defective or inferior materials or work, then this obligation shall be void; otherwise it shall be and remain in full force and effect. In case suit is brought upon this bond, SURETY will pay reasonable attorneys’ fees to the AGENCY in an amount to be fixed by the court.
IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this____ day of ........................................, 20__. 

Contractor*
Contractor’s Signer’s Name, Title
Contractor’s Business Name
Mailing Street Address
City, State, Zip Code
Telephone #

SURETY* ______________________________________________
______________________________________________
______________________________________________
______________________________________________

*Provide CONTRACTOR and SURETY name, address and telephone number and the name, title, address and telephone number for their respective authorized representatives. Powers of Attorney must be attached.
Subscribed and sworn to this .......... day of........................., 20__.
NOTARY PUBLIC...................................................................................................
..................................................................................................................................(SEAL)
(EXECUTE IN DUPLICATE)

NON-COLLUSION AFFIDAVIT

The undersigned declares:

I am the _______________ of _______________________, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _______[date], at _______________[city], _______________[state].

__________________________
Signature of Declarant

__________________________
Printed Name of Declarant
WORKERS’ COMPENSATION INSURANCE CERTIFICATE
The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

DATE: ____________  ____________  Contractor’s Business Name.
(Contractor)
By: ____________
(Signature)
(Title)

Attest:
By: ____________
(Signature)
(Title)

Note: See Section 7 Responsibility of the Contractor, Paragraph 7-3 of the Standard Specifications for insurance carrier rating requirements.
ENDORSEMENTS TO INSURANCE POLICY

Name of Insurance Company:

Policy Number:

Effective Date:
The following endorsements are hereby incorporated by reference into the attached Certificate of Insurance as though fully set forth thereon:

1. The naming of an additional insured as herein provided shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured, and

2. The additional insured named herein shall not be held liable for any premium or expense of any nature on this policy or any extensions thereof, and

3. The additional insured named herein shall not by reason of being so named be considered a member of any mutual insurance company for any purpose whatsoever, and

4. The provisions of the policy will not be changed, suspended, canceled or otherwise terminated as to the interest of the additional insured named herein without first giving such additional insured twenty (20) days’ written notice.

5. Any other insurance held by the additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance, which is referred to by this certificate.

6. The company provided insurance for this certificate is a company licensed to do business in the State of California with a Best’s rating of A+ VIII or greater.

It is agreed that the City of Los Alamitos, its officers and employees, are included as Additional Insureds under the contracts of insurance for which the Certificate of Insurance is given.

________________________________________
Authorized Insurance Agent

Date: _________________________________
STATEMENT REGARDING INSURANCE COVERAGE

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

The undersigned representative of Bidder hereby certifies that he/she has reviewed the insurance coverage requirements specified in 7-3 LIABILITY INSURANCE of Section E, Standard Specifications. Should Bidder be awarded the contract for the work, the undersigned further certifies that Bidder can meet all of these specification requirements for insurance including insurance coverage of his/her subcontractors.

NAME OF BIDDER: ........................................................................................................

MAILING ADDRESS: ........................................................................................................
........................................................................................................
........................................................................................................

AUTHORIZED SIGNATURE: ........................................................................................................

TITLE: ........................................................................................................

DATE: .....................................................................................................
STATEMENT REGARDING CONTRACTOR’S LICENSING LAWS

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

[Business & Professions Code § 7028.15]
[Public Contract Code § 20103.5]

I, the undersigned, certify that I am aware of the following provisions of California law and that I, or the entity on whose behalf this certification is given, hold a currently valid California contractor’s license as set forth below:

Business & Professions Code § 7028.15:

a) **It is a misdemeanor for any person to submit a bid to a public agency to engage in the business or act in the capacity of a contractor within this state without having a license therefor,** except in any of the following cases:

   (1) The person is particularly exempted from this chapter.

   (2) The bid is submitted on a state project governed by Section 10164 of the Public Contract Code or on any local agency project governed by Section 20104 [now § 20103.5] of the Public Contract Code.

b) If a person has been previously convicted of the offense described in this section, the court shall impose a fine of 20 percent of the price of the contract under which the unlicensed person performed contracting work, or four thousand five hundred dollars ($4,500), whichever is greater, or imprisonment in the county jail for not less than 10 days nor more than six months, or both.

   In the event the person performing the contracting work has agreed to furnish materials and labor on an hourly basis, “the price of the contract” for the purposes of this subdivision means the aggregate sum of the cost of materials and labor furnished and the cost of completing the work to be performed.

c) This section shall not apply to a joint venture license, as required by Section 7029.1. However, at the time of making a bid as a joint venture, each person submitting the bid shall be subject to this section with respect to his/her individual licenser.

d) This section shall not affect the right or ability of a licensed architect, land surveyor, or registered professional engineer to form joint ventures with licensed contractors to render services within the scope of their respective practices.

e) Unless one of the foregoing exceptions applies, a bid submitted to a public agency by a contractor who is not licensed in accordance with this chapter shall be considered nonresponsive and shall be rejected by the public agency. Unless one of the foregoing exceptions applies, a local public agency shall, before awarding a contract or issuing a purchase order, verify that the contractor was properly licensed when the contractor submitted the bid. Notwithstanding any other provision of law, unless one of the foregoing exceptions applies, the registrar may issue a citation to any public officer or employee of a public entity who knowingly awards a contract or issues a purchase order to a contractor who is not licensed pursuant to this chapter. The amount of civil penalties, appeal, and finality of such citations shall be subject to Sections 7028.7 to 7028.13, inclusive. **Any contract awarded to, or any purchase order issued to, as contractor who is not licensed pursuant to this chapter is void.**

f) Any compliance or noncompliance with subdivision (e) of this section, as added by Chapter 863 of the Statutes of 1989, shall not invalidate any contract or bid awarded by a public agency during which time that subdivision was in effect.
g) A public employee or officer shall not be subject to a citation pursuant to this section if the public employee, officer, or employing agency made an inquiry to the board for the purposes of verifying the license status of any person or contractor and the board failed to respond to the inquiry within three business days. For purposes of this section, a telephone response by the board shall be deemed sufficient.

Public Contract Code § 20103.5:

In all contracts subject to this part where federal funds are involved, no bid submitted shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of this state. However, at the time the contract is awarded, the contractor shall be properly licensed in accordance with the laws of this state. The first payment for work or material under any contract shall not be made unless and until the Registrar of Contractors verifies to the agency that the records of the Contractors’ State License Board indicate that the contractor was properly licensed at the time the contract was awarded. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractors’ State License Board. The agency shall include a statement to that effect in the standard form of pre-qualification questionnaire and financial statement. Failure of the bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the bidder.

Contractors License Number: _____________________________________________

License Expiration Date: _____________________________________________

Authorized Signature: _____________________________________________

Date: _____________________________________________
SECTION E

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

E-STANDARD SPECIFICATION
STANDARD SPECIFICATIONS

NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

0-1 STANDARD SPECIFICATIONS

Except as hereinafter amended, the provisions of the 2018 Edition of the “Green Book,” Standard Specifications for Public Works Construction (“SSPWC”), with the latest Supplements, prepared and promulgated by the Southern California Chapters of the American Public Works Association and the Associated General Contractors of America, and these modifications thereto are adopted as the “Standard Specifications” for the Agency. These Standard Specifications will be numbered as Sections 0 through 600 per the SSPWC.

0-2 NUMBERING OF SECTIONS

The numbering of sections and subsections in these amendments and modifications are compatible with the numbering of sections in the SSPWC. The Special Provisions stated below will be numbered as Sections 700 through 799. Subsections of architectural work may be numbered according to the Construction Specifications Institute (“CSI”) format.

0-3 AMENDMENTS AND MODIFICATIONS

The following sections of the SSPWC are amended as provided herein. In the event of any inconsistencies between the amendments outlined herein and the SSPWC, these amendments shall control.

1-2 DEFINITIONS

Add the following:

Agent—Shall include persons and companies, other than the Contractor, retained by the City to perform design and construction services in relation to the Work.

Acceptance—The Agency’s formal written acceptance of a project that has been completed in all respects in accordance with the plans and specifications and any modifications thereof.

City—The City of Los Alamitos, California, as the Agency and Owner.

City Council—City Council of the City of Los Alamitos, California.

Construction Manager—Persons and/or company retained by the City to perform construction management services.

Design Engineer—Persons and/or company retained by the City to perform engineering design services.

Due Notice—A written notification, provided in due time, of a proposed action, where the contract requires such notification within a specified time (usually 48 hours or two working days) prior to the commencement of the contemplated action.
Engineer—The City Engineer of the City of Los Alamitos, or his/her authorized representative.

Geotechnical Engineer—Person licensed to practice Soils Engineering or Geotechnical Engineering pursuant to the laws of the State of California and retained by the Agency during construction.

Prompt—The briefest interval of time required for a considered reply, including time required for approval by a governing body.


Working Days—Any days, except: (1) Saturdays, Sundays, legal holidays on which Los Alamitos City Hall is closed for business; (2) days when work is suspended by the Engineer for reasons unrelated to the performance of the contractor, and provided in Subsections 6-3 and 6-3.1; and (3) days determined to be non-working in accordance with Section 6-7 “Time of Completion”.

1-3.3 INSTITUTIONS

Add the following:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACI</td>
<td>American Concrete Institute</td>
</tr>
<tr>
<td>AGCA</td>
<td>Associated General Contractors of America</td>
</tr>
<tr>
<td>APWA</td>
<td>American Public Works Association</td>
</tr>
<tr>
<td>ASME</td>
<td>American Society of Mechanical Engineers</td>
</tr>
<tr>
<td>CRSI</td>
<td>Concrete Reinforcing Steel Institute</td>
</tr>
<tr>
<td>CSI</td>
<td>Construction Specifications Institute</td>
</tr>
<tr>
<td>IEEE</td>
<td>Institute of Electric and Electronic Engineers</td>
</tr>
<tr>
<td>NFPA</td>
<td>National Fire Protection Association</td>
</tr>
<tr>
<td>SSS</td>
<td>State of California Standard Specifications, latest edition, Department of Transportation</td>
</tr>
<tr>
<td>SSPWC</td>
<td>Standard Specifications for Public Works Construction, as specified in Subsection 0-1</td>
</tr>
<tr>
<td>NEMA</td>
<td>National Electrical Manufacturers Association</td>
</tr>
</tbody>
</table>

1-6 BIDDING AND SUBMISSION OF THE BID
1-6.2 GENERAL

Delete the third paragraph and replace with the following:

Subcontracting of more than one-half of one percent of the work for which no Subcontractor was designated in the original Bid will be allowed only in cases of public emergency or necessity and only after the Engineer makes a written finding of circumstances constituting public emergency or necessity.

Delete the fourth paragraph and replace with the following:

The Contractor must obtain written consent of the City Council to substitute a Subcontractor designated in the original Bid, to permit any subcontract to be assigned or transferred, or to otherwise allow a subcontract to be performed by anyone other than the originally designated Subcontractor.

Delete the fifth paragraph and replace with the following:

A violation of any of the above provisions will be considered a violation of the Contract, and the City may cancel the Contract and collect appropriate damages or assess the Contractor a penalty of not more than ten (10) percent of the subcontract involved.

Add the following:

If subcontracted work is not being performed in a satisfactory manner, the City will notify the Contractor of the need to take corrective action and the Engineer may report the facts to the City Council. Upon order by City Council and the Contractor’s receipt of written instructions from the Engineer, the Subcontractor shall immediately be removed from the Work and may not again be employed on the Work.

1-7 AWARD AND EXECUTION OF THE CONTRACT

1-7.1 GENERAL

Add the following:

The City reserves the right to reject any or all proposals.

The Contract will be awarded, if at all, to the lowest responsible and responsive Bidder determined as provided on the Proposal Form, whose proposal complies with all the requirements prescribed. Such award, if made, will be made within the number of days stated in the proposal form. Refusal or failure to deliver the executed contract, bonds, or insurance in the form provided in the Contract and approved by the Agency’s attorney within the time provided herein shall be cause, at the Agency’s option, for the annulment of the award and forfeiture of the bid security. In such event, the Agency may successively award the Contract to the next lowest responsible and responsive Bidder until a properly executed Contract, bonds, and insurance is obtained, or it may at any time reject all remaining bids and proceed as provided by law. The refusal or failure of a successive lowest responsible and responsive Bidder to execute the Contract may, at the Agency’s option, result in an annulment of the award to that Bidder and the forfeiture of that Bidder’s bid security. The periods of time specified above within which the award of the Contract may be made shall be subject to extension for such further period as may be agreed upon in writing between the Agency and the concerned Bidder.
The Agency reserves the right to waive any irregularities.

Within ten (10) calendar days after the date of the Notice of Award, the Contractor shall execute and return the following contract documents to the Agency:

- Contract Agreement (in duplicate)
- Faithful Performance Bond (in duplicate)
- Maintenance Bond (in duplicate)
- Payment Bond (in duplicate)
- Public Liability and Property Damage Insurance Certificate (two original)
- Additionally Insured Endorsement
- Workers’ Compensation Insurance Certificate (two original)

A corporation to which an award is made may be required, before the Contract agreement is executed by the Agency, to furnish evidence of its corporate existence, of its right to enter into contracts in the State of California, and that the officers signing the contract and bonds for the corporation have the authority to do so.

1-7.2 CONTRACT BONDS

Add the following:

The PAYMENT BOND shall remain in force until thirty-five (35) days after the date of recordation of the Notice of Completion. The FAITHFUL PERFORMANCE BOND shall remain in force until the date of recordation of the Notice of Completion. The MAINTENANCE BOND shall remain in force until one (1) year after the date of recordation of the Notice of Completion.

All bonds must be accompanied by a Power of Attorney

SECTION 2 – SCOPE OF THE WORK

2-1 WORK TO BE DONE

Add the following paragraphs and subsections to Section 2-1:

Any plan or method of work suggested by the Agency or the Engineer to the Contractor but not specified or required, if adopted or followed by the Contractor in whole or in part, shall be used at the risk and responsibility of the Contractor; and the Agency and the Engineer shall assume no responsibility therefore and in no way be held liable for any defects in the work which may result from or be caused by use of such plan or method of work.

The work includes, but is not necessarily limited to, the following items as shown on the plans and specified in these Special Provisions:

2-1.1 NOEL STREET

2-inches of asphalt concrete pavement is to be removed with 1-inch of crushed aggregate base and be replaced with 3-inches of AC pavement over 95% compacted existing aggregate base. All water valves, gas valves, utility boxes, sewer and storm drain manholes within construction limits are to be adjusted to
grade. Small sections of sidewalk is to be replaced per plan. Curbs, gutters, and cross gutters are to be protected.

2-2 PERMITS

Delete the first paragraph and replace with the following:

Prior to the start of any work, the Contractor shall apply for and receive any applicable City, County, State, and Federal permits.

2-3 RIGHT-OF-WAY

Add the following:

When the Contractor arranges for additional work areas and facilities temporarily required by him/her, he/she shall provide the Agency with proof that the additional work areas and/or facilities have been left in a condition satisfactory to the owner(s) of said work areas and/or facilities prior to acceptance of the work.

2-4 COOPERATION AND COLLATERAL WORK

Add the following:

Contractor shall coordinate his/her work so as to minimize disruption to ongoing or scheduled private development projects in the project area.

2-7 CHANGES INITIATED BY THE AGENCY

2-7.1 GENERAL

Add the following:

All final locations determined in the field, and any deviations from the Plans and Specification, shall be marked in red on the documents to show the as-built conditions. Contractor shall maintain a complete and accurate record of all changes of construction from that shown in these plans and specifications for the purpose of providing a basis for construction record drawings. No changes shall be made without prior written approval of the Engineer. Upon completion of the Project, Contractor shall deliver this record of all construction changes to the Engineer along with a letter which declares that other than these noted changes “the Project was constructed in conformance with the Contract Documents”. Final payment will not be made until this requirement is met.

As the figured dimensions shown on the drawings and in the specifications of the Contract may not in every case agree with scaled dimensions, the figured dimensions shall be followed in preference to the scaled dimensions, and drawings to a large scale shall be followed in preference to the drawings to a small scale. Should it appear that the work to be performed, or any related matter, are not sufficiently detailed or explained in the Contract documents, the Contractor shall apply to the Engineer for such further explanations as necessary, and shall conform to such further explanations provided by the Engineer as part of the Contract to the extent that it is consistent with the terms of the Contract.
Caution: The engineer preparing these plans will not be responsible or liable for unauthorized changes to or uses of these plans. All changes to the plans must be approved in writing by the Engineer.

SECTION 3 – CONTROL OF THE WORK

3-3 SUBCONTRACTORS

Delete the first paragraph and replace with the following:

All persons engaged in the Work, including Subcontractors and their employees, will be considered employees of the Contractor. The Contractor will be held responsible for their work. The Agency will deal directly and solely with the Contractor and make all payments to the Contractor.

3-5 INSPECTION

Add the following:

The Agency shall inspect for compliance with requirements for 8-hour days and 40-hour weeks on normal working days. The Contractor shall reimburse the Agency, at rates established by the Agency, for any additional inspection, including inspection on legal holidays.

3-10 SURVEY

3-10.1 GENERAL

Add the following:

The Contractor shall be responsible for all survey and layout of work.

The line and grades for construction will be parallel to and offset from the position of the work. From the established lines and grades, the Contractor shall extend the necessary lines and grades for construction of the work and shall be responsible for the correctness of same.

3-12 WORK SITE MAINTENANCE

3-12.2 AIR POLLUTION CONTROL

Add the following Subsection:

3-12.2.1 WORK AREA APPEARANCE

The Contractor shall maintain a neat appearance to the Work.

All unsuitable construction materials and rubbish and debris shall be regularly removed from the job site, be transported to a suitable location, and be disposed of in a proper and legal manner.

In any area visible to the public, the following shall apply:

1. Broken concrete and debris developed during clearing and grubbing shall be disposed of weekly.
2. The Contractor shall furnish trash bins for all debris from structure construction. All debris shall be placed in trash bins daily.
3. Forms or false work that are to be re-used shall be neatly stacked concurrent with their removal.
4. Forms and false work that are not to be re-used shall be disposed of with their removal.
5. Wash down from concrete trucks shall be at one location. Concrete from wash down procedures shall be removed from the site weekly.

3-12.3 NOISE CONTROL

Add the following:

A noise level limit of 85 dba at a distance of fifty (50) feet shall apply to all construction equipment on or related to the job, whether owned by the Contractor or not. The use of excessively loud warning signals shall be avoided except in those cases where required for the protection of personnel.

The Contractor shall arrange and maintain a secure storage site for all equipment and materials. All equipment and unused materials shall be returned to this site at the end of each work day.

3-12.6 WATER POLLUTION CONTROL

Add the following to Subsection 7-8.6:

3-12.6.1 General

This item shall consist of preparation, implementation and compliance with a storm water pollution prevention plan (SWPPP) for the project, if applicable.

3-12.6.2 BEST MANAGEMENT PRACTICES (BMPs)

All storm water pollution prevention measures shall be in accordance with the submitted SWPPP. In the event circumstances during the course of construction require changes to the original SWPPP, a revised plan shall be promptly submitted to the Agency’s representative in each instance. No responsibility shall accrue to the Agency as a result of the plan or as a result of knowledge of the plan. All work installed by the Contractor in connection with the SWPPP but not specified to become a permanent part of the project shall be removed and the site restored in so far as practical to its original condition prior to completion of construction or when directed by the Agency’s representative.

3-12.6.3 SWPPP Preparation

Contractor shall submit to the engineer a completed and signed SWPPP at the preconstruction conference. The plan may utilize the practices recommended in the California Storm Water Best Management Practices Handbook dated January 2015, available from California Stormwater Quality Association (CSQA), and online at http://www.cabmphandbooks.net/. The plan shall be consistent with the construction General Permit, issued by the State Water Resources, Control Board, through submittal of the Notice of Intent (NOI).

If construction will occur between October 15 and April 15 (considered as the rainy season per the Agency’s Ordinance), a wet weather erosion control plan must be submitted. Additionally, Best Management Practices (BMPs) implemented during the Agency’s rainy season shall include but not be limited to those appropriate for wet weather conditions.
3-12.6.5 PAYMENT

Unless otherwise indicated in the Special Provision, measurement and payment for Storm Water Pollution Prevention Measures, as described herein, shall be included in the items of Work requiring storm water pollution prevention measures as indicated in the project Special Provisions. Such payment shall be considered full compensation for all labor, materials, tools, and equipment for completion, and implementation and compliance with the SWPPP.

3-13 COMPLETION AND ACCEPTANCE

3-13.3 WARRANTY

Add the following:

The Contractor shall warrant and guarantee the entire Work and all parts thereof, including that performed and constructed by subcontractors, and others employed directly or indirectly on the Work, against faulty or defective materials, equipment or workmanship for the maximum period provided by law. In addition thereto, for a period of one (1) year commencing on the date of acceptance of the Work, the Contractor shall, upon the receipt of notice in writing from the Agency, promptly make all repairs arising out of defective materials, workmanship or equipment and bear the cost thereof. The Agency is hereby authorized to make such repairs and the Contractor and Surety shall bear the cost thereof if, ten (10) days after the giving of such notice to the Contractor, the Contractor has failed to make or undertake with due diligence the repairs; provided, however, that, in the case of an emergency where, in the opinion of the Agency, delay could cause serious loss or damage, repairs may be made without notice being sent to the Contractor or Surety, and all expense in connection therewith shall be charged to the Contractor and Surety.

For the purpose of this article “Acceptance of the Work” shall mean the acceptance of the Work by the Agency in accordance with Subsection 3-13.2 but not for the purpose of extinguishing any covenant or agreement or agreement on the part of the Contractor to be performed or fulfilled under this Contract, which has not in fact been performed or fulfilled at the time of such acceptance all of such covenants and agreements, shall continue to be binding on the Contractor until they have been fulfilled.

The effective date of Acceptance of the Work and commencement of the Guarantee shall be the date of acceptance of the Notice of Completion by the City Council.

The following subsection is added to Subsection 3-13 of the SSPWC.

3-13.4 General Guaranty

The Contractor shall remedy any defects in the Work and pay for any damage to other work resulting therefrom, which shall appear within a period of one year from the date of final acceptance of the Work unless a longer period is specified. The Agency will give notice of observed defects with reasonable promptness.

SECTION 4 – CONTROL OF MATERIAL

4-1 GENERAL

Add the following:
The Contractor and all subcontractors, suppliers, and vendors, shall guarantee that the entire Work will meet all requirements of this Contract as to the quality of materials, equipment, and workmanship. The Contractor, at no cost to the Agency, shall make any repairs or replacements made necessary by defects in materials, equipment, or workmanship that become evident within one year after the date of recordation of the Notice of Completion. Within this one year period, the Contractor shall also restore to full compliance with the requirements of this Contract any portion of the Work which is found not to meet those requirements. The Contractor shall defend, indemnify, and hold the Agency, its officers, agents, and employees harmless from claims of any kind due to injuries or damages arising, directly or indirectly, from said defects or noncompliance.

The Contractor shall make all repairs, replacements, and restorations within thirty-five (35) days after the date of the Engineers’ written notice.

If, in the opinion of the Engineer, the defective work is not of sufficient magnitude or importance to make the work dangerous or undesirable, or if, in the opinion of the Engineer, the removal of such work is impractical or will create conditions which are dangerous or undesirable, the Agency shall have the right and authority to retain such work instead of requiring it to be removed and reconstructed, but will make such deductions thereof in the payments due or to become due to the Contractor as the Agency may deem just and reasonable.

4-4 TEST OF MATERIALS

Delete the third, fourth, and fifth sentences of the first paragraph and replace with the following:

Except as elsewhere specified, the Agency will bear the cost of testing material and/or workmanship which meet or exceed the requirements indicated in the Standard Specifications and the Special Provisions. The Contractor shall bear the cost of all other tests, including the retesting of material or workmanship that fails to pass the first test.

4-6 TRADE NAMES

Delete the third sentence of the second paragraph and replace with the following:

Approval of equipment and materials offered as equivalents to those specified must be obtained prior to the opening of bids as set forth in the Instructions to Bidders.

Add the following:

Along with information supplied by the Contractor regarding equivalency of the proposed item, the Contractor shall clearly identify all deviations from the specified item. Deviations discovered by the Engineer after acceptance of an “or equal” item which were not identified by the Contractor with his/her submittal shall be cause for rejection of the “or equal” item. Contractor shall be due no additional compensation in time or money for acceptance or rejection of a proposed “or equal” item and subsequent replacement with the item specified. Contractor shall pay cost to Agency for items requiring more than two submittals and analysis of any shop drawing which requires more than a general review of an “or equal” item.

SECTION 4 – LEGAL RELATIONS AND RESPONSIBILITIES

5-3 LABOR

5-3.1 General
Add the following:

The Contractor shall ensure unlimited access to the job site for all Equal Opportunity Compliance officers.

Every Contractor and Subcontractor shall keep an accurate record showing the name, occupation, and the actual per diem wages paid to each worker employed by him/her in connection with the public work. The record shall be kept open at all reasonable hours to the inspection of the body awarding the Contract and to the Division of Labor Law Enforcement.

Add the following Subsection:

**5-3.4.1 OVERTIME AND SHIFT WORK**

The Contractor may establish overtime and shift work as a regular procedure only with the written permission of the Engineer. Such permission may be revoked at any time. No work other than overtime and shift work established as a regular procedure shall be done between the hours of 4:00 p.m. and 7:30 a.m., nor on Saturdays, Sundays or legal holidays, except such work as is necessary for the proper care and protection of the work already performed or except in case of an emergency.

All costs for overtime inspection, except those occurring as a result of overtime and shift work established as a regular procedure, shall be paid by the Contractor. Overtime inspection shall include inspection required during holidays observed by the AGC and Trade Unions, Saturdays, Sundays, and any weekday between the hours of 4:00 p.m. and 7:30 a.m. Such costs will include but will not necessarily be limited to engineering, inspection, general supervision and other overhead expenses that are directly chargeable to the overtime work. The Agency shall deduct all such charges from payments due the Contractor.

**5-4.2 GENERAL LIABILITY INSURANCE**

Section 5-4.2 is replaced in its entirety as follows:

5-4.2.1 GENERAL. CONTRACTOR and AGENCY agree that Agency, its employees, agents and officials should, to the extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, cost, expense, attorneys fees, litigation costs, defense costs, court costs or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the fullest protection possible under the law to the Agency. CONTRACTOR acknowledges that AGENCY would not have entered into this Agreement in the absence of the commitment of CONTRACTOR to indemnify and protect AGENCY as set forth here.

5-4.2.2 To the full extent permitted by law, CONTRACTOR shall defend, indemnify and hold harmless AGENCY, its employees, agents and officials, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged, or threatened, actual attorneys fees incurred by AGENCY, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation to, as a consequence of, arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part to the performance of this Agreement. All obligations under this provision are to be paid by CONTRACTOR as they are incurred by the AGENCY.

5-4.2.3 Without affecting the rights of AGENCY under any provision of this agreement or this section, CONTRACTOR shall not be required to indemnify and hold harmless AGENCY as set forth above for
liability attributable to the sole fault of AGENCY, provided such sole fault is determined by agreement
between the parties or the findings of a court of competent jurisdiction.

This exception will apply only in instances where the AGENCY is shown to have been solely at fault and
not in instances where CONTRACTOR is solely or partially at fault or in instances where AGENCY’s
fault accounts for only a percentage of the liability involved. In those instances, the obligation of
CONTRACTOR will be all-inclusive and AGENCY will be indemnified for all liability incurred, even
though a percentage of the liability is attributable to the conduct of the AGENCY.

5-4.2.4 CONTRACTOR acknowledges that its obligation pursuant to this section extends to liability
attributable to AGENCY, if that liability is less than the sole fault of AGENCY. CONTRACTOR has no
obligation under this Agreement for liability proven in a court of competent jurisdiction or by written
agreement between the parties to be the sole fault of AGENCY.

5-4.2.5 The obligations of CONTRACTOR under this or any other provision of this Agreement will not
be limited by the provisions of any workers compensation act or similar act. CONTRACTOR expressly
waives its statutory immunity under such statutes or laws as to AGENCY, its employees, agents and
officials.

5-4.2.6 CONTRACTOR agrees to obtain executed indemnity agreements with provisions identical to
those as set forth here in this section from each and every subcontractor, sub-tier contractor or any other
person or entity involved by, for, with or on behalf of CONTRACTOR in the performance or subject
matter of this Agreement. In the event CONTRACTOR fails to obtain such indemnity obligations from
others as required here, CONTRACTOR agrees to be fully responsible according to the terms of this
section.

5-4.2.7 Failure of AGENCY to monitor compliance with these requirements imposes no additional
obligations on AGENCY and will in no way act as a waiver of any rights hereunder. This obligation to
indemnify and defend AGENCY as set forth herein is binding on the successors, assigns or heirs of
CONTRACTOR and shall survive the termination of this Agreement or this section.

5-4.2.8 CONTRACTOR agrees to provide insurance in accordance with the requirements as set forth
here. If CONTRACTOR uses existing coverage to comply with these requirements and that coverage
does not meet the requirements set forth herein, CONTRACTOR agrees to amend, supplement or endorse
the existing coverage to do so. The following coverages will be provided by CONTRACTOR and
maintained on behalf of AGENCY and in accordance with the requirements set forth herein.

5-4.2.9 Commercial General Liability/Umbrella Insurance. Primary insurance shall be provided on ISO-
CGL form No. CG 00 01 11 85 or 88. Total limits shall be not less than two million dollars
($2,000,000.00) per occurrence for all coverages and two million dollars ($2,000,000.00) general
aggregate. AGENCY and its officers, agents and employees shall be named as additional insureds using
ISO additional insureds endorsement form CG 20 10 11 85 (in no event will AGENCY accept an
endorsement form with an edition date later than 1990). Coverage shall apply on a primary non-
contributing basis in relation to any other insurance or self-insurance, primary or excess, available to
AGENCY or any employee or agent of AGENCY. Coverage shall not be limited to the vicarious liability
or supervisory role of any additional insured. Umbrella Liability Insurance (over primary) shall apply to
bodily injury/property damage, personal injury/advertising injury, at a minimum, and shall include a
“drop down” provision providing primary coverage above a maximum of $25,000.00 self-insured
retention for liability not covered by primary policies but covered by the umbrella policy. Coverage shall
be following form to any underlying coverage. Coverage shall be provided on a “pay on behalf” basis,
with defense costs payable in addition to policy limits. There shall be no cross-liability exclusion.
Policies shall have concurrent starting and ending dates.
Each policy of insurance shall contain a clause prohibiting cancellation, modification or lapse without thirty (30) days prior written notice having been given to the City. All insurance policies shall be subject to approval by the City Attorney and certificates evidencing such policies shall be provided to the City concurrently with the filing of all required bonds.

5.4.2.10 Business Auto/Umbrella Liability Insurance. Primary coverage shall be written on ISO Business Auto Coverage form CA 00 01 06 92 including symbol 1 (Any Auto). Limits shall be no less than two million dollars ($2,000,000.00) per accident. Starting and ending dates shall be concurrent. If CONTRACTOR owns no autos, a non-owned auto endorsement to the General Liability policy drafted above is acceptable.

5-4.3 WORKERS’ COMPENSATION INSURANCE

Section 5-4.3 shall be replaced in its entirety as follows:

5-4.3.1 Workers’ Compensation/Employers’ Liability shall be written on a policy form providing workers’ compensation statutory benefits as required by law. Employers’ liability limits shall be no less than one million dollars per accident or disease. Employers’ liability coverage shall be scheduled under any umbrella policy described above. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects the AGENCY, its officers, agents or employees.

5-4.3.2 CONTRACTOR and AGENCY further agree as follows:

5-4.3.2.1 This Section supersedes all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.

5-4.3.2.2 Nothing contained in this Section is to be construed as affecting or altering the legal status of the parties to this Agreement. The insurance requirements set forth in this Section are intended to be separate and distinct from any other provision in this Agreement and shall be interpreted as such.

5-4.3.2.3 All insurance coverage and limits provided pursuant to this Agreement shall apply to the full extent of the policies involved, available, or applicable. Nothing contained in this Agreement or any other agreement relating to the AGENCY or its operations limits the application of each insurance coverage.

5-4.3.2.4 Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only and is not intended by any party to be all-inclusive, or to the exclusion of other coverage, or a waiver of any type.

5-4.3.2.5 For purposes of insurance coverage only, this Agreement shall be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

5-4.3.2.6 All general or auto liability insurance coverage provided pursuant to this Agreement, or any other agreements pertaining to the performance of this Agreement, shall not prohibit CONTRACTOR, and CONTRACTOR’s agents, officers or employees from waiving the right of subrogation prior to a loss. Contractor hereby waives all rights of subrogation against AGENCY.

5-4.3.2.7 Unless otherwise approved by AGENCY, CONTRACTOR’s insurance shall be written by insurers authorized to do business in the State of California and with a minimum “Best’s” Insurance
Guide rating of “A:VII.” Self-insurance will not be considered to comply with these insurance specifications.

5-4.3.2.8 In the event any policy of insurance required by this Agreement does not comply with these requirements or is canceled and not replaced, AGENCY has the right but not the duty to obtain the insurance it deems necessary and any premium paid by AGENCY will be promptly reimbursed by CONTRACTOR. Upon CONTRACTOR’s failure to make such reimbursement within 30 days of written demand, AGENCY may deduct that sum from any monies due CONTRACTOR hereunder or otherwise.

5-4.3.2.9 CONTRACTOR agrees to provide evidence of the insurance required herein, satisfactory to AGENCY, consisting of certificate(s) of insurance evidencing all of the coverages required and an additional insured endorsement to CONTRACTOR’s general liability and umbrella liability policy (if any) using ISO form CG 20 10 11 85. Certificate(s) are to reflect that the insurer will provide 30 days’ notice of any cancellation of coverage. CONTRACTOR agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of insurer to mail written notice of cancellation imposes no obligation, and to delete the word “endeavor” with regard to any notice provisions. CONTRACTOR agrees to provide complete copies of policies to AGENCY upon request.

5-4.3.2.10 CONTRACTOR shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Such proof shall be furnished within 72 hours of the expiration of the coverages.

5-4.3.2.11 Any actual or alleged failure on the part of AGENCY or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of AGENCY or any additional insured, in this or any other regard.

5-4.3.2.12 CONTRACTOR agrees to require all subcontractors or other parties hired for this project to provide general liability insurance naming as additional insureds all parties to this Agreement. CONTRACTOR agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here. CONTRACTOR agrees to require that no contract used by any subcontractor, or contracts CONTRACTOR enters into on behalf of AGENCY, will reserve the right to charge back to AGENCY the cost of insurance required by this Agreement. CONTRACTOR agrees that upon request, all agreements with subcontractors or others with whom CONTRACTOR contracts on behalf of AGENCY will be submitted to AGENCY for review. Failure of AGENCY to request copies of such agreement will not impose any liability on AGENCY, its officers, agents, or employees.

5-4.3.2.13 If CONTRACTOR is a Limited Liability Company, general liability coverage must be amended so that the Limited Liability Company and its Managers, Affiliates, employees, agents and other persons necessary or incidental to its operations are insureds.

5-4.3.2.14 CONTRACTOR agrees to provide immediate notice to AGENCY of any claim or loss against CONTRACTOR that includes AGENCY as a defendant. AGENCY assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims.

5-7 SAFETY

Add the following:

At the pre-construction meeting, the Contractor shall submit his/her complete construction schedule to the Engineer for approval. The Contractor shall submit requests for changes in the schedule to the Engineer for approval at least forty eight (48) hours prior to the scheduled Work.
SECTION 6 – PROSECUTION AND PROGRESS OF THE WORK

6-1 CONSTRUCTION, SCHEDULE AND COMMENCEMENT OF WORK

Add the following:

Prior to issuing the Notice to Proceed, the Engineer will schedule and conduct a pre-construction meeting with the Contractor to review the proposed construction schedule and delivery dates, arrange utility coordination, discuss construction methods, and clarify inspection procedures.

6-2 PROSECUTION OF WORK

Delete the last sentence of first paragraph and replace it with the following:

Should the Contractor fail to take the necessary steps to fully accomplish said purposes, after orders of the Engineer to do so, the Agency may suspend the work in whole or in part, until the Contractor takes said steps at no cost to the Agency.

Add the following:

The Contractor shall submit monthly progress reports to the Engineer by the tenth day of each month. The report shall include an updated construction schedule. Any deviations from the original schedule shall be explained. Progress payments will be withheld pending receipt of any outstanding reports.

6-3 TIME OF COMPLETION

Add the following subsections:

6-3.3 WORKING DAY

Add the following:

The Contractor’s activities shall be confined to the hours between 7:30 a.m. and 4:00 p.m. Monday through Friday. In addition, the Contractor shall not perform any Work on Saturday, Sunday, or on Agency-designated holidays. Agency-designated holidays are listed in TABLE 1 – AGENCY-DESIGNATED HOLIDAYS below. Deviation from these hours will be permitted upon approval of the Engineer, except in emergencies involving immediate hazard to persons or property.

Deviations from these hours will not be permitted without the prior consent of the Engineer, except in emergencies involving immediate hazard to persons or property. In the event of either a requested or emergency deviation, inspection service fees will be charged against the Contractor. Service fees will be calculated at overtime rates including benefits, overhead, and travel time; and will be deducted from the amounts due the Contractor.

Failure of the Contractor to adhere to working day requirements will result in damages being sustained by the City. Such damages are, and will continue to be, impracticable and extremely difficult to determine. For each OCCURRENCE of a working day or hours violation, as provided herein, the Contractor shall pay to the Agency, or have withheld from monies due to it, the sum of $1,000.00.
TABLE 1 – AGENCY-DESIGNATED HOLIDAYS

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<th>Holiday</th>
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<td>New Year's Day</td>
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<td>Martin Luther King, Jr. Day</td>
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EXECUTION OF THE CONTRACT SHALL CONSTITUTE AGREEMENT BY THE AGENCY AND CONTRACTOR THAT $1,000 PER VIOLATION IS THE MINIMUM VALUE OF THE COST AND ACTUAL DAMAGES CAUSED BY FAILURE OF THE CONTRACTOR TO LIMIT PERFORMANCE OF THE WORK BETWEEN THE ALLOTTED TIMES, THAT SUCH SUM SHALL NOT BE CONSTRUED AS A PENALTY, AND THAT SUCH SUM MAY BE DEDUCTED FROM PAYMENTS DUE THE CONTRACTOR IF SUCH DELAY OCCURS.

6-4 DELAYS AND EXTENSION OF TIME

6-4.1 GENERAL

Add the following Subsections:

6-4.1.1 Notice of Delays
Whenever the Contractor foresees any delay in the prosecution of the work, and in any event immediately upon the occurrence of any delay which the Contractor regards as unavoidable, he/she shall notify the Engineer in writing of the probability of the occurrence of such delay and its cause so that the Engineer may take immediate steps to prevent, if possible, the occurrence or continuance of the delay, or, if prevention is not possible, may determine whether the delay is to be considered avoidable or unavoidable, how long it continues, and to what extent it will delay the prosecution and completion of the work. It will be concluded that any and all delays which have occurred in the prosecution and completion of the work have been avoidable delays, except such delays as shall have been called to the attention of the Engineer at the time of their occurrence and found by him/her to have been unavoidable. The Contractor shall make no claims for any delay not called to the attention of the Engineer at the time of its occurrence as an unavoidable delay.

6-4.1.2 Avoidable Delays

Avoidable delays in the prosecution or completion of the work shall include all delays which in the opinion of the Engineer would have been avoided by the exercise of care, prudence, foresight, and diligence on the part of the Contractor or his/her subcontractors. The following shall be considered avoidable delays within the meaning of the contract: 1) Delays in the prosecution of parts of the work which may in themselves be unavoidable but do not necessarily prevent or delay the prosecution of other parts of the work or the completion of the whole work within the time herein specified; 2) Reasonable loss of time resulting from the necessity of submitting samples of materials and drawings to the Engineer for approval and from performing tests of materials, measurements, and inspections; 3) Reasonable interference of other contractors employed by the Agency and/or other contractors working in the area which do not necessarily prevent the completion of the whole work within the time agreed upon;
4) Delays resulting from inaccurate or incomplete shop drawing submittals; and 5) Interference of other contractors performing concurrent work.

6-4.1.3 Extension of Time

In case the work is not completed in the time specified, including such extensions of time as may have been granted for unavoidable delays, the Contractor will be assessed damages for delay in accordance with Paragraph 6-9.1. The Agency, however, shall have the right to grant an extension of time for avoidable delay if it is deemed in his/her best interest to do so. During such extension of time, the Contractor will be charged for engineering and inspection services and other costs as provided in Paragraph 6-6.2.1 but will not be assessed damages pursuant to Paragraph 6-9.

6-4.2 EXTENSIONS OF TIME

Add the following Subsection:

6-4.2.1 Compensation to Agency for Extension of Time

Compensation for extension of time for avoidable delay granted pursuant to Paragraph 6-6.1.3 shall be the actual cost to the Agency for engineering, inspection, general supervision, and overhead expenses which are directly chargeable to the work and which accrue during the period of such extension, except that the cost of final inspection and preparation of the final estimate shall not be included.

6-4.4 WRITTEN NOTICE AND REPORT

Delete the title and text of Section 6-4.4 and replace it with the following:

Requests for an extension of time must be delivered to the Agency within ten (10) consecutive calendar days following the date of the occurrence that caused the delay. The request must be submitted in writing and must state the cause of the delay, the date of the occurrence causing the delay, and the amount of additional time requested. This shall be included as part of a revised construction schedule required in Section 6-1. Requests for extensions of time shall be supported by all evidence reasonably available or known to the Contractor, which would support the extension of time requested. Requests for extensions of time, which are not received within the time specified above, shall result in the forfeiture of the Contractor’s right to receive any extension of time requested.

If the Contractor is requesting an extension of time because of weather, he/she shall supply daily written reports to the Agency’s representative describing such weather, and the work that could not be performed that day because of such weather or conditions resulting therefrom and that he/she otherwise would have performed.

6-9 LIQUIDATED DAMAGES

Delete the title and text of Section 6-9 and replace with the following:

6-9 FORFEITURE DUE TO DELAY

The Contractor shall complete all or any designated portion of the Work called for under the Contract within the time set forth in Part C (Proposal) of these Specifications.
In accordance with Government Code 53069.85, and all other applicable law, the Contractor agrees to forfeit and pay the Agency the amount of Five Hundred Dollars ($500.00) per day for each and every day of unauthorized delay beyond the completion date, which shall be deducted from any monies due the Contractor. This payment shall be considered liquidated damages. Contractor agrees that such liquidated damages are reasonable under the circumstances existing at the time of execution of the contract, that such liquidated damages are to compensate Agency for losses that are difficult to measure and that such damages are not a penalty.

Failure of the Contractor to perform any covenant or condition contained in the Contract Documents within the time period specified shall constitute a material breach of this Contract entitling the Agency to terminate the Contract unless the Contractor applies for, and receives, an extension of time in accordance with the procedures set forth in Section 5-5.

Failure of the Agency to insist upon the performance of any covenant or conditions within the time period specified in the Contract Documents shall not constitute a waiver of the Contractor’s duty to complete performance within the designated periods unless the Agency has executed a waiver in writing.

The Agency’s agreement to waive a specific time provision or to extend the time for performance shall not constitute a waiver of any other time provision contained in the Contract Documents.

Failure of the Contractor to complete performance promptly within the additional time authorized in a waiver or extension of time agreement shall constitute a material breach of this Contract entitling the Agency to terminate this agreement.

The Contractor shall not be deemed in breach of this Contract and no forfeiture due to delay shall be made because of any delays in the completion of the Work due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor provided the Contractor requests an extension of time in accordance with the procedures set forth in Section 5-5. Unforeseeable causes of delay beyond the control of the Contractor shall include acts of God, acts of a public enemy, acts of the government, acts of the Agency, or acts of another contractor in the performance of a contract with the Agency, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and weather, or delays of subcontractors due to such causes, or delays caused by failure of the owner of a utility to provide for removal or relocation of existing utility facilities. Delays caused by actions or neglect of Contractor or his/her agents, servants, employees, officers, subcontractors, directors, or of any party contracting to perform part of all of the Work or to supply any equipment or materials shall not be excusable delays. Excusable delays (those beyond the Contractor’s control) shall not entitle the Contractor to any additional compensation. The sole recourse of the Contractor shall be to seek an extension of time.

6-12 DISPUTES AND CLAIMS

6-12.1 GENERAL

Any and all decisions made on appeal pursuant to this Subsection 6-12 shall be in writing. Any “decision” purportedly made pursuant to this Subsection 6-12 that is not in writing shall not be binding upon the Agency and should not be relied upon by the Contractor.

Nothing in this subsection shall be considered as relieving the Contractor from his/her duty to file the notice required under Subsection 6-13 or other duties required by the Contract Documents.
6-12.2 ADMINISTRATIVE REVIEW

Request for review made to the Construction Inspector or Project Engineer may be either oral or written. Request for review made to the City Engineer shall be made in writing with supporting evidence attached.

The Contractor shall submit each request for review within twenty-one (21) calendar days of receipt of the decision that he/she is requesting.

Prior to demand for arbitration, the Contractor shall exhaust his/her administrative remedies by attempting to resolve his/her dispute or claim with Agency’s staff in the following sequence:

1. Project Engineer
2. City Engineer

Should the Project Engineer fail to address the Contractor’s request for review of a disputed decision within fourteen (14) calendar days after receiving such request, the Contractor may proceed directly to the City Engineer. At the option of the Agency, the person to whom the request for review is directed may elect to take such request to a higher level and the Contractor’s request shall be deemed to be properly submitted to such higher level.

The City Engineer shall address disputes or claims within twenty eight (28) calendar days after receiving such request and all necessary supporting data. The City Engineer’s decision on the dispute or claim shall be the Agency’s final decision.

6-12.3 ARBITRATION

Claims and disputes arising under or related to the performance of the contract, except for claims that have been released by execution of the “Release on Contract” as provided in Subsection 9-4, shall be resolved in arbitration unless the Agency and the Contractor agree in writing, after the claim or dispute has arisen, to waive arbitration and to have the claim or dispute litigated in court of competent jurisdiction. Arbitration shall be conducted, to the extent feasible, pursuant to Chapter 3 (Sections 301-393, inclusive) of Division 2 of Title 1 of the California Code of Regulations except that references therein to the “State Contract Act” shall be construed to mean “applicable law” and “Public Agency”, or “Department” shall be construed to mean “Agency” as defined in Subsection 1.2. The arbitration decision shall be decided under and in accordance with California law, supported by substantial evidence, and in writing, contain the basis for the decision, findings of fact, and conclusions of law.

Arbitration shall be initiated by a Demand for Arbitration. The Contractor shall request a Demand for Arbitration not later than one hundred eighty (180) calendar days after the date of the final written decision of the Agency on the claim or dispute.

All contracts valued at more than $15,000 between the Contractor and his/her Subcontractors and Suppliers shall include a provision that the Subcontractors and Suppliers shall be bound to the Contractor to the same extent that the Contractor is bound to the Agency by all terms and provisions of the Contract, including these arbitration provisions.

6-13 NOTICE OF POTENTIAL CLAIM

The Contractor shall not be entitled to the payment of any additional compensation for any cause, including any act, or failure to act, by the Engineer, or the happening of any event, thing or occurrence, unless the Contractor shall have given the Engineer due notice in writing, of the potential claim as hereinafter specified, provided, however, that compliance with this Subsection 6-12 shall not be
prerequisite as to any claim that is based on differences in measurements or errors of computation as to the Contract quantities.

Additionally, this Subsection 6-13 shall not supersede the specific notice and protest requirements of Subsection 2-9 “Changed Conditions” and Subsection 6-3.2 “Contract Time Accounting” respectively.

A written notice of potential claim shall set forth the reasons the Contractor believes additional compensation will or may be due, the nature of the costs involved, and, insofar as possible, the amount of the potential claim. A notice as above required must have been given to the Engineer prior to the time that the Contractor shall have performed the Work giving rise to the potential claim for additional compensation, if based on an act or failure to act by the Engineer, or in all other cases within fifteen (15) days after the happening of the event, thing or occurrence giving rise to the potential claim.

It is the intention of this Subsection 6-13 that differences between the parties arising under and by the virtue of the Contract be brought to the attention of the Engineer at the earliest possible time in order that such matters may be settled, if possible, or other appropriate action promptly taken. The Contractor hereby agrees that he/she shall have no right to additional compensation for any claim that may be based on any such act, failure to act, event, thing or occurrence for which no written notice of potential claim as herein required was filed.

7-3  PAYMENT

7-3.2  PARTIAL AND FINAL PAYMENT

Delete the last paragraph of this subsection and replace with the following:

The closure date for period progress payments will be the twenty-fifth day of each month. Authorization to pay is commonly received on the second Wednesday of the following month. The Agency requires four to six weeks to review all progress payments, issue payment checks, present progress payment to Council for approval, and release payment to contractor. However, payments will be withheld pending receipt of any outstanding reports required by the Contract Documents. In addition, the final progress payment will not be released until the Contractor returns the control set of plans and specifications showing the as-built conditions.

The full five (5) percent retention will be deducted from all payments. The final retention will be authorized for payment thirty five (35) days after the date of recordation of the Notice of Completion.

The Contractor may substitute securities for any monies withheld by the Agency to ensure performance under the Contract as provided in Public Contract Code Sections 10263 and 22300.

7-3.3  DELIVERED MATERIALS

Delete the text of section 7-3.3 and replace with the following:

Materials and equipment delivered but not incorporated into the Work will not be included in the estimate for progress payment.

400  PROTECTION AND RESTORATION OF EXISTING IMPROVEMENTS
Delete the second paragraph and replace with the following:

The Contractor shall relocate, repair, replace or reestablish all existing improvements within the project limits (e.g., curbs, sidewalks, driveways, fences, walls, sprinkler systems, signs, utility installations, pavements, structures, survey monuments, landscaping, etc.) that are damaged or removed as a result of the Contractor’s operations or as required by the plans and specifications.

All existing improvements, either within the right-of-way or not, including irrigation lines that are damaged by actions of the Contractor, shall be restored by the Contractor to their original or better condition at the Contractor’s expense.

The Contractor shall mark, as approved by the Engineer, all survey monuments, manholes, valves, substructures, or other items that are visible on the surface and will be covered by his operations. This shall be completed prior to the start of that operation and approved by the Engineer.

Existing traffic striping, pavement markings, and curb markings shall also be considered as existing improvements and the Contractor shall repaint or replace, at the Contractor’s expense, such striping or markings (except for traffic striping and pavement markings within the limits of the Work) if damaged or if their reflectivity is reduced due to construction operations.

### 403-3 PAYMENT

Add the following:

All costs to the Contractor for protecting, removing, restoring, relocating, repairing, replacing, or reestablishing existing improvements shall be included in the Bid.

### 402 UTILITIES

Add the following Subsections:

#### 402-1.1.1 MANDATORY NOTIFICATION PRIOR TO EXCAVATION

The Contractor’s attention is direct to Section 4215.5 through 4217 of the Government Code of the State of California. This requires that two (2) working days prior to commencing any excavation “Underground Service Alert of Southern California” (USA) shall be notified by phone, toll free 1-800-227-2600, for the assignment of an Inquiry Identification Number.

Construction Contractor shall contact all utility companies (e.g. gas company, electric company, telephone company, cable company, water company, refuse collectors, and Los Angeles County Department of Public Works) at least five (5) working days prior to commencing work and shall verify the location of any known utilities and determine whether or not a representative of each company will be present during excavation:

Additionally, the Contractor shall also notify local entities of his/her schedule fourteen (14) days prior to commencing work, including, local law enforcement agencies, the Post Office, Public Schools, and Bus Companies.

No excavation shall commence unless the Contractor has obtained the USA Inquiry Identification Number.
402-1.1.2 ACCURACY OF UTILITIES INFORMATION

The locations of known existing major utilities, whether above ground or underground, are indicated on the plans. Information and data reflected in the Contract Documents with respect to underground and above ground utilities at or contiguous to the site is based upon information and data furnished to the City and the Engineer by the owners of such utilities, and the City does not assume responsibility for the accuracy or completeness thereof. The Contractor shall take all possible precautions for the protection of unforeseen utility lines to provide for uninterrupted service and to provide such special protection as may be necessary.

The Contractor shall be responsible for determining the location and depth of all underground facilities, including service connections, which may affect or be affected by his/her operations and he/she shall include the cost to pothole all utilities within the limits of work in his/her bid. If an existing utility line, which has been marked by Underground Service Alert or is shown on the plans, is damaged by the Contractor, the Contractor shall repair the line and bear the cost thereof.

Contractor shall be aware that electrical conduits between street and traffic lights may exist beneath pavement and/or sidewalk in areas where such lights are in place and that said conduits are not shown on these plans.

In the event that the Contractor damages any existing utility lines that are not shown, shown incorrectly or the locations of which are not made known to the Contractor prior to excavation, a telephone call and written report shall be made immediately to the Utility owner, the Engineer, and to the City. If directed by the City, the Contractor shall make repairs under the provisions for changes and extra work contained in SECTION 3 – CONTROL OF THE WORK of the SSPWC Standard Specification.

402-2 PROTECTION

Delete the following text from the last sentence of the fourth paragraph of Section 402-2: “if located in accordance with 402-1”.

402-4 RELOCATION

Delete the second sentence of the third paragraph and replace with the following:

When not otherwise required by the plans and specifications and when directed by the Engineer, the Contractor shall arrange for the relocation of service connections as necessary between the meter and property line, or between the meter and limits of construction.

402-5 DELAYS DUE TO UTILITY CONFLICTS

Delete the last paragraph of this section.

600 ACCESS

600-1 General

Add the following:
The Contractor will be required to maintain at least one lane of traffic in each direction through the project area at all times in a manner satisfactory to the Engineer in the form of an engineered traffic control plan. The engineered traffic control plans must be signed by a California registered civil and/or traffic engineer. The plan is a required submittal for review at the pre-construction meeting.

All traffic control on the project shall be implemented by a sub-contractor who specializes in Traffic Control and is approved by the City Engineer. All drop-offs on the pavement over 1 inch in height that are perpendicular to the direction of traffic, including driveway approach, and will remain overnight shall be ramped with temporary AC pavement. The cost to construct temporary AC pavement shall be included in price paid for other items of work, and no additional payment thereof.

All open trenches shall be covered with non-skid steel plates or temporary asphalt pavement before and after work hours, unless otherwise directed by the Engineer.

Add the following Subsection:

600-1.1 Parking Restrictions and Posting for Tow Away

No Parking signs, posted by the Contractor, shall be of heavy card stock and not less than 1.75 square feet of surface area on the face. Background color shall be white and letters shall be printed in red water resistant ink except day, date, and time of restriction may be printed in black water resistant ink. The signs shall be printed with the words “Tow Away” and “No Parking” with a character height of not less than 2.75 inches and a stroke width of not less than 0.5 inches. The day, dated, and time of the particular restriction shall be printed or attached below the above mentioned wording in characters of not less than 2.0 inches in height and 0.4 inches in stroke width. The day of the week shall be written out or properly abbreviated with three to four letters; date or dates or restriction shall be listed completely; the beginning and ending times shall be clearly listed on the sign.

Signs shall be mounted such that the wording “No Parking” are at an elevation at least three feet above the adjacent flowline. Signs may be tied with string to trees and power poles, taped to existing sign poles, or mounted to stakes or barricades as provided by the Contractor. The signs shall be placed as needed to control the parking of cars within the construction zone; signs shall be placed at intervals of 75 feet or less along each side of the roadway.

Signs shall be posted and maintained by the Contractor for a period of 72 hours prior to the restrictions becoming effective. The Contractor may only post parking restrictions that are effective for the duration of the Work. Upon completion of the Work, the Contractor shall promptly and completely remove and dispose all signs, stakes, and barricades. The Contractor shall promptly reset or replace all damaged or defective signs.

The Contractor shall be fully responsible for the adequate removal of all parked cars. The Contractor shall coordinate the removal of all vehicles with the Sheriff Department. The Contractor shall notify the Sheriff Communications Center upon posting of the parking restrictions for a particular street. For removal of parked vehicles, the Contractor shall notify the Sheriff Communications Center not less than two hours prior to the needed removal, stating the address nearest the parked vehicle, make, model, color and license number. The City shall not be responsible for any delay or additional costs associated with the removal of parked cars that obstruct the construction operation.

If a vehicle owner successfully contests a towing citation in court, and their citation is dismissed for causes related to the Contractor’s failure to perform the requirements of this section, the Contractor shall reimburse the City for the cost of any claims associated with the towing citation.
DEVIATIONS FROM THE REQUIREMENTS OF THIS SUBSECTION WILL BE PERMITTED ONLY ON PRIOR CONSENT OF THE ENGINEER. FAILURE OF THE CONTRACTOR TO ADHERE TO THE REQUIREMENTS OF THIS SUBSECTION, OR FAILURE OF THE CONTRACTOR TO COMPLETE HIS DAILY SCHEDULE ONCE “TEMPORARY NO PARKING” SIGNS HAVE BEEN POSTED, WILL RESULT IN DAMAGES BEING SUSTAINED BY THE CITY. SUCH DAMAGES ARE, AND WILL CONTINUE TO BE, IMPRACTICABLE AND EXTREMELY DIFFICULT TO DETERMINE. FOR EACH OCCURRENCE OF A VIOLATION, AS PROVIDED HEREIN, THE CONTRACTOR SHALL PAY TO THE AGENCY, OR HAVE WITHHELD FROM MONIES DUE TO IT, THE SUM OF $1,000.00.

EXECUTION OF THE CONTRACT SHALL CONSTITUTE AGREEMENT BY THE AGENCY AND CONTRACTOR THAT $1,000.00 PER VIOLATION IS THE MINIMUM VALUE OF THE COST AND ACTUAL DAMAGE CAUSED, THAT SUCH SUM SHALL NOT BE CONSTRUED AS A PENALTY, AND THAT SUCH SUM MAY BE DEDUCTED FROM PAYMENTS DUE THE CONTRACTOR.

600-1.2 STREET CLOSURE, DETOURS, BARRICADES

Add the following:

All traffic control barricades, signs and devices used by the Contractor shall, as a minimum, conform to the “Manual of Traffic Controls for Construction and Maintenance Work Zones,” adopted by and in current use by the State of California, Department of Transportation. Channelization devices shall be spaced no greater than fifty (50) feet apart. The Contractor shall take additional precautions as he/she may find necessary under the circumstances.

Should the Contractor fail to provide adequate traffic control or safety barricades, and in the event a responsible individual cannot be located or refuses to perform, the Agency will at its option place needed devices or engage a private firm to place and maintain said barricades, which will be charged to the Contractor directly.

Temporary traffic channelization shall be accomplished with delineators. Temporary striping will not be allowed unless specifically permitted by the Engineer. The Contractor shall prepare any plans that may be required for temporary striping to the satisfaction of the Engineer. In no event will temporary striping be allowed on finished pavement surfaces which are to remain.

Full street closures will not be allowed prior to City Council approval.
0-1 STANDARD SPECIFICATIONS

Except as hereinafter amended, the provisions of the 2018 Edition of the “Green Book,” Standard Specifications for Public Works Construction (“SSPWC”), with the latest Supplements, prepared and promulgated by the Southern California Chapters of the American Public Works Association and the Associated General Contractors of America, and these modifications thereto are adopted as the “Standard Specifications” for the Agency. These Standard Specifications will be numbered as Sections 0 through 600 per the SSPWC.
SPECIAL PROVISIONS
NOEL STREET PAVEMENT REHABILITATION
SPECIFICATION NO. CIP 19/20-03
IN THE CITY OF LOS ALAMITOS, CALIFORNIA

PART 2 - CONSTRUCTION MATERIALS

SECTION 200 - ROCK MATERIALS

200-1 ROCK PRODUCTS

200-1.1 General. Add the following:

Unless otherwise indicated by the Special Provisions, Alternate Rock Material - Type "S" is specified. Part 4, Section 400, of the Standard Specifications for Public Works Construction will be used, as modified by OC PF&RD Standard Plan 1804.

200-2 UNTREATED BASE MATERIALS

200-2.1 General. Untreated base shall be crushed aggregate base.

200-2.2 Crushed Aggregate Base.

200-2.2.3 Quality Requirements. The minimum R-value requirement will not be waived.

SECTION 203 - BITUMINOUS MATERIALS

203-6 ASPHALT CONCRETE

203-6.1 General. The following is hereby added:

Asphalt concrete material used for remove and replace repairs within the roadway shall be Type B, PG 64-10. Asphalt concrete mix of C2 gradation may be used for leveling layer.

203-6.4 Asphalt Concrete Mixtures

203-6.4.1 General. Acceptance as used in this Subsection 203-6.4 shall mean acceptance of material after spreading only. Acceptance of material in production shall be subject to all quality requirements based on sampling and testing as specified.

The following is hereby added to Subsection 203-6.4.1:
Acceptance as used in this subsection shall mean acceptance of material in production. Air voids will be used for mix design evaluation and for evaluation of material during production for conformance with mix design parameters.

SECTION 211 - MATERIAL TESTS

211-2 COMPACTION TESTS.

211-2.1 Laboratory Maximum Density.

Laboratory maximum density tests shall be performed in accordance with Test Method No. Calif. 216G, Part II. The correction for oversized material as stated in Test Method No. Calif. 216 shall be replaced with Note 2 of ASTM D1557.

211-2.2 Field Density.

Field density tests will be made by the Engineer during the course of construction at the expense of the CITY. If field density tests indicate that any portion of the compacted subgrade has density lower than that specified, the Contractor shall rework that portion until the specified density is obtained. Retest of areas which have failed compaction will be performed by the Engineer at the Contractor's expense.
PART 3 - CONSTRUCTION METHODS

SECTION 300 - EARTHWORK

300-1 CLEARING AND GRUBBING

300-1.3 Removal and Disposal of Materials

300-1.3.2 Requirements.

The text of Subsection 300-1.3.2(a) and (b) of the Standard Specifications is hereby deleted. Add the following:

(a) Miscellaneous

In addition to the work outlined in Subsection 300-1 of the Standard Specifications, the following items of work are included other bid items and no additional payment will be made therefore.

(1) Maintain dust control at all times by watering; including developing a water supply and furnishing and placing all water required for work done in the contract, including water used for extra work and water used for irrigation purposes.

(2) Provide for traffic control and all signs, barricades, flashers and temporary striping necessary to maintain proper control, in accordance with "WATCH" including maintaining all travel lanes as required.

(3) Protection of utilities, trees, fences, walls and other facilities within the construction zone, except those specifically directed by the Engineer to be removed or relocated.

(4) Clearing and removal of debris from site of work.

(5) Removal of structures, as directed by Engineer to be removed or abandoned.

(6) Delay in work necessary to accommodate utility relocations by others.

(7) Other items of work as directed in Appendix Part II, Mitigation Monitoring and Reporting Program.

(8) Other items of work as directed in these specifications. 300-1.3 Removal and Disposal of Material.

300-2 UNCLASSIFIED EXCAVATION
300-2.1 General. Unclassified excavation shall consist of all excavation, including roadways, bituminous pavement, and concrete pavement, curb, walk, gutters, cross gutters, driveways, and access ramps.

300-2.1.1 Requirements. Subsection 300-2.1.1 is hereby added to Section 300 of the Standard Specifications as follows:

1. Bituminous Pavement. Bituminous pavement shall be removed to neatly sawed edges. Saw cuts shall be to a minimum depth of 3 inches. Where only the surface of existing bituminous pavement is to be removed, the method of removal shall be approved by the Engineer, and a minimum laying depth of 1 inch of new pavement material shall be provided at the join line. Where bituminous pavement adjoins a trench, the edges adjacent to the trench shall be saw cut to neat straight lines before resurfacing to ensure that all areas to be resurfaced are accessible to the rollers used to compact the subgrade or paving materials.

Bituminous pavement on curb and gutter, sidewalk or drive approaches shall be removed by heating with a torch to soften the pavement without creating smoke. Softening shall be performed until the bituminous material can be easily scraped away down to the underlying PCC surface. The blade used for scraping shall be maintained straight along its edge and clean. Bituminous material shall be scraped in this manner until it is completely removed.

2. Concrete Curb, Walk, Gutter, Cross Gutters, Driveways, and Access Ramps. Concrete shall be removed to neatly sawed edges with saw cuts made to a minimum depth of 1½-inches. Concrete sidewalk, or driveway to be removed shall be neatly sawed in straight lines either parallel to the curb or at right angles to the alignment of the sidewalk. No section to be replaced shall be smaller than 30 inches in either length or width. If the saw cut in sidewalk, access ramp, or driveway would fall within 30 inches of a construction joint, expansion joint, or edge, the concrete shall be removed to the joint or edge, except that where the saw cut would fall within 12 inches of a score mark, the saw cut shall be made in and along the score mark. Curb and gutter shall be sawed to a depth of 1½-inches on a neat line at right angles to the curb face.

300-2.9 Payment.

The first sentence of Subsection 300-2.9 of the Standard Specifications is hereby deleted and replaced with the following:

Payment for unclassified excavation shall be paid at the contract price per cubic yard (CY) and shall include full compensation and include but not limited to furnishing all labor, materials, tools, equipment, and incidentals for the unclassified excavation and no additional compensation will be made therefor.
300-4.9 Measurement and Payment. The text of Subsection 300-4.9 of the Standard Specifications is hereby deleted and replaced with the following:

Full compensation for furnishing all labor, materials, tools and equipment, and doing all the work involved in unclassified fill construction shall be considered as included in the price paid for “construct” bid item and shall include full compensation for the cost of all grading, shaping, compacting or consolidating and extra fill, if required, or other work that is required under this subsection. No additional payment will be made for unclassified fill.

SECTION 301 - TREATED SOIL, SUBGRADE PREPARATION, AND PLACEMENT OF BASE MATERIALS

301-1 SUBGRADE PREPARATION

301-1.3 Relative Compaction. The first paragraph of Subsection 301-1.3 of the Standard Specifications is hereby deleted and replaced with the following:

When pavement is to be placed directly on subgrade material or when base or subbase material, curb, gutter, alley pavement, driveways, or sidewalks are to be placed on the subgrade material, the top 6 inches of such subgrade material shall be compacted to a relative compaction of 95 percent.

301-1.6 Adjustment of Manhole Frame and Cover Sets to Grade.

Class C or D ARHM shall be used to patch around all frame and cover sets.

Subsection 301-1.6.3 is hereby added to Section 301 of the Standard Specifications as follows:

301-1.6.3 Adjustment of Water Valve Box Frame and Cover.

Where shown on the plans or required by the Engineer, the contractor will double adjust (lower prior to paving and raise after paving) or replace water valve box frame pipe risers and covers, to match finished grades. A new valve box or vault shall be provided for every valve installed below the finished grade.

All valve boxes shall be raised within 24 hours of paving. Fire hydrant valves shall be given first priority.

The potable water valve boxes, shall be free of debris and the valve operation nut shall be accessible and operational the same day pavement work is completed. The contractor shall notify the Engineer, prior to replacing or adjusting any potable water valve boxes, if any debris is found in the existing box or riser. Construction operations will not be allowed to continue until all water valve boxes are properly cleaned.
The contractor shall coordinate the work under this item with the work specified under other parts of these specifications and the serving utility company’s requirements.

301-1.7 Payment. Add the following paragraph:

Payment construction of aggregate base (thickness per plan) shall include full compensation for all labor, materials, tools, equipment and incidentals required to construct Aggregate Base to the lines and grades shown on the plans. This bid item will include furnishing the material, placement, grading and compaction of subgrade, and all other work required to result in an aggregate base meeting the requirements of the specifications. This bid item will be paid for per cubic yard (CY).

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<th>Typical Properties</th>
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SECTION 302 - ROADWAY SURFACING

302-5  ASPHALT CONCRETE PAVEMENT

Asphalt concrete pavement shall be according to Section 302-5 of the Standard Specifications for Public Works Construction.

302-5.4.1 Asphalt Tack Coat - Add the following

This item shall consist of a Bituminous Surface Pavement Tack Coat composed of a blend of elastic Polymer modified asphalts, thermoplastic resins and digested whole tire rubber. The Material is applied at 325 to 425 degrees F with a distributor truck at typical application rates of 0.08 to 0.15 gal/square yard. The exact application rate will be determined by surface conditions at time of application.

Paving asphalt (also referred to as tack coat) shall be Thermoplastic Polymer Modified No Track Tack, for ARHM and AC overlay and where specified for slurry seals, and SS 1h otherwise. The Thermoplastic Polymer Modified No Track Tack shall meet the following criteria:
The tack coat shall be applied to the existing pavement on the areas to receive the AC where specified. The Engineer shall approve the exact rate and number of applications. Two heavy coats of SS 1h shall be applied to vertical joints for patching. All contact surfaces with new asphalt shall be painted tack coat immediately before the asphalt concrete is placed.

The tack coat shall be applied as specified in Subsection 302-5.4 of the Standard specifications and these special Provisions. Thermoplastic Polymer Modified No Track Tack shall be applied only when the existing surface is dry and the atmospheric temperature is 50 deg. F and rising. NO material shall be applied when rain is imminent.

Paving of overlay shall not proceed until the tack coat has stiffened sufficiently to not stick to truck tires. Upon occurrence of tracking of tack coat, paving shall cease, except remaining material in the hopper shall be used, and the tack shall be allowed time to setup.

The Thermoplastic Polymer Modified No Track Tack shall be heated slowly to 325-425 degrees F. At no time shall the product be heated above 450 degrees F. The product shall be applied through a distributor truck equipped with a heating unit and shall maintain tack coat at or above 325 degrees F. It shall be equipped with a full circulating spreader bar and pumping system capable of applying the Thermoplastic Polymer Modified No Track Tack material within + 0.01 gallons per square yard tolerance of specified application rate and give uniform covering of the surface to be treated. The distributor shall also include a tachometer, pressure gauge, and volume measuring device and thermometer. The application rates shall be 0.15 gallons per square yard for all ARHM or AC overlay and slurry seal (where specified) or as otherwise directed by the Engineer. If the pavement temperature reaches over 130 degrees F, the application rate will be reduced to minimum 0.08 gallons per square yard on overlay applications.

Paving asphalt shall not be applied until the preparation of the existing surface has been completed and thoroughly cleaned, and then only so far in advance of placing the asphalt concrete overlay as permitted by the Engineer. Slurry seal shall be applied on the same day as receiving tack coat. The Thermoplastic Polymer Modified No Track Tack shall not be left exposed overnight. Immediately in advance of placing the overlay, additional tack coat shall be applied as directed by the Engineer, to areas where the tack coat has been destroyed or otherwise rendered ineffective, and no additional compensation will be allowed for such work.

Existing concrete curb faces and all concrete not to be overlaid shall be protected against disfigurement from the asphalt tack coat. Residue of the material shall be removed from concrete surfaces to return the concrete to its original condition unless otherwise directed by the Engineer.
Excessive tracking of tack coat onto adjacent pavements will require immediate clean-up. If significant amounts of asphalt tack coat are tracked onto existing adjacent pavements, the contractor shall be required to clean it off to the satisfaction of the Engineer or provide a slurry seal to restore the pavement at their own expense. This shall apply to the entirety of asphalt haul routes to and from the project sites.

On all vertical joins of AC patching, apply SS-1H tack coat uniformly in two coats of .20 gallons per square yard each with full "break" in between, or .20 gallons per square yard PG 64-10 uniformly in one coat. Tack coat shall not be applied when the temperature of the surface to be tacked is below 40°F in the shade. A tack coat shall be applied at the following:

1. Pavement joins;
2. Areas where new pavement meets existing pavements;
3. Areas where lift sections from pavement placed on different days meet;
4. Trenches;
5. Areas where existing striping has been sandblasted; and
6. Raised valves and manhole covers.

Measurement and Payment - Add the following

Full compensation for furnishing and applying tack coat shall be considered as included in the contract price paid per ton of Asphalt Concrete Paving and no separate payment will be made therefor.

302-5.5 Distribution and Spreading.

Contractor shall provide 20-foot long automatic screed control on both sides of the paving machine for all paving with paving machine, as directed by Engineer.

Each paving machine used will require a paving foreman for each machine along with a full set of rollers as specified and two rakers and one shoveler laborer at a minimum.

302-5.6 Rolling.

Rolling along a joint shall be such that the widest part of the roller is on the hot side of the joint.

Rubber tire rollers shall be used on any leveling course.

Three rollers shall be provided for installation of AC greater than 200 tons per hour, regardless of thickness.

302-5.7 Joints.
Join lines between successive runs shall be within 6 inches of lane lines or center of street or a minimum of 14 feet outside of the outer most lane line or center of street, or 5 to 6 feet from a lane line or center of street and within a lane. The joint pattern for all pavement layers shall be submitted in writing to the Engineer for review and approval 2 weeks in advance of the first lift of pavement to be placed. No exceptions to the specified requirements for joints shall be anticipated, and the Engineer’s decision shall be final.

302-5.8 Manholes (and other structures)

Adjustment of valve boxes and other structures within the roadway shall conform to Section 302-5.8 of the Standard Specifications for Public Works. Asphalt-rubber hot mix (ARHM) Class C or D, shall be used as final cap around adjusted valve boxes.

Measurement and Payment

Payment for adjusting manhole frames and covers to finished grade shall be at the contract unit price per Each (EA) and shall include full compensation for all labor, materials, tools, equipment and incidentals necessary for adjusting existing manhole frames and covers to finished grade, including placing all forms, materials, construction and expansion joints, curing compounds and equipment to complete the construction and no additional compensation will be allowed therefor.

Payment for adjusting water valve covers to finished grade shall be at the contract unit price per Each (EA) and shall include full compensation for all labor, materials, tools, equipment and incidentals necessary to complete the work and no additional compensation will be allowed therefor.

302-5.9 Measurement and Payment. Add the following:

Compensation to provide all of the equipment to the site and operated as specified, including all rollers specified regardless of rolling pattern elected by Contractor, shall be considered included in the bid item price for AC material.

Payment construction of 3-inch thick full depth AC pavement shall be paid at the contract price per ton (TON) and include full compensation for all labor, materials, tools, equipment and incidentals required to construct full depth AC pavement. This bid item will include furnishing the material, placement, compaction, prime coat, tack coat, asphaltic emulsion coating on vertical surfaces to abut the new pavement, grading and compaction of subgrade, and all other work required to result in an asphalt pavement meeting the requirements of the specifications.

SECTION 303 - CONCRETE AND MASONRY CONSTRUCTION

303-5 CONCRETE CURBS, WALKS, GUTTERS, AND CROSS GUTTERS, ALLEY INTERSECTIONS, ACCESS RAMPS, AND DRIVEWAYS
303-5.1 Requirements.

303-5.1.1 General. All concrete flatwork areas behind sidewalks, driveways and right-of-way shall be considered as walks.

Detectable warning surface (truncated domes) for curb ramps shall be Cast-in-Place System per Armor Tile Part No. ADA-C-3648 or approved equal. Color shall be yellow, or City select.

303-5.9 Measurement and Payment. Add:

Payment for removal and construction of 4-inch thick PCC sidewalk per SPPWC Std Plan No. 113-2 shall be paid at the contract price per square foot (SF) and shall include full compensation and include but not limited to furnishing all labor, materials, tools, equipment, saw cutting, hauling, disposing, and incidentals for the removal and construction of existing of 4-inch thick PCC sidewalk per SPPWC Std Plan No. 113-2 and no additional compensation will be made therefor.
SPECIAL PROVISIONS

SIGNING, STRIPING, AND PAVEMENT MARKERS

All equipment, materials, and components for signing and striping, and the installation thereof, shall conform to the 2018 Caltrans Revised Standard Plans, and Revised Standard Specifications, Section 81, “Miscellaneous Traffic Control Devices,” Section 82 “Signs and Markers”, and Section 84, "Markings", unless otherwise noted in these Special Provisions and on the Plans. These Plans and Specifications are hereinafter referred to as State Standard Plans and State Standard Specifications. Copies of these documents are available from Caltrans, District 7 office at 100 South Main Street, Los Angeles, California 90012 or from Caltrans, 6002 Folsom Boulevard, Sacramento, California 95819, (916) 445-3520.

All materials required for the completion of work as shown on the Plans shall be provided by the Contractor.

SECTION 81 - MISCELLANEOUS TRAFFIC CONTROL DEVICES

81-3 PAVEMENT MARKERS

81-3.02 Materials.

81-3.02E Epoxy Adhesive. Adhesive for raised pavement markers shall be rapid set type epoxy.

Removal of pavement markers shall be per Section 81-8.03B, "Remove Pavement Markers," of the State Standard Specifications.

81-3.04 Payment. Payment for pavement markers shall be included in the lump-sum price bid for signing and striping, and no additional compensation will be allowed therefor.

SECTION 82 – SIGNS AND MARKERS

82-3 ROADSIDE SIGNS

82-3.03 Construction. Relocated signs shall be installed using existing posts at new locations and shall be set at a minimum 30-inch depth and at a minimum 12-inch square portland cement concrete (PCC). The post depth of the concrete footing shall be sufficient to extend at least 6-inches below the bottom of the posts. ¼-inch expansion paper shall be placed between the sign foundation and sidewalk.

New signs shall be installed using metal posts set at a minimum of 30-inch depth in a minimum 12-inch square PCC, except as specified otherwise, the metal post shall be 2-inch square “Qwik Punch” posts. The length of the metal post shall be sufficient to extend from the top of the sign to 30-inches below the top of the concrete footing and provide a 7-foot clearance between the finished grade and the bottom of the sign. The depth of the concrete footings shall be sufficient
to extend at least 6-inches below the bottom of the posts. ¼-inch expansion paper shall be placed between the sign foundation and sidewalk.

Drill holes for bolts, threaded rods, or expansion anchorage devices drilled in existing concrete by a method that will not shatter the concrete adjacent to the holes.

Repair any spalling or chipping of concrete structures at contractor’s expense.

Marker and delineators shall conform to the provision in Section 81, "Miscellaneous Traffic Control Devices."

82-3.04 Payment. Payment for signing shall be included in the lump sum price bid for signing and striping, and no additional compensation will be allowed therefor.

SECTION 84 - MARKINGS

84-2 TRAFFIC STRIPES AND PAVEMENT MARKINGS

84-2.02 Materials.

84-2.02A General. Traffic stripes, pavement markings, crosswalks, and arrow markings shall be thermoplastic, unless otherwise shown on the Plans. Curb markings shall be paint, two (2) coats.

84-2.02B Thermoplastic. Traffic striping shall be thermoplastic including crosswalks, arrows and other pavement legends.

84-2.02C Paint. Traffic striping shall be paint including parking lot striping and pavement legends. Paint shall be ready-mixed rapid dry type.

Curb markings shall be paint. Paint shall be ready-mixed rapid dry type.

Ready-mixed paints shall be suitable for use on either asphalt concrete or Portland cement concrete.

84-2.03 Construction.

84-2.03A General. The Contractor shall furnish the necessary control points for all striping and markings and shall be responsible for the completeness and accuracy thereof to the satisfaction of the Engineer.

The Contractor shall establish all traffic striping between these points by stringline or other method to provide striping that will vary less than ½-inch in 50-feet from the specified alignment.

When no previously applied figures, markings, or traffic striping are available to serve as a guide, suitable layouts shall be spotted in advance of the permanent paint application. Traffic lines may be spotted by using a rope as a guide for marking spots every 5-feet, by
using a marking wheel mounted on a vehicle, or by any other means satisfactory to the Engineer.

The Contractor shall mark or otherwise delineate the traffic lanes in the new roadway or portion of roadway, or detour before opening it to traffic.

The Contractor shall provide an experienced technician to supervise the location, alignment, layout, dimensions, and application of the paint.

Spotting shall be completed prior to the removal of any existing stripes. Existing stripes and markings shall be removed prior to painting new stripes and markings, but in no case shall any section of street be left without the proper striping for more than 24 hours, or over weekends or holidays.

The installation of traffic stripes includes placement of raised pavement markers when called for on the plans.

Adhesive for raised pavement markers shall be per Section 81, “Pavement Markers.”

Existing traffic stripes (including raised pavement markers), pavement legends, and markings that do not conform to the plans shall be removed by wet sandblasting per Section 81-8.03B, “Remove Pavement Markers,” and Section 84-9.03B, "Remove Traffic Stripes and Pavement Markings" of the State Standard Specifications.

84-2.03C Application of Stripes and Markings.

84-2.03C(3) Painted Traffic Stripes and Pavement Markings. Paint shall be applied in two coats. For those locations where raised pavement markers are to be installed on painted stripes, paint shall be applied prior to installation.

The second coat of paint shall be applied no less than 24 hours from application of the first coat.

Each coat of paint shall include glass beads.

84-2.04 Payment. Payment for striping details, pavement markings, and curb markings shall be included in the lump sum price bid for signing and striping, and no additional compensation will be allowed.
All equipment, materials, and components for inductive loop detectors shall conform to the 2018 Caltrans Revised Standard Plans and Revised Standard Specifications, Section 86, "Electrical Work" and Section 87 “Electrical Systems” unless otherwise noted in these Special Provisions and on the Plans. These Plans and Specifications are hereinafter referred to as State Standard Plans and State Standard Specifications. Copies of these documents are available from the Caltrans, District 7 office at 100 South Main Street, Los Angeles, California 90012 or from Caltrans, 6002 Folsom Boulevard, Sacramento, California 95819, (916) 445-3520.

All materials required for the completion of work as shown on the Plans shall be provided by the Contractor.

SECTION 87 – ELECTRICAL SYSTEMS

87-1 GENERAL

87-1.03 Construction.

87-1.03A General.

No work shall commence and no material or equipment shall be stored at the jobsite until such time that the Contractor notifies the Engineer in writing of the date that all electrical materials and equipment are to be received. Upon receipt of said notification by the Engineer, the Contractor may commence work within 5-working days prior to said delivery date.

Traffic signal shutdowns shall be limited to the hours between 9 a.m. and 3 p.m. and shall not be permitted on Friday, Saturday, or Sundays.

Where the Contractor-installed facilities are damaged prior to final acceptance by the Engineer, the Contractor shall repair or replace such facilities at his own expense.

The job site shall be maintained in a neat and orderly condition at all times and areas of sidewalk removal to be left open for less than 5 days shall be covered with plywood sheeting and barricades. Areas to be left open more than 5 days shall be patched with temporary AC pavement, smoothed to provide a level finished walking surface.

All striping, pavement markings, and signing shall be in place prior to inductive loop detector installation.

87-1.03F Conductors and Cable Installations.

87-1.03F(2) Cables.

87-1.03F(2)(c) Copper Cables.
87-1.02F(2)(c)(ii) Detector Lead-in Cables. Loop detector lead-in cable shall be Type B.

87-1.03F(3) Conductors.

87-1.03F(3)(c) Copper Conductors.

87-1.03F(3)(c)(ii) Inductive Loop Conductors. Loop wire shall be Type 2.

87-1.03H Conductor and Cables Splices.

87-1.03H(2) Splice Insulation Methods. Splices shall be Type C insulated by Method B, as shown on State Standard Plan ES-13A, except detector conductor (video, loop, et cetera) splices shall be Type S or T insulated by Method B, as shown on Standard Plan ES-13A, and shall also be soldered.

87-1.03V Detectors.

87-1.03V(1) General. Vehicle detectors shall be of the inductive loop, Type E.

Detector loop locations shall be approved by Engineer in the field prior to installation.

PVC conduit per Standard Plan ES-5E, Curb Termination Detail, Type B, shall be installed wherever a loop-wire saw cut crosses an expansion joint or pavement type change.

The sides of the loop saw cut slots shall be vertical and the minimum radius of the slot entering and leaving the circular part of the loop shall be 1½-inches. Slot width shall be a maximum of ¾-inch.

Slots of circular loops shall be filled with elastometric sealant.

Loops shall be installed on the same day in which the loop slots are cut. This shall include placement of the loop conductors and sealant.

87-1.04 Payment. Payment for inductive loop detectors shall be included in the price bid for each inductive loop as shown on the Plans, and no additional compensation will be allowed.
APPENDIX - PART 1
Standard Plans
Know what's below.
before you dig.
Call R

INTERSECTION STRIPING DETAIL
DETAIL "A"

LEGEND
[1] IRON PIPE 3/4" 48" AS
[5] EXIST CURB & GUTTER
[6] EXIST CURB & GUTTER
[7] EXIST SIDEWALK
[8] EXIST SIDEWALK
[9] EXIST ANGLE

CONSTRUCTION NOTES
1. PROJECT IN PHASE
2. TRENCH
3. CONSTRUCT TYPE 1 CURB RAMP PER SPEC D-1-4
4. EXIST CURB RAMP AND CONSTRUCT NEW SIDEWALK AND Curb to match existing
5. TILECONE 35º
6. ADJUST RAMP TO GRADE
7. MEET SUBDIVISION REQUIREMENTS
CONSTRUCTION NOTES

1. Protect in Place
2. Remove
3. Remove Type 1 Curb Ramp (See Spec. #4)
4. Remove Curb Ramp and construct new sidewalk and curb in manner shown.
5. Excavate
6. AdjustManhole to Grade
7. Street Survey Monument

SIGNING, STRIPING AND LOOP REPLACEMENT

GENERAL NOTES:

CONSTRUCTION NOTES - SIGNING & STRIPING

SODA FILE NAME: 1800PS&EPW

SKETCHING, STRIPING AND LOOP REPLACEMENT

GENERAL NOTES:

1. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
2. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
3. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
4. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
5. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
6. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
7. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
8. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
9. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.
10. Signs, striping, and loop replacement are to be performed at the discretion of the engineer.

REVIEWS

REFERENCES

2401 East Katella Ave, Suite 450, Anaheim, California 92806
714/978-8200  fax 714/978-8299

User: MCrim

File: U:\108771 - Los Alamitos On Call 19-20\Noel Street Rehab\900 PS&E\901 Plans\pl-03-Noel St.dwg

Date: Oct 09, 2019 - 11:32am

Know what's below.
Before you dig.
Call R.
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 2019       ITEM NUMBER: 10E

To: Mayor Warren Kusumoto & Members of the City Council

Presented By: Eric Hendrickson, Finance Director

Subject: Purchase of New Computer Servers

SUMMARY

The existing accounting software system is in need of upgrade as it will no longer be supported by the software company, Tyler Technologies. In light of such, Tyler Technologies has offered the City a free upgrade. In order to support the accounting software upgrade it is necessary to purchase two new computer servers.

RECOMMENDATION

Approve the purchase of new computer servers and amend the budget as necessary.

BACKGROUND & DISCUSSION

The City’s current accounting system software, Tyler Incode Version 8, is over 10 years old and the remote software support will be discontinued in a couple months. Tyler Technologies has offered the City a free upgrade to Incode Version 9. Software companies routinely phase out old software packages and transition clients to new platforms. This process streamlines their ability to provide software support and retain clients.

However, the City cannot implement this free upgrade due to the age of two computer servers located in City Hall. The first server was purchased and installed in 2008 and the support on the server ends in January 2020. The second server was installed in 2005 and is many versions behind. This server hasn’t been supported for several years now.

That being said, the purchase of these two new servers is necessary to upgrade the accounting system and maintain software support. Also important to note, is that these servers run many other applications across different City departments. It is vital to upgrade these servers, as it renews support and provides functional capabilities for City staff. According to the City’s IT contractor, Scientia, the City will need approximately
$25,000 to purchase the two new servers. It is estimated these servers will have a lifespan of 7 to 10 years.

**FISCAL IMPACT**

The total cost for upgrading the servers is estimated to be $25,000. This expense was not included in the originally adopted Fiscal Year 2019-20 budget and will require a budget amendment into account 53-512-5450 (Technology Replacement ISF - Computers). There is sufficient fund balance in Fund 53 to absorb this expense.

Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Approved by: Les Johnson, Interim City Manager
SUMMARY

This report sets forth a recommended project list for Fiscal Years 2020/2021 & 2021/2022 of the County’s Community Development Block Grant (CDBG) program and approval of the City’s participation in the program through an application usually due in the November to January timeframe. Applications have not been released at this time, and a due date has not been set.

RECOMMENDATIONS


2. Direct Staff to prepare applications for submittal to the County of Orange; and,

3. Authorize the Interim City Manager to execute all CDBG program documents for Fiscal Year 2020/2021 & 2021/2022 and appropriate amendments, if any, as they become available.

BACKGROUND

The Orange County Housing and Community Development & Homeless Prevention department administers and disperses Federal Community Development Block Grant (CDBG) monies to smaller cities such as Los Alamitos. The Program provides federal funds to cities with populations under 50,000 for programs that are targeted towards community development. The funds are commonly used for neighborhoods that have a substantial number of low, very low, and extremely low-income residents, and can be used for Senior or ADA (Americans with Disabilities Act) projects as well. The CDBG program shows preference for projects that meet the criteria in the table below, and often only prefers those at the high priority needs level:
The Grant funds are transferred from HUD to the County annually for use by participating agencies. In Orange County these funds may be pursued through competitive grant applications sent to the County. The group of participating cities is small therefore the potential for funding is fairly high. Participating cities help to form the annual plan for spending CDBG funds allowing the City a voice in establishing the criteria on which grant applications will be judged. Once grants are awarded, the County assists cities in managing the projects and preparing required reports to HUD. Whether or not the City seeks funding, the County oversees the program.

To assure citizen participation in the design and implementation of the City's allocation of CDBG funds, the Planning Commission held a newspaper-advertised, community meeting concerning these funds in its September 25, 2019 meeting.

**DISCUSSION**

The City of Los Alamitos has used such grants for years, often being awarded CDBG funds to improve Public Facilities within the City's Low Income Census Tracts. If not an ADA project, or a project for seniors, the CDBG activities should serve residents within the City's low income areas, such as Apartment Row or Old Town West.

This last round of CDBG applications covered two years. During the current Fiscal Year 2019-20, CDBG funds will be used for road repair to Noel Street and a portion may be used to help fund the North County Homeless Initiative. The City is presently nearing
completion to bring some final ADA ramps up to current standards, as well as repairing sidewalk lifts, with funds from the year before. Below is a list of possible projects that could be applied for this CDBG cycle, and the next if the County has a two-year application again this cycle:

<table>
<thead>
<tr>
<th>Possible Projects</th>
<th>Approximate Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street repair - Removal and replacement of sections of asphalt concrete and grind and overlay the remainder of the streets in the Apartment Row neighborhood. By reconstructing these streets it would make it easier for residents to travel to and from their residences. On the right are the estimated costs for each street.</td>
<td><strong>Street Repairs:</strong>&lt;br&gt;Reagan Street – Katella Avenue to Farquhar Avenue = $230,000.00&lt;br&gt;Bloomfield Street – Katella Avenue to Farquhar Avenue = $140,000.00&lt;br&gt;Howard Avenue – Reagan Street to Maple Street = $117,315.00&lt;br&gt;Howard Avenue – Noel Street to Lexington Drive = $129,294.00&lt;br&gt;Includes 10% City match</td>
</tr>
</tbody>
</table>

**FISCAL IMPACT**

Should the County approve the City’s application, future expenditures of 10% matching funds (cost depending on the projects selected above) will be reflected in next year’s annual Capital Improvement Plan budget. The matching funds are anticipated to be drawn from the Gas Tax and/or Measure M funds, which has historically been the case.

Submitted by: Tom Oliver, Associate Planner  
Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director  
Reviewed and Approved by: Les Johnson, Interim City Manager

*Attachment: 1. Resolution 2019-32*
RESOLUTION NO. 2019-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA APPROVING THE CITY’S PARTICIPATION IN FISCAL YEARS 2020/2021 & 2021/2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITH THE COUNTY OF ORANGE.

WHEREAS, it is the intent of the City of Los Alamitos to participate in the timely filing of an application with the County of Orange for a grant authorized under the Housing and Community Development Act of 1974; and, 

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes cities under 50,000 in population to enter into cooperation agreements with the County in which they are located for the purpose of undertaking essential community development activities.

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

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

SECTION 2. The following project funding requests are hereby approved, and staff is directed to submit an application reflecting these projects, to the County of Orange:

<table>
<thead>
<tr>
<th>Possible Projects</th>
<th>Approximate Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street repair - Removal and replacement of sections of asphalt concrete and grind and overlay the remainder of the streets in the Apartment Row neighborhood. By reconstructing these streets it would make it easier for residents to travel to and from their residences. On the right are the estimated costs for each street.</td>
<td>Street Repairs:</td>
</tr>
<tr>
<td>Reagan Street – Katella Avenue to Farquhar Avenue = $230,000.00</td>
<td></td>
</tr>
<tr>
<td>Bloomfield Street – Katella Avenue to Farquhar Avenue = $140,000.00</td>
<td></td>
</tr>
<tr>
<td>Howard Avenue – Reagan Street to Maple Street = $117,315.00</td>
<td></td>
</tr>
<tr>
<td>Howard Avenue – Noel Street to Lexington Drive = $129,294.00</td>
<td></td>
</tr>
</tbody>
</table>

Includes 10% City match

SECTION 3. The City Manager and/or his/her designee(s) is hereby authorized to execute in the on behalf of the City of Los Alamitos the applications, the Standard Agreements, and all other documents required by the CDBG Program.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.
PASSED, APPROVED, AND ADOPTED this 21st day of October, 2019.

___________________________
Warren Kusumoto, Mayor

ATTEST:

_______________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

_______________________________
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 21st day of October 2019, by the following vote, to wit:

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

_______________________________
Windmera Quintanar, MMC, City Clerk
The Alley, ADA Ramps and Sidewalk Improvement Project (CIP No. 18/19-06) reconstructed portions of the existing alley west of Reagan Street, between Katella Avenue and Green Avenue. In addition, it included the installation of 10 new ADA ramps and sidewalk reconstruction in the Apartment Row neighborhood. Staff is recommending that City Council accept the work as completed, direct filing of the Notice of Completion, and authorize retention release as prescribed by the Public Contracts Codes.

RECOMMENDATIONS

1. Accept as complete the construction for contract by Nobest Incorporated for the Alley, ADA Ramps and Sidewalk Improvement Project (CIP No. 18/19-06); and,

2. Direct the City Clerk to record the Notice of Completion/Final Report with the County Recorder’s Office; and,

3. Authorize Staff to release the 5% retention to the contractor, in the amount of $6,163.22, thirty-five (35) days after recordation of the Notice of Completion.

BACKGROUND

The City of Los Alamitos reconstructed segments of the existing alley west of Reagan Street between Katella Avenue and Green Avenue. The project included the installations of new ADA Ramps and sidewalk reconstruction in the Apartment Row neighborhood.

Portions of the project limits were removed and reconstructed with Plain Cement Concrete (PCC) pavement over compacted native and longitudinal gutter over
compacted native. All manhole, water valve, anode and monitoring well covers within the project limits were adjusted to grade. Existing curbs, fence, block wall and private facilities were protected in place within the limits of the project unless otherwise shown.

**DISCUSSION**

Work on this project is now complete and found acceptable by the City Engineer. Staff recommends acceptance of the work in conjunction with the processing of the Notice of Completion/Final Report and release of the retention as prescribed by the Public Contracts Codes.

**FISCAL IMPACT**

The City of Los Alamitos was awarded $121,050 towards this project with a total budget of $150,000. Funding includes $135,000 from Community Development Block Grant (CDBG) and matching funds of $15,000 (10% required) are to be provided from the Gas Tax Fund as adopted in the annual budget. There was one change in scope item for adding gravel under the ADA Ramps due to wet soil conditions.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nobest Incorporated</td>
<td>$121,050</td>
</tr>
<tr>
<td>Change in scope</td>
<td>$2,214</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$123,264</strong></td>
</tr>
</tbody>
</table>

Submitted by: David Hunt, City Engineer  
Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director  
Approved by: Les Johnson, Interim City Manager

**Attachment:** 1. Notice of Completion
RECORDING REQUESTED BY
AND MAIL TO:

City Clerk
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA  90720

No Consideration

NOTICE OF COMPLETION/FINAL REPORT

For

The Alley, ADA Ramps and Sidewalk Improvement Project (CIP No. 18/19-06).

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned are owners or corporate officers of the interest or estates stated below in property hereinafter described.

2. The full name of the owner is: City of Los Alamitos, 3191 Katella Avenue, Los Alamitos, CA  90720

3. The work consisted of reconstructed portions of the existing alley west of Reagan Street, between Katella and Green Avenues. In addition, it will include the installation of 10 new ADA Ramps and sidewalk reconstruction in the Apartment Row neighborhood.

4. The work was completed on September 17, 2019.

5. The contractor was: Nobest Inc, PO Box 874, Westminster, CA 92684

Dated: October 21, 2019

David L. Hunt, P.E., City Engineer, City of Los Alamitos

VERIFICATION BY CORPORATION OWNER

STATE OF CALIFORNIA )
COUNTY OF ORANGE  ) SS

I, David L. Hunt, City Engineer of the City of Los Alamitos, a Municipal Corporation, executed the foregoing Notice of the aforesaid interest or estates in the property therein described; and verify on behalf of the City of Los Alamitos; that the contents thereof, and the facts therein stated are true.

Dated: October 21, 2019

David L. Hunt, P.E., City Engineer
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 2019       ITEM NUMBER: 10H

To: Mayor Warren Kusumoto & Members of the City Council

Presented By: Les Johnson, Interim City Manager

Subject: Update on Video Recording and Broadcasting Traffic Commission Meetings

SUMMARY

During the August 16, 2019 meeting, City Council discussed the possibility of video recording and broadcasting future Traffic Commission meetings. Following the discussion, the City Council directed staff to receive input from the Traffic Commission and report back to the City Council. This matter was discussed by the Traffic Commission during its September 11, 2019 meeting.

RECOMMENDATIONS

1. Uphold the Traffic Commission’s recommendation to not proceed with video recording and broadcasting future Traffic Commission meetings; and,

2. Direct Staff to prepare comprehensive summary meeting minutes and pursue the ability to access audio recordings of meetings via the City website.

BACKGROUND

Councilmember Hasselbrink requested this item be considered by City Council for implementation at the Commission level. The goal is to provide additional transparency and to provide ease of public access to information regarding matters considered by the Traffic Commission. The result from the City Council meeting on August 16, 2019 was to receive input from the Traffic Commission with two options: video record and broadcast future Traffic Commission meetings or provide more detailed Traffic Commission meeting minutes in order for the City Council and others that more clearly represents discussion and action items being considered.

Currently, City Council and Planning Commission meetings are video recorded and aired on LATV-3. The recordings are kept permanently with the City Clerk and available for viewing on the City’s website via YouTube.
DISCUSSION

Traffic Commission meetings are not currently video recorded or televised. Audio recordings are made of each meeting and made available for audio playback. Summary meeting minutes are prepared from the audio recordings. Per the City’s Record Retention policy, audio recordings are kept for two years after the meeting date. Following the two year time period, the meeting minutes serve as the only record of the meetings. It is anticipated that video recordings of the Traffic Commission meetings would be conducted similarly to City Council and Planning Commission meetings.

It is uncertain as to how many are viewing the City Council and Planning Commission meetings. Videos of the meetings are available for viewing on YouTube. YouTube counts the number of viewings. Over the last year, City Council meeting videos average 25-55 viewings. Planning Commission meetings average 15-25 viewings. It is unclear as to how many are viewing the meetings via Los Al TV. It is likely that viewership of the Traffic Commission meetings would be lower than the City Council or Planning Commission meetings.

During the September 11, 2019 meeting the Traffic Commission discussed the possibility of recording and broadcasting future meetings. Commissioners expressed concern with the cost to conduct the videotaping and do not support such at this time. Commissioners also discussed and encouraged staff to provide comprehensive summary meeting minutes and to also have the audio recordings made available for listening via the City website.

FISCAL IMPACT

The projected fiscal impact of televising Traffic Commission meetings is between $2,160 to $2,500 annually. This cost was not included in the Fiscal Year 2019-2020 budget. The current contract with OUR Los Al for telecasting Council and Commission meetings specifies a rate of $180 per meeting for up to 3 hours. For any meeting over 3 hours, there is an additional $35 per hour cost. The cost for expanded meeting minutes and providing audio recordings via the City website is nominal.

Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Submitted and Approved by: Les Johnson, Interim City Manager
To: Mayor Warren Kusumoto & Members of the City Council

Presented By: Eric Hendrickson, Finance Director

Subject: Reserve Policy for Fiscal Year Ending June 30, 2019

SUMMARY

This report seeks to provide the City Council with an unaudited financial update regarding the General Fund reserves for the fiscal year ending June 30, 2019 and seeks approval from the City Council to establish a Fund Balance Reserve Policy.

RECOMMENDATION


BACKGROUND

With the close of Fiscal Year 2018/19, it is prudent to present to the City Council the unaudited financial results of the General Fund. From there, the City Council can designate reserves and earmark funds for certain purposes. In the past, reserves have been designated towards pension debt, OPEB debt, emergencies, future projects, or any other priority of the City Council.

For Fiscal Year 2018/19, the General Fund had revenues of $14,557,650 and expenses of $13,445,708, a difference of $1,111,942. This difference increased fund balance in the General Fund to $8,840,622 as of June 30, 2019. The main reasons for this positive outcome was stronger than expected sales tax revenue, higher investment earnings, and increased license and permit fees. It should be noted that these increased revenues appear to be aberrations from the current trend and are not anticipated to occur during the current Fiscal Year. For example, the City's sales tax consultant, HdL, has projected sales taxes in Fiscal Year 2019/20 to be approximately $370,000 lower than Fiscal Year 2018/19, which is due to multiple one time increases experienced during the prior year. Also, as interest rates continue to decline, the City will see a lower yield on its investments. Likewise, revenue derived from licenses and permits usually
follow the economic trend of sales taxes and interest earnings. Staffing vacancies also helped keep expenditures lower than budgeted.

**DISCUSSION**

Staff brought forward these results to the Budget Standing Committee on September 23, 2019 and sought feedback on how to designate reserves. The Budget Standing Committee recommended to bring the following reserve designations for approval by the full City Council:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unassigned</td>
<td>$ 594,985</td>
</tr>
<tr>
<td>Non-spendable</td>
<td>$ 48,696</td>
</tr>
<tr>
<td>Committed Emergencies</td>
<td>$ 3,607,491</td>
</tr>
<tr>
<td>Assigned OPEB Reserves</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>Assigned PERS Reserves</td>
<td>$ 3,620,000</td>
</tr>
<tr>
<td>Projects &amp; Carryovers</td>
<td>$ 469,450</td>
</tr>
</tbody>
</table>

**Total General Fund Balance**  $ 8,840,622

In the table above, the “unassigned” balance represents the residual classification for the City’s General Fund and includes all spendable amounts not contained in the other classifications. The “non-spendable” amount represents balances associated with prepaid costs. The “committed” balance of $3,607,491 represents funds for emergency purposes; it was figured by using 25% of the Fiscal Year 2019/20 budgeted expenditures. The “assigned” balances include funds to offset OPEB and pension debt, as well as funds for future development projects and carryover budgeted items.

The $469,450 of projects and carryovers includes items totaling $254,450 approved at the September 2019 City Council meeting ($30,000 for police department cameras, $25,000 for hardening the police department lobby, and $199,450 for renovating the men’s locker room). During their September 23, 2019 meeting, the Budget Standing Committee recommended $100,000 being assigned towards upgrading the City Hall computer servers ($25,000), increasing funding for the Fenley Pump Station ($25,000), and funding for two new police patrol vehicles ($50,000). These recommended assignments were based upon staff recommendations. Since the last Committee meeting, staff has learned that the cost of repairs necessary for the Fenley Pump Station have increased and an additional $140,000 is needed to complete the work. Thus, the following funding assignments are recommended:

- City Hall Computer Servers $ 25,000
- Fenley Pump Station – additional funds $ 140,000
- Two Police Patrol Vehicles $ 50,000

**TOTAL** $ 215,000
FISCAL IMPACT

The fiscal impact associated with adopting this resolution has been outlined above. There is no expense associated with designating reserves or earmarking fund balances.

Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Approved by: Les Johnson, Interim City Manager

Attachments: 1. Reserve Policy for Fiscal Year Ending June 30, 2019
RESOLUTION NO. 2019-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A FUND BALANCE POLICY FOR FISCAL YEAR ENDING JUNE 30, 2019

WHEREAS, the City Council has established certain reserves in the City’s General Fund; and,

WHEREAS, the City Council desires to establish the circumstances under which the reserves will be amended each fiscal year.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. That the City Council of the City of Los Alamitos approves a fund balance policy for the General Fund of the City, Exhibit A.

SECTION 3. That the reserves were established within the budget adopted by City Council that became effective starting July 1, 2019.

SECTION 4. That the City Council will revisit the reserves each fiscal year after the budget is adopted to approve any recommended changes to the levels of each individual established reserve.

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

PASSED, APPROVED AND ADOPTED this 21st day of October, 2019.

______________________________
Warren Kusumoto, Mayor

ATTEST:

_________________________________
Windmera Quintanar, MMC, City Clerk
STATE OF CALIFORNIA  
COUNTY OF ORANGE  ss  
CITY OF LOS ALAMITOS 

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 21st day of October, 2019, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

______________________________________________  
Windmera Quintanar, MMC, City Clerk
City of Los Alamitos

Fund Balance Policy for the General Fund
For the Fiscal Year Ended June 30, 2019

This Fund Balance Policy (“Policy”), as set forth by the City of Los Alamitos (“City”), provides the guidelines for amending General Fund Reserves established by the City Council as of June 30, 2019.

This Policy is subject to annual review by the City Council. No changes shall be made to the established reserves unless approved by City Council.

1. Purpose: This statement sets forth policies which shall govern the establishment and amendment of General Fund reserves.

2. Application: It is intended that this policy shall apply only to the General Fund of the City.

3. Regulation:

   Reserve for Emergencies

   The Reserve for Emergencies shall be maintained at 25% of General Fund appropriations. This is the minimum amount of reserves established for the General Fund. The Reserve for Emergencies shall never go below 25% of General Fund appropriations unless City Council declares an emergency for natural disasters or financial emergencies that temporarily cause the reserve to fall below 25%. A financial emergency is considered when annual revenues decrease by 5% or more or when annual expenditures increase by 5% or more. City Council will approve the amounts transferred to this reserve each year to maintain the reserve at 25% of General Fund appropriations.

   PERS Reserves

   The PERS reserve is $3,620,000, an amount unchanged from the previous fiscal year. These funds are intended to address the pension debt accrued by the City. The most recent actuarial report, completed in July 2019, states the City has a net pension liability of $18,853,613. This PERS reserve comprises approximately 19.2% of the total liability.

Other Post Employment Benefit Reserves (OPEB)
The OPEB reserve is $500,000, which is approximately 11% of the unfunded OPEB liability. The unfunded OPEB liability is approximately $4.52 million based on the actuarial report that was completed in July 2019. The amount set aside for OPEB reserves will be reevaluated annually and will take into consideration information reflected in the actuarial study.

**Development Projects & Carryover Budget Allocations**

The assigned balance for development projects and carryover budget allocations is $469,450 for the fiscal year ending June 30, 2019. This is calculated each year based on the status of each project and the prioritization of future projects by the City Council.

**Undesignated Reserves**

Any amounts in excess of the reserves established above will be maintained as undesignated reserves, or may be transferred to existing reserves, or new reserves, but only upon approval of City Council.

**Policy Review**

The Fund Balance Policy for the General Fund shall be submitted to the City Council for approval each fiscal year after the adoption of the budget.
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 2019 ITEM NUMBER: 10J

To: Mayor Warren Kusumoto & Members of the City Council

Presented By: Windmera Quintanar, MMC, City Clerk

Subject: Amendment No. 1 to Agreement with Matrix Imaging, Inc. to Digitize the City’s Records

SUMMARY

This is approve Amendment No. 1 to the Professional Services Agreement with Matrix Imaging (Matrix) to digitize the City's records.

RECOMMENDATION

Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Matrix Imaging for scanning and digitizing City records.

BACKGROUND

The City has a variety of paper documents and plan set records accumulated by the Development Services Department. The City is legally required to retain commercial plans and land use designations in perpetuity. The City has plans and approvals for the past 60 years stored in the Los Al TV studio building. This location has reached its storage capacity and does not provide ideal conditions for permanent document storage. These documents can be digitized, stored electronically, and displayed directly on computers from within the City’s electronic document repository, Laserfiche.

On March 19, 2018, the City Council approved an agreement with Matrix Imaging in an amount not to exceed the annual permit revenue from the technology fee that is deposited into revenue account 10-4268. Staff has worked diligently with Matrix Imaging and the City’s IT Support Services to implement Phase 1 of the project, scanning archived building plans. To date over 1,000 archived plans have been scanned into Laserfiche and are now indexed and easily accessible for to the City. We are approximately half way through with Phase 1 of the project and anticipate starting Phase 2 within this Fiscal Year.
DISCUSSION

The current agreement has expired. Matrix Imaging has expressed an interest in continuing the project with the City at the same rate. The agreement states work performed shall not exceed revenue taken in from the technology fee. This allows Staff to schedule pickups as funds become available.

The implementation phase was very intensive and included collaboration with Staff, IT, Matrix Imaging and Laserfiche. An efficient work flow has been established and no increase is being requested by Matrix Imaging. Staff is satisfied with the work performed by Matrix Imaging and is recommending approval of an Amendment for an additional two years. The proposed amendment includes a change in the term and a revised Scope of Services to streamline processes and clearly outline expectations of both parties moving forward.

FISCAL IMPACT

Section 2.1 of the agreement sets a maximum contract amount in an amount not to exceed the lesser of the annual revenue received from building permit technology fees or such other amount as may be appropriated by the Los Alamitos City Council for each fiscal year covered by the term of this Agreement.

Annual permit revenue from the technology fee is deposited into the revenue account 10-4268 and expended from account 10-532-5260.1280. There is $6,500 currently available in this account and the adopted budget for FY 2019-20 is estimated to generate an additional $30,490.

Submitted by: Windmera Quintanar, MMC, City Clerk
Fiscal Impact Reviewed by: Eric Hendrickson, Finance Director
Approved by: Les Johnson, Interim City Manager

Attachments: 1. Amendment No. 1
2. Professional Services Agreement with Matrix Imaging
AMENDMENT No. 1 TO PROFESSIONAL SERVICES AGREEMENT
Matrix Imaging Products, Inc.

This Amendment No. 1 to Professional Services Agreement (“Amendment”) is made and entered into on this 21st day of October, 2019, by and between the City of Los Alamitos, a California charter city and municipal corporation, (“City”) and, Matrix Imaging Products, Inc., a corporation (“Firm”).

RECITALS

A. City and Firm entered into that certain Professional Services Agreement for scanning and digitizing City records on March 19, 2018 (“Agreement”), which is incorporated herein by this reference.

B. City and Firm desire to amend the Agreement to extend the term and add clarification subject to the terms and provisions of this Amendment.

NOW, THEREFORE, City and Firm mutually agree as follows:

1. Section 3.4 of the Agreement is hereby amended and restated in its entirety to read as follows:

   “3.4 Term. Unless earlier terminated as provided elsewhere in this Agreement, this Agreement shall commence upon the Effective Date and shall continue in full force and effect for a period of two years, ending on October 21, 2021, unless extended by mutual written agreement of the Parties.

2. Exhibit “A” (Proposal/Scope of Services) to the Agreement is hereby repealed and replaced by Attachment 1 to this Amendment.

3. Except as expressly modified above, all terms and conditions of the Agreement shall remain unchanged and in full force and effect.

4. The persons executing this Amendment on behalf of the parties hereto warrant that they are duly authorized to execute this Amendment on behalf of said parties and that by so executing the parties are formally bound to the provisions of this Amendment.
IN WITNESS WHEREOF, the Parties have executed and entered into this Amendment as of the date first written above.

“City”
City of Los Alamitos

By:_______________________________
Warren Kusumoto
Mayor

APPROVED AS TO FORM.
Woodruff, Spradlin & Smart, APC

ATTEST:

By:_______________________________
Windmera Quintanar, MMC
City Clerk

“Firm”
Matrix Imaging Products, Inc.

By:_______________________________
James Linhart
Vice President

By:_______________________________
Rebecca Horn
Secretary
EXHIBIT “A”

FIRM’S PROPOSAL/ SCOPE OF SERVICES

DATED: October 3, 2019

1. Matrix will pick up and deliver documents from City Hall, 3191 Katella Ave., Los Alamitos, CA 90720, the first Wednesday of every month. Scanning services may be performed either on-site or off-site.

2. All documents taken offsite will be tracked going out of, and coming back into the building by using a Matrix transmittal sheet and secure methodology tracking system.

3. Matrix project manager will keep a Google sheet up to date with the status of each scanning batch and provide access to the information to the City Clerk’s Office. Notes on delays will detailed in the spreadsheet. The City Clerk shall be personally notified by email or phone of any batches expected to take longer than four weeks for delivery.

4. Documents will be stored in a safe and secure conversion center. All documents will be kept in an environmentally controlled setting protected from weather, fire, and all other potential risks.

5. Upon completion of each scan batch, Matrix will return the paper documents, the digitized files on USB3 enabled storage media, as well as an electronic spreadsheet with collected metadata for each document scanned to City Hall, and pick up documents for the next scan batch.

6. If any document(s) in Matrix’s possession are requested by the City in emergency, Matrix will deliver the document(s) to the City within 24 hours. Matrix can scan the required document and send via email or deliver in person using a secure transportation vehicle.

7. Matrix will be responsible for preparing the documents for scanning, which will include the disassembling (un-stapling, unfolding), scanning, and re-assembling (re-stapling, re-folding) of all documents in the manner and order in which they were received.

8. Matrix understands one-hundred percent (100%) quality control is required on all documents. The City will provide a quality control scheme that will be implemented in a preparation area, scanning, and post scanning in order to ensure accuracy, completeness and readability.

9. Upon each delivery, the City and Matrix will jointly participate in a spot check to insure all documents are returned in original condition and all requirements herein have been followed.
10. Matrix will provide all labor, equipment, tools, fuel, materials, insurance, supervision, and all other items needed to deliver exceptional document conversion and scanning services that will be acceptable to the City's standards.

11. In the event of unsatisfactory work or errors, Matrix will re-scan all necessary documents at no additional cost.

12. Matrix will certify a quality check on each scanned batch has been performed.

**DOCUMENT SCANNING AND DIGITIZING SPECIFICATIONS**

1. During the digitizing process, Matrix will collect metadata consisting of:
   a. permit, project, case or other document number
   b. street address (address files), parcel (apn) number (geologic and some address files), or street segment or intersection (encroachment permits)
   c. document date
   d. quantity of pages

2. Matrix will provide scanned and digitized documents to the City on USB-3 enabled storage media (supplied by vendor)

3. Matrix will provide a spreadsheet in .csv or Excel format that includes the file name, folder name and all metadata collected as described in number 1 above for each batch of digitized documents delivered as described in number 2 above.

4. Scans shall be in 300dpi, oriented portrait or landscape to match the original, legible and 95% free from spots or blemishes that are not on the original document.

5. All documents will be scanned on a one-to-one scale in color, grayscale, or black and white depending on the original document format.

**DOCUMENTS TO BE SCANNED**

1. The scanning project shall be completed in 2 separate phases noted as Phase 1 and Phase 2. Phase 1 will be one initial project completed over a several month period, Phase 2 will be a longer term project billed incrementally as document scanning is requested and completed.

   Phase 1 will consist of mostly rolled plan sets, and other historical documents used throughout the City.

   Phase 2 will consist of "planning files", "address files", "encroachment permit files", and "code case files" used by the Development Services Department. These files are mostly in file folders and banker’s boxes. They consist of primarily 8 ½" x 11" documents, but also include some folded 24" x 36" and other size plan sets.
2. Phase 1 Documents – consist primarily of 24" x 36" and other size rolled plan sets, but also a variety of other historical documents. Pricing should be per item/quantity

   a. Plan sets - rolled and folded plan sets, primarily 24" x 36" in size but other sizes are also included.
   b. Documents - Other historical documents, primarily 8 ½" x 11, are included, most are stapled.

3. Phase 2 documents - Including but not limited to:

   a. Address files
      i. Building and Safety Permits 2010 to current-system produced 8 ½" x 11" documents with computer produced metadata in structured locations, stapled, some other documents are nested including plan sets;
      ii. Building and Safety Permits prior to 2010 - mostly single documents on goldenrod and pink copies with both typed and handwritten metadata in structured locations, the majority are single page, not stapled; and
      iii. Planning documents stored chronologically, fastened into the file folder. Most documents are 8 ½" x 11", but folded plan set documents are also included.

   b. Planning files - consists of approval documents, and background data. Documents are primarily 8 ½" x 11" stapled documents, background data are multiple page stapled reports, some including plan sets.

   c. Engineering Permits - primarily handwritten, stapled 8 ½" x 11" and folded plan set documents.

   d. Code Enforcement files - primarily 8 ½" x 11" documents, many stapled, some photographs and other various documents

DELIVERED DOCUMENT FORMATTING INSTRUCTIONS

1. Documents that are originally stapled or otherwise nested as a single Permit/Project/Case or other file should be scanned together into 1 file and named as outlined in number 2 below.

2. The files shall be stored in electronic format in the following folder and file structure for ingesting into Laserfiche file server:

   “Building” “*Pending Quality Check”
   Address
   Scanned Documents name format - <address>
PROFESSIONAL SERVICES AGREEMENT
Matrix Imaging Products, Inc.

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into, to be effective this 19th day of March, 2018 ("Effective Date"), by and between the CITY OF LOS ALAMITOS, a California charter city and municipal corporation, ("City") and Matrix Imaging Products, Inc., a Corporation ("Firm"). City and Firm are sometimes hereinafter individually referred to as "Party" and are hereinafter collectively referred to as the "Parties."

RECITALS

A. City has determined that it requires the services of a qualified firm to provide scanning and digitizing of City records ("Project").

B. Firm has submitted to City a written proposal, dated June 21, 2017, to provide document conversion and scanning for the Project.

C. Firm represents and maintains that it is uniquely qualified by virtue of its experience, training, education, reputation, and expertise, to provide the necessary services to City and has agreed to provide such services as set forth herein.

D. City desires to engage Firm to provide such services subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual obligations, covenants, and conditions contained herein, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. SERVICES OF FIRM

1.1 Scope of Services and Standard of Performance. Firm shall provide those services set forth in the Proposal, dated June 21, 2017 attached hereto as Exhibit "A" ("Scope of Services" and/or "Project Services"). Firm shall provide the Project Services in compliance with all terms and conditions of this Agreement. Firm warrants that all Project Services shall be performed in a skillful, competent, professional and satisfactory manner in accordance with all standards prevalent in the same profession in the State of California. Firm represents and warrants that it is skilled in the professional discipline necessary to perform the Project Services. Firm represents and warrants that it and all employees, subconsultants and subcontractors providing any services pursuant to this Agreement shall have sufficient skill and experience to perform the Project Services. All Project Services shall be completed to the reasonable satisfaction of City.

1.1.1 Resolution of Inconsistencies. In the event of any inconsistency between or among the terms and conditions contained in the main body of this Agreement and the Scope of Services, such inconsistency shall be resolved by applying the provisions in the highest priority
of the documents containing such inconsistency, which shall be determined in the following order of declining priority: (1st) the main body of this Agreement; and (2nd) the Scope of Services.

1.2 Compliance with Law. All Project Services shall be provided in accordance with all laws, ordinances, resolutions, statutes, rules, and regulations of City and any federal, state or local governmental agency of competent jurisdiction. Firm shall be liable for all violations of such laws, ordinances, resolutions, statutes, rules and regulations in connection with performance of the Project Services. If Firm performs any Project Services in violation of such laws, ordinances, resolutions, statutes, rules or regulations, Firm shall be solely responsible for all penalties and costs arising therefrom. Firm shall defend, indemnify, and hold City, its officials, officers, employees, agents and volunteers, free and harmless from and against any claim or liability arising out of any failure or alleged failure to comply with such laws, ordinances, resolutions, statutes, rules or regulations.

1.3 Licenses and Permits. Prior to performing any Project Services, Firm shall obtain all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession and perform the Project Services. Firm represents and warrants to City that Firm shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement and any extension, any license, permit, qualification, or approval that is legally required for Firm to perform the Project Services. Firm shall have the sole obligation to pay for any fees, assessments, and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Firm's performance of the Project Services, and shall defend, indemnify, and hold the City, its officials, officers, employees, agents and volunteers, free and harmless from and against any claim or liability arising out of any failure or alleged failure to obtain such license, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession and perform the Project Services.

1.4 Familiarity with Work. By executing this Agreement, Firm warrants that Firm (a) has thoroughly investigated and considered the Project Services to be performed, (b) has carefully considered how the Project Services should be performed, and (c) fully understands the facilities, difficulties and restrictions attending performance of the Project Services under this Agreement.

1.5 Care in Performance of Project Services. Firm shall adopt reasonable methods during the term of the Agreement to prevent losses or damage to materials, papers or other components of the Project Services, and shall be responsible for all such damages, to persons or property, until acceptance of the Project Services by the City, except such losses or damages as may be caused by City's own negligence.

1.6 Non-Exclusive Agreement. Firm acknowledges that City may enter into agreements with other firms, contractors, consultants, or vendors for services similar to the services that are the subject of this Agreement. Firm further acknowledges that City may have its own employees perform services similar to the services that are the subject of this Agreement.
2. **COMPENSATION**

2.1 **Maximum Contract Amount.** Firm shall be compensated for the Project Services performed, including authorized reimbursements, if any, in accordance with the rates and charges set forth in the Schedule of Compensation attached hereto as Exhibit “B” in an amount not to exceed the lesser of the annual revenue received from building permit technology fees (Fiscal Year 2017/18 - $6,500, Fiscal Year 2018/19 - $22,000), or such other amount as may be appropriated by the Los Alamitos City Council for each fiscal year covered by the term of this Agreement. The maximum amount of City's payment obligation under this Agreement is the amount specified in this section.

2.2 **Method of Payment.** In any month in which Firm wishes to receive payment, Firm shall no later than first working day of such month, submit to the City, in a form approved by the City Manager or his designee, an invoice for services rendered prior to the date of the invoice. Such requests shall be based upon the amount and value of the services performed by Firm and accompanied by such reporting data including an itemized breakdown of all costs incurred and tasks performed during the period covered by the invoice, as may be required by the City. Within thirty (30) calendar days of receipt of invoice, City shall pay all undisputed amounts included on the invoice.

2.3 **Changes in Scope.** In the event any change or changes in the Scope of Services is requested by the City, the Parties shall execute a written amendment to this Agreement, signed by an individual authorized to formally bind the Party for which he/she is signing, setting forth with particularity all terms of such amendment, including, but not limited to, any additional professional fees. An amendment may be entered into: (a) to provide for revisions or modifications to documents or other work product when documents or other work product or work is required by the enactment or revision of law subsequent to the preparation of any documents, other work product, or work; and/or, (b) to provide for additional services not included in this Agreement or not customarily furnished in accordance with generally accepted practice in Firm's profession.

2.4 **Appropriations.** This Agreement is subject to and contingent upon funds being appropriated therefore by the Los Alamitos City Council for each fiscal year covered by the term of this Agreement. If such appropriations are not made, this Agreement shall automatically terminate without penalty to the City.

3. **SCHEDULE OF PERFORMANCE**

3.1 **Time of Essence.** Time is of the essence in the performance of this Agreement. The time for completion of the Project Services to be performed by Firm is an essential condition of this Agreement.

3.2 **Schedule of Performance.** Firm shall prosecute regularly and diligently the Project Services according to the periods specified in the Scope of Services. When requested by Firm, extensions of the time period(s) specified in the Scope of Services may be approved in writing by the Contract Officer; however, the City shall not be obligated to grant any such extension.
3.3 **Force Majeure.** The time for performance of the Project Services may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Firm (financial inability excepted), including, but not limited to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, and/or acts of any governmental agency, including the City, if Firm, within ten (10) calendar days of the commencement of such delay, notifies the City Manager in writing of the causes of the delay. The City Manager shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the City Manager such delay is justified. The City Manager's determination shall be final and conclusive upon the Parties to this Agreement. In no event shall Firm be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Firm's sole remedy being extension of the Agreement pursuant to this section.

3.4 **Term.** Unless earlier terminated as provided elsewhere in this Agreement, this Agreement shall commence upon the Effective Date and shall continue in full force and effect for a period of sixteen (16) months ending on July 31, 2019, unless extended by mutual written agreement of the Parties.

4. **COORDINATION OF PROJECT SERVICES**

4.1 **Firm's Representative.** The following principal of Firm is hereby designated as being the principal and representative of Firm authorized to act on its behalf with respect to the Project Services and to make all decisions in connection therewith: James Linhart, Vice President. It is expressly understood that the experience, knowledge, education, capability, expertise, and reputation of the foregoing principal is a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principal shall be responsible during the term of this Agreement for directing all activities of Firm and devoting sufficient time to personally supervise the Project Services performed hereunder. The foregoing principal may not be changed by Firm without prior written approval of the Contract Officer.

4.2 **City’s Contract Officer.** The City’s Contract Officer shall be Windmera Quintanar, CMC, City Clerk, and is subject to change by the City Manager. It shall be the Firm’s responsibility to ensure that the Contract Officer is kept fully informed of the progress of the performance of the Project Services, and the Firm shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.3 **Prohibition Against Subcontracting or Assignments.** The experience, knowledge, capability, expertise, and reputation of Firm, its principals and employees, were a substantial inducement for City to enter into this Agreement. Therefore, Firm shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, voluntarily or by operation of law, without the prior written consent of City. Firm shall not contract with any other entity to perform the Project Services without prior written consent of City. If Firm is
permitted by City to subcontract any part of this Agreement, Firm shall be responsible to City for the acts and omissions of its subcontractor(s) in the same manner as it is for persons directly employed. Nothing contained in this Agreement shall create any contractual relationships between any subcontractor and City. All persons engaged in the performance of Project Services will be considered employees of Firm. City will deal directly with and will make all payments to Firm. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated, or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written consent of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Firm, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release Firm or any surety of Firm from any liability hereunder without the express written consent of City.

4.4 **Independent Contractor.**

4.4.1 The legal relationship between the Parties is that of an independent contractor; nothing herein shall be deemed to make Firm a City employee. During the performance of this Agreement, Firm and its officers, employees, and agents shall act in an independent capacity and shall not act as City officers or employees. Firm will determine the means, methods and details of performing the Project Services subject to the requirements of this Agreement. The personnel performing the Project Services on behalf of Firm shall at all times be under Firm’s exclusive direction and control. Neither City nor any of its officials, officers, employees, agents or volunteers shall have control over the conduct of Firm or any of its officers, employees, or agents, except as set forth in this Agreement. Firm, its officers, employees or agents, shall not maintain a permanent office or fixed business location at City’s offices. City shall have no voice in the selection, discharge, supervision, or control of Firm’s officers, employees, or agents or in fixing their number, compensation, or hours of service. Firm shall pay all wages, salaries, and other amounts due its employees in connection with the performance of Project Services and shall be responsible for all reports and obligations respecting them, including but not limited to social security income tax withholding, unemployment compensation, workers’ compensation, and other similar matters. City shall not in any way or for any purpose be deemed to be a partner of Firm in its business or otherwise a joint venturer or a member of any joint enterprise with Firm.

4.4.2 Firm shall not incur or have the power to incur any debt, obligation, or liability against City, or bind City in any manner.

4.4.3 No City benefits shall be available to Firm, its officers, employees, representatives, agents, subcontractors or sub_contractors in connection with the performance of any Project Services. Except for professional fees paid to Firm as provided for in this Agreement, City shall not pay salaries, wages, or other compensation to Firm for the performance of any Project Services. City shall not be liable for compensation or indemnification to Firm, its officers, employees, representatives, agents, subcontractors or sub_contractors, for injury or sickness arising out of the performance of any Project Services. If for any reason any court or governmental agency determines that the City has financial obligations, other than pursuant to Section 2 herein, of any nature relating to salary, taxes, or benefits of Firm’s officers, employees, representatives, agents,
or subconsultants or subcontractors, Firm shall defend, indemnify, and hold harmless City from and against all such financial obligations.

4.5 **PERS Eligibility Indemnification.**

4.5.1 In the event that Firm or any officer, employee, representative, agent, subconsultant or subcontractor of Firm providing any Project Services claims or is determined by a court of competent jurisdiction or the California Public Employee Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Firm shall indemnify, defend, and hold harmless City against (1) all such claims and determinations, (2) for the payment of any employee and/or employer contributions for PERS benefits on behalf of Firm or its officers, employees, representatives, agents, subconsultants or subcontractors, and (3) the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of the City.

4.5.2 Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Firm and any of its officers, employees, representatives, agents, subconsultants or subcontractors providing any Project Services shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

5. **INSURANCE**

5.1 **Compliance with Insurance Requirements.** Firm shall obtain, maintain, and keep in full force and effect during the term of this Agreement, at its sole cost and expense, and in a form and content satisfactory to City, all insurance required under this section. Firm shall not commence any Project Services unless and until it has provided evidence satisfactory to City that it has secured all insurance required under this section. If Firm’s existing insurance policies do not meet the insurance requirements set forth herein, Firm agrees to amend, supplement or endorse the policies to do so.

5.2 **Types of Insurance Required.** As a condition precedent to the effectiveness of this Agreement, and without limiting the indemnity provisions set forth in this Agreement, Firm shall obtain and maintain in full force and effect during the term of this Agreement, including any extension thereof, the following policies of insurance:

5.2.1 **Professional Liability/Errors and Omissions Insurance ("PLI").** Firm shall obtain and maintain a policy of Professional Liability or Errors and Omissions Insurance appropriate to Firm’s profession with per-claim and aggregate limits of no less than Two Million Dollars ($2,000,000.00). Covered professional services shall specifically include all Project Services to be performed under the Agreement and the policy shall be endorsed to delete any exclusions that may exclude coverage for claims within the minimum PLI limits set forth herein for the Project Services to be performed under this Agreement.
5.2.1.1 The PLI policy shall be endorsed to delete any Contractual Liability Exclusion. The PLI shall include contractual liability coverage applicable to this Agreement. The policy must “pay on behalf of” the insured, and include a provision establishing the insurer’s duty to defend the insured.

5.2.1.2 If the PLI policy is written on a “claims-made” basis, the policy shall be continued in full force and effect at all times during the term of this Agreement, and for a period of three (3) years from the date of the completion of all Project Services provided hereunder (the "PLI Coverage Period"). If any PLI policy is replaced, cancelled, non-renewed, discontinued, or otherwise terminated, or if the limits of a PLI policy are reduced or the available coverage depleted below the required minimum coverage amounts for any reason during the PLI Coverage Period, Firm shall immediately obtain replacement PLI coverage meeting the requirements of this Section 5.2.1. Such replacement coverage shall satisfy all requirements herein, and shall include coverage for the prior acts or omissions of Firm during the time period during which any Project Services were performed. The coverage shall be evidenced by either a new policy evidencing no gap in coverage, or by obtaining separate extended “tail” coverage with the present or new carrier or other insurance arrangements providing for complete coverage, either of which shall be subject to the written approval by the City.

5.2.1.3 If the PLI policy is written on an “occurrence” basis, the policy shall be continued in full force and effect during the term of this Agreement, or until completion of the Project Services provided for in this Agreement, whichever is later. In the event of termination of the PLI policy during this period, new coverage shall immediately be obtained, and written evidence of the policy shall be immediately provided to the City, to ensure PLI coverage during the entire course of performing the Project services.

5.2.1.4 Firm shall not perform any Project Services at any time during which required types or amounts of PLI insurance are not in effect, and the City shall have no obligation to pay Firm for Project Services performed while required PLI insurance is not in effect.

5.2.2 Commercial General Liability Insurance. Firm shall obtain and maintain, in full force and effect throughout the term of this Agreement, a policy of Commercial General Liability Insurance (CGL). Coverage shall be at least as broad as ISO Form CG 00 01 written on a per occurrence basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits of no less than One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) in the general aggregate. The policy shall not contain any endorsements or provisions limiting coverage for (1) contractual liability, (2) cross liability exclusion for claims or suits by one insured against another, or (3) contain any other exclusion contrary to the Agreement.

5.2.3 Automobile Liability Insurance. Firm shall obtain and maintain, in full force and effect throughout the term of this Agreement, a policy of Automobile Liability Insurance. Coverage shall be at least as broad as ISO Form CA 00 01 written on a per occurrence basis, covering Code 1 (any auto), or if the Firm has no owned autos, Code 8 (hired) and Code 9 (non-owned), with limits of no less than One Million Dollars ($1,000,000.00) for each occurrence covering bodily injury and property damage.
5.2.4 **Workers' Compensation Insurance.** Firm shall obtain and maintain, in full force and effect throughout the term of this Agreement, a policy of Workers' Compensation Insurance in at least the minimum statutory amounts, and in compliance with all other statutory requirements, as required by the State of California. Firm agrees to waive and obtain endorsements from its workers' compensation insurer waiving all subrogation rights under its workers' compensation insurance policy against the City, its officials, officers, employees, agents and volunteers, and to require each of its subconsultants and subcontractors, if any, to do likewise under their workers' compensation insurance policies. Firm shall also obtain and maintain, in full force and effect throughout the term of this Agreement, a policy of Employer's Liability Insurance written on a per occurrence basis with limits of at least One Million Dollars ($1,000,000.00) per accident for bodily injury or disease. Notwithstanding the foregoing, Firm shall not be required to procure either Worker's Compensation Insurance or Employer's Liability Insurance if Firm provides written verification to the City that Firm does not have any employees.

5.3 **Acceptability of Insurers.** Insurance required by this section shall be issued by a licensed company authorized to transact business in the state by the Department of Insurance for the State of California with a current rating of A-:VII or better (if an admitted carrier), or a current rating of A:X or better (if offered by a non-admitted insurer listed on the State of California List of Approved Surplus Lines Insurers (LASLI)), by the latest edition of A.M. Best's Key Rating Guide, except that the City will accept workers' compensation insurance from the State Compensation Fund. In the event the City determines that the work or Project Services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Firm agrees that the minimum limits of the insurance policies may be changed accordingly upon receipt of written notice from the City. Firm shall immediately substitute any insurer whose A.M. Best rating drops below the levels specified herein.

5.4 **Specific Insurance Provisions and Endorsements.** Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the City for written approval. Required insurance policies shall contain the following provisions, or Firm shall provide endorsements on forms approved by the City to add the following provisions to the insurance policies:

5.4.1 **CGL and Auto Liability Endorsements.** The policy or policies of insurance required by this section for CGL and Automobile Liability Insurance shall be endorsed as follows:

5.4.1.1 **Additional Insured.** The City, its officials, officers, employees, agents and volunteers, shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement; and

5.4.1.1.1 **Additional Insured Endorsements.** Additional insured endorsements shall not (1) be restricted to "ongoing operations", (2) exclude "contractual liability", (3) restrict coverage to "sole" liability of Firm, or (4) contain any other exclusions contrary to the Agreement; and, the coverage shall contain no special limitations on the scope of protection afforded to additional insureds.
5.4.1.2 Primary and Non-Contributing Insurance. Each CGL and Automobile Liability Insurance policy shall be endorsed to be primary, and any other insurance, deductible, or self-insurance maintained by the City, its officials, officers, employees, agents or volunteers, shall not contribute with this primary insurance.

5.4.1.3 Waiver of Subrogation. Each CGL and Automobile Liability Insurance policy shall contain or be endorsed to waive subrogation against the City, its officials, officers, employees, agents and volunteers, or shall specifically allow Firm or others providing insurance evidence in compliance with the requirements set forth in this section to waive their right to recovery prior to a loss. Firm hereby agrees to waive its own right of recovery against the City, its officials, officers, employees, agents and volunteers, and Firm hereby agrees to require similar written express waivers and insurance clauses from each of its subconsultants or subcontractors.

5.4.2 Notice of Cancellation. Each policy of any type shall be endorsed to provide that coverage shall not be suspended, voided, cancelled, or modified, or reduced in coverage or in limits, except after thirty (30) calendar days prior written notice has been provided to the City. Notwithstanding the foregoing, if coverage is to be suspended, voided, or cancelled because of Firm’s failure to pay the insurance premium, the notice provided by the insurer to City shall be by not less than ten (10) calendar days prior written notice. (A statement that notice will be provided "in accordance with the policy terms" or words to that effect is inadequate to meet the requirements of this section.)

5.5 Deductibles and Self-Insured Retentions. Any deductible or self-insured retention must be approved in writing by the City in advance. The decision whether to approve or withhold approval of a deductible or self-insured retention shall be made by the City in the City's sole and absolute discretion.

5.6 Evidence of Coverage. Concurrently with the execution of the Agreement, Firm shall deliver certificates of insurance together with original endorsements affecting each of the insurance policies required by this section. Firm shall promptly furnish, at City’s request, copies of actual policies including all declaration pages, endorsements, exclusions and any other policy documents City may require to verify coverage.

5.6.1 Required insurance policies shall not be in compliance if they include any limiting provision or endorsement that has not been submitted to the City for written approval.

5.6.2 Authorized Signatures. The certificates of insurance and original endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf.

5.6.3 Renewal/Replacement Policies. At least fifteen (15) calendar days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced and not replaced immediately so as to avoid a lapse in the required coverage, Firm shall, within ten (10) calendar days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or
has been provided through another insurance company or companies meeting all requirements of this Agreement.

5.7 **Requirements Not Limiting.** Requirement of specific coverage or minimum limits contained in this section are not intended as a limitation on coverage, limits, or other requirements, or a waiver of any coverage normally provided by any insurance. Nothing in this section shall be construed as limiting in any way the indemnification provision contained in this Agreement, or the extent to which Firm may be held responsible for payments of damages to persons or property.

5.8 **Enforcement of Agreement (Non-Estoppel).** Firm acknowledges and agrees that actual or alleged failure on the part of the City to inform Firm of any non-compliance with any of the insurance requirements set forth in this section imposes no additional obligation on the City nor does it waive any rights hereunder.

5.9 **Insurance for Subconsultants.** Firm shall either: (1) include all subconsultants or subcontractors engaged in the performance of Project Services on behalf of Firm as additional named insureds under the Firm's insurance policies; or (2) Firm shall be responsible for causing its subconsultants or subcontractors to procure and maintain the appropriate insurance in compliance with the terms of the insurance requirements set forth in this section, including adding the City, its officials, officers, employees, agents and volunteers, as additional insureds to their respective policies. Firm shall not allow any subconsultant or subcontractor to commence any work or services relating to this Agreement unless and until it has provided evidence satisfactory to City that the subconsultant or subcontractor has secured all insurance required under this section.

5.10 **Other Insurance Requirements.** The following terms and conditions shall apply to the insurance policies required of Firm and its subconsultants and subcontractors, if any, pursuant to this Agreement:

5.10.1 Firm shall provide immediate written notice to City if (1) any of the insurance policies required herein are terminated, cancelled or suspended, (2) the limits of any of the insurance coverages required herein are reduced, or (3) the deductible or self-insured retention is increased.

5.10.2 All insurance coverage and limits provided by Firm and available or applicable to this Agreement are intended to apply to each insured, including additional insureds, against whom a claim is made or suit is brought to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations shall limit the application of such insurance coverage.

5.10.3 None of the insurance coverages required herein will be in compliance with the requirements of this section if they include any limiting endorsement which substantially impairs the coverages set forth herein (e.g., elimination of contractual liability or reduction of discovery period), unless the endorsement has first been submitted to the City and approved in writing.
5.10.4 Certificates of insurance will not be accepted in lieu of required endorsements, and submittal of certificates without required endorsements may delay commencement of the Project. It is Firm’s obligation to ensure timely compliance with all insurance submittal requirements as provided herein.

5.10.5 Firm agrees to ensure that subconsultants and subcontractors, if any, and any other parties involved with the Project who are brought onto or involved in the Project by Firm, provide the same minimum insurance coverage required of Firm. Firm agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Firm agrees that upon request, all agreements with subcontractors and others engaged in the provision of Project Services will be submitted to the City for review.

5.10.6 Firm agrees to provide immediate written notice to City of any claim, demand or loss against Firm arising out of the work or Project Services performed under this Agreement and for any other claim, demand or loss which may reduce the insurance available to pay claims, demands or losses arising out of this Agreement.

6. **INDEMNIFICATION**

To the fullest extent permitted by law, Firm shall defend (at Firm’s sole cost and expense with legal counsel reasonably acceptable to City), indemnify and hold the City, its officials, officers, employees, agents and volunteers, free and harmless from any and all claims, demands, orders, causes of action, costs, expenses, liabilities, losses, penalties, judgments, arbitration awards, settlements, damages or injuries of any kind, in law or in equity, including but not limited to property or persons, including wrongful death, (collectively “Claims”) in any manner arising out of, pertaining to, related to, or incident to any alleged acts, errors or omissions, or willful misconduct of Firm, its officers, directors, employees, subconsultants, subcontractors, agents or invitees in connection with performance under this Agreement, or in any manner arising out of, pertaining to, related to, or incident to an alleged breach of this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys’ fees and other related costs and expenses.

Notwithstanding the foregoing, and only to the extent that the Project Services performed by Firm are subject to California Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Firm.

Under no circumstances shall the insurance requirements and limits set forth in this Agreement be construed to limit Firm’s indemnification obligation or other liability hereunder. Notwithstanding the foregoing, such obligation to defend, hold harmless and indemnify the City, its officials, officers, employees, agents and volunteers, shall not apply to the extent that such Claims are caused by the sole negligence or willful misconduct of that indemnified party.

7. **REPORTS AND RECORDS**
7.1 **Records.** Firm shall keep complete, accurate, and detailed accounts of all time, costs, expenses, and expenditures pertaining in any way to this Agreement. Firm shall keep such books and records as shall be necessary to properly perform the Project Services required by this Agreement and to enable the Contract Officer to evaluate the performance of such Project Services. The Contract Officer shall have full and free access to such books and records at all reasonable times, including the right to inspect, copy, audit, and make records and transcripts from such records.

7.2 **Reports.** Firm shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Project Services as the Contract Officer shall require.

7.3 **Ownership of Documents.** All drawings, specifications, reports, records, documents, memoranda, correspondence, computations, and other materials prepared by Firm, its employees, subconsultants, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be promptly delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Firm shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership of the documents and materials hereunder. Firm may retain copies of such documents for its own use. Firm shall have an unrestricted right to use the concepts embodied therein. Firm shall ensure that all of its subconsultants and subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Firm fails to secure such assignment, Firm shall indemnify City for all damages resulting therefrom.

7.4 **Release of Documents.** Except to the extent otherwise required by law, no drawing, specification, report, record, document, or other material prepared by Firm, its employees, subconsultants, subcontractors and agents in the performance of Project Services shall not be released publicly without the prior written approval of the Contract Officer.

8. **ENFORCEMENT OF AGREEMENT**

8.1 **California Law and Venue.** This Agreement shall be construed and interpreted both as to validity and as to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim, or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Orange, State of California, or any other appropriate court in such County, and Firm covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

8.2 **Waiver.** No delay or omission in the exercise of any right or remedy of a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. No consent or approval of City shall be deemed to waiver or render unnecessary City’s consent to or approval of any subsequent act of Firm. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.3 **Rights and Remedies Cumulative.** Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are
cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

8.4 Legal Action. In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

8.5 Termination Prior to Expiration of Term. City reserves the right to terminate this Agreement, at any time, with or without cause, upon thirty (30) calendar days written notice to Firm, except that where the continuation of services would constitute a danger to health, safety or general welfare, the period of notice shall be such shorter time as may be appropriate. Upon receipt of the notice of termination, Firm shall immediately cease all Project Services, except as may be specifically approved by the Contract Officer. Firm shall be entitled to compensation for all Project Services rendered prior to receipt of the notice of termination and for any Project Services authorized by the Contract Officer thereafter.

8.6 Termination for Default of Firm.

8.6.1 Firm’s failure to comply with any provision of this Agreement shall constitute a default.

8.6.2 If the Contract Officer determines that Firm is in default in the performance of any of the terms or conditions of this Agreement, he/she shall notify Firm in writing of such default. If such default is capable of being cured, Firm shall have ten (10) calendar days, or such longer period as City may designate, to cure the default by rendering satisfactory performance. In the event Firm fails to cure its default within such period of time, or if such default is not capable of being cured, City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice of any remedy to which City may be entitled at law, in equity, or under this Agreement. Firm shall be liable for any and all reasonable costs incurred by City as a result of such default. Compliance with the provisions of this section shall not constitute a waiver of any City right to take legal action in the event that the dispute is not cured, provided that nothing herein shall limit City’s right to terminate this Agreement without cause pursuant to Section 8.5.

8.6.3 If termination is due to the failure of Firm to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 8.6.2, take over the Project Services and prosecute the same to completion by contract or otherwise, and Firm shall be liable to the extent that the total direct and indirect costs for completion of the Project Services required hereunder exceed the Maximum Contract Amount, and City may withhold any payments to Firm for the purpose of set-off toward the cost of completion of the Project Services. The withholding or failure to withhold payments to Firm shall not limit Firm’s liability for completion of the Project Services as provided herein.

8.7 Attorneys’ Fees. In the event any dispute between the Parties with respect to this
Agreement results in litigation or any non-judicial proceeding, the prevailing Party shall be entitled, in addition to such other relief as may be granted, to recover from the non-prevailing Party all reasonable costs and expenses, including but not limited to reasonable attorneys' fees, expert witness fees, court costs and all fees, costs, and expenses incurred in any appeal or in collection of any judgment entered in such proceeding. To the extent authorized by law, in the event of a dismissal by the plaintiff or petitioner of the litigation or non-judicial proceeding within thirty (30) calendar days of the date set for trial or hearing, the other Party shall be deemed to be the prevailing Party in such litigation or proceeding. For purposes of this section, "Reasonable attorney fees" shall be calculated by multiplying the actual number of hours reasonably expended by the attorney(s) handling the dispute on behalf of the prevailing Party by the hourly rate actually paid by the prevailing Party, but in no case shall the hourly rate exceed Two Hundred and Fifty Dollars ($250.00) per hour.

9. **CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION**

9.1 **Non-liability of City Officers and Employees.** No officer or employee of the City shall be personally liable to the Firm, or any successor-in-interest, in the event of any default or breach by the City or for any amount which may become due to the Firm or to its successor, or for breach of any obligation of the terms of this Agreement.

9.2 **Covenant Against Discrimination.** Firm covenants that, by and for itself, its heirs, executors, assigns, subcontractors, subconsultants and all persons claiming under or through them, that there shall be no discrimination or segregation in the performance of or in connection with this Agreement regarding any person or group of persons on account of race, disability, medical condition, color, creed, religion, sex, sexual orientation, marital status, age, national origin, or ancestry. Firm shall take affirmative action to insure that applicants and employees are treated without regard to their race, disability, medical condition, color, creed, religion, sex, sexual orientation, marital status, national origin, or ancestry.

10. **MISCELLANEOUS PROVISIONS**

10.1 **Confidentiality.** Information obtained by Firm in the performance of this Agreement shall be treated as strictly confidential and shall not be used by Firm for any purpose other than the performance of this Agreement without the written consent of the Contract Officer.

10.2 **Patent and Copyright Infringement.**

10.2.1 To the fullest extent permitted by law, and in lieu of any other warranty by City or Firm against patent or copyright infringement, statutory or otherwise, it is agreed that Firm shall defend at its expense any claim or suit against City on account of any allegation that any item furnished under this Agreement, or the normal use or sale thereof arising out of the performance of this Agreement, infringes upon any presently existing U.S. letters patent or copyright and Firm shall pay all costs and damages finally awarded in any such suit or claim, provided that Firm is promptly notified in writing of the suit or claim and given authority, information and assistance at Firm's expense for the defense of same, and provided such suit or claim arises out of, pertains to, or is related to the alleged negligence, recklessness or willful misconduct of Firm. However, Firm
will not indemnify City if the suit or claim results from City's alteration of a deliverable where such alteration created the infringement upon any presently existing U.S. letters patent or copyright.

10.2.2 Firm shall have sole control of the defense of any such claim or suit and all negotiations for settlement thereof, Firm shall not be obligated to indemnify City under any settlement made without Firm's consent or in the event City fails to cooperate in the defense of any suit or claim, provided, however, that such defense shall be at Firm's expense. If the use or sale of such item is enjoined as a result of the suit or claim, Firm, at no expense to City, shall obtain for City the right to use and sell the item, or shall substitute an equivalent item acceptable to City and extend this patent and copyright indemnity thereto.

10.3 Notices. Any notice, demand, request, consent, approval, or communication either Party desires or is required to give to the other Party or any other person shall be in writing and either served personally during normal hours of operation of the Party receiving the notice, or sent by pre-paid, first-class mail to the address set forth below. Either Party may change its address by notifying the other Party of the change of address in writing. Notice shall be deemed communicated on the day personally served, or two (2) business days from the date of mailing if mailed as provided in this section. Additionally, notices by email will be considered legal notice if such communications include the following text in the Subject field: FORMAL LEGAL NOTICE – Matrix Imaging Products, Inc.

To City: Windmera Quintanar, CMC, City Clerk
City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720
wquintanar@cityoflosalamitos.org

With copy to:
Michael S. Daudt, City Attorney
Woodruff, Spradlin & Smart
555 Anton Blvd., Suite 1200
Costa Mesa, CA 92626
mdaudt@wss-law.com

To Firm:
James Linhart, Vice President
Matrix Imaging Products, Inc.
20512 Crescent Bay Dr., #100
Lake Forest, CA 92630
James.linhart@matriximaginginc.com

10.4 Entire Agreement: Amendments in Writing. This Agreement constitutes the entire agreement between the Parties and is intended as an integrated agreement, superseding all prior negotiations, arrangements, agreements, representations, and understandings, if any, made by or among the Parties with respect to the subject matter hereof. No amendments or other
modifications of this Agreement shall be binding unless executed in writing by both Parties hereto, or their respective successors, assigns, or grantees.

10.5 **Severability.** In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement, which shall be interpreted to carry out the intent of the Parties hereunder.

10.6 **Successors in Interest.** This Agreement shall be binding upon and inure to the benefit of the Parties' successors and assigns.

10.7 **Third Party Beneficiary.** Except as expressly provided herein, nothing contained in this Agreement is intended to confer, nor shall this Agreement be construed as conferring, any rights, including, without limitation, any rights as a third-party beneficiary or otherwise, upon any entity or person not a party hereto.

10.8 **Recitals.** The above-stated Recitals are hereby incorporated into the Agreement as though fully set forth herein and each Party acknowledges and agrees that such Party is bound, for purposes of this Agreement, by the same.

10.9 **Prevailing Wages.** Firm is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"). Firm agrees to fully comply with all applicable federal and state labor laws (including, without limitation, if applicable, the Prevailing Wage Laws). It is agreed by the Parties that, in connection with the work or Project Services provided pursuant to this Agreement, Firm shall bear all risks of payment or non-payment of prevailing wages under California law, and Firm hereby agrees to defend, indemnify, and hold the City, its officials, officers, employees, agents and volunteers, free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. The foregoing indemnity shall survive termination of this Agreement.

10.9 **Corporate Authority.** Each of the undersigned represents and warrants that (i) the Party for which he/she is executing this Agreement is duly authorized and existing, (ii) he/she is duly authorized to execute and deliver this Agreement on behalf of the Party for which he/she is signing, (iii) by so executing this Agreement, the Party for which he/she is signing is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other agreement to which the Party for which he/she is signing is bound.

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[SIGNATURES ON NEXT PAGE]
IN WITNESS WHEREOF, the Parties have executed and entered into this Agreement as of the date first written above.

“City”
City of Los Alamitos

By: [Signature]

Mayor

APPROVED AS TO FORM.
Woodruff, Spradlin & Smart, APC

By: [Signature]
Michael S. Daudt
City Attorney

ATTEST:

By: [Signature]
Windmera Quintanar, CMC
City Clerk

“Firm”
Matrix Imaging Products, Inc.

By: [Signature]
James Linhart
Vice President

By: [Signature]
Rebecca Horn
Secretary
EXHIBIT “A”

FIRM’S PROPOSAL/SCOPE OF SERVICES

DATED: June 21, 2017

1. Matrix will pick up and deliver documents from City Hall, 3191 Katella Ave., Los Alamitos, CA 90720. Scanning services may be performed either on-site or off-site.

2. All documents taken offsite will be tracked going out of, and coming back into the building by using a Matrix transmittal sheet and secure methodology tracking system. Documents will be stored in our safe and secure conversion center. All documents will be kept in an environmentally controlled setting protected from weather, fire, and all other potential risks.

3. Upon completion of each scan batch, Matrix will return the paper documents, the digitized files on USB3 enabled storage media, as well as an electronic spreadsheet with collected metadata for each document scanned to City Hall, and pick up documents for the next scan batch.

4. If any document(s) in Matrix’s possession are requested by the City in emergency, Matrix will deliver the document(s) to the City within 24 hours. Matrix can scan the required document and send via email or deliver in person using a secure transportation vehicle.

5. Matrix will be responsible for preparing the documents for scanning, which will include the disassembling (un-stapling, unfolding), scanning, and re-assembling (re-stapling, re-folding) of all documents in the manner and order in which they were received.

6. Matrix understands one-hundred percent (100%) quality control is required on all documents. The City will provide a quality control scheme that will be implemented in a preparation area, scanning, and post scanning in order to ensure accuracy, completeness and readability.

7. Upon each delivery, the City and Matrix will jointly participate in a spot check to insure all documents are returned in original condition and all requirements herein have been followed.

8. Matrix will provide all labor, equipment, tools, fuel, materials, insurance, supervision, and all other items needed to deliver exceptional document conversion and scanning services that will be acceptable to the City's standards.
9. In the event of unsatisfactory work or errors, Matrix will re-scan all necessary documents at no additional cost.

DOCUMENT SCANNING AND DIGITIZING SPECIFICATIONS

1. During the digitizing process, Matrix will collect metadata consisting of:
   a. permit, project, case or other document number
   b. street address (address files), parcel (apn) number (geologic and some address files), or street segment or intersection (encroachment permits)
   c. document date
   d. quantity of pages

2. Matrix will provide scanned and digitized documents to the City on USB-3 enabled storage media (supplied by vendor)

3. Matrix will provide a spreadsheet in .csv or Excel format that includes the file name, folder name and all metadata collected as described in number 1 above for each batch of digitized documents delivered as described in number 2 above.

4. Scans shall be in 300dpi, oriented portrait or landscape to match the original, legible and 95% free from spots or blemishes that are not on the original document.

5. All documents will be scanned on a one-to-one scale in color, grayscale, or black and white depending on the original document format.

DOCUMENTS TO BE SCANNED

1. The scanning project shall be completed in 2 separate phases noted as Phase 1 and Phase 2. Phase 1 will be one initial project completed over a several month period, Phase 2 will be a longer term project billed incrementally as document scanning is requested and completed.

   Phase 1 will consist of mostly rolled plan sets, and other historical documents used throughout the City.

   Phase 2 will consist of "planning files", "address files", "encroachment permit files", and "code case files" used by the Development Services Department. These files are mostly in file folders and banker's boxes. They consist of primarily 8 1/2" x 11" documents, but also include some folded 24" x 36" and other size plan sets.

2. Phase 1 Documents – consist primarily of 24" x 36" and other size rolled plan sets, but also a variety of other historical documents. Pricing should be per item/quantity

   a. Plan sets - rolled and folded plan sets, primarily 24" x 36" in size but other sizes are also included.
b. Documents - Other historical documents, primarily 8 ½" x 11", are included, most are stapled.

3. Phase 2 documents - Including but not limited to:

a. Address files
   i. Building and Safety Permits 2010 to current-system produced 8 ½" x 11" documents with computer produced metadata in structured locations, stapled, some other documents are nested including plan sets;
   ii. Building and Safety Permits prior to 2010 - mostly single documents on goldenrod and pink copies with both typed and handwritten metadata in structured locations, the majority are single page, not stapled; and
   iii. Planning documents stored chronologically, fastened into the file folder. Most documents are 8 ½" x 11", but folded plan set documents are also included.

b. Planning files - consists of approval documents, and background data. Documents are primarily 8 ½" x 11" stapled documents, background data are multiple page stapled reports, some including plan sets.

c. Engineering Permits - primarily handwritten, stapled 8 ½" x 11" and folded plan set documents.

d. Code Enforcement files - primarily 8 ½" x 11" documents, many stapled, some photographs and other various documents

**DELIVERED DOCUMENT FORMATTING INSTRUCTIONS**

1. Documents that are originally stapled or otherwise nested as a single Permit/Project/Case or other file should be scanned together into 1 file and named as outlined in number 2 below.

2. The files shall be stored in electronic format in the following folder and file structure for ingesting into Laserfiche file server:

"Building Plans"
Address (Permit number if available)
Scanned Documents name format - <address> <permit number> - <date>

"Permits" (Included in "address files" and "encroachment permits")
Permit Number (or Address if permit number not available)
Scanned Documents name format - <permit number> - <date>

"Projects" (Included in land use files)
Project number (or Address if permit number not available)
Scanned Documents name format - <project number or type> - <date>

"Enforcement" (included in "code case files")
Code Case number (or Address if code case number not available)
Scanned Documents name format - <case number> - <date>
EXHIBIT "B"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following Services at the following rates:

<table>
<thead>
<tr>
<th>RATE**</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Scanning Cost</td>
</tr>
<tr>
<td>B. Index Fields (hand keyed*)</td>
</tr>
<tr>
<td>C. Drawings (C size and larger)</td>
</tr>
<tr>
<td>D. Preparation/sorting</td>
</tr>
<tr>
<td>E. Boxing/cataloging</td>
</tr>
<tr>
<td>F. Large Format Prep</td>
</tr>
<tr>
<td>G. Pickup and Delivery</td>
</tr>
</tbody>
</table>

* Indexed fields are subject to charge only if they are hand keyed (not able to be captured using scanned fields, or in the City supplied database).

**Payment shall be on the basis of the rates provided.

II. A retention of ten percent (10%) shall be held from each payment as a contract retention to be paid as a final payment upon City sign off of satisfactory completion of services.

III. Within the budgeted amounts for each Task, and with the approval of the Contract Officer.

IV. The City will compensate Consultant for the Services performed upon submission of a valid invoice. An invoice shall be submitted for each delivery of scanned documents and each invoice is to include:

   A. Line items for all the work performed, the number of hours worked, and the hourly rate.

   B. Line items for all materials and equipment properly charged to the Services.

   C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

   D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.
SUMMARY

Consideration of a resolution to amend certain sections of the Los Alamitos General Plan in order to complete the Zoning & Subdivision Codes Update, followed by the consideration of an ordinance to approve the Zoning & Subdivision Code Update and an ordinance amending the zoning map of the City of Los Alamitos.

RECOMMENDATIONS

1. Open the Public Hearing; and,

2. Discuss the Planning Commission’s recommended General Plan Amendments; and, if appropriate,

3. Approve “Addendum #2 to the 2015 General Plan FEIR” prepared pursuant to the California Environmental Quality Act (CEQA) regarding General Plan Amendment 19-01; and,

4. Adopt Resolution No. 2019-34, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 19-01 TO ENSURE THAT THE CURRENT ZONING CODE UPDATE WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED);” and,

5. Approve “Addendum #1 to the 2015 General Plan FEIR,” prepared pursuant to the California Environmental Quality Act (CEQA) regarding Zoning Ordinance Amendment 17-04; and,

6. City Attorney Daudt read the title of Ordinance No. 2019-03, entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CA, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE TO BE CONSISTENT WITH THE 2035 LOS ALAMITOS GENERAL PLAN AS PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED);” and,

BACKGROUND

In 2018, the City began the work necessary to update the Subdivision and Zoning Codes and the Zoning Map, with the primary objective being to ensure consistency with the Los Alamitos General Plan. The Zoning Code (LAMC Title 17) consists of text that explains the purposes of each district; specifies permitted, administrative, and conditional uses; and establishes development requirements. The Zoning Code serves as the primary tool to achieve the goals, policies, and development expectations established in Los Alamitos’s Land Use Plan. Under California law, the Zoning Code must be consistent with the General Plan.

Tonight the City Council will consider a resolution to amend certain sections of the Los Alamitos General Plan in order to complete the Zoning & Subdivision Codes Update, followed by the consideration of an ordinance to approve the Zoning & Subdivision Code Update and an ordinance amending the Zoning Map of the City of Los Alamitos. These items were considered by the Planning Commission during their duly-noticed June 26, 2019 and September 25, 2019 meetings. The Planning Commission recommends the addendums to the General Plan EIR, as well as the changes to the General Plan, Zoning Map, Zoning Code, and Subdivisions Code that are before the City Council tonight.

DISCUSSION

General Plan Amendments (Attachment 2)

In the process of updating the Subdivision and Zoning Codes, the Planning Commission has determined that three focused General Plan Amendments would be required in order to make certain amendments to the Zoning Code. In the process of updating the Zoning Code, City Staff and the consultant team worked closely with the Ad-Hoc Zoning Code Update Committee (Committee: Mayor Kusumoto, Councilmember Chirco, Planning Commissioner Art DeBolt, Planning Commissioner John Riley, Traffic Commissioner Randy Hill, Traffic Commissioner Dave Emerson, Business Owner Joe Maggiore, Property & Business Owner Jason Twomey). The Committee identified two General Plan policies that needed modification to better reflect land use policy intent. Later, during the Planning Commission study sessions, Planning Commissioners noted a third zoning text amendment was identified that requires a third General Plan amendment. The three recommended General Plan amendments are summarized as follows:

- Language clarifying that the Professional Office General Plan designation allows retail and service commercial uses in addition to office use, which has long been City practice, as reflected in the Zoning Code provisions for the Commercial-Professional Office zone.
• Eliminating the Limited Industrial General Plan land use designation and only having the Planned Industrial land use designation. Both General Plan land use designations are essentially the same with the only difference being that Limited Industrial also allows certain commercial recreation uses. The Committee recommended eliminating this distinction and thus having a single industrial designation (Planned Industrial) to reflect the limited extent of industrial land in Los Alamitos and the fact that commercial recreation uses could be regulated through use permits in the Zoning Code.

• Amending the density of the General Plan Multiple Family Residential land use designation by reducing it from 30 to 25 units per acre. The R-3 Zoning Code development standards currently include a “gross land per unit” requirement that limits density to not exceed 25 dwelling units per acre, rather than the 30 unit per acre density identified elsewhere in the Zoning Code as well as in the General Plan. Commissioners discussed this inconsistency and ultimately directed staff to ensure that the Zoning Code amendment language represented a maximum density of 25 units per acre and to also amend the General Plan language in order to ensure consistency.

Zoning Text Amendments (Attachment 4)
The Subdivision Code (Title 16) establishes regulations for the subdivision of real properties. Largely, the City’s subdivision regulations mirror the requirements of the State Subdivision Map Act. No substantive changes have been made to the Subdivision Code. The focus of the update was to ensure consistency with the State Subdivision Map Act—such as extensions of time for tentative maps— and current City review and approval practices. Also, certain definitions were modified to parallel definitions in the Zoning Code.

The Zoning Code (Title 17) specifies zoning regulations through allowed uses, their location, development standards, and the standards of implementation. To avoid creating nonconforming uses and development conditions, the Zoning Code largely carries forward existing land use regulations and development standards.

In the early 2000’s, the City initiated a comprehensive update to the Zoning Code to reflect modern land use practices and make the code easier to use. However, that effort was not fully completed even though the code was adopted (in 2006). As a result, the code contained a few internal inconsistencies. In 2015, the City adopted a comprehensive update to the Los Alamitos General Plan, which included new land use direction along the arterial corridors and in the industrial districts. To implement new land use policies and to fix lingering issues from the 2006 Zoning Code update, the City has undertaken revisions to the code that include:

General Changes
- Elimination of internal conflicts and conflicts with other provisions of the Municipal Code.
- Addition of graphics and usable tables throughout the code.
Land Use Regulation and Development Standard Changes

- Created Town Center Mixed-Use zone (TCMU) to implement General Plan policy.
- Eliminated Limited Industrial Zone (L-I) and integrated it into Planned Light-Industrial (P-L-I), with P-L-I allowing commercial recreational uses (with a Conditional Use Permit) throughout the P-L-I zone.
- Modernized allowed uses and permit requirements for Residential and Commercial/Industrial zones. Removed detailed uses and grouped uses into similar categories. Added more common uses and expanded AUP (Administrative Use Permits).
- Removed inconsistencies and simplified property development standards for Table 2-03 (Development Standards in Residential Zones).
- Adjusted setback requirements in R-2 zone for buildings taller than 25 feet.
- Adjusted outdoor living space requirements for residential zones.
- Minor adjustments to property development standards, including Table 2-05 (General Development Standards for Commercial and Industrial Zones).
- Adjusted setbacks for the P-L-I zone.
- Eliminated parcel coverage and added FAR to commercial and industrial zones.
- Removed detailed parking lot design standards.
- Adjusted and added sign standards to ensure consistency with case law, particularly for temporary signs.
- Addition of the Live/Work provisions and a Live/Work Overlay Zone (LWOZ).

Administrative Provisions and Definitions

- Clarified administrative procedures and review responsibilities in the Review Authority table, particularly for Development Review Permits.
- City Staff review established for Site Development Permits – Minor (2,500 square feet or less of new construction).
- Established standard appeal period of 10 days for all Director and Planning Commission actions.
- Organized and standardized Temporary Use Permit regulations.
- Codified Zoning Consistency Review practice.

In addition, the Zoning Code has been reformatted to improve ease of use, and the language has been redrafted to provide clarity, consistency, and avoid ambiguities.

Both the General Plan and Zoning Code regulate how development projects must proceed. Alone or in combination, the documents in and of themselves do not create physical impacts on the environment. These documents regulate unified and coordinated development processes; individual projects may have the potential to result in environmental impacts. However, through the application of these documents, development projects and land uses will achieve General Plan goals and policies established for the community, which are designed to enhance residential neighborhoods and business districts and minimize environmental impacts. General
Plan goals, policies, and implementation measures (including adoption of an updated Zoning Code) were fully considered in the 2015 Final Environmental Impact Report (FEIR) for the General Plan Update.

**Zoning Map Amendment (Attachment 5)**
The Zoning Map also serves as a tool to achieve the goals, policies, and development expectations established in Los Alamitos’s General Plan Land Use Plan. Under California law, the Zoning Map must be consistent with the General Plan land use map. The General Plan guides the City to the year 2035 by establishing goals and policies that address land use, mobility and circulation, economic development, and related issues. The City’s Zoning Map appoints a zoning district for each parcel of land within the city limits, which in turn specifies permitted, administrative, and conditional uses; and establishes development requirements for those properties.

**NOTICING**

On October 9, 2019, a Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum. As well, notices were mailed to individual property owners who will have zoning district changes, and the notice was published in the News Enterprise on this same date.

**FISCAL IMPACT**

None.

Submitted by: Tom Oliver, Associate Planner
Reviewed and Approved by: Les Johnson, Interim City Manager

**Attachments:**
1. Addendum #2 to the 2015 General Plan FEIR
2. Resolution No. 2019-34 – General Plan Amendments
3. Addendum #1 to the 2015 General Plan FEIR
4. Ordinance No. 2019-03, Zoning Text Update
5. Ordinance No. 2019-04, Zoning Map Update
7. Approved Planning Commission Resolution 19-13 General Plan Amendments
8. Approved Planning Commission Resolution 19-14 Zoning Map Changes
General Plan Final Environmental Impact Report
ADDENDUM #2
(SCH# 2013121055)

FOCUSED AMENDMENTS TO THE GENERAL PLAN
LAND USE ELEMENT AND ZONING MAP

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

September 2019
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Introduction and Statement of Purpose</td>
<td>1</td>
</tr>
<tr>
<td>1.1 Background and Proposed Project Overview</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Legal Requirements</td>
<td>2</td>
</tr>
<tr>
<td>1.3 Conclusion</td>
<td>3</td>
</tr>
<tr>
<td>2.0 Project Description</td>
<td>4</td>
</tr>
<tr>
<td>2.1 Details the General Plan Amendments</td>
<td>4</td>
</tr>
<tr>
<td>2.2 Consistency Requirement</td>
<td>6</td>
</tr>
<tr>
<td>3.0 Environmental Analysis</td>
<td>9</td>
</tr>
<tr>
<td>3.1 Conclusions of the 2015 FEIR</td>
<td>9</td>
</tr>
<tr>
<td>3.2 Changes in Environmental Circumstances Since 2015</td>
<td>10</td>
</tr>
<tr>
<td>3.3 Comparison of Impacts Identified in 2015 FEIR and Impacts Associated with the 2019 Draft Zoning Code</td>
<td>10</td>
</tr>
<tr>
<td>4.0 Finding of Consistency</td>
<td>23</td>
</tr>
</tbody>
</table>
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1.0 Introduction and Statement of Purpose

The City of Los Alamitos, as Lead Agency, has authorized preparation of this Addendum to the Final Environmental Impact Report (FEIR) for the City of Los Alamitos General Plan Update (State Clearinghouse No. 2013121055). The purpose of this Addendum is to determine consistency between the FEIR and focused amendments to the Los Alamitos’s General Plan Land Use Element. The proposed General Plan Land Use Element amendments are referred to herein as the “project.”

This Addendum demonstrates and finds that the proposed project was subject to prior environmental review pursuant to the California Environmental Quality Act, known as CEQA (California Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Section 15000 et seq.), and that no change in circumstances has occurred with respect to the proposed project or the environment affected by the project that would alter prior environmental findings, conclusions, or mitigation measures.

1.1 Background and Proposed Project Overview

On March 23, 2015, the City of Los Alamitos City Council certified the FEIR for the General Plan Update and adopted by resolution a comprehensive update of the Los Alamitos General Plan. The General Plan guides the City to the year 2035 by establishing goals and policies that address land use, mobility and circulation, economic development, and related issues. The FEIR for the General Plan Update was prepared to address adoption of the General Plan Update, revisions to the Subdivision and Zoning Codes, and any programs or other mechanisms that implement the General Plan.1

Between August 2017 and June 2019, the City of Los Alamitos completed a comprehensive update of the Subdivision Code and Zoning Code (Los Alamitos Municipal Code Title 16 and Title 17). As a result of the update, the City determined that three focused General Plan Land Use Element amendments were required to clarify land use policy. The need for clarification arose from discussions of the Planning Commission in its review of Titles 16 and 17. At its June 26, 2019 hearing, the Planning Commission recommended to the City Council adoption of updated Titles 16 and 17 and consideration of three focused General Plan Land Use Element amendments. At its July 25, 2019 hearing, the City Council agreed that proposed General Plan amendments could be prepared and moved through the public hearing process, and that adoption of updated Titles 16 and 17 would be continued to a future date to coincide with City Council hearings on the parallel General Plan amendments.

In August 2019, the City began the work necessary to update the General Plan Land Use Element, with the primary objective of ensuring consistency with the draft Zoning Code language and policy intent. The three focused amendments to the Land Use Element are as follows:

1) Modify Table 2. Land Use Designations to establish a density range of 20-25 Dwelling Units per Acre in the “Multiple Family Residential” land use designation.
2) Revise Table 2. Land Use Designations to clarify that commercial uses are allowable uses within the “Professional Office” land use designation.
3) Merge the “Planned Industrial” and the “Limited Industrial” land use categories into a single “Planned Industrial” land use designation.

---

1 FEIR for the City of Los Alamitos General Plan 2015 (p. ES-4).
1.2 Legal Requirements

The CEQA Guidelines, Section 15152 (Tiering) encourage tiering of environmental analyses to eliminate repetitive discussion and focus on the actual issues “ripe for decision” (CEQA Guidelines, Section 15152[b]) at the time a project is considered. Further, the Guidelines allow for use of a single EIR to describe more than one project, “if such projects are essentially the same in terms of environmental impact” (CEQA Guidelines, Section 15153[a]). Finally, Section 15162(b) of the Guidelines states that where prior environmental documentation for a project or related projects has been prepared, the Lead Agency shall review changes to the project and associated environmental conditions to determine whether to prepare subsequent environmental documentation or conclude that no further documentation is required based on the factors outlined in Section 15162(a), described below.

Per Section 15162(a) of the CEQA Guidelines, when an EIR or negative declaration for a prior project has been prepared, a subsequent EIR is required for subsequent, related actions if:

1) Substantial changes are proposed in a project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d) Mitigation measures or alternatives which are substantially different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As noted above, if none of these circumstances exist, then the Lead Agency “shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation” (CEQA Guidelines, Section 15162[b]). As outlined in subsequent sections of this Addendum, the City of Los Alamitos has determined that no further documentation is necessary or required, as the proposed Subdivision and Zoning Codes were duly considered in the FEIR analysis for the General Plan update.
1.3 Conclusion

The 2015 FEIR for the General Plan Update examined the environmental effects associated with the adoption and long-term implementation of the City of Los Alamitos General Plan Update. Since certification of the 2015 FEIR, the City has comprehensively updated Title 16 (Subdivisions) and Title 17 (Zoning) and has updated the Zoning Map. Prior to adoption of the comprehensive updates to the Zoning Code, Zoning Map, and Subdivision Code, three focused General Plan amendments are required to clarify policy intent. The key objective for this project is to ensure consistency between the General Plan and Titles 16 and 17. The proposed General Plan Amendments represent minor modifications to clarify land use policy for the Multi-Family Residential, Professional Office, and Planned Industrial land use designations.

As documented in this Addendum, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require preparation of a subsequent EIR. The City hereby determines, based on the findings set forth in Section 4.0 herein, that no new effects could occur, and no new mitigation measures would be required and, therefore, no further environmental analysis is required.
2.0 Project Description

The City of Los Alamitos adopted a comprehensive update to its General Plan in 2015. The update introduced new policies, goals, and implementation measures. The General Plan established a comprehensive community vision for Los Alamitos regarding land use, housing, mobility and circulation, safety, open space/conservation, noise, growth management, and economic development. The vision for the community is based on Los Alamitos’s vision to be:

- An attractive, dynamic, and modern city renowned for its world-class schools, parks, and recreation facilities, as well as a nationally recognized medical center
- A city comprised of well-maintained neighborhoods that enjoy strong identities, generate civic pride, and collectively offer wide range of places to live
- A vibrant town center that defines the popular image of the City and offers multiple places for residents, workers, and students of Los Alamitos to meet friends, stroll, enjoy great food, and shop
- A city that is home to successful businesses that provide the City with a diversity of tax revenue and fiscal support, helping ensure Los Alamitos is economically sustainable
- A city that maintains a system of streets and trails that are safe for everyone and every form of transportation—be they children, families, workers, or customers who walk, bike, ride transit, or drive

The City’s long-range objectives with respect to land use are to have a city with:

- An attractive and pedestrian-friendly town center that serves as the heart of the community
- Fiscally sustainable growth and economic development through a balanced mix of land uses and development types
- Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities
- Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity
- Lands owned by public agencies that are used, planned, and developed in a manner that reinforces the goals of the General Plan.

As noted in the FEIR, the Subdivision and Zoning Codes serve as the primary tools for implementing General Plan land use policies over the long term. Los Alamitos is built out, with little vacant land available for development. The City has long-established land-use patterns; the General Plan Update builds on these land-use patterns and provide opportunities for redevelopment in key areas of the City.

2.1 Details the General Plan Amendments

The Land Use Element provides a detailed Land Use Plan inclusive of land use descriptions, opportunities for various development types, projected land use buildout conditions, allowed building intensity and residential density, and goals and policies for each land use designation.

Changes to the General Plan

In 2017, the City initiated comprehensive updates of Title 16 and 17 to implement General Plan land use policy, eliminate internal inconsistencies in these regulations, reflect current laws, and make the Subdivision and Zoning Codes easier to use. The work of updating the codes included five meetings with an ad hoc update committee comprised of two Planning Commissioners, two City Council members, one Traffic Commissioner, and three members of the public at large. During the ad hoc committee meetings, the committee discussed the purpose of the Professional Office land use designation, intended differences of the Planned Industrial and Limited Industrial land use designations, and the maximum permitted density for
the Multiple Family Residential Land Use designation given long-established zoning regulations that limited
densities to 25 units per acre. The Planning Commission, in its review of draft Title 17 and consideration
of the ad hoc committee’s discussion, determined that General Plan amendments were warranted to
address these issues and ensure alignment between General Plan policy and zoning regulations. To that
end, the Planning Commission recommended the following amendments to Table 2, Land Use
Designations in the Land Use Element.

1) For the Multiple Family Residential land use designation, change the density range from 20-30
dwelling units per acre (du/ac) to 20-25 du/ac. This change reflects the uppermost range in Title 17
and is not in conflict with the assumed maximum density of 20 du/ac stated in the Housing Element
as the default density for affordable housing.

2) For the Professional Office land use designation, clarify that retail, restaurant, and service
commercial uses are allowed as supportive uses, as these land use patterns currently exist and
are desired. The description of uses is proposed to be amended to read (new text underlined):

“Professional and general office uses such as law, insurance, medical, dental, engineering, and
financial services, as well as supportive retail, restaurant, and service commercial uses.”

3) Combine the Planned Industrial and Limited Industrial land use designations into a single Planned
Industrial land use designation that is described as follows:

“Light industrial, manufacturing, and office park uses such as research and development,
manufacturing, boat building, appliance repair and service, plastic fabrication, and printing plants.
Also permitted subject to discretionary review are commercial recreation uses such as soccer,
gymnastics, archery, indoor health/fitness, and batting cages.

Changes to the General Plan Land Use Policy Map and Zoning Map

Changes to the General Plan Land Use Policy Map and Zoning Map are required to reflect the above land
use modifications. Figure 1 presents the proposed revised General Plan Land Use Policy Map, and Figure
2 presents the proposed Zoning Map.
2.2 Consistency Requirement

State law requires that the Zoning Code and Zoning Map be consistent with the General Plan. Section 65860 of the California Government Code requires that when nonconformity occurs, the zoning regulations shall be brought into conformance with the General Plan within a reasonable amount of time.

The comprehensive update of Title 17 consolidated and removed some zones to achieve consistency with the General Plan. The resulting consistency between General Plan land use designations and corresponding zoning districts are presented in Table 1.

**Table 1: General Plan and Zoning Consistency**

<table>
<thead>
<tr>
<th>General Plan Land Use Designation</th>
<th>Corresponding Zoning Districts</th>
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</thead>
<tbody>
<tr>
<td>Single Family Residential</td>
<td>Single-Family Residential (R-1)</td>
</tr>
<tr>
<td>Limited Multiple Family Residential</td>
<td>Limited Multiple-Family Residential (R-2)</td>
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<tr>
<td>Multiple Family Residential</td>
<td>Multiple-Family Residential (R-3) and Mobile Home Park (M-H)</td>
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<tr>
<td>Retail Business</td>
<td>General Commercial (C-G)</td>
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<td>Professional Office</td>
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<td>Planned Industrial (P-I)</td>
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<td>Retail Overlay</td>
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<td>Community &amp; Institutional</td>
<td>Community Facilities (C-F)</td>
</tr>
<tr>
<td>Community &amp; Institutional/JTFB</td>
<td>Community Facilities (C-F)</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Town Center Mixed-Use (TCMU)</td>
</tr>
<tr>
<td>Specific Plan</td>
<td>Medical Center Specific Plan (MCSP)</td>
</tr>
<tr>
<td>Easement Overlay</td>
<td>Integrated into adjacent general plan land uses (C-F and P-L-I)</td>
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<td>Open Area</td>
<td>Open Area (O-A)</td>
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</table>
Figure 1: Proposed Revised General Plan Land Use Policy Map
Figure 2: Draft Zoning Map
3.0 Environmental Analysis

The 2015 FEIR for the City of Los Alamitos General Plan Update analyzed all environmental impacts associated with adoption and implementation of the General Plan. This section reviews the conclusions of the 2015 FEIR and assesses the potential for the proposed General Plan amendments and Zoning Map changes would have a new or revised impact on the environment. In addition, the analysis addresses three new issues required by the updated CEQA Guidelines: wildfire, tribal cultural resources, and energy.

3.1 Conclusions of the 2015 FEIR

The 2015 FEIR for the Los Alamitos General Plan Update examined the impacts associated with the adoption and long-term implementation of the General Plan. The FEIR concluded the following with regarding levels of impact.

3.1.1 Significant and Unavoidable Environmental Impacts After Mitigation

Adoption and long-term implementation of the Los Alamitos General Plan would result in the following significant and unavoidable environmental impacts:

- **Air Quality** – Substantially increased air pollutant emissions and new sources of air pollutants associated with buildout, growth, long-term operation, and construction activities would occur as a result of General Plan buildout (SCAQMD consistency, construction and operation air pollutant emissions, localized air quality).

- **Greenhouse Gas Emissions** – Federal, State, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.

- **Noise** – Construction activities associated with buildout pursuant to the General Plan could create a substantial short-term increase in ground-borne vibration and noise levels in the vicinity of noise-sensitive land uses.

- **Transportation/Traffic** - Buildout pursuant to the General Plan plus cumulative growth in the region would generate an increase in traffic volumes that would impact levels of service at local area intersections and roadway segments.

3.1.2 Less Than Significant Environmental Impacts After Mitigation

The analysis contained in the FEIR indicates that the General Plan would have a less than significant impact with respect to the following:

- Aesthetics
- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
3.1.3 Impacts Considered Less Than Significant in the Initial Study

The Initial Study prepared for the Los Alamitos General Plan Update found that the project posed a less than significant impact or no impact with regard to:

- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Mineral Resources

3.2 Changes in Environmental Circumstances Since 2015

Since certification of the 2015 FEIR for the General Plan Update, Los Alamitos has experienced relatively little development activity. The City is largely built out, and any development that does occur generally results from demolition of existing structures and their replacement with new buildings or redevelopment of small vacant or significantly underutilized parcels (such as surface parking lots). Some residential development has occurred and has been entitled, consisting of individual single-family, duplexes, a 50-unit townhouse complex, and a 107-unit apartment development proposed on 3342 Cerritos Avenue. The Los Alamitos Medical Center Specific Plan was adopted in 2011, allowing for the expansion of the hospital and supporting medical services. As of June 2019, a new 108-room Marriott Fairfield Inn is under construction at Los Alamitos Boulevard and Briggeman Drive.

The key land use policy directives set forth in the General Plan were tailored to five focus areas: The Town Center Mixed-Use Zone, overlay zones, mixed-use and residential development, economic development through commercial retail and business uses, and increased land use compatibility between residential and industrial uses. No major projects have been completed in any of these areas. Further, these projects were fundamentally considered as part of the FEIR for the General Plan.

As limited new development has occurred, and that which has occurred is consistent with General Plan policy directives, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken (see CEQA Guidelines Section 15126(b)(2) cited above).

3.3 Comparison of Impacts Identified in 2015 FEIR and Impacts Associated with the 2019 Draft Zoning Code

The proposed General Plan land use policy amendments will not change any policies set forth in the 2015 General Plan Update; rather, the new provisions will clarify adopted policy. The proposed General Plan land use policy amendments reflect current practices and are intended to clarify policy intent. The proposed revisions do not involve any direct changes to the physical environment, as the project does not involve any physical development activity. The revised provisions focus on enhancing applicability of the Zoning Code to enhance the visual quality of the City, reduce conflicts, and to ensure consistency. Thus, any indirect impacts resulting from application of the revised provisions are anticipated to be positive and consistent with General Plan goals and policy, and no new significant impacts are anticipated to occur.

Table 2 compares impacts identified in the 2015 FEIR with those associated with adoption of the proposed General Plan Amendments.

Since the 2015 adoption of the General Plan FEIR, the CEQA Guidelines have been amended to require that analysis of additional topics. Table 3 identifies those issues and provides a brief analysis of project impacts.
### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

<table>
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<tr>
<th>Issue Analyzed</th>
<th>2015 FEIR Conclusion</th>
<th>Potential Impact Associated with Project</th>
<th>Conclusion</th>
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</thead>
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<td><strong>Aesthetics</strong></td>
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</tr>
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<td>Visual Character or Quality</td>
<td>Less than significant</td>
<td>Visual Character or Quality are addressed through implementation and the applicability of Title 17. Title 17 is consistent with standards and parameters set forth by General Plan Land Use Policies 3.1, and 4.1-5, and were assumed as part of the FEIR. Proposed changes would not allow any new uses or development approaches beyond those currently permitted. The project would not affect visual character or quality.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
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</tr>
<tr>
<td>Consistency with Regional Plans</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>Goals and policies in the General Plan encourage cooperation with the South Coast Air Quality Management District and Southern California Association of Governments and other regional agencies and plans (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9). The proposed project does not allow for any development intensity or new uses beyond those currently permitted. The project would not conflict with any of these policies and would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Short-term construction impacts</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes goals and policies to protect public health, safety, and welfare. Construction projects are required to abide by South Coast Air Quality Management District regulations, including Rules 402 and 403, which reduce the ambient entrainment of fugitive dust, and require that air pollutant emissions not be a nuisance off-site. plans (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9). The proposed project does not allow for any development intensity or new uses beyond those currently permitted and thus would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Issue Analyzed</td>
<td>2015 FEIR Conclusion</td>
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<tr>
<td>Long-term operation of the project</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>As identified in the FEIR, buildout pursuant to the General Plan would result in emissions that exceed the thresholds of significance recommended by the South Coast Air Quality Management District for ROG, NOx, CO, and PM10. As the South Coast Air Basin is in nonattainment for CO and ozone, buildout would make a cumulative considerable contribution to CO and ozone emissions. The General Plan includes a variety of policies and implementation measures to reduce this impact (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9, and corresponding Implementation Measures); however, the FEIR found that despite these measures, impacts would remain significant and unavoidable.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Buildout</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td></td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Exposure to new sensitive receptors</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes goals to protect public health, safety, and welfare. Open Space, Recreation, and Conservation Policy 4.2 discourages the siting of sensitive land uses within distances defined by the California Air Resources Board without sufficient mitigation. The project does not involve any development activity and thus would not result in any direct impacts. Any projects proposed pursuant to land use policy and zoning regulations would be subject to CEQA review regarding siting. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Objectionable odors from industrial land uses</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan FEIR identifies that projects with the potential to emit nuisance odors beyond the property line may be required to develop an odor management plan in compliance with the applicable Air Quality Management District’s Rule 402, for nuisance odors. If an odor management plan is determined to be required through CEQA review, the Plan shall identify The Best Available Control Technologies for Toxics and appropriate enforcement mechanisms for reduce potential odors to acceptable levels. The project does not involve any development activity and thus would not result in any direct impacts.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Cultural Resources</td>
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<tr>
<td>Historic Resources</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes policies and implementation measures to protect historical and cultural resources (Open Space, Recreation, and Conservation Policies 3.1 – 3.7 and corresponding Implementation Measures). The project does not involve any specific development activity, and policies regarding preservation of cultural resources remain in place. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Archaeological and/or Paleontological Resources</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Issue Analyzed</td>
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<tr>
<td>Buildout of the City of Los Alamitos pursuant to the General Plan would generate a decrease in GHG emissions compared to existing conditions as a result of federal and State GHG emissions regulations and would not generate GHG emissions that would have a significant impact on the environment.</td>
<td>Less than significant</td>
<td>The General Plan outlines goals, policies, and standards in accordance to regional, state, and federal standards and goals for GHG emissions reductions. The project does not involve any development activity or any intensification of development beyond that analyzed in the General Plan FEIR. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Federal, state, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes a list of actions, goals, and policies (Open Space, Recreation, and Conservation Policy 4.1) that align with the State’s long-term GHG reduction goals, per Executive Order S-03-05. The project does not involve any development activity or any intensification of development beyond that analyzed in the General Plan FEIR. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tr>
<td>Future construction and/or operational activities accommodated by the General Plan Update would involve the transport, use, and/or disposal of hazardous materials; however, existing federal, state, and local regulations would ensure risk are minimized.</td>
<td>Less than significant</td>
<td>The General Plan outlines goals, policies, and standards to protect public health, safety, and welfare. Compliance with existing federal, state, and local regulations would ensure risks are minimized. The project does not involve any development activity and thus would not result in any direct impacts. Any projects proposed pursuant to land use policy and zoning regulations would be subject to CEQA review regarding the use or transport of hazardous materials. The project would not result in any new impact or change in circumstances affecting the environment. Any projects proposed pursuant to land use policy and zoning regulations would be subject to CEQA review regarding proximity to the Los Alamitos Joint Forces Training Base (JFTB). The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>The City and Rossmoor are included on a list of hazardous materials sites; however, compliance with existing regulations would ensure hazards are remediated to the applicable state and federal standards.</td>
<td>Less than significant</td>
<td></td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Buildout of the General Plan Update would place additional development and residents in the vicinity of the Los Alamitos Joint Forces Training Base; however, land uses would be compatible with the Airport Environments Land Use Plan.</td>
<td>Less than significant</td>
<td></td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
</tbody>
</table>
Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tr>
<td><strong>Land Use and Planning</strong></td>
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<tr>
<td>Consistency with other applicable plans</td>
<td>Less than significant</td>
<td>The proposed General Plan Amendments do not supplant or conflict with any applicable regional, state, or federal plan adopted for the purpose of avoiding or mitigating an environmental effect. The proposed General Plan Amendments clarify land uses and practices currently in effect. Adoption of proposed General Plan Amendments will not result in any conflict with adopted land use plans. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
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</table>

| **Noise** | | | |
| Substantial long-term increase in ambient noise levels generated by vehicle traffic | Less than significant | This project does not involve any development activity. The Zoning Code contains comprehensive noise regulations to control unnecessary, excessive, and annoying sounds emanating from all properties and land uses in the City (Zoning Regulations; Chapter 17.20). The project does not involve any revisions to adopted noise/land use compatibility policies or noise regulations. The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |

| **Noise** | | | |
| Expose sensitive receptors to elevated noise levels from traffic and stationary noise | | | |
| Increased noise exposure from operation of the Los Alamitos JFTB. | | | |

| **Noise** | | | |
| Short-term increase in ground-borne vibration due to construction activities | Significant and Unavoidable with General Plan Policies and Implementation Measures | The General Plan includes a list of actions, goals, and policies to limit substantial short-term increases in ground-borne vibration resulting from construction activities. This project does not involve any construction activity. The project would not result in any new impact or change in circumstances that would affect the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |

| **Noise** | | | |
| Substantial short-term increase in noise levels in the vicinity of noise-sensitive land uses due to construction activities | Significant and Unavoidable with General Plan Policies and Implementation Measures | The General Plan includes a list of actions, goals, and policies (Public Facilities and Safety Policy 4.3) to protect noise-sensitive land uses from noise resulting from construction activities. This project does not involve any construction activity. The project would not result in any new impact or change in circumstances that would affect the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tr>
<td><strong>Population and Housing</strong></td>
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<tr>
<td>Accommodating future growth</td>
<td>Less Than Significant</td>
<td>The General Plan sets forth goals and policies to accommodate future growth (Land Use Policies 1.4 and 2.2, and Housing Strategies 1-5). The proposal to reduce the maximum allowable density in the Multiple Family Residential land use designation from 30 du/ac to 25 du/ac would not affect planned buildout, as buildout calculations assumed this lower density. The proposed General Plan Amendments do not include provisions that increase development intensities. Proposed changes to the General Plan Land Use Element would not result in any new impact or change in circumstances that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td><strong>Public Services</strong></td>
<td></td>
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</tr>
<tr>
<td>Fire Protection and Emergency Services</td>
<td>Less Than Significant</td>
<td>General Plan policies (Public Facilities and Safety Policies 1.1, 1.4, and 2.1-5) provide for high levels of service to protect the public from natural and man-made disasters. The General Plan FEIR concluded that buildout would introduce new structures and residents into the Orange County Fire Authority service boundaries, thereby increasing the requirement for fire protection facilities and personnel. However, sufficient revenue would be available for necessary service improvements to provide adequate fire protection upon buildout. The proposed project does not involve any changes that would further increase demand for new fire service, as development intensities would not be increased. The amendments would not result in any new impact or change in circumstances related to fire facilities or personnel that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
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<tbody>
<tr>
<td>Police Protection</td>
<td>Less Than Significant</td>
<td>General Plan policies (Public Facilities and Safety Policies 1.4, and 2.1-5) provide for high levels of police protection to establish a real and perceived sense of safety and security for residents, businesses, and visitors. The 2015 FEIR concluded that the General Plan would introduce new structures, residents, and workers into the Los Alamitos Police Department’s service boundaries, thereby increasing the requirement for police protection facilities and personnel. However, sufficient revenue would be available for necessary service improvements to provide adequate police protection upon buildout. The proposed project does not involve any changes that would further increase demand for new police service. Thus, the amendments would not result in any new impact or change in circumstances related to police facilities or personnel that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>School Services</td>
<td>Less Than Significant</td>
<td>Consistent with State law, the Los Alamitos Unified School District assesses development fees against residential and commercial/industrial development to mitigate impacts resulting from the increase in demand for school related services. The proposed General Plan amendments do not include provisions that increase residential densities beyond those analyzed in the 2015 FEIR. The proposed changes to the General Plan would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Library Services</td>
<td>Less Than Significant</td>
<td>The 2015 FEIR concluded that the General Plan would generate additional demand for library services as a result of an increase in population in the City but would not significantly impact the service needs for the local libraries. The General Plan Amendments do not include provisions that increase residential densities beyond those analyzed in the FEIR. The proposed changes to the General Plan would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
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<tr>
<td>Recreation</td>
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<td>The 2015 FEIR concluded that the General Plan would generate demand for 61.86 acres of parkland but that future demand for parks would be met by existing park facilities under the City’s parkland standard. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Construction or Expansion of Recreational Facilities</td>
<td>Less Than Significant</td>
<td>The 2015 FEIR concluded that General Plan buildout would require the construction or expansion of recreational facilities but that no significant adverse physical effect on the environment would occur. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Transportation/Traffic</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>The General Plan is inclusive of goals, policies, and actions to influence built environments that improve walkability, pedestrian orientation, and transit access (Mobility and Circulation Policies 4.1-8). The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Buildout of the City of Los Alamitos plus cumulative growth in the region would generate an increase in traffic volumes that would impact levels of service at local area intersections and roadway segments.</td>
<td>Less Than Significant</td>
<td>The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Trip generation</td>
<td>Less Than Significant</td>
<td>The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Alternative transportation</td>
<td>Less Than Significant</td>
<td>The General Plan’s Mobility and Circulation Element includes Policies 1.1-5, 1.7, and 3.1-3 to enhance multimodal use. The Zoning Code implements land use policies that support this goal. The proposed General Plan amendments do not include provisions related to alternative transportation.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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</table>
| Wastewater Treatment and Collection                  | Less Than Significant         | The 2015 General Plan FEIR concluded that buildout would generate an increase in wastewater but that additional generation could be adequately treated by the Orange County Sanitation District’s existing wastewater treatment facilities.  
                                                                         | The project would not accommodate development beyond that allowed by the 2015 General Plan; the project would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| Water Supply and Distribution Systems                | Less Than Significant         | The 2015 General Plan FEIR concluded that buildout would increase daily water demand; however, the Golden State Water Company’s water supply and delivery systems are adequate to meet the water demands of General Plan buildout in addition to its other service obligations.  
                                                                         | The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| Storm Drainage Systems                               | Less Than Significant         | The 2015 General Plan FEIR concluded that new development pursuant of the Plan would be required to ensure that storm drainage systems would adequately retain stormwater and serve drainage requirements.  
                                                                         | The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| Solid Waste                                         | Less Than Significant         | The 2015 General Plan FEIR concluded that buildout pursuant to the General Plan would result in an increase of solid waste disposal; however, solid waste haulers and landfills would be able to accommodate project-generated solid waste while complying with related solid waste regulations.  
                                                                         | The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tr>
<td>Other Utilities</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded that future development pursuant of the General Plan would result in an increase in natural gas and electricity use; however, additional demand would be accommodated by Southern California Edison and the Southern California Gas Company. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
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<tr>
<td>Wildfire</td>
<td>The identified project area (City of Los Alamitos) is not located within or near a designated State responsibility area or lands classified as very high fire hazard severity zones.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Proximity to State fire hazard severity zones</td>
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<tr>
<td>Tribal Cultural Resources</td>
<td>The 2015 General Plan FEIR concluded that implementation of the General Plan would have a less than significant impact on &quot;places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities;&quot; this includes tribal groups current and former within or near the project's geographical area. In addition, the General Plan outlines policies (Open Space, Recreation, and Conservation Policies 3.4-7) that address historical resources and their protection. The project does not propose any changes to these practices and thus would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Tribal cultural resources</td>
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<tr>
<td>Energy</td>
<td>The project would not result in any new impact or change in circumstances affecting the environment, nor would it supplant any federal, state, or local energy efficiency plans or targets. The General Plan includes policies (Open Space, Recreation, and Conservation Policies 4.5 and 4.9, and Housing Policy Action 2.3) that address efficient energy usage.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Wasteful, inefficient, or unnecessary energy consumption</td>
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</table>
4.0 Finding of Consistency

Based upon the review of the proposed project relative to the 2015 General Plan FEIR and CEQA Guidelines Section 15162, the City of Los Alamitos hereby finds the following:


2. The FEIR identified the following unavoidable significant environmental effects associated with the adoption and long-term implementation of the General Plan:

   **Air Quality** – Substantially increased air pollutant emissions and new sources of air pollutants associated with buildout, growth, long-term operation, and construction activities would occur as a result of General Plan buildout (SCAQMD and SoCAB consistency, construction and operation air pollutant emissions, and localized air quality).

   **Greenhouse Gas Emissions** – Federal, state, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.

   **Noise** – Construction activities associated with buildout pursuant to the General Plan could create a substantial short-term increase in ground-borne vibration and noise levels in the vicinity of noise-sensitive land uses.

   **Transportation/Traffic** - Buildout pursuant to the General Plan plus cumulative growth in the region would generate an increase in traffic volumes that would impact levels of service at local area intersections and roadway segments.

3. Based on the analysis in the FEIR, all other impacts were found to be either less than significant with mitigation incorporated or less than significant.

4. In July through August of 2019, City of Los Alamitos staff and consultants prepared proposed targeted amendments to the General Plan Land Use Element as described in this Addendum.

5. Pursuant to Section 15162(a)(1) of the CEQA Guidelines, proposed General Plan Amendments do not constitute “substantial changes.”

6. Since certification of the 2015 FEIR, only minor redevelopment activity has occurred in the City of Los Alamitos, and that activity has occurred consistent with General Plan land use policy. Thus, pursuant to Section 15162(a)(2) of the CEQA Guidelines, no substantial changes have occurred regarding the circumstances under which the project is to be undertaken.

7. The unavoidable significant environmental effects identified in the 2015 FEIR are associated with the long-term build-out of properties in Los Alamitos pursuant to General Plan land use policy and the implementation of those policies through application of Title 16 (Subdivisions) and Title 17 (Zoning). The proposed project will not change land use policies or allow for any intensification of use beyond that which was analyzed in the 2015 FEIR. Thus, pursuant to Section 15162(a)(3) of the CEQA Guidelines, no new information suggests that the project will have any additional significant effects not previously identified, nor any significant effects will be more severe than previously shown, and no mitigation measures previously identified as infeasible are now feasible.
Based on the analysis contained in this document and the above findings, the City of Los Alamitos hereby determines that the scope of environmental impact associated with the adoption of the targeted General Plan Amendments were fully and adequately addressed in the 2015 FEIR for the Los Alamitos General Plan Update. No further environmental documentation is required.
RESOLUTION NO. 2019-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 19-01 TO ENSURE THAT THE CURRENT ZONING CODE UPDATE WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED)

WHEREAS, on June 26, 2019 the Planning Commission reviewed the latest draft (June 2019) of a Zoning Code & Subdivisions Code Update for the Los Alamitos Municipal Code chapters 16 & 17; and,

WHEREAS, the Planning Commission identified certain General Plan Amendments that would be required to ensure that the Zoning Code maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies therein; and,

WHEREAS, during the June 26, 2019 meeting, by unanimous vote (4-0) the Planning Commission recommended the City Council initiate the processing of the identified amendments to the Los Alamitos General Plan; and,

WHEREAS, the City Council considered this item during the July 15, 2019 meeting; and,

WHEREAS, in accordance with Los Alamitos Municipal Code Section 17.70.020, the City Council approved a Resolution of Intention initiating the process to amend certain sections of the Los Alamitos General Plan necessary for consistency with a comprehensive update to the City’s Zoning & Subdivision Codes; and,

WHEREAS, the Planning Commission considered the proposed General Plan Amendments during its duly-noticed September 25, 2019 meeting; and,

WHEREAS, at the conclusion of its September 25, 2019 public hearing, the Planning Commission unanimously approved a resolution recommending that the City Council adopt a resolution to approve General Plan Amendment 19-01; and,

WHEREAS, the City Council held a duly-noticed Public Hearing concerning this Resolution on October 21, 2019; and,

WHEREAS, the City Council considered approval of this resolution on October 21, 2019; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the public hearing, whether written or oral.
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY 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 incorporates them by reference herein.

SECTION 2. This approval is based upon the following findings:

A. The proposed amendments ensures 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. These General Plan Amendments are intended to establish uniformity between the General Plan and Municipal Codes as the City proceeds with its current update to the Subdivision Code and Zoning Code.

B. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The creation of these amendments to the code is intended to improve the City through a General Plan that provides a uniform, consistent foundation for the current Zoning Code Update.

C. The proposed Resolution has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures. A General Plan Final Environmental Impact Report Addendum #2 has determined consistency between the focused amendments to the General Plan land use element and Zoning Map and the certified Final Environmental Impact Report (EIR) for the comprehensive update of the Los Alamitos General Plan adopted in 2015. As documented in the Addendum, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require subsequent environmental review. The City Council has reviewed and considered the Addendum prior to approving General Plan Amendment 19-01.

SECTION 3. Table 2, “Land Use Designations,” of the Los Alamitos General Plan Land Use Element is hereby amended as follows:

<table>
<thead>
<tr>
<th>Land Use Designation and Density/Intensity Range</th>
<th>Description of Typical Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Residential 1–6 du/ac</td>
<td>Single family detached homes on individual lots.</td>
</tr>
<tr>
<td>Land Use Designation and Density/ Intensity Range</td>
<td>Description of Typical Uses</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Limited Multiple Family Residential 6–20 du/ac Max office space 500 square feet per unit</td>
<td>Single family detached and attached residences, including small lot subdivisions, townhouses, courtyard homes, duplexes, and triplexes. Live/work uses are also permitted, subject to the uses permitted by the Professional Office designation.</td>
</tr>
<tr>
<td>Multiple Family Residential 20–30 25 du/ac</td>
<td>Single family detached and attached residences, including all development permitted in other residential categories as well as stacked flats and other building types with 4 or more units. Other uses such as convalescent hospitals, churches, and mobile home parks are also permitted subject to special procedures.</td>
</tr>
</tbody>
</table>

**Commercial and Employment**

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Description of Typical Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Business Max FAR 1.00</td>
<td>Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures.</td>
</tr>
<tr>
<td>Professional Office Max FAR 1.50</td>
<td>Professional and general office uses such as law, insurance, medical, dental, engineering, and financial services, as well as supportive retail, restaurant, and service commercial uses.</td>
</tr>
<tr>
<td>Planned Industrial Max FAR 1.50</td>
<td>Light industrial, manufacturing, and office park uses such as research and development, manufacturing, boat building, appliance repair and service, plastic fabrication, and printing plants. Also permitted subject to discretionary review are commercial recreation uses such as soccer, gymnastics, archery, indoor health/fitness, and batting cages. Commercial recreation uses are not permitted.</td>
</tr>
<tr>
<td>Limited Industrial Max FAR 1.50</td>
<td>All uses permitted in Planned Industrial as well as commercial recreation uses within industrial buildings such as soccer, gymnastics, archery, indoor health/fitness, and batting cages.</td>
</tr>
<tr>
<td>Medical Overlay Max FAR 3.0</td>
<td>While the underlying land use remains Planned Industrial, this Overlay encourages and permits medical businesses as primary uses on the north side of the Los Alamitos Medical Center campus.</td>
</tr>
<tr>
<td>Retail Overlay Max FAR 1.0 for Retail Max FAR 1.5 for Planned Industrial</td>
<td>While the underlying land use remains Planned Industrial, this Overlay encourages and permits retail businesses as primary uses on the Arrowhead Products site at the time that the property owner determines that industrial uses are no longer desired.</td>
</tr>
</tbody>
</table>

**Special Use**
## Table 2. Land Use Designations

<table>
<thead>
<tr>
<th>Land Use Designation and Density/ Intensity Range</th>
<th>Description of Typical Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community &amp; Institutional Max FAR 3.0</td>
<td>Public and quasi-public uses such as the civic center, schools, hospitals, fire stations, parks, churches, utilities, public yards, and other similar uses.</td>
</tr>
<tr>
<td>Community &amp; Institutional/JFTB</td>
<td>The Joint Forces Training Base is an active military installation and airfield that provides support and training facilities for military units and other national, state, and local organizations to include emergency operations. Development and activities on the base are governed by the federal government.</td>
</tr>
<tr>
<td>Mixed Use Max FAR 2.0 30 du/ac</td>
<td>Vertical or horizontal mix of commercial, office, public/quasi-public, and/or residential uses on the same parcel. Stand-alone (not mixed-use) commercial, office, and public/quasi-public uses are also permitted. For parcels that front Los Alamitos Boulevard or Katella Avenue, the ground floor is required to consist of those uses permitted or conditionally permitted in the General Commercial Zoning District.</td>
</tr>
<tr>
<td>Specific Plan Max FAR 4.0 30 du/ac</td>
<td>The City may require a specific plan for development with more than 50,000 proposed gross square feet of building, including residential space if a part of a mixed use project. This requirement does not apply to development within the Joint Forces Training Base or development approved under and consistent with an existing specific plan. No specific plan shall deviate from the General Plan without a general plan amendment.</td>
</tr>
<tr>
<td>Easement Overlay</td>
<td>Applied to right-of-way areas for trails and open space.</td>
</tr>
<tr>
<td>Open Area</td>
<td>Land used for flood control purposes along Coyote Creek and the San Gabriel River. Trails and recreational uses are permitted in coordination with the Orange County Flood Control District.</td>
</tr>
</tbody>
</table>
| Rossmoor/Sphere of Influence                  | Governed by the latest (2011) Orange County General Plan, which provides the following guidance:  
- Wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements)  
- Neighborhood/convenience commercial sites are assumed to be consistent, subject to additional guidelines |

**SECTION 4.** Figure 3 of the Los Alamitos General Plan Land Use Element is hereby amended as shown in Exhibit A, dated September 6, 2019.

**SECTION 5.** The City Clerk shall certify as to the adoption of this Resolution.
PASSED, APPROVED, AND ADOPTED this 21st day of October, 2019.

________________________________
Warren Kusumoto, Mayor

ATTEST:

________________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

________________________________
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 21st day of October, 2019, by the following vote, to wit:

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

________________________________
Windmera Quintanar, MMC, City Clerk
Figure 3 Land Use Plan

Residential
- Single Family Res. 1-6 DU/Ac
- Limited Multi Family Res. 6-20 DU/Ac
- Multi Family Res. 20-25 DU/Ac

Commercial and Employment
- Retail Business
- Professional Office
- Planned Industrial
- Medical Overlay
- Retail Overlay

Special Use
- Mixed Use
- Specific Plan
- Community & Institutional
- Community & Institutional/JFTB
- Open Area
- Easement Overlay

Rossmoor
- Suburban Residential
- City Boundary
- Sphere of Influence
- Other City Boundaries

Note:
Rossmoor is within the City’s SOI but it also remains within and under the jurisdiction of the County of Orange. Accordingly, the Land Use Plan shows the County land use designation of Suburban Residential.
General Plan Final Environmental Impact Report
ADDENDUM
State Clearinghouse No. 2103121055

COMPREHENSIVE UPDATES OF THE
SUBDIVISION AND ZONING CODES
(MUNICIPAL CODE TITLES 16 AND 17)
AND RELATED GENERAL PLAN AMENDMENTS

3191 Katella Avenue
Los Alamitos, CA 90720

June 17, 2019
TABLE OF CONTENTS

1.0 Introduction and Statement of Purpose ........................................................................................................... 1
  1.1 Background .................................................................................................................................................. 1
  1.2 Legal Requirements ................................................................................................................................. 2
  1.3 Conclusion ................................................................................................................................................ 3

2.0 Project Description ......................................................................................................................................... 4
  2.1 Details of Proposed Subdivision Code and Zoning Code Components, Zoning Map
  Changes, and Minor General Plan Amendments ....................................................................................... 4
  Changes to the Subdivision Code (Title 16) ............................................................................................. 5
  Changes to the Zoning Code (Title 17) ........................................................................................................ 5
  Changes to the Zoning Map ........................................................................................................................ 6
  Changes to the General Plan Land Use Policy Map and Text .............................................................. 6
  2.2 Consistency Requirement ....................................................................................................................... 7

3.0 Environmental Analysis ............................................................................................................................... 10
  3.1 Conclusions of the 2015 FEIR .................................................................................................................. 10
  3.1.1 Significant and Unavoidable Environmental Impacts After Mitigation ............................................ 10
  3.1.2 Less Than Significant Environmental Impacts After Mitigation ..................................................... 10
  3.1.4 Impacts Considered Less Than Significant in the Initial Study ....................................................... 11
  3.2 Changes in Environmental Circumstances Since 2015 ....................................................................... 11
  3.3 Comparison of Impacts Identified in 2015 FEIR and Impacts Associated with the 2019
  Draft Zoning Code .................................................................................................................................... 11

4.0 Finding of Consistency ................................................................................................................................. 23
1.0 Introduction and Statement of Purpose

The City of Los Alamitos, as Lead Agency, has authorized preparation of this Addendum to the Final Environmental Impact Report (FEIR) for the City of Los Alamitos General Plan Update (State Clearinghouse No. 20048178047). The purpose of this Addendum is to determine consistency between the FEIR and the draft comprehensive update of the City of Los Alamitos Subdivision Code and Zoning Code (Titles 16 and 17, respectively, of the Los Alamitos Municipal Code, or LAMC). The draft comprehensively updated Zoning Code is referred to herein as the “project.”

This Addendum demonstrates and finds that the proposed project was subject to prior environmental review pursuant to the California Environmental Quality Act, known as CEQA (California Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Section 15000 et seq.), and that no change in circumstances has occurred with respect to the proposed project or the environment affected by the project that would alter prior environmental findings, conclusions, or mitigation measures.

1.1 Background

On March 23, 2015, the City of Los Alamitos City Council certified the FEIR for the General Plan Update and adopted by resolution a comprehensive update of the Los Alamitos General Plan. The General Plan guides the City to the year 2035 by establishing goals and policies that address land use, mobility and circulation, economic development, and related issues. The Subdivision Code (LAMC Title 16) has been updated to implement General Plan policy and ensure consistency with the Subdivision Map Act (Government Code Title 7, Sections 66410 - 66499.38). The Zoning Code (LAMC Title 17) consists of text that explains the purposes of each district; specifies permitted, administrative, and conditional uses; and establishes development requirements. The Zoning Code serves as the primary tool to achieve the goals, policies, and development expectations established in Los Alamitos’s Land Use Plan. Under California law, the Zoning Code must be consistent with the General Plan.

In 2018, the City began work necessary to update to the Subdivision and Zoning Codes, as well as the Zoning Map, with the primary objective being to ensure consistency with the General Plan, as well as the following:

- Make the codes easier to use
- Implement State and federal laws and case law that became effective since the last updates of the codes
- Streamline administrative processes

In the process of updating the Subdivision and Zoning Codes, it has been determined that three focused General Plan Amendments would be required to reflect Zoning Code language and policy intent, and to ensure consistency.

The Planning Commission and City Council will conduct public hearings on the draft Subdivision and Zoning Codes, updated Zoning Map, and proposed General Plan Amendments (referred to as the “project” in this Addendum). The FEIR for the General Plan Update was prepared to address adoption of the General Plan Update, revisions to the Subdivision and Zoning Codes, and any programs or other mechanisms that implement the General Plan.¹

¹ FEIR for the City of Los Alamitos General Plan 2015 (p. ES-4).
1.2 Legal Requirements

The CEQA Guidelines, Section 15152 (Tiering) encourage tiering of environmental analyses to eliminate repetitive discussion and focus on the actual issues “ripe for decision” (CEQA Guidelines, Section 15152[b]) at the time a project is considered. Further, the Guidelines allow for use of a single EIR to describe more than one project, “if such projects are essentially the same in terms of environmental impact” (CEQA Guidelines, Section 15153[a]). Finally, Section 15162(b) of the Guidelines states that where prior environmental documentation for a project or related projects has been prepared, the Lead Agency shall review changes to the project and associated environmental conditions to determine whether to prepare subsequent environmental documentation or conclude that no further documentation is required based on the factors outlined in Section 15162(a), described below.

Per Section 15162(a) of the CEQA Guidelines, when an EIR or negative declaration for a prior project has been prepared, a subsequent EIR is required for subsequent, related actions if:

1) Substantial changes are proposed in a project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d) Mitigation measures or alternatives which are substantially different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As noted above, if none of these circumstances exist, then the Lead Agency “shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation” (CEQA Guidelines, Section 15162[b]). As outlined in subsequent sections of this Addendum, the City of Los Alamitos has determined that no further documentation is necessary or required, as the proposed Subdivision and Zoning Codes were duly considered in the FEIR analysis for the General Plan update.
1.3 Conclusion

The 2015 FEIR for the General Plan Update examined the environmental effects associated with the adoption and long-term implementation of the City of Los Alamitos General Plan Update. Since certification of the 2015 FEIR, the City has comprehensively updated Title 16 (Subdivisions) and Title 17 (Zoning), and has updated the Zoning Map. The key objective for the comprehensive update of the Subdivision and Zoning Codes and the Zoning Map is to put into effect the goals, policies, and implementation measures identified in the General Plan. The proposed General Plan Amendments represent minor modifications to clarify land use policy for the Professional Office and Planned Industrial land use designations. As documented in this Addendum, the comprehensive update of the Subdivision and Zoning Codes will not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require preparation of a subsequent EIR. The City hereby determines, based on the findings set forth in Section 4.0 herein, that no new effects could occur and no new mitigation measures would be required, and therefore no further environmental documentation is required.
2.0 Project Description

The City of Los Alamitos adopted a comprehensive update to the General Plan in 2015. The update introduced new policies, goals, and implementation measures. The General Plan established a comprehensive community vision for Los Alamitos regarding land use, housing, mobility and circulation, safety, open space/conservation, noise, growth management, and economic development. The vision for the community is based on Los Alamitos’s vision to be:

- An attractive, dynamic, and modern city renowned for its world-class schools, parks, and recreation facilities, as well as a nationally recognized medical center
- A city comprised of well-maintained neighborhoods that enjoy strong identities, generate civic pride, and collectively offer wide range of places to live
- A vibrant town center that defines the popular image of the City and offers multiple places for residents, workers, and students of Los Alamitos to meet friends, stroll, enjoy great food, and shop
- A city that is home to successful businesses that provide the City with a diversity of tax revenue and fiscal support, helping ensure Los Alamitos is economically sustainable
- A city that maintains a system of streets and trails that are safe for everyone and every form of transportation—be they children, families, workers, or customers who walk, bike, ride transit, or drive

The City’s long-range objectives with respect to land use are to have a city with:

- An attractive and pedestrian-friendly town center that serves as the heart of the community
- Fiscally sustainable growth and economic development through a balanced mix of land uses and development types
- Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities
- Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity
- Lands owned by public agencies that are used, planned, and developed in a manner that reinforces the goals of the General Plan.

As noted in the FEIR, the Subdivision and Zoning Codes serve as the primary tools for implementing General Plan land use policies over the long term. Los Alamitos is built out, with little vacant land available for development. The City has long-established land-use patterns; the General Plan Update builds on these land-use patterns and provide opportunities for redevelopment in key areas of the City.

2.1 Details of Proposed Subdivision Code and Zoning Code Components, Zoning Map Changes, and Minor General Plan Amendments

The Subdivision Code (Title 16) establishes regulations for the subdivision of real properties. Largely, the City’s subdivision regulations mirror the requirements of the State Subdivision Map Act.

The Zoning Code (Title 17) specifies zoning regulations through allowed uses, their location, development standards, and the standards of implementation. To avoid creating nonconforming uses and development conditions, the Zoning Code largely carries forward existing land use regulations and development standards.
Changes to the Subdivision Code (Title 16)

No major changes have been made to the Subdivision Code. The focus of the update was to ensure consistency with the State Subdivision Map Act—such as extensions of time for tentative maps—and current City review and approval practices. Also, certain definitions were modified to parallel definitions in the Zoning Code.

Changes to the Zoning Code (Title 17)

In the early 2000s, the City initiated a comprehensive update to the Zoning Code to reflect modern land use practices and make the code easier to use. However, that effort was not fully completed even though the code was adopted (in 2006). As a result, the code contained a few internal inconsistencies. In 2015, the City adopted a comprehensive update to its General Plan, which included new land use direction along the arterial corridors and in the industrial districts. To implement new land use policies and to fix lingering issues from the 2006 Zoning Code update, the City has undertaken revisions to the code that include:

**General**
- Elimination of internal conflicts and conflicts with other provisions of the Municipal Code
- Addition of graphics and usable tables throughout the code

**Land Use Regulations and Development Standards**
- Created Town Center Mixed-Use zone (TCMU) to implement General Plan policy
- Eliminated Limited Industrial Zone (L-I) and integrated it into Planned Light-Industrial (P-L-I), with P-L-I allowing commercial recreational uses (with a Conditional Use Permit) throughout the P-L-I zone
- Modernized allowed uses and permit requirements for Residential and Commercial/Industrial zones. Removed detailed uses and grouped uses into similar categories. Added more common uses and expanded AUP (Administrative Use Permits).
- Removed inconsistencies and simplified property development standards for Table 2-03 (Development Standards in Residential Zones)
- Adjusted setback requirements in R-2 zone for buildings taller than 25 feet
- Adjusted outdoor living space requirements for residential zones
- Minor adjustments to property development standards, including Table 2-05 (General Development Standards for Commercial and Industrial Zones)
- Adjusted setbacks for the P-L-I zone
- Eliminated parcel coverage and added FAR to commercial and industrial zones
- Adjusted parking standards for Single-family, Live/Work, and Multi-family uses
- Removed detailed parking lot design standards
- Adjusted and added sign standards to ensure consistency with case law, particularly for temporary signs
- Addition of the Live/Work provisions and a Live/Work Overlay Zone (LWOZ)

**Administrative Provisions and Definitions**
- Clarified administrative procedures and review responsibilities in the Review Authority table, particularly for Development Review Permits
- City staff review established for Site Development Permits – Minor (2,500 square feet or less of new construction)
- Established standard appeal period of 10 days for all Director and Planning Commission actions
- Organized and standardized Temporary Use Permit regulations
- Codified Zoning Consistency Review practice

In addition, the Zoning Code has been reformatted to improve ease of use, and the language has been redrafted to provide clarity, consistency, and avoid ambiguities.
Both the General Plan and Zoning Code regulate how development projects must proceed. Alone or in combination, the documents in and of themselves do not create physical impacts on the environment. These documents regulate unified and coordinated development processes; individual projects may have the potential to result in environmental impacts. However, through the application of these documents, development projects and land uses will achieve General Plan goals and policies established for the community, which are designed to enhance residential neighborhoods and business districts and minimize environmental impacts. General Plan goals, policies, and implementation measures (including adoption of an updated Zoning Code) were duly considered in the 2015 FEIR for the General Plan Update.

Changes to the Zoning Map

Changes to the Zoning Map are required to reflect Zoning Code modifications and the 2015 General Plan Land Use Policy Map. Eliminating the L-I zone and reclassifying the single industrial zone as P-L-I, establishing the new TCMU and LWOZ zones, and implementing General Plan policies require modifications to the Zoning Map. Figure 1 presents the Draft Zoning Map, a graphic representation of the zoning districts of the Zoning Code. The Draft Zoning Map includes proposed map changes that either implement established land use policy or reflect established land uses and thus do not represent substantive changes. All General Plan land use designations were evaluated in the 2015 FEIR for the General Plan Update. Zoning districts identified on the Draft Zoning Map implement the General Plan land use designations and are consistent with those designations.

Changes to the General Plan Land Use Policy Map and Text

In the process of updating the Zoning Code, City Staff and consultants worked with an Ad Hoc Zoning Code Update committee. The committee identified two General Plan policies that needed modification to better reflect land use policy intent. Later, during the Planning Commission study sessions, the Commissioners added a third General Plan policy that they have a desire to amend. Those amendments:

- The first involved clarifying that the Professional Office designation allows retail and service commercial uses in addition to office use, which has long been City practice, as reflected in the provisions for the Commercial-Professional Office zone (the implementing zone for the Professional Office land use designation).

- The second involved the Planned Industrial and Limited Industrial land use designations, the only difference between the two being that Limited Industrial also allows commercial recreation uses. The Committee recommended eliminating this distinction and thus having a single industrial designation (Planned Industrial) to reflect the limited extent of industrial land in Los Alamitos and the fact that commercial recreation uses could be regulated through use permits.

- The third involved a change to the General Plan density of the R-3 zone. For a number of years, the development standards in the Zoning Code have included a “gross land per unit” requirement that in practice gave this zone a limit of 25 dwelling units per acre, rather than 30 as the General Plan states. Commissioners felt that if they removed the gross land requirement from the Zoning Code it would ultimately increase the density of this zone beyond a number that this zone is accustomed to experiencing. The solution to this puzzle would be to amend the General Plan dwelling units per acre for the Multiple Family Residential designation to a range of 20 to 25 dwelling units per acre. This is a policy decision that the City Council will need to direct prior to moving forward.

The first two amendments do not change land use policy intent examined in the 2015 FEIR for the General Plan Update. With regard to any future application for commercial recreation uses, such applications would require discretionary review and site-specific environmental analysis pursuant to CEQA. The third amendment will not be pursued until direction is given by the City Council.
2.2 Consistency Requirement

State law requires the Zoning Code and Zoning Map to be consistent with the General Plan. According to State planning law, consistency creates compatibility between the General Plan and zoning regulations by aligning objectives, policies, land uses, and established programs. Section 65860 of the California Government Code further requires that when nonconformance occurs, the zoning regulations shall be brought into conformance with the General Plan within a reasonable amount of time.

The comprehensive update of Title 17 consolidated and removed some zones to achieve consistency with the General Plan and streamline zoning requirements. The resulting consistency between General Plan land use designations and corresponding zoning districts is presented in Table 1.

Table 1: General Plan and Zoning Consistency

<table>
<thead>
<tr>
<th>General Plan Land Use Designation</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential</td>
<td>Single-Family Residential (R-1)</td>
</tr>
<tr>
<td>Limited Multiple Family Residential</td>
<td>Limited Multiple-Family Residential (R-2)</td>
</tr>
<tr>
<td>Multiple Family Residential</td>
<td>Multiple-Family Residential (R-3) and Mobile Home Park (M-H)</td>
</tr>
<tr>
<td>Retail Business</td>
<td>General Commercial (C-G)</td>
</tr>
<tr>
<td>Professional Office</td>
<td>Commercial Professional Office (C-O)</td>
</tr>
<tr>
<td>Planned Industrial</td>
<td>Planned Light-Industrial (P-L-I)</td>
</tr>
<tr>
<td>Limited Industrial (to be eliminated)</td>
<td>Planned Light-Industrial (P-L-I)</td>
</tr>
<tr>
<td>Medical Overlay</td>
<td>Medical Overlay Zone (MOZ)</td>
</tr>
<tr>
<td>Retail Overlay</td>
<td>Retail Overlay Zone (ROZ)</td>
</tr>
<tr>
<td>Community &amp; Institutional</td>
<td>Community Facilities (C-F)</td>
</tr>
<tr>
<td>Community &amp; Institutional/JTFB</td>
<td>Community Facilities (C-F)</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Town Center Mixed-Use (TCMU)</td>
</tr>
<tr>
<td>Specific Plan</td>
<td>Medical Center Specific Plan (MCSP)</td>
</tr>
<tr>
<td>Easement Overlay</td>
<td>Integrated into adjacent general plan land uses (C-F and P-L-I)</td>
</tr>
<tr>
<td>Open Area</td>
<td>Open Area (O-A)</td>
</tr>
</tbody>
</table>
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3.0 Environmental Analysis

The 2015 FEIR for the City of Los Alamitos General Plan Update analyzed all environmental impacts associated with adoption and implementation of the General Plan. Adoption of the updated Subdivision and Zoning Codes is a direct implementation measure of the General Plan. This section reviews the conclusions of the 2015 FEIR and assesses the potential that changes to the City’s subdivision and zoning regulations and map, as well as the minor General Plan Amendments, would have a new or revised impact on the environment.

3.1 Conclusions of the 2015 FEIR

The 2015 FEIR for the Los Alamitos General Plan Update examined the impacts associated with the adoption and long-term implementation of the General Plan. The FEIR concluded the following with regarding levels of impact.

3.1.1 Significant and Unavoidable Environmental Impacts After Mitigation

Adoption and long-term implementation of the Los Alamitos General Plan would result in the following significant and unavoidable environmental impacts:

- **Air Quality** – Substantially increased air pollutant emissions and new sources of air pollutants associated with buildout, growth, long-term operation, and construction activities would occur as a result of General Plan buildout (SCAQMD consistency, construction and operation air pollutant emissions, localized air quality).

- **Greenhouse Gas Emissions** – Federal, State, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.

- **Noise** – Construction activities associated with buildout pursuant to the General Plan could create a substantial short-term increase in ground-borne vibration and noise levels in the vicinity of noise-sensitive land uses.

- **Transportation/Traffic** - Buildout pursuant to the General Plan plus cumulative growth in the region would generate an increase in traffic volumes that would impact levels of service at local area intersections and roadway segments.

3.1.2 Less Than Significant Environmental Impacts After Mitigation

The analysis contained in the FEIR indicates that the General Plan would have a less than significant impact with respect to the following:

- Aesthetics
- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
3.1.4 Impacts Considered Less Than Significant in the Initial Study

The Initial Study prepared for the Los Alamitos General Plan Update found that the project posed a less than significant impact or no impact with regard to:

- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Mineral Resources

3.2 Changes in Environmental Circumstances Since 2015

Since certification of the 2015 FEIR for the General Plan Update, Los Alamitos has experienced relatively little development activity. The City is largely built out, and any development that does occur generally results from demolition of existing structures and their replacement with new buildings or redevelopment of small vacant or significantly underutilized parcels (such as surface parking lots). Some residential development has occurred and has been entitled, consisting of individual single-family, duplexes, a 50-unit townhouse complex, and a 107-unit apartment development proposed on 3342 Cerritos Avenue. The Los Alamitos Medical Center Specific Plan was adopted in 2011, allowing for the expansion of the hospital and supporting medical services. As of June 2019, a new 108-room Marriott Fairfield Inn is under construction at Los Alamitos Boulevard and Briggeman Drive.

The key land use policy directives set forth in the General Plan were tailored to five focus areas: The Town Center Mixed-Use Zone, overlay zones, mixed-use and residential development, economic development through commercial retail and business uses, and increased land use compatibility between residential and industrial uses. No major projects have been completed in any of these areas. Further, these projects were fundamentally considered as part of the FEIR for the General Plan.

As limited new development has occurred, and that which has occurred is consistent with General Plan policy directives, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken (see CEQA Guidelines Section 15126[b][2] cited above).

3.3 Comparison of Impacts Identified in 2015 FEIR and Impacts Associated with the 2019 Draft Zoning Code

The proposed updated Subdivision and Zoning Codes will not change any policies set forth in the 2015 General Plan Update; rather, the new provisions will better implement adopted policy. Regarding the proposed General Plan land use policy amendments, the changes reflect current practices and are intended to clarify policy intent. The proposed revisions do not involve any direct changes to the physical environment, as the project does not involve any physical development activity. The Subdivision and Zoning Codes are regulatory documents that set standards for the use and development of all properties in Los Alamitos. The revised provisions focus on enhancing the visual quality of the City, reducing conflicts, ensuring that development regulations and processes are easily understood, and creating consistency with the General Plan. Thus, any indirect impacts resulting from application of the revised provisions are anticipated to be positive and consistent with the General Plan, and no new significant impacts are anticipated to occur.

Table 2 compares impacts identified in the 2015 FEIR with those associated with adoption of the proposed updated Subdivision and Zoning Codes, Zoning Map, and General Plan Amendments.
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### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

<table>
<thead>
<tr>
<th>Issue Analyzed</th>
<th>2015 FEIR Conclusion</th>
<th>Potential Impact Associated with Project</th>
<th>Conclusion</th>
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<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
<td></td>
<td>The updated Zoning Code includes development standards and regulations that will influence the scale, massing, and ultimate design of structures (Chapter 17.16). In addition, the Sign Ordinance (Chapter 17.26) has been comprehensively rewritten to provide consistent regulations. These standards and parameters are consistent with General Plan Land Use Policies 3.1, and 4.1-5, and were assumed as part of the FEIR. The Zoning Code does not affect the intent of the General Plan’s design goals or policies. Proposed changes pose no new impact or change in circumstances affecting the environment. Neither the updated Subdivision Code nor the General Plan Amendments affect visual character or quality.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Visual Character or Quality</td>
<td>Less than significant</td>
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</table>

| **Air Quality**             |                      | Goals and policies in the General Plan encourage cooperation with the South Coast Air Quality Management District and Southern California Association of Governments and other regional agencies and plans (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9). Proposed changes to the Subdivision and Zoning Codes and General Plan do not conflict with any of these policies and would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| Consistency with Regional   | Significant and      | Goals and policies in the General Plan encourage cooperation with the South Coast Air Quality Management District and Southern California Association of Governments and other regional agencies and plans (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9). Proposed changes to the Subdivision and Zoning Codes and General Plan do not conflict with any of these policies and would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| Plans                      | Unavoidable with     | Goals and policies in the General Plan encourage cooperation with the South Coast Air Quality Management District and Southern California Association of Governments and other regional agencies and plans (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9). Proposed changes to the Subdivision and Zoning Codes and General Plan do not conflict with any of these policies and would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
|                            | General Plan Policies and Implementation Measures |                                                                                                           |                                                                            |

| Short-term construction     | Significant and      | The General Plan includes goals and policies to protect public health, safety, and welfare. Construction projects are required to abide by South Coast Air Quality Management District regulations, including Rules 402 and 40, which reduce the ambient entrainment of fugitive dust, and require that air pollutant emissions not be a nuisance off-site. Proposed changes to the Subdivision and Zoning Codes and General Plan do not conflict with any of these policies and would not result in any new impact or change in circumstances affecting the environment. | The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents. |
| impacts                    | Unavoidable with     |                                                                                                           |                                                                            |
|                            | General Plan Policies and Implementation Measures |                                                                                                           |                                                                            |
Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Long-term operation of the project</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>As identified in the FEIR, buildout pursuant to the General Plan would result in emissions that exceed the thresholds of significance recommended by the South Coast Air Quality Management District for ROG, NOx, CO, and PM10. As the South Coast Air Basin is in nonattainment for CO and ozone, buildout would make a cumulative considerable contribution to CO and ozone emissions. The General Plan includes a variety of policies and implementation measures to reduce this impact (Open Space, Recreation, and Conservation Policies 4.3, 4.6, 4.9, and corresponding Implementation Measures); however, the FEIR found that despite these measures, impacts would remain significant and unavoidable. The proposed project implements General Plan policies intended to reduce air pollution and does not involve any land use policy revisions that would increase densities or intensities or related traffic/emissions beyond that which was analyzed in the FEIR; proposed changes would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Buildout</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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</tr>
<tr>
<td>Exposure to new sensitive receptors</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes goals to protect public health, safety, and welfare. Open Space, Recreation, and Conservation Policy 4.2 discourages the siting of sensitive land uses within distances defined by the California Air Resources Board without sufficient mitigation. The project does not involve any development activity. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Objectionable odors from industrial land uses</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan FEIR identifies that projects with the potential to emit nuisance odors beyond the property line may be required to develop an odor management plan in compliance with the applicable Air Quality Management District’s Rule 402, for nuisance odors. If an odor management plan is determined to be required through CEQA review, the Plan shall identify The Best Available Control Technologies for Toxics and appropriate enforcement mechanisms for reduce potential odors to acceptable levels. The project does not involve any development activity. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tr>
<td><strong>Cultural Resources</strong></td>
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<tr>
<td>Historic Resources</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes policies and implementation measures to protect historical and cultural resources (Open Space, Recreation, and Conservation Policies 3.1 – 3.7 and corresponding Implementation Measures). The project does not involve any specific development activity, and policies regarding preservation of cultural resources remain in place. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Archaeological and/or Paleontological Resources</td>
<td>Less than significant with General Plan Policies and Implementation Measures</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td><strong>Greenhouse Gas Emissions</strong></td>
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<tr>
<td>Buildout of the City of Los Alamitos pursuant to the General Plan would generate a decrease in GHG emissions compared to existing conditions as a result of federal and State GHG emissions regulations and would not generate GHG emissions that would have a significant impact on the environment.</td>
<td>Less than significant The General Plan outlines goals, policies, and standards in accordance to regional, state, and federal standards and goals for GHG emissions reductions. The project does not involve any development activity or any intensification of development beyond that analyzed in the General Plan FEIR. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Federal, state, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.</td>
<td>Significant and Unavoidable with General Plan Policies and Implementation Measures</td>
<td>The General Plan includes a list of actions, goals, and policies (Open Space, Recreation, and Conservation Policy 4.1) that align with the State’s long-term GHG reduction goals, per Executive Order S-03-05. The project does not involve any development activity or any intensification of development beyond that analyzed in the General Plan FEIR. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<td>Issue Analyzed</td>
<td>2015 FEIR Conclusion</td>
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<tr>
<td><strong>Hazards and Hazardous Materials</strong></td>
<td>Less than significant</td>
<td>The project would not result in any new impacts from Hazards and Hazardous Materials. The General Plan outlines goals, policies, and standards to protect public health, safety, and welfare. Compliance with existing federal, state, and local regulations would ensure risks are minimized.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Future construction and/or operational activities accommodated by the General Plan Update would involve the transport, use, and/or disposal of hazardous materials; however, existing federal, state, and local regulations would ensure risk are minimized.</td>
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<tr>
<td>The City and Rossmoor are included on a list of hazardous materials sites; however, compliance with existing regulations would ensure hazards are remediated to the applicable state and federal standards.</td>
<td>Less than significant</td>
<td></td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Buildout of the General Plan Update would place additional development and residents in the vicinity of the Los Alamitos Army Airfield; however, land uses would be compatible with the Airport Environs Land Use Plan.</td>
<td>Less than significant</td>
<td></td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td><strong>Land Use and Planning</strong></td>
<td>Less than significant</td>
<td>The proposed revisions to the Subdivision and Zoning Codes are consistent with the land use designations identified in the General Plan. The Draft Zoning Code does not supplant or conflict with any applicable regional, state, or federal plan adopted for the purpose of avoiding or mitigating an environmental effect. The proposed General Plan Amendments clarify land use policy intent and practices.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
</tbody>
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### Table 2: Comparison of Impacts Identified in 2015 FEIR and Proposed Project

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<tbody>
<tr>
<td><strong>Noise</strong></td>
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<tr>
<td>Substantial long-term increase in ambient noise levels generated by vehicle traffic</td>
<td>Less than significant</td>
<td>The project does not involve any development activity. The updated Zoning Code contains comprehensive noise regulations to control unnecessary, excessive, and annoying sounds emanating from all properties and land uses in the City (Zoning Regulations; Chapter 17.20).</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Expose sensitive receptors to elevated noise levels from traffic and stationary noise</td>
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<tr>
<td>Increased noise exposure from operation of the Los Alamitos JFTB.</td>
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<tr>
<td><strong>Population and Housing</strong></td>
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<tr>
<td>Accommodating future growth</td>
<td>Less Than Significant</td>
<td>The updated Zoning Code includes standards for compatible and coordinated residential densities and development intensities in accordance to the General Plan (Land Use Policies 1.4 and 2.2, and Housing Strategies 1-5). Proposed changes to the Zoning Code will not result in any new impact or change in circumstances that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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</table>

Neither the Subdivision Code update nor the proposed General Plan Amendments include provisions that increase development intensities.
<table>
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<tbody>
<tr>
<td>Public Services</td>
<td></td>
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<tr>
<td>Fire Protection and Emergency Services</td>
<td>Less Than Significant</td>
<td>Changes to the Zoning Code were drafted to implement General Plan policies; those policies (Public Facilities and Safety Policies 1.1, 1.4, and 2.1-5) provide for high levels of service to protect the public from natural and man-made disasters. The General Plan FEIR concluded that buildout would introduce new structures and residents into the Orange County Fire Authority service boundaries, thereby increasing the requirement for fire protection facilities and personnel. However, sufficient revenue would be available for necessary service improvements to provide adequate fire protection upon buildout. The proposed project implements the General Plan and does not involve any changes that would further increase demand for new fire service; the changes would not result in any new impact or change in circumstances related to fire facilities or personnel that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.                                                                acci</td>
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<tr>
<td>Police Protection</td>
<td>Less Than Significant</td>
<td>Changes to the Zoning Code were drafted in accordance to General Plan policies; those policies (Public Facilities and Safety Policies 1.4, and 2.1-5) provide for high levels of police protection to establish a real and perceived sense of safety and security for residents, businesses, and visitors. The 2015 FEIR concluded that the General Plan would introduce new structures, residents, and workers into the Los Alamitos Police Department’s service boundaries, thereby increasing the requirement for police protection facilities and personnel. However, sufficient revenue would be available for necessary service improvements to provide adequate police protection upon buildout. The proposed project implements the General Plan and does not involve any changes that would further increase demand for new police service; the changes would not result in any new impact or change in circumstances related to police facilities or personnel that would affect the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tbody>
<tr>
<td>School Services</td>
<td>Less Than Significant</td>
<td>Consistent with State law, the Los Alamitos Unified School District assesses development fees against residential and commercial/industrial development to mitigate impacts resulting from the increase in demand for school related services. The changes to the Zoning Code do not involve any change to areas identified for schools in the General Plan Land Use Diagram/Zoning Map. The proposed changes to the Zoning Code would not result in any new impact or change in circumstances affecting the environment. Neither the Subdivision Code update nor the proposed General Plan Amendments include provisions that increase residential densities beyond those analyzed in the FEIR.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Library Services</td>
<td>Less Than Significant</td>
<td>The 2015 FEIR concluded that the General Plan would generate additional demand for library services as a result of an increase in population in the City but would not significantly impact the service needs for the local libraries. The proposed changes to the Zoning Code would not result in any new impact or change in circumstances affecting the environment. Neither the Subdivision Code update nor the proposed General Plan Amendments include provisions that increase residential densities beyond those analyzed in the FEIR.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Recreation</td>
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<tr>
<td>Park Demand</td>
<td>Less Than Significant</td>
<td>The 2015 FEIR concluded that the General Plan would generate demand for 61.86 acres of parkland but that future demand for parks would be met by existing park facilities under the City’s parkland standard. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Construction or Expansion of</td>
<td>Less Than Significant</td>
<td>The 2015 FEIR concluded that General Plan buildout would require the construction or expansion of recreational facilities but that no significant adverse physical effect on the environment would occur. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td>Recreational Facilities</td>
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<tr>
<td>Transportation/Traffic</td>
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<tr>
<td>Buildout of the City of Los Alamitos plus cumulative</td>
<td>Significant and Unavoidable with General Plan Policies</td>
<td>The updated codes implement General Plan</td>
<td>The project would not create any new or different impacts relative to</td>
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<td>growth in the region would generate an increase in</td>
<td>and Implementation Measures</td>
<td>goals, policies, and actions to influence</td>
<td>those identified in the 2015 FEIR and supporting documents.</td>
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<td>traffic volumes that would impact levels of service</td>
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<td>built environments that improve walkability, pedestrian</td>
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<td>at local area intersections and roadway segments.</td>
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<td>orientation, and transit access (Mobility</td>
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<td>and Circulation Policies 4.1-8).</td>
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<td>The project would not accommodate</td>
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<td>development beyond that allowed by the</td>
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<td>General Plan; the project would not</td>
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<td>result in any new impact or change in</td>
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<td>circumstances affecting the environment.</td>
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<td>Trip generation</td>
<td>Less Than Significant</td>
<td>The project would not accommodate</td>
<td>The project would not create any new or different impacts relative to</td>
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<td>development beyond that allowed by the</td>
<td>those identified in the 2015 FEIR and supporting documents.</td>
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<td>circumstances affecting the environment.</td>
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<td>Alternative transportation</td>
<td>Less Than Significant</td>
<td>The General Plan’s Mobility and</td>
<td>The project would not create any new or different impacts relative to</td>
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<td>Circulation Element includes Policies 1.1-</td>
<td>those identified in the 2015 FEIR and supporting documents.</td>
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<td>5, 1.7, and 3.1-3 to enhance multimodal use. The Zoning Code</td>
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<td>implements land use policies that</td>
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<td>support this goal.</td>
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<td>Neither the Subdivision Code update nor</td>
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<td>the proposed General Plan Amendments</td>
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<td>include provisions related to alternative transportation.</td>
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<td>Utilities and Service Systems</td>
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<tr>
<td>Wastewater Treatment and Collection</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded</td>
<td>The project would not create any new or different impacts relative to</td>
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<td>that buildout would generate an increase</td>
<td>those identified in the 2015 FEIR and supporting documents.</td>
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<td>in wastewater but that additional</td>
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<td>generation could be adequately treated</td>
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<td>by the Orange County Sanitation District’s</td>
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<td>existing wastewater treatment facilities.</td>
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<td>development beyond that allowed by the</td>
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<td>General Plan; the project would not</td>
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<td>result in any new impact or change in</td>
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<td>circumstances affecting the environment.</td>
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<tr>
<td>Water Supply and Distribution Systems</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded</td>
<td>The project would not create any new or different impacts relative to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>that buildout would increase daily water</td>
<td>those identified in the 2015 FEIR and supporting documents.</td>
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<td></td>
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<td>demand; however, the Golden State Water</td>
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<td>Company’s water supply and delivery</td>
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<td>systems are adequate to meet the water</td>
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<td>demands of General Plan buildout in</td>
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<td>addition to its other service obligations.</td>
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<td>The project would not accommodate</td>
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<td>development beyond that allowed by the</td>
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<td>General Plan; the project would not</td>
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<td>result in any new impact or change in</td>
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<td>circumstances affecting the environment.</td>
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<tr>
<td>Issue Analyzed</td>
<td>2015 FEIR Conclusion</td>
<td>Potential Impact Associated with Project</td>
<td>Conclusion</td>
</tr>
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<td>------------------------</td>
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<tr>
<td>Storm Drainage Systems</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded that new development pursuant of the Plan would be required to ensure that storm drainage systems would adequately retain stormwater and serve drainage requirements. This condition would apply to any development pursuant to Subdivision and Zoning Code provisions as well. The project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded that buildout pursuant to the General Plan would result in an increase of solid waste disposal; however, solid waste haulers and landfills would be able to accommodate project-generated solid waste while complying with related solid waste regulations. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td>Other Utilities</td>
<td>Less Than Significant</td>
<td>The 2015 General Plan FEIR concluded that future development pursuant of the General Plan would result in an increase in natural gas and electricity use; however, additional demand would be accommodated by Southern California Edison and the Southern California Gas Company. The project would not accommodate development beyond that allowed by the General Plan; the project would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
</tbody>
</table>
Since the 2015 adoption of the General Plan FEIR, the CEQA Guidelines have been amended to require that analysis of additional topics. Table 3 identifies those issues and provides a brief analysis of project impacts.

### Table 3: Additional Environmental Issues to Consider per the CEQA Guidelines

<table>
<thead>
<tr>
<th>Issue Analyzed</th>
<th>Potential Impact Associated with the Proposed Project</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wildfire</strong></td>
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<tr>
<td>Proximity to State fire hazard severity zones</td>
<td>The identified project area (City of Los Alamitos) is not located within or near a designated State responsibility area or lands classified as very high fire hazard severity zones.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
<tr>
<td><strong>Tribal Cultural Resources</strong></td>
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<tr>
<td>Tribal cultural resources</td>
<td>The 2015 General Plan FEIR concluded that implementation of the General Plan would have a less than significant impact on “places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities;” this includes tribal groups current and former within or near the project’s geographical area. In addition, the General Plan outlines policies (Open Space, Recreation, and Conservation Policies 3.4-7) that address historical resources and their protection. The project does not propose any changes to these practices and thus would not result in any new impact or change in circumstances affecting the environment.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
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<tr>
<td><strong>Energy</strong></td>
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<tr>
<td>Wasteful, inefficient, or unnecessary energy consumption</td>
<td>The project would not result in any new impact or change in circumstances affecting the environment, nor would it supplant any federal, state, or local energy efficiency plans or targets. The General Plan includes policies (Open Space, Recreation, and Conservation Policies 4.5 and 4.9, and Housing Policy Action 2.3) that address efficient energy usage.</td>
<td>The project would not create any new or different impacts relative to those identified in the 2015 FEIR and supporting documents.</td>
</tr>
</tbody>
</table>
4.0 Finding of Consistency

Based upon the review of the proposed project relative to the 2015 General Plan FEIR and CEQA Guidelines Section 15162, the City of Los Alamitos hereby finds the following:


2. The FEIR identified the following unavoidable significant environmental effects associated with the adoption and long-term implementation of the General Plan:

   **Air Quality** – Substantially increased air pollutant emissions and new sources of air pollutants associated with buildout, growth, long-term operation, and construction activities would occur as a result of General Plan buildout (SCAQMD and SoCAB consistency, construction and operation air pollutant emissions, and localized air quality).

   **Greenhouse Gas Emissions** – Federal, state, and local GHG reduction plans are necessary to achieve the long-term GHG reduction targets of Executive Order S-03-05.

   **Noise** – Construction activities associated with buildout pursuant to the General Plan could create a substantial short-term increase in ground-borne vibration and noise levels in the vicinity of noise-sensitive land uses.

   **Transportation/Traffic** - Buildout pursuant to the General Plan plus cumulative growth in the region would generate an increase in traffic volumes that would impact levels of service at local area intersections and roadway segments.

3. Based on the analysis in the FEIR, all other impacts were found to be either less than significant with mitigation incorporated or less than significant.

4. Between August 2017 and June 2019, City of Los Alamitos staff and consultants prepared revisions to the Subdivision Code (LAMC Title 16), Zoning Code (LAMC Title 17), and the Zoning Map, as well as targeted amendments to the General Plan Land Use Element as described in this Addendum.

5. Pursuant to Section 15162(a)(1) of the CEQA Guidelines, the proposed revisions to Titles 16 and 17 and the targeted General Plan Amendments do not constitute “substantial changes” to the project.

6. Since certification of the 2015 FEIR, only minor redevelopment activity has occurred in the City of Los Alamitos, and that activity has occurred consistent with General Plan land use policy. Thus, pursuant to Section 15162(a)(2) of the CEQA Guidelines, no substantial changes have occurred regarding the circumstances under which the project is to be undertaken.

7. The unavoidable significant environmental effects identified in the 2015 FEIR are associated with the long-term build-out of properties in Los Alamitos pursuant to General Plan land use policy and the implementation of those policies through application of Title 16 (Subdivisions) and Title 17 (Zoning). The proposed project will not change land use policies or allow for any intensification of use beyond that which was analyzed in the 2015 FEIR. Thus, pursuant to Section 15162(a)(3) of the CEQA Guidelines, no new information suggests that the project will have any additional significant effects not previously identified, nor any significant effects will
be more severe than previously shown, and no mitigation measures previously identified as infeasible are now feasible.

Based on the analysis contained in this document and the above findings, the City of Los Alamitos hereby determines that the scope of environmental impact associated with the adoption of the updated Title 16 (Subdivisions), Title 16 (Zoning), the Zoning Map, and targeted General Plan Amendments were fully and adequately addressed in the 2015 FEIR for the Los Alamitos General Plan Update. No further environmental documentation is required.
ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CA, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE TO BE CONSISTENT WITH THE 2035 LOS ALAMITOS GENERAL PLAN AS PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED)

WHEREAS, on June 26, 2019 the Planning Commission reviewed the latest draft (June 2019) of a Zoning Code & Subdivisions Code Update for the Los Alamitos Municipal Code Chapters 16 & 17, to conform to the Los Alamitos General Plan; and,

WHEREAS, at the conclusion of the June 26, 2019 public hearing, the Planning Commission unanimously adopted a resolution recommending that the City Council approve the proposed Zoning Text Amendments, through approving Zoning Ordinance Amendment 17-04; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Ordinance on October 21, 2019; and,

WHEREAS, the City Council considered approval of this Ordinance on October 21, 2019; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the public hearing, whether written or oral.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY 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 incorporates them by reference herein.

SECTION 2. Approval of the Zoning Text, through Zoning Ordinance Amendment 17-04, is based upon the following findings:

A. 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. These Zoning Text changes intend to establish uniformity between the General Plan and the Zoning Code as the City proceeds with its current update.

B. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The creation of these amendments to the Zoning Code text intend to improve the City through consistency with the General Plan to reflect the values and vision of the residents.
C. The proposed Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures. General Plan Final Environmental Impact Report Addendums #1 & 2 have determined consistency between the focused amendments to the General Plan land use element and Zoning Code and the certified Final Environmental Impact Report (EIR) for the comprehensive update of the Los Alamitos General Plan adopted in 2015. As documented in the Addendums, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require subsequent environmental review. The City Council has reviewed and considered the Addendums prior to amending the Zoning Text as part of Zoning Ordinance Amendment 17-04.

D. The sites targeted for zone change are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land use developments. These Zoning District changes in the text were duly considered with public input during both the General Plan Update, and during the current Zoning Code update meetings and found to be well suited for these changes.

SECTION 3. The Subdivision and Zoning Codes, Titles 16 and 17, of the City Los Alamitos are hereby amended as shown in Exhibit A (dated October 2019).

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.

PASSED, APPROVED, AND ADOPTED this 18th day of November, 2019.

______________________________
Warren Kusumoto, Mayor

ATTEST:

______________________________
Windmera Quintanar, MMC, City Clerk
I, Windmera Quintanar, MMC, 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 21st day of October, 2019 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of November, 2019, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS: ________________________________

NOES: COUNCIL MEMBERS: ________________________________

ABSENT: COUNCIL MEMBERS: ________________________________

ABSTAIN: COUNCIL MEMBERS: ________________________________

Windmera Quintanar, MMC, City Clerk
UPDATED TITLE 16 (SUBDIVISIONS) AND
TITLE 17 (ZONING)

CITY COUNCIL
PUBLIC HEARING DRAFTS

October 2019
TITLE 16 SUBDIVISIONS

Chapter 16.02. General Provisions
Chapter 16.04. Definitions
Chapter 16.06. Types of Maps
Chapter 16.08. Tentative Maps – Requirements for Filing
Chapter 16.10. Tentative Maps – Procedures
Chapter 16.12. Standards of Design
Chapter 16.14. Dedications
Chapter 16.16. Improvements, Monumentation, and Security
Chapter 16.18. Dedication of Land for Park Facilities and Payment of In-Lieu Fees
Chapter 16.20. Major Thoroughfare Fees
Chapter 16.22. Taxes and Assessments
Chapter 16.28. Waivers and Exceptions
Chapter 16.30. Reversions to Acreage
Chapter 16.32. Certificate of Compliance
Chapter 16.34. Lot Line Adjustments
Chapter 16.36. Merger of Lots
Chapter 16.40. Notices of Violation

Chapter 16.02. General Provisions

Sections:

16.02.010 Title.
16.02.020 Purposes.
16.02.030 Prohibitions.
16.02.040 Development Services Director.
16.02.050 Planning Commission.
16.02.060 City Council.
16.02.070 Processing and Filing Fees.

16.02.010 Title.

This Title may be cited as the Los Alamitos Subdivision Code.

16.02.020 Purposes.

A. The purpose of this Title is to provide regulations and controls for the design and improvement of subdivisions in the City, in accordance with the Subdivision Map Act (Government Code Section 66410 et seq.).

B. Other purposes of this Title are to:

1. Implement the General Plan;
2. Provide regulations and controls, within the law, over the use of land in the City for the health, safety, and welfare of present and future residents; and

3. Provide a procedure for lot line adjustments and mergers in the City.

16.02.030 Prohibitions.

A. No person shall offer to sell or lease, contract to sell or lease, sell or lease, finance any lot or lots of real property or commence construction of any building for sale, lease, or financing thereon, except for model homes, or allow occupancy, for which a final tract map is required by this code, until such map, in full compliance with the provisions of this Municipal Code and the Subdivision Map Act, has been filed for record by the City Clerk.

B. No person shall sell, lease, or finance any lot or lots of real property or commence construction of any building for sale, lease, or financing thereon, except for model homes, or allow occupancy, for which a parcel map is required by this Municipal Code, until such map, in full compliance with the provisions of this Municipal Code, and the Subdivision Map Act, has been filed for record by the City Clerk.

C. No permit to develop any real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or this Title shall be granted by any officer or employee of the City of or by the Planning Commission or the City Council unless a certificate of compliance has been issued and recorded for the property to be developed in accordance with this Title.

16.02.040 Development Services Director.

Any reference to the “Director” in this Title shall be to the City’s Development Services Director or that person designated by the Director holding the appropriate licenses or credentials required by the Subdivision Map Act. The Director shall be responsible for enforcing the provisions of this Title. The Director is designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or deny amendments to approved tentative maps, certificates of compliance and conditional certificates of compliance, lot line adjustments, mergers of lots, and subdivision improvement plans.

16.02.050 Planning Commission.

A. The Planning Commission is designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or deny tentative parcel maps and waivers of parcel maps.

B. The Planning Commission shall review and make recommendations to the City Council on residential condominium conversions and petitions for reversion to acreage.

C. The Planning Commission shall perform such other duties as may be specified by the City Council.

16.02.060 City Council.

A. The City Council, referred to in this Title as Council, is designated as an appeal board as that term is used in the Subdivision Map Act and shall hear appeals from actions of the Planning Commission.
B. The Council shall have the authority to review and approve, conditionally approve, or deny extensions of time for tentative maps, final parcel maps, final tract maps, petitions for reversions to acreage, tentative tract maps, and vesting tentative maps.

16.02.070 Processing and Filing Fees.

Fees to cover the costs incurred by the City in processing maps, plans, and requests filed pursuant to the provisions of the Subdivision Map Act and this Municipal Code shall be paid to the City in compliance with the fee resolution adopted by the Council.
Chapter 16.04. Definitions

Sections:

16.04.010 Subdivision Map Act Prevails.
16.04.040 Definitions (A).
16.04.050 Definitions (B).
16.04.060 Definitions (C).
16.04.070 Definitions (D).
16.04.080 Definitions (E).
16.04.090 Definitions (F).
16.04.100 Definitions (G).
16.04.110 Definitions (H).
16.04.120 Definitions (I).
16.04.130 Definitions (J).
16.04.140 Definitions (K).
16.04.150 Definitions (L).
16.04.160 Definitions (M).
16.04.170 Definitions (N).
16.04.180 Definitions (O).
16.04.190 Definitions (P).
16.04.200 Definitions (Q).
16.04.210 Definitions (R).
16.04.220 Definitions (S).
16.04.230 Definitions (T).
16.04.240 Definitions (U).
16.04.250 Definitions (V).
16.04.260 Definitions (W).
16.04.270 Definitions (X).
16.04.280 Definitions (Y).
16.04.290 Definitions (Z).

16.04.010 Subdivision Map Act Prevails.

The definitions in the Subdivision Map Act and in Title 17 (Zoning Regulations) of the Municipal Code shall govern the meaning of words in this Title except as follows:

<table>
<thead>
<tr>
<th>Term used in this Title</th>
<th>Equivalent terms in Subdivision Map Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final tract map</td>
<td>Final map</td>
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<tr>
<td>Tract map</td>
<td>Final map</td>
</tr>
<tr>
<td>Final parcel map</td>
<td>Parcel map</td>
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<tr>
<td>Tentative tract map</td>
<td>Tentative map</td>
</tr>
<tr>
<td>Tentative parcel map</td>
<td>Tentative map</td>
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</tbody>
</table>
16.04.020 Zoning Regulations and Subdivision Map Act Definitions Apply.

Unless otherwise defined in this Title, words and phrases used in this Title shall be deemed to have the same meaning applied to them in the Zoning Regulations, the Subdivision Map Act, and the adopted Uniform Construction Codes.


All references to this Section shall include Sections 16.04.040 (Definitions (A)) through 16.10.290 (Definitions (Z)) of this Title.

16.04.040 Definitions (A).

Area of benefit. A specified area wherein it has been determined that the real property located within the specified area will benefit from the construction of a major thoroughfare.

16.04.050 Definitions (B).

Building site. A lot or contiguous lots of land which was established in compliance with the property development and building site requirements in the Zoning Regulations and the Subdivision Map Act.

16.04.060 Definitions (C).

Council. The City Council of the City of Los Alamitos.

City standard plans. The Los Alamitos standard plans as adopted by the Council.

City standard specifications. The Los Alamitos standard specifications as adopted by the Council.

Condominium. A condominium project as defined in Civil Code Section 1350, containing two or more condominiums, as defined in Civil Code Section 783; a community apartment project, as defined in Business and Professions Code Section 11004, containing two or more rights of exclusive occupancy; a stock cooperative, as defined in Business and Professions Code Section 11003.2, containing two or more rights of exclusive occupancy; or any other such project as defined by law.

Condominium conversion. The offering for sale of condominium units that were previously units in multiple residential buildings.

Condominium project. An entire parcel of real property divided or to be divided into condominiums, including all structures thereon.

Construction. The preliminary design, environmental or other studies, design, acquisition of right-of-way, administration of construction contracts, and actual construction.

County. The County of Orange.

County Recorder. The County Recorder of the County of Orange.

County Surveyor. The County Surveyor of the County of Orange.
16.04.070 Definitions (D).

Driveway. A designated passageway providing vehicular access between a street, alley, or dedicated easement and a garage or carport, a parking area, or other driveway or street. A driveway shall not be considered a street.

16.04.080 Definitions (E).

Easement. A recorded right or interest in the land of another, which entitles the holder to some use, privilege, or benefit out of or over the land.

Engineering geologist. A person duly certified in the State of California to practice engineering geology.

16.04.090 Definitions (F).

Final parcel map. A recorded parcel map that is in substantial conformance with an approved or conditionally approved tentative parcel map and which is filed in compliance with provisions of this Title and the Subdivision Map Act. See also Section 16.20.050 (Final Parcel Maps).

Final tract map. A recorded tract map that is in substantial conformance with all or a portion of an approved or conditionally approved tentative tract map and which is filed in compliance with provisions of this Title and the Subdivision Map Act. Section 16.20.040 (Final Tract Maps).

Flood-control work or drainage work. The means of conveying or storing stormwater, including natural watercourses, improved drainage channels, retarding basins, closed conduits or pipes, and authorized or existing flood-control channels, and also the control of sedimentation.

Flood hazard. The capability of flowing water or mixtures of soils and water to impair or to damage buildings and other structures, and their functions; to erode natural and modified land surfaces, including channels and watercourses; and to deposit eroded material on either public or private property in a damaging or impairing manner and amount.

Flood hazard, possible. The possible extension of areas denoted as “subject to flood hazard,” including also the uncertainty of degree or extent of bank erosion.

16.04.100 Definitions (G).

Grading code. The grading and excavation standards established in the adopted Uniform Construction Codes.

16.04.110 Definitions (H).

Reserved.

16.04.120 Definitions (I).

Improvement. Street work and utilities to be installed or agreed to be installed on the land proposed to be subdivided by any person, firm, corporation, partnership, or association to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract or parcel map. “Improvement” also refers to such other specific improvement or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the Council, or a combination,
is necessary or convenient to ensure conformity to or implementation of the General Plan, Municipal Code, or any adopted specific plan.

**Inundation.** Ponded water or water in motion of sufficient depth to damage property due to the mere presence of water or to deposition of silt.

16.04.130 Definitions (J).

Reserved.

16.04.140 Definitions (K).

Reserved.

16.04.150 Definitions (L).

Reserved.

16.04.160 Definitions (M).

**Major thoroughfare.** Those roads designated as transportation corridors and major, primary, secondary, or commuter highways on the master plan of arterial highways in the Mobility and Circulation Element of the City’s General Plan. The primary purpose of major thoroughfares is to carry through traffic and provide a network connecting to and including the State highway system.

**Master plan of drainage.** An engineering report adopted by the Council which outlines the local drainage facilities (but not including necessary on-site or regional facilities), needed for proper development of a specific area of the City.

**Multiple residential building.** A building or portion of a building, used and designed as a residence for two or more families living independently of each other and doing their own cooking in the building, including apartment houses, apartment hotels, and flats, but not including motels or boarding houses.

**Multiple residential unit.** A unit within a multiple residential building.

16.04.170 Definitions (N).

Reserved.

16.04.180 Definitions (O).

Reserved.

16.04.190 Definitions (P).

**Person.** Any individual, firm, partnership, joint venture, association, club, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, the county, this and any other city, city and county, municipality, district or other political subdivision, or any other group or combination acting as a unit.
16.04.200 Definitions (Q).
Reserved.

16.04.210 Definitions (R).

Remainder parcel. The portion of a parcel of land which is not to be included within the boundaries of the final parcel or tract map.

Right-of-way. A specifically defined area or strip of land, either public or private, on which an irrevocable right of passage or use has been recorded.

16.04.220 Definitions (S).

Slope, manmade. A manufactured slope consisting wholly or partly of either cut or filled material.

Soil engineer. A civil engineer duly registered in the State of California whose field of expertise includes soil mechanics.

Stock cooperative. See Business and Professions Code Section 11003.2.

Street. A public or private vehicular right-of-way, other than an alley or driveway, including both local streets and arterial highways.

Subdivider. See Government Code Section 66423.

Subdivision. See Government Code Section 66424.

Subdivision Map Act. See Government Code Title 7, Division 2, Section 66410 et seq.

16.04.230 Definitions (T).

Tentative Map. A map showing the design and improvement of a proposed division of land and the existing conditions in and around it. The map may be either a tentative parcel map or a tentative tract map.

Tentative parcel map. See Section 16.20.030 (Tentative Parcel Maps).

Tentative tract map. See Section 16.20.020 (Tentative Tract Maps).

16.04.240 Definitions (U).

Unit. The particular area of a building or airspace that is designed, intended, or used for exclusive possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

16.04.250 Definitions (V).

Vehicular access rights. The right of persons to gain entry or exit with a vehicle to or from a street or driveway to or from abutting land.
Vesting tentative map. A map which confers a vested right to proceed with development for a specified time after recordation. See also Section 16.20.080 (Vesting Tentative Maps).
16.04.260  Definitions (W).
Reserved.

16.04.270  Definitions (X).
Reserved.

16.04.280  Definitions (Y).
Reserved.

16.04.290  Definitions (Z).
Reserved.
Chapter 16.06. Types of Maps

Sections:

16.06.010 Available Maps and Procedures.
16.06.020 Tentative Tract Maps.
16.06.030 Tentative Parcel Maps.
16.06.040 Final Tract Maps.
16.06.050 Final Parcel Maps.
16.06.060 Exceptions.
16.06.070 Exclusions and Designated Remainder Parcels.
16.06.080 Vesting Tentative Maps.

**16.06.010 Available Maps and Procedures.**

Four different types of maps and procedures are available for the purpose of creating subdivisions and lots, as identified in this Chapter. Certain subdivisions may be created without following a map procedure.

**16.06.020 Tentative Tract Maps.**

A tentative tract map is a preliminary map used whenever a lot or a number of contiguous lots is proposed to be subdivided for the purpose of creating five or more lots, five or more condominium units, the conversion of five or more existing dwelling units to a stock cooperative, or except as otherwise specified by Section 16.06.040 (Final Tract Maps) or Section 16.06.070 (Exclusions and Designated Remainder Parcels).

**16.06.030 Tentative Parcel Maps.**

A tentative parcel map is a preliminary map used whenever a lot or contiguous lots is proposed to be subdivided for the purpose of creating fewer than five lots or fewer than five condominium units, or where:

A. The land before division contains consists of less than five acres, each lot proposed to be created by the subdivision will abut upon a maintained public street or highway, and all dedications and improvements required by City standards will have been previously complied with; or

1. Each lot proposed to be created by the subdivision will have a gross area of 20 acres or more and a right of vehicular access for a continuous width of not less than 20 feet to a maintained public street or highway; or

2. The lot proposed to be subdivided is within a tract of land zoned for commercial or industrial uses and abuts streets or highways which have been approved by the City as to alignment and width and to which it has a right of vehicular access for a minimum continuous width of not less than 28 feet; or

3. Each lot proposed to be created by the subdivision will have a gross area of not less than 40 acres or not less than a quarter of a quarter section.

B. A parcel map shall not be required for subdivisions of a portion of the operating rights-of-way of a railroad corporation which are created by short-term leases, meaning terminable by either party on not more than 30 days written notice. Furthermore, a parcel map shall not be required for land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made based upon substantial evidence in individual cases that public policy necessitates a parcel map.
16.06.040 Final Tract Maps.

A subdivision may be created by the recordation of a final tract map that is in substantial conformance with all or a portion of an approved or conditionally approved tentative tract map. Each final tract map shall include all or an approved portion of the approved or conditionally approved tentative tract map. It shall be filed in compliance with the provisions of this Title and the Subdivision Map Act.

16.06.050 Final Parcel Maps.

A. A subdivision may be created by the recordation of a final parcel map that is in substantial conformance with an approved or conditionally approved tentative parcel map or with a portion of an approved or conditionally approved tentative parcel map which complies with the provisions of Section 16.06.030 (A)(3) (Tentative Parcel Maps) of this Title. A final parcel map may also be recorded on portions of a tentative tract map when such portions comply with the specifications of Section 16.06.030(A)(2), Section 16.06.030(A)(3), or Section 16.06.030(A)(4) (Tentative Parcel Maps). It shall be filed in compliance with the provisions of this Title and the Subdivision Map Act, in particular, Government Code Sections 66426 and 66463.1.

B. A parcel map shall be based upon a field survey, except that a parcel map may be compiled from record data when the City Engineer determines that the subdivision does not require a field survey, provided the map complies with the provisions of the Subdivision Map Act.

16.06.060 Exceptions.

A. Certain types of land divisions and transactions may be completed without complying with the entire tentative and final tract or parcel map procedure, as specified in this Section.

B. A request for determination as to the status of any lot created as a result of a lease or conveyance specified by subsections (B) (1) through (9) of this Section may be submitted in compliance with the certificate of compliance procedure as stated in Chapter 16.32 (Certificate of Compliance). Neither a tentative or final tract or parcel map is necessary for the following:

1. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;

2. Mineral, oil, or gas leases;

3. Land dedicated for cemetery purposes under the Health and Safety Code;

4. Leases of agricultural land for agricultural purposes;

5. Short-term leases (terminable by either party on not more than 30 days’ notice in writing) of a portion of the operating right-of-way of a railroad corporation, defined as such by Public Utilities Code Section 230;

6. Subdivisions in which every lot has a gross area of 60 acres or more;

7. Lot line adjustments;

8. Conveyances of land for rights-of-way to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such a public utility; however, in any of these instances a
tentative and final tract or parcel map may be required if the Director or City Engineer determines that a map is necessary for purposes of public health and safety or for the general welfare;

9. Any separate assessment under Revenue and Taxation Code Section 2188.7;

10. Unless a final parcel or final tract map was approved by the Planning Commission, the conversion of a community apartment project, as defined in Business and Professions Code Section 11004, to a condominium, as defined in Civil Code Section 783, but only if all of the following requirements are met:

   a. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982;

   b. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Government Code Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion; and

   c. The Director certifies that the above requirements were satisfied;

11. Unless a parcel or final map was approved by the Planning Commission, the conversion of a stock cooperative, as defined in Business and Professions Code Section 11003.2, to a condominium, as defined in Civil Code Section 783, but only if all of the following requirements are met:

   a. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981 or individually owned by stockholders of the cooperative on January 1, 1981. As used in this subdivision, a cooperative unit is individually owned if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative;

   b. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Government Code Section 17, including an incorporator or director of the cooperative, on January 1, 1981;

   c. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice and displacement, and relocation benefits; and

   d. The Director certifies that the above requirements were satisfied;

12. The leasing of, or the granting of an easement to, a lot, or any portion or portions a lot, in conjunction with the financing, erection, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the City;

13. The leasing or licensing of a portion of a lot or the granting of an easement, Conditional Use Permit, or similar right on a portion of a lot, to a telephone corporation (as defined in Public Utilities Code Section 234) exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the City; or

14. The establishment of condominiums on property pursuant to the requirements of the Subdivision Map Act and this Title when the Planning Commission or Council approved a final parcel map or final tract map for the
project, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Government Code Section 66424, provided each of the following conditions has been satisfied:

a. The total number of condominiums established is not increased above the number authorized by the City in approving the parcel map or final map;

b. A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in Civil Code Section 1351 subdivision (a), and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums; and

c. The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in Civil Code Section 1351 subdivision (e).

C. A final parcel map is not required when waived pursuant to the provisions of Chapter 16.28 (Waivers and Exceptions).

D. A request for certificate of compliance may or may not require a tentative map, as specified by the Director.

16.20.070 Exclusions and Designated Remainder Parcels.

Whenever a subdivider seeks to have a lot otherwise covered by the provisions of this Title omitted or determined to be a designated remainder parcel, the provisions of Government Code Section 66424.6 shall apply and be followed by the subdivider and the City.

16.20.080 Vesting Tentative Maps.

A. A vesting tentative map is at the option of the subdivider and shall not be a prerequisite to any proposed subdivision or application for development.

B. A vesting tentative map shall be identified on the submittal as a “vesting tentative map.”

C. A vesting tentative map is limited to development of the property per the applicable regulations in existence at the time of approval of the vesting tentative map or pursuant to subsection (D) of this Section.

D. Whenever a subdivider files a vesting tentative map whose intended development is inconsistent with the Zoning Regulations in effect at the time, the inconsistency shall be noted on the vesting tentative map, and the vesting tentative map shall be processed subject to the provisions of Section 16.10.090 (Property Development Standard Conformance).

E. A vesting tentative map shall be processed in the same manner as a tentative map. However, previously approved tentative maps which were not approved as vesting tentative maps may be so approved only if refiled and processed in compliance with all requirements in this Title.

F. The provisions of Section 16.10.130 (Period of Validity – Extensions) shall apply to an approved or conditionally approved vesting tentative map.
G. The vested right for a recorded subdivision map shall be for a period of one year beyond the recording date of the final tract map or final parcel map and shall confer on such maps all rights described in Government Code Sections 66498.1 through 66498.8. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year time period shall commence when the final map or parcel map for that phase is recorded. Prior to the expiration of the initial one-year period, the developer may apply for a one-year extension of the period of the vested right to the Planning Commission. If the extension is denied, the developer may appeal in accordance with Chapter 17.60 (Appeals) of the Municipal Code.

H. The provisions of Section 16.10.120 (Modification of Maps and Conditions of Approval) shall apply to an approved or conditionally approved vesting tentative map.

I. Fees for the filing and processing of vesting tentative maps shall be the same as the fees established for the filing and processing of tentative maps. However, the Council may establish by resolution an additional fee to cover additional costs incurred by the processing of vesting tentative maps, including an extension of time.

J. Fees for development permits such as building and grading permits, filed per an approved vesting tentative map or a recorded vesting final/parcel map shall be the fees in effect at the time of issuance of the permit.

K. Additional information requested is limited to that which relates to ordinances, resolutions, policies, or standards for the design, development, or improvement relating to the conferred vesting rights, except with regard to a specified determination under the California Environmental Quality Act, Public Resources Code Section 21080.1, or in compliance with Federal or State requirements.
Chapter 16.08. Tentative Maps – Requirements for Filing

Sections:

16.08.010 Types of Maps Covered.
This Chapter pertains to tentative parcel maps and tentative tract maps.

16.08.020 Form and Contents.
Tentative maps shall conform with requirements as to form and content as specified on application forms provided by the Development Services Department of the City.

16.08.030 Who May File.
Any property owner who proposes to subdivide property may file a tentative map. Any person who proposes to subdivide property that is legally owned by another person may file a tentative map for such property with the written consent of the legal owner of record.

16.08.040 Certification of Ownership.
Each tentative map shall be signed by the property owner or owners of record and shall be accompanied by evidence of ownership of the real property proposed for subdivision. When any portion of a tentative map includes property that is owned by a public agency, the certification of ownership need not include the signatures for ownership, provided portions are clearly identified on the map.

16.08.050 Title Report.
Tentative maps shall be accompanied by a preliminary title report which discloses all possessory interests and interests of record in the land being subdivided, when determined to be necessary by the Director.

16.08.060 Soils Report.
A. Unless the requirement is waived by the Director pursuant to subsection (B) of this Section or deferred pursuant to subsection (C) of this Section, tentative maps, including condominium conversions or the division of an existing developed lot, shall be accompanied by a preliminary soils report based upon adequate test borings and prepared by a registered civil engineer. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils report on each proposed lot in the subdivision containing any such soils problem shall accompany the tentative map. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils report...
investigation of each potentially affected lot in the subdivision may be required by the Director. Such reports shall include recommended corrective action which is likely to prevent structural damage.

B. The Director may waive the preliminary soils report required by subsection (A) of this Section for tentative tract maps where the Director determines that it is unnecessary because the City already has sufficient information as to the qualities of the soils in the proposed subdivision and for tentative parcel maps.

C. The Director may defer the requirement for a preliminary soils report until the submission of a final tract or parcel map.

D. The City may approve or conditionally approve the tentative map or portion thereof where these soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit, may require that the approved recommended action be incorporated into the construction of each structure.

E. The preliminary soils report shall be submitted to the City Engineer for review. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.

16.08.070 Additional Information.

A. Tentative maps shall be accompanied by such additional information as may be specified by the Director. The Director shall have the authority to include among such requirements geologic, seismic, and hydrology reports; aerial photographs and transparent overlays; grading, site development, and landscaping plans, including building setback lines; evidence from the proposed sewer agency and water supplier with respect to their capability of serving the proposed subdivision; fire protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions.

B. The Director may require differing amounts of supplementary information, depending upon the type of map involved, the scope of the proposed subdivision, and the anticipated environmental impacts of the subdivision.

C. The Director may require the submission of additional information after the filing of tentative maps as necessary.
Chapter 16.10. Tentative Maps – Procedures

Sections:

16.10.010 Types of Maps Covered.

This Chapter pertains to tentative parcel maps and tentative tract maps.

16.10.020 Filing.

A. Tentative maps shall be filed with the Director, who shall accept such maps only when he/she determines that the requirements for filing a tentative map established by this Title and the Subdivision Map Act have been satisfied. The date a tentative map is filed shall be the date it is accepted as complete by the Director.

B. Each tract or parcel map shall be identified by a number prominently displayed on the face of the map issued by the county.

16.10.030 Copies to Responsible Agencies.

A. Where a local agency has filed a territorial map with the Director pursuant to the Subdivision Map Act, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the local agency within three days of the date the tentative map is filed.

B. When the State Department of Transportation has filed with the Council a map of territory within one mile on either or both sides of any State highway routing pursuant to the Government Code, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the district office of the State Department of Transportation within three days of the date the tentative map is filed.

C. Within five days of the date a tentative map is filed, the Director shall give notice of the filing to the governing boards of the school district or districts within which the proposed subdivision is located pursuant to Government Code Section 66455.7.
16.10.040 Time for Action.

The Planning Commission and Council shall act upon a tentative map within the time specified in the Subdivision Map Act unless:

A. An extension of time for action is mutually consented to by the applicant and the Planning Commission or Council, in which case the map shall be acted upon within the time agreed upon; or

B. The applicant withdraws the map.

16.10.050 Reports and Recommendations.

A. Reports and recommendations on tentative maps shall be in writing and shall be provided to the applicant at least three days prior to any hearing or action on the tentative map, provided that the applicant:

1. May waive this requirement;

2. May consent to the receipt by the Planning Commission or Council of additional recommendations and provided further, that an applicant shall be deemed to have consented unless the applicant specifically objects to the form and timeliness of additional recommendations prior to the time the Planning Commission or Council takes action on the tentative map.

B. The Director may provide additional recommendations on tentative maps to the Planning Commission, and the Planning Commission may provide additional recommendations on tentative maps to the Council. Any additional recommendations shall be provided to the applicant at least three days prior to any hearing or action on the tentative map.

16.10.060 Review of Tentative Maps.

Each tentative parcel map shall be reviewed by the Planning Commission, which shall approve, conditionally approve, or deny the tentative map. Each tentative tract map shall be reviewed by the Council, which shall approve, conditionally approve, or deny the tentative map.

16.10.070 Substitution of Revised Maps.

A revised tentative map may be submitted at any time prior to action on the map by the Planning Commission or Council. The time for action on a tentative map specified in Section 16.10.040 (Time for Action) shall recommence upon the acceptance by the Director of a revised tentative map.

16.10.080 Meetings and Hearings.

A. The Planning Commission or Council shall act on tentative maps at regularly scheduled meetings or duly noticed special meetings when the matter has been duly placed upon the Commission or Council’s agenda. Public hearings shall be required for the consideration of tentative maps. At a public hearing, the Planning Commission or Council shall allow all interested persons an opportunity to address the Planning Commission or Council on any matter pertaining to a proposed subdivision.

B. Notice of a public hearing shall be given to all persons shown in the latest equalized assessment roll as owning property within 500 feet of the property proposed to be subdivided pursuant to the requirements of Government Code Section 66451.3.
16.10.090  Property Development Standard Conformance.

A. The Planning Commission or Council shall not approve or conditionally approve a tentative map which does not conform with applicable property development standards as specified in this Title, Title 17 (Zoning Regulations), and the General Plan, except as provided in subsection (B) of this Section.

B. A tentative map may be approved when it conforms with property development standards which have been recommended for adoption by the Planning Commission or Council on the condition that the property development standards must become effective prior to recordation of the final tract or final parcel map.

C. A tentative map shall not be approved if it is apparent that any proposed lot cannot be developed to its intended use without the modification of property development standards.

16.10.100  Findings Required.

A tentative parcel map or tentative tract map shall be approved or conditionally approved only if the Planning Commission or Council makes the following findings:

A. The design and improvement of the proposed subdivision is consistent with the City’s General Plan;

B. The site is physically suitable for the proposed type of development;

C. The requirements of the California Environmental Quality Act have been satisfied;

D. The site is physically suitable for the proposed density of development;

E. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat unless environmental mitigation is infeasible pursuant to Government Code Section 66474.01;

F. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;

G. The design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public; and

H. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with Section 16.10.090 (Property Development Standard Conformance).

16.10.110  Additional Findings Required.

A. The Planning Commission or Council shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system, where such a system exists, would result in or add to a violation of existing requirements prescribed by either the Santa Ana Regional Water Quality Control Boards. In the event it is determined that the proposed waste discharge would result in or add to such a violation, the Planning Commission or Council shall deny the tentative map unless there are extenuating or overriding considerations, in which case these shall be stated.
B. In the event a subdivision fronting upon the coastline or shoreline or upon a public waterway, river, or stream owned in part or entirely by a public agency does not provide public access to such public resources through the subdivision itself in accordance with requirements of Sections 16.12.230 (Rivers and Streams), the Planning Commission or Council shall find that reasonable public access to the resource in question is otherwise available within a reasonable distance from the subdivision. If this finding cannot be made, the map shall be denied.

C. If the Planning Commission or Council approves or conditionally approves a tentative map which deviates from any standard of design as allowed by Section 16.12.260 (Deviations from Standards of Design), the Planning Commission or Council shall make a finding or findings that each deviation has been individually considered and found to be justified based upon specific special circumstances which apply.

D. The Planning Commission or Council shall determine whether the design of the subdivision provides for future passive or natural heating or cooling opportunities pursuant to Government Code Section 66473.1.

16.10.120 Modification of Maps and Conditions of Approval.

Upon the request of the subdivider, approved tentative maps may be modified and conditions of approval may be modified or deleted by the Director. In all cases, the Director shall attempt to notify any third parties who had previously indicated an interest in the matter of the consideration of the modification. The Director may elect instead to forward any such request to the Planning Commission for consideration and action.

16.10.130 Period of Validity – Extensions.

A. In accordance with Government Code Section 66452.6, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, unless prior to the expiration date the property owner or authorized representative requests an extension of time to extend the map, or, if the property owner is required to expend the dollar amount identified in the provisions of Government Code Section 66452.6 to finance public improvements outside the boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundaries of the property to be subdivided and which are reasonably related to the development of the property, as identified in Government Code Section 66452.6.

B. The Council may grant an extension of time for any map for a period or periods not exceeding a total of 36 months beyond the original date of expiration, or as may otherwise established by the Subdivision Map Act.

C. In accordance with Government Code Section 66452.11, if an approved tentative map had not expired on September 13, 1993, the life of the tentative map shall be extended for 24 months.

D. An extension may be granted only where it will not result in conditions or circumstances contrary to the public health, safety, or the general welfare, as identified in Government Code Section 66452.6.

16.10.140 Appeal of Tentative Parcel Map to Council.

Any interested person may appeal to the Council from any action of the Planning Commission with respect to a tentative parcel map by filing an appeal in accordance with Chapter 17.60 (Appeals) of the Municipal Code.
Chapter 16.12. Standards of Design

Sections:

16.12.010 Conformance with Standards of Design.
Subdivisions shall be designed in conformance with the following standards of design and any applicable standards for the zone in which the property is located, as identified in Title 17 (Zoning Regulations). Deviations from these standards may be requested pursuant to Section 16.12.260 (Deviations from Standards of Design).

Subdivisions shall be designed and improved so as to be consistent with the General Plan and any applicable adopted specific plan and the objectives, policies, and general land uses and programs specified therein.

A. Tentative map boundaries shall be drawn to include all area of all abutting lots which are owned by the same property owner and proposed for boundary alteration. However, when any land is proposed to be divided in such a way that the subdivision will include a portion of land owned by the same property owner and proposed for boundary alteration, any portion with a contiguous gross area of five acres or more which is not proposed to be included within the subdivision may be identified by reference on the tentative map.
B. A portion of a tentative parcel map may be designated as a remainder for the purpose of an exception to the survey requirements, in compliance with the following provisions:

1. Any remainder shall have a gross area of five acres or more;

2. Any remainder so designated shall not be considered to be a building site; and

3. Any remainder so designated shall not be improved with any building or structure that is subject to the requirements of the Uniform Building Code.

C. Whenever a parcel of real property lies partially within the City and partially within an unincorporated area or within another city, any proposal to subdivide such real property shall be consistent with existing corporate boundaries. No lot, except proposed public or private street rights-of-way, shall be partially within a city and partially within unincorporated area. Any portion of such real property lying within any other city or unincorporated county territory shall be included on the tentative map for the purpose of showing the remainder parcel, but any approving action on the tentative map by the City shall not be construed as approval of any design or improvements shown within any other city or unincorporated county territory.

D. Regardless of its size, no portion of any property shown on the latest equalized county assessment roll as a unit or contiguous units shall be excluded from within the boundaries of a subdivision for the purpose of avoiding dedication or improvement of any street, drainage, or flood-control facility.

16.12.040 Lots.

A. Each lot being created by a subdivision shall be either numbered or lettered. If it is numbered, it must comply with the requirements of a building site as defined in the Zoning Regulations.

B. Lettered lots may not be used as building sites and need not comply with the requirements for a building site.

C. Lettered lots other than streets shall be labeled as to their intended use. Numbered lots may be labeled as to their intended use.

D. A numbered lot which is drawn so that it is in more than one zone shall comply with area and width requirements of the zone having the greater requirements.


If an existing or proposed public roadway, as shown in the General Plan Mobility and Circulation Element, is located so that any portion of such roadway lies within or adjacent to a subdivision, the roadway shall be shown on the map in a width and in an alignment corresponding to the Mobility and Circulation Element, and the roadway shall be designed in accordance with the standard plans or applicable specific plan adopted by the Council.

16.12.060 Private Streets.

Private streets shall be permitted, pursuant to conditions specified in the standard plans adopted by the Council, when the Council finds that the occupants of the subdivision will be better served and the welfare of the general public will not be impaired.

Subdivisions shall be designed to limit vehicular access to highways shown on in the General Plan Mobility and Circulation Element.

16.12.080 Street Widths.

Subdivisions shall be designed in conformance with the standard plans adopted by the Council, except:

A. Private streets serving four or fewer lots as access to a public street shall provide for a minimum pavement width of 28 feet within a minimum 40-foot-wide right-of-way.

B. Private streets serving five parcels or more as access to a public street shall provide for a minimum pavement width of 40 feet within a minimum 56-foot-wide right-of-way.

C. Streets in a subdivision which provides an approved alternate pedestrian circulation system shall have a right-of-way that will provide a minimum parkway width of at least eight feet.

16.12.090 Dead-End or Cul-de-Sac Streets.

Dead-end streets shall be terminated by a turnaround having a diameter which will maintain a parkway width uniform with that of the street. No such dead-end street shall exceed a length of 500 feet measured along the center line from the center point of the turnaround to its center line intersection with a through street.

16.12.100 Local Street and Highway Longitudinal Grades.

Local street and highway longitudinal grades shall be no less than one percent, reverse grade vertical curves excepted. Private longitudinal grades shall be no less than one percent, reverse grade vertical curves excepted. Highway longitudinal grades shall not exceed six percent and local street grades shall not exceed 10 percent, unless approved in writing by the City Engineer.

16.12.110 Curved Local Street and Highway Radii.

The center line radii of curves on local streets or highways shall be not less than:

A. The Standard Orange County Environmental Management Agency (OCEMA) and Cal Trans Highway Design Standards;

B. 550 feet on collector streets; and

C. 250 feet on local streets.

16.12.120 Local Street Lengths.

Local streets shall not exceed 1,000 feet in length without a significant change in alignment.
16.12.130 Local Street and Highway Corner Cutoffs and Corner Radii.

All local street and highway corner cutoffs and corner radii shall be designed in conformance with the standard plans as adopted by the Council.


A. Sidewalks shall be designed in accordance with the standard plans adopted by the Council and located as follows:

1. Along both sides of arterial highways;
2. Along all commercial and industrial frontage;
3. Along both sides of collector streets;
4. Along residential frontage where the required minimum building site area is less than 15,000 square feet and the lots have access to the street, except in those instances where an alternate pedestrian circulation system is proposed;
5. Along all streets leading directly to a school, a designated school bus stop, or a park;
6. Where the sidewalk will provide a continuation or link between other sidewalks.

B. Additional pedestrian ways not abutting a street shall be provided when necessary for access to schools, recreation, and other public areas. These pedestrian ways shall not be less than six feet in width.

16.12.150 Bicycle Trails.

Where the General Plan or any officially adopted specific or precise plan designates a bikeway trail as lying wholly or partially within any proposed subdivision, the necessary right-of-way for the bikeway or equestrian trail shall be shown on the map in compliance with adopted plans, and bikeways shall be designed in accordance with standard plans.


Street lighting shall be provided along and at the intersections of all arterial highways and local streets in accordance with the illumination levels specified in the standard plans, except as otherwise approved by the City Engineer.


A. Utility lines, including but not limited to, electric, communications, street lighting, and cable television, shall be placed underground within any new, revised, or reactivated residential subdivision. The subdivider is responsible for making the necessary arrangements with the utility companies for the installation of facilities. For the purposes of this subsection, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground within the street right-of-way where sufficient right-of-way width exists so as to provide sufficient width to comply with local, State, and Federal standards. The foregoing shall not pose a serious hazard to pedestrian traffic.
B. If approved by the Director, utility lines, the main purpose of which is to provide service to customers outside of
the original boundaries of the subdivision, and those utility lines which were in service in the area covered by the
tentative tract or tentative parcel map prior to the filing of the tentative map, may be placed above ground.

C. Required underground utility lines may be located in street or alley rights-of-way or along any lot line.

D. Overhead utility lines should be located at the rear of lots where practical. The poles supporting such overhead
lines shall not be installed within any street, alleyway, drainage easement, or flood-control channel.

E. Aboveground installation of utilities shall be permitted on a temporary basis when such utilities are required during
construction, provided, however, that such utilities shall be removed or placed underground prior to the final
exoneration of street improvement bonds.


All lots intended for development shall be connected to a sanitary sewer system.

16.12.190 Drainage and Erosion Control.

A. Tentative maps shall illustrate the existing or proposed manner in which water drains onto, across, and off of the
land being subdivided, including the facilities and easements necessary to accommodate the drainage to its point
of ultimate disposal.

B. In the event a subdivider unnaturally concentrates or diverts surface water running onto adjacent land in a manner
permitted by law, the map shall illustrate the manner in which the water will be accepted and disposed and shall
provide appropriate documentation, as necessary, to establish the need and legal right to so affect drainage.

C. If an existing or proposed flood control channel as shown on an officially adopted flood control plan is located so
that any portion of it lies within or adjacent to a subdivision, the channel shall be illustrated on the map as a lettered
lot in a width and in an alignment corresponding to the flood control plan.

D. Where any lot is designed in such a manner that it will not drain with a minimum one percent grade directly to a
street or common drainage facility, it shall be designed in a manner that will conform to the following criteria:

1. Lots shall be designed in such a manner that manufactured slopes are not subject to sheet flow or
concentrated runoff from either the same or an adjacent lot;

2. All water flowing down manufactured slopes, except that falling on each slope, shall be constrained within an
approved drainage device; and

3. All water flowing from one lot to or across another lot shall be within an approved drainage device located
within a properly executed easement, where appropriate.


A. Manufactured slopes shall be designed so that they can be conveniently maintained so as to minimize erosion,
slope failure, and unsightly conditions.

B. This Section does not apply to manufactured slopes five feet in height or less.
C. All manufactured slopes shall be shown on tentative maps and shall be classified, labeled, and designed as follows:

**Type A.** Those proposed to be maintained by a public agency or by a group, such as a homeowners' association, and which are located either adjacent to an arterial highway or within a park, greenbelt, or other public or common open space area.

**Type B.** Those proposed to be maintained by a group, such as a homeowners’ association, and which are located within or adjacent to individual lots and which are not within a park, greenbelt, or other public or common open space area.

**Type C.** Those proposed to be maintained by individuals and which are located within individual lots in such a manner that they are inappropriate for maintenance by a group such as a homeowners’ association.

D. Manufactured slopes shall be designed to resemble natural terrain where feasible, with a minimum of long, flat, inclined plane surfaces and acute angles.

E. Manufactured slopes shall be no steeper than three feet horizontal to one foot vertical.

F. The maximum height of manufactured slopes in excess of or steeper than five feet horizontal to one foot vertical shall be as follows:

   **Type A.** No maximum.
   
   **Type B.** 35 feet.
   
   **Type C.** 20 feet.

G. Manufactured slopes shall not be constructed one on top of another or combined in such a manner so that they exceed the maximum heights specified in subsection (F) of this Section. However, this limitation shall not apply to adjacent slopes on land abutting the subdivision, provided there is a visual and physical break of at least 10 horizontal usable feet, exclusive of drainage facilities, between the top of the lower slope and the top of the upper slope.

H. Lettered lots shall not include Type C slopes, unless such slopes will be directly visible from the probable building pad on the lot.

I. Automatic irrigation systems shall be incorporated into the design of Type A and Type B slopes. An irrigation system connected to the main water system serving the lot shall be incorporated into the design of Type C slopes.

J. The design of manufactured slopes shall include landscaping in accordance with the requirements of Section 16.12.220 (Landscaping and Screening).

**16.12.210 Parks.**

Local parks shall be shown on the tentative map in a manner consistent with the General Plan. (Ord. 580 § 2 Exh. A, 1994)

The design of the areas listed below shall include appropriate landscaping for aesthetic, noise suppression, fire protection, erosion control purposes, and vehicular sight distances:

A. Manufactured slopes greater than five feet in height;
B. Common areas;
C. Roadway medians and parkway areas;
D. Lot containing existing significant trees or other plants proposed to be preserved;
E. Fuel breaks; and
F. Other open space areas.


A. Any proposed subdivision fronting upon a public waterway, river, or stream shall be designed to provide reasonable public access by fee or easement from a public highway to and along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width, and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river, or stream consistent with public safety.

B. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.

C. In determining what is reasonable public access, the following factors shall be considered:
   1. The easement may be for a foot trail, bicycle trail, or vehicular access;
   2. The size of the subdivision;
   3. The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, boating, diving, fishing, water skiing, scientific collection, and teaching; and
   4. The likelihood of trespass on private property and reasonable means of avoiding trespass.


A. Any subdivision proposed to be located in an area shown in the General Plan Safety Element to be a high or extreme fire hazard area shall provide appropriate fire protection by means of firebreaks, fuel modification programs, access roads, sufficient water supply, landscaping and open spaces, and other methods that the fire chief has determined will ensure the public health, safety, and welfare of the future occupants of the subdivision and the adjacent area.

B. The design of any required fuel modification program shall include landscape architectural planning encompassing visual quality standards, watershed impact, and erosion control and wildlife impact and other design features described in the fire hazard reduction design criteria. The program shall include provisions for landscape architectural construction observation, inspection, and maintenance.
C. The cost of the design and implementation of any fuel modification program shall be the responsibility of the subdivider.

D. A method or procedure for assuring continued maintenance of any required fuel modification program shall be provided by the subdivider and approved by the fire chief and the Director.

16.12.250 Dangerous Area to Be Removed or Controlled.

Areas proposed to be subdivided which are known to be dangerous by reason of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, flood hazard, or any other dangerous conditions shall be approved for subdivision only when the Planning Commission or Council finds that the conditions or hazards are to be removed or that appropriate measures or controls will be applied which will assure adequate protection to the subject property and to surrounding uses and improvements.


A. The Planning Commission or Council may approve or conditionally approve tentative maps which deviate from the standards of design contained in the following sections:

- 16.12.040 Lots.
- 16.12.050 Arterial Highways.
- 16.12.080 Street Widths.
- 16.12.090 Dead-End or Cul-De-Sac Streets.
- 16.12.100 Local Street and Highway Longitudinal Grades.
- 16.12.110 Curved Local Street and Highway Radii.
- 16.12.130 Local Street and Highway Corner Cutoffs and Corner Radii.
- 16.12.150 Bicycle Trails.

B. The deviations from the standards of design contained in the sections listed in subsection (A) of this Section shall be identified by a note on the face of the tentative map, and the subdivider shall submit evidence of justification for each deviation.

C. Special circumstances which may be cited to justify a deviation from the standards of design listed in subsection (A) of this Section include, but are not limited to, alternative means of pedestrian circulation, environmental considerations, physical constraints, existing nearby uses, and a limited amount of ultimate traffic.

D. The Planning Commission or Council shall take specific action on each requested deviation. Deviations not specifically approved shall be considered to be denied.
Chapter 16.14. Dedications

Sections:

16.14.010 Required Dedication for Public Use or Benefit.

The Planning Commission or Council may require the dedication to the public, to the City, or to another public agency as may be appropriate all real property or fee interest in real property both on and off site required for public use or benefit, including but not limited, to the following:

A. Local, streets, arterial highways, and transportation corridors;
B. Alleys;
C. Trails, paths, and pedestrian ways;
D. Flood control facilities;
E. Parks;
F. Easements for landscaping maintenance;
G. Public utility easements;
H. Public transit facilities; and
I. Other public easements.

16.14.020 Transfer of Ownership Required for Private Use or Benefit.

The Planning Commission or Council may require that the items listed in Section 16.14.010 (Required Dedication for Public Use or Benefit) be deeded for private use or benefit to a homeowners’ association or other responsible body. However, in no event shall dedications of a fee interest be made to any public or private utility. Dedications required by utilities shall be made in fee simple to the City, which shall provide for utility service pursuant to the terms of the appropriate franchise.


Whenever specified by the Planning Commission or Council, offers of dedication of arterial highways or transportation corridors shall include the release and relinquishment of vehicular access rights to and from facilities from any property shown within a final tract or parcel map abutting thereon. When the Planning Commission or Council finds, based on
evidence provided by the Director, that there is a particular circulation problem on a local street, release and relinquishment of access rights to and from the local street may be required.


The applicant submitting a tentative tract map may be required to dedicate land for the school facilities necessary to assure the residents of the subdivision that adequate public school service is provided in accordance with the requirements and procedures identified in the Subdivision Map Act. Whenever the Council imposes such a dedication requirement, it may concurrently approve an alternate tentative map, to be effective in the event the school district affected does not enter into a binding commitment within 30 days to accept the dedication. A dedication pursuant to this Section shall only be required at the request of a school district made within 20 working days of the notice given pursuant to Section 16.10.080 (Meetings and Hearings).


Dedications required for utility purposes shall be made in fee simple to the City. In no event shall dedications for utility purposes be made to any public or private utility. Such dedications are to be made in fee simple to the City, which shall provide for utility service pursuant to the terms of the appropriate franchise.


A. Dedications and offers of dedication shall be made by a certificate on the final tract or parcel map. Separate instruments may be used with the approval of the City Engineer, when permitted by law and when the subdivider intends to dedicate or offer for dedication real property prior to the approval of a final tract or parcel map. The City shall record a certificate with the County Recorder of the County of Orange of that dedicated property, except that which is used for open space, parks, or schools. The certificate shall be attached to the map and shall contain the following information:

1. The name and address of the subdivider dedicating the property;
2. A legal description of the real property dedicated; and
3. A statement that the City shall reconvey the property to the subdivider if the City makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion of the property is not needed for public utilities.

B. The subdivider may request that the City make a determination that the same public purpose for which the dedication was required still exists, after payment of a fee which shall not exceed the amount reasonably required to make the determination. If the City decides to vacate, lease, sell, or otherwise dispose of the dedicated property, the City shall give at least 60 days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.


Dedications required by Section 16.14.010 (Required Dedication for Public Use or Benefit) shall not be required for any remainder parcel which is sufficient as to size and shape to be further divided in compliance with applicable Zoning Regulations, provided the Planning Commission or Council determines that such dedications and improvements are not necessary immediately for public use or benefit and that the property owner will not be excused from a requirement to dedicate and install necessary improvements at a later time.
Chapter 16.16. Improvements, Monumentation, and Security

Sections:

16.16.010 Improvements Required.

A. The subdivider shall grade and improve or agree to grade and improve all land shown on the final tract or parcel map for those dedications listed in Section 16.14.010 (Required Dedication for Public Use or Benefit) in compliance with the requirements of the approved tentative map in such a manner and with such improvements as are necessary for the general use of the lot owners in the subdivision and local traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract or parcel map. All elevations shall be based on current Orange County Surveyor Vertical Datum. The grading plans and improvement plans shall make reference to the benchmark and elevation used for the design and engineering.

B. The subdivider may be required to improve or agree to improve those dedications which are necessary or convenient to ensure conformity to or implementation of the General Plan.

16.16.020 Subdivisions of Four or Fewer Parcels.

A. Required improvements shall be noticed by certificate on the final parcel map or the instrument evidencing waiver of the parcel map. Except as otherwise specified in subsection (C) of this Section, the certificate shall include a requirement for fulfillment of improvements prior to issuance of any building permit or other grant of approval for development of the lot or for installation of the improvements at an earlier time as provided in the agreement.

B. The agreement required by Section 16.16.050 (Agreements in Lieu of Improvements) shall be entered into prior to the City Engineer’s approval of the parcel map for recordation or prior to granting a waiver of the parcel map. Except as otherwise specified in subsection (C) of this Section, the agreement shall provide for installation of the improvements prior to the granting of any building permit or other grant of approval for development of the parcel, or for the installation of the improvements at an earlier time as provided in the agreement.

C. The requirements for installation of the improvements prior to issuance of building permits may be omitted from a parcel map when a requirement is not a condition of approval of the parcel map or waiver of parcel map.

16.16.030 Standards.

Improvements shall be designed and constructed in accordance with the standards of design contained in Chapter 16.12 (Standards of Design), the standard plans, and any other applicable standards adopted by the Council.
16.16.040 Improvement Plans.

All improvement plans of improvements to be installed within or supplemental to the final tract or parcel map must be approved by the Director or other responsible authority prior to approval of the final tract or parcel map.

16.16.050 Agreements In Lieu of Improvements.

If any improvements are not completed satisfactorily or any monuments not set before the final tract or parcel map is approved, the subdivider shall enter into an agreement with the City whereby, in consideration of the approval by the City of the final tract or parcel map, the subdivider agrees to perform and to furnish the equipment, material, and labor necessary to complete the required work within the time specified in the agreement. The agreement shall be accompanied by security as provided in Sections 16.16.070 (Improvement Security) and 16.16.090 (Monumentation).

16.16.060 Plan Checking, Engineering, and Inspection Fees.

Subdivider(s) submitting detailed plans and specifications for approval required by Section 16.16.040 (Improvement Plans) shall pay plan checking, engineering, and inspection fees as established by resolution of the Council. The fees shall be paid at the following times:

A. Engineering fee prior to approval of the Director.

B. Inspection fee prior to starting construction of bonded improvement at then applicable rates.


Security in the form specified by the Subdivision Map Act shall be furnished with every improvement agreement. The amount of the security shall be as follows:

A. If bonds are furnished by one of the authorized corporate sureties:

   1. A performance bond in the amount of 100 percent of the estimated cost of the improvement,

   2. A payment bond in the amount of 100 percent of the estimated cost of the improvement;

B. If money, instrument of credit, or negotiable bonds are furnished, 100 percent of the estimated cost of the improvement. The money, instrument of credit, or negotiable bonds shall apply to both faithful performance and payment to the contractor, subcontractors, laborers, materialmen, and other persons employed in the performance of the agreement.


The Director is authorized to release security in accordance with the provisions of the Subdivision Map Act.

16.16.090 Monumentation.

A. Monuments shall be set for each tract and parcel map in accordance with the provisions of the Subdivision Map Act and in accordance with the rules and procedures approved by the Director.

B. The agreement referred to in Section 16.16.050 (Agreements In Lieu of Improvements) shall be accompanied by security in a sum not less than the cost of setting the monuments.
16.16.100 Extension of Time.

The Director is authorized to grant an extension of time to the agreement as specified in Section 16.16.050 (Agreements in Lieu of Improvements), if, as determined by the Director, a delay in the completion of the improvements is justified and the delay will not cause substantial inconvenience to the general public.
Chapter 16.18. Dedication of Land for Park Facilities and Payment of In-Lieu Fees

Sections:

16.18.010 Purpose.

This Chapter implements the provisions of Government Code Section 66477, which authorizes a city to require the dedication of land for park facilities and/or payment of in-lieu fees incident to and as a condition of the approval of a tentative tract map or parcel map for certain subdivisions.

16.18.020 Parkland Dedication Requirements.

A. The dedication of land for park facilities shall be required by the Planning Commission or Council incident to and as a condition of the approval of a tentative tract map or parcel map for a subdivision if the subdivision contains 51 or more separate lots, or consists of a condominium project containing 51 or more dwelling units, except any condominium project created by the conversion to a condominium of an existing multi-unit residential building which is more than five years old. In addition, when a condominium project or stock cooperative, as those terms are defined in Civil Code Section 1351, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of lots may be less than 51.

B. The land required to be dedicated for park purposes shall be of suitable quality to be used for park purposes. The City may condition the subdivider to fund the cost of a study to determine the suitability of the land proposed to be dedicated for park purposes.

C. Property to be dedicated shall be free of any and all liens and encumbrances and shall include a California Land Title Association Standard Coverage title insurance policy, including a proper title record provided by the subdivider.

16.18.030 Standards for Determining the Amount of Dedicated Parkland.

The amount of land required to be dedicated to the City for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall be consistent with the standards and policies for park facilities adopted in the General Plan, any applicable specific plan, or any Council resolution, and shall bear a reasonable relationship to the need for park facilities by the inhabitants of the subdivision.
16.18.040  Amount of Dedicated Parkland to Be Required.

A. Except as otherwise provided by this Chapter, the number of acres or fraction of an acre of land required to be dedicated to the City for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall be 5.0 acres per 1,000 estimated population in the subdivision based on the product of the following:

1. The maximum number of dwelling units permitted within the subdivision as determined from Title 17 (Zoning Regulations) and the conditionally approved tentative tract map or tentative parcel map applicable to the subdivision, multiplied by

2. The average number of residents per dwelling unit within the incorporated territory of the City, as determined by the most recent population estimates provided by the State Department of Finance, multiplied by

3. 5.0 acres per 1,000 persons.

B. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be credited against the payment of fees or dedication of land.

16.18.050  Adjustments to Amount of Dedicated Parkland which May Be Required to Account for Private Open Space.

A. Where a tentative tract map or a tentative parcel map is approved for a common interest development, as defined in Civil Code Section 1351, which includes private open space set aside for active recreational purposes, then the maximum number of acres or fraction required to be dedicated to the City for park facilities incident to and as a condition of approval of such tentative tract map or tentative parcel map shall be reduced by an amount equal to 25 percent of the number of acres or fraction of an acre of the private open space set aside for private open space purposes.

B. For purposes of this Section, private open space set aside for active recreational purposes shall include any private open space within the subdivision other than yards, courtyard areas, setbacks, and other open areas required by Zoning Regulations, building regulations, and other regulations of the City which meets all of the following requirements:

1. The private open space is open to and accessible by all residents of the subdivision;

2. The private open space includes one or more of the following active recreational elements:

   a. Open spaces dedicated to active recreational pursuits such as soccer, golf, baseball, softball, and football;

   b. Tennis courts, basketball courts, racquetball courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games; and

   c. Recreational swimming pools or other swimming areas and those fenced areas directly adjacent to such swimming pools or swimming areas.

3. Use of the private open space is restricted for active recreational purposes by a recorded covenant which runs with the land and which can be terminated only with the prior written consent of the Council.
16.18.060 Application of Parkland Dedication Requirements to Subdivisions Containing Lots Likely to be Further Subdivided.

Where an application is filed for approval of a tentative map or a final parcel map for a subdivision which contains fewer than 51 lots, the subdivision, nevertheless, shall be deemed to contain 51 or more lots for purposes of land dedication requirements provided for by this Chapter where the Planning Commission or Council, based on all available evidence, determines that one or more lots within the subdivision are likely to be further subdivided in a manner which would create a total of 51 or more lots within the entire subdivision. This evidence shall include, but not be limited to, the potential number of lots and/or dwelling units that would be permitted within the subdivision pursuant to the General Plan or any applicable specific plan. Moreover, where a subdivision contains lots likely to be further subdivided, the Planning Commission or Council shall determine the maximum number of acres and/or fraction of an acre to be dedicated to the City for park facilities in the manner provided by this Chapter. This number shall be based on the maximum number of dwelling units which would be permitted within the subdivision pursuant to the provisions of the General Plan or any applicable specific plan rather than in the Zoning Regulations applicable to the subdivision.


When the Planning Commission or Council has required the dedication of land for park facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision, the Planning Commission or Council, as a further condition of approval, may require the construction and installation of the following public improvements within the dedicated parkland and adjoining public rights-of-way:

A. Storm drainage facilities necessary for the conveyance and disposal of stormwaters generated within or flowing through the dedicated parkland;

B. Fencing necessary in order to provide an appropriate buffer between the dedicated parkland and adjoining properties;

C. Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees, and traffic control devices;

D. Utilities stubbed to the property line; and/or

E. Any other public improvements which the Planning Commission or Council determines are necessary in order to make the dedicated parkland suitable for development as a park facility.

16.18.080 Use of Dedicated Parkland.

Where parkland has been dedicated to and accepted by the City in accordance with the conditions of approval of a tentative tract map or tentative parcel map for a subdivision, the parkland shall be used for the purpose of developing new or rehabilitating existing neighborhood or community park and recreational facilities in accordance with a parkland development schedule adopted by the Council.

16.18.090 Payment of in Lieu Fees for Park and Recreation Purposes.

A. The Planning Commission or Council may require payment of in-lieu fees instead of or in combination with the dedication of parkland so long as the fees are equal to the value of the parkland which would otherwise have been dedicated. The subdivider of a subdivision containing 50 or fewer lots shall only be required to pay the in-lieu fees, provided that when a condominium project, stock cooperative, or community apartment project, as those terms
are defined in Civil Code Section 1351, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of lots may be less than 51.

B. For any subdivision containing more than 50 lots, the Council may elect, at its sole discretion, to require the payment of in-lieu fees for park and recreation purposes instead of dedication of parkland if the subdivision is not conducive to the development of parks and recreation facilities. The Council’s decision regarding whether to require payment of in-lieu fees shall be based on the subdivision’s location, topography, quality of land resources, design constraints, and related factors.

C. In-lieu fees required pursuant to this Section shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 16.18.040 (Amount of Dedicated Parkland to Be Required), plus the cost of improvements pursuant to Section 16.18.070 (Improvements to Dedicated Parkland and Adjoining Public Rights-of-way). The amount of the fee shall be fixed by the following formula:

\[
\text{In Lieu Fee} = \text{Fair Market Value of the Amount of Land} + \text{Cost of Improvements} \times \text{Park standard of 5.0 acres of parkland per 1,000 persons} \times \text{Persons Per Dwelling Unit.}
\]

The amount of the in-lieu fee shall be established by resolution of the Council.
Chapter 16.20. Major Thoroughfare Fees

Sections:

16.20.010 Applicability.

A subdivider, as a condition of approval of a final tract map or final parcel map, or a building permit applicant, as a condition of issuance of a building permit, shall pay a fee as established in this Title to defray the costs of constructing major thoroughfares.

16.20.020 Payment of Major Thoroughfare Fees.

Payment of fees shall not be required unless any major thoroughfare is in addition to, or a widening or reconstruction of, any existing major thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.


Action to establish an area of benefit may be initiated by the Council upon its own motion or upon the recommendation of the Director, City Engineer, or other designated City employee. The proposal shall be forwarded to the Planning Commission for its review and recommendations at a regular, adjourned, or special meeting. The Planning Commission’s comments and recommendations and the Director’s report shall be transmitted to the Council. The Council will set a public hearing for each proposed area benefited. Notice of the time and place of the hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs, and the method of fee apportionment, shall be given by first class mail addressed to each property owner within the proposed area of benefit, as shown on the last equalized assessment roll of property.

16.20.040 Conduct of Hearing – Protests.

A. At the public hearing, the Council will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing, the Council may, unless a majority written protest is filed and not withdrawn as specified in subsection (C) of this Section, establish an area of benefit. If established, the Council shall adopt a resolution describing the boundaries of the area of benefit; setting forth the cost, whether actual or estimated; and the method of fee apportionment. A certified copy of such resolution shall be recorded with the County Recorder of the County of Orange. Such apportioned fee may be modified by a joint powers agency in accordance with Government Code Section 66484.3(b)(3).

B. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions of the
property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this Section, the Council shall make provisions for payment of the share of improvement costs apportioned to lands from other sources.

C. Written protest shall be received by the City Clerk any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefitted, then the proposed proceedings shall be abandoned, and the Council shall not, for one year from the filing of the written protests, commence or carry on any proceedings for the same improvement under the provisions of this Section, unless the protests are overruled by an affirmative vote of four-fifths of the Council. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the close of the public hearing.

D. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this Section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Council shall not be barred from commencing new proceedings not including any part of the improvement so protested against. The proceedings shall be commenced by a new notice and public hearing as identified in Section 16.20.030 (Establishment of Area of Benefit – Public Hearing).

E. Nothing in this Section shall prohibit the Council, within such one-year period, from commencing and carrying on new proceedings for the construction of an improvement or portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with the improvement.

16.20.050 Deposit of Fees in Separate Accounts.

Fees paid pursuant to this Section shall be deposited in a major thoroughfare fund. A fund shall be established for each planned major thoroughfare project. If the area of benefit is one in which more than one major thoroughfare is required to be constructed, a separate fund may be established covering all of the major thoroughfares in the area of benefit. If the area of benefit encompasses one or more major thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all thoroughfares, a single fund may be established to account for fees paid. Except as provided in Government Code Section 66484.3 (g), moneys in the fund shall be expended solely for the construction or reimbursement for construction of improvements serving the area to be benefitted and from which the fees comprising the fund were collected or to reimburse the City for the costs of constructing the improvement.

16.20.060 Consideration in Lieu of Payment.

The Council may approve the acceptance of consideration in lieu of the payment of fees established in this Title.

16.20.070 Advancement of Funds by City.

The City may approve the advancement of money from the general fund or other fund to pay the costs of constructing the improvements covered and may reimburse the general fund or other fund for the advances from major thoroughfares funds established pursuant to this Chapter. The sole security for replacement of the indebtedness shall be moneys in the major thoroughfares fund. The City may enter into a joint exercise of powers agreements with other local agencies for the purposes of this Chapter.

If the subdivider, as a condition of approval of the subdivision, or the building permit applicant, as a condition of the issuance of the building permit, is required or desires to construct a major thoroughfare, the Council may enter into a reimbursement agreement with the subdivider or building permit applicant. The agreement may provide for payments to the subdivider or applicant from the major thoroughfare fund covering that specific project to reimburse the subdivider or applicant for costs not allocated to the subdivider’s or applicant’s property in the resolution establishing the area of benefit. If the major thoroughfare fund covers more than one project, reimbursements shall be made on a pro rata basis reflecting the actual or estimated costs of the projects covered by the fund.

16.20.090 Joint Powers Authority.

A. For purposes of carrying out the provisions of this Chapter and in accordance with Government Code Section 66484.3, the City may enter into joint exercise of powers agreements with other local agencies and/or may form joint powers authorities and/or joint powers agencies.

B. Fees paid pursuant to this Chapter may be utilized to defray all direct and indirect financing costs related to the construction of major thoroughfares by the joint powers agency. Because the financing costs of major thoroughfares for which a toll charge shall be established or collected represent a necessary element of the total cost of those major thoroughfares, the joint powers agency constructing those facilities may include a charge for financing costs in the calculation of the fee rate. The charge shall be based on the estimated financing cost of any eligible portion of the major thoroughfares for which tolls shall be collected. The eligible portion shall be any or all portions of the major thoroughfare for which a viable financial plan has been adopted by the joint powers agency on the basis of revenues reasonably expected by the joint powers agency to be available to the major thoroughfare, after consultation with representatives of the fee payers.

C. For purposes of calculating the charge, financing costs shall include only reasonable allowances for payments and charges for principal, interest and premium on indebtedness, letter of credit fees and charges, remarketing fees and charges, underwriters’ discount, and other costs of issuance, less net earnings on major thoroughfare funds by the joint powers agency prior to the opening of the facility to traffic after giving effect to any payments from the fund to preserve the federal income tax exemption on the indebtedness. For purposes of calculating the charge for financing costs in the calculation of the fee rate only, financing costs shall not include any allowance for the cost of any interest paid on indebtedness with regard to each eligible portion after the estimated opening of the portion to traffic as established by the joint powers agency. Any and all challenges to any financial plan or financing costs adopted or calculated pursuant to this Section shall be governed by Government Code Section 66484.3(k).
Chapter 16.22. Taxes and Assessments

Sections:

16.22.010 Certificate from Tax Collector – Treasurer.
16.22.030 Apportionment.

16.22.010 Certificate from Tax Collector – Treasurer.

Prior to the filing of a final tract map or final parcel map with the Council, the subdivider shall file with the Orange County Surveyor a certificate from the Orange County Tax Collector Treasurer stating that, according to the records of such office, there are no liens against the subdivision or any part of the subdivision for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. As to taxes or special assessments collected as taxes which are a lien but not yet payable, the subdivider shall file with the Orange County Surveyor a certificate by the Orange County Tax Collector Treasurer giving his/her estimate of the amount of taxes and special assessments collected as taxes and special assessments collected as taxes which are a lien but not yet payable.


Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Orange County Surveyor security conditioned upon the payment of all state, county, municipal, and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable.

16.22.030 Apportionment.

The apportionment of security and delinquencies shall be handled in accordance with the provisions of the Subdivision Map Act.

Sections:

16.24.010 Content and Form.
16.24.020 Final Parcel Map Required.
16.24.030 Signatures Required.
16.24.050 Filing with the County Recorder and County Surveyor.

16.24.010 Content and Form.

The content and form of parcel maps shall be governed by the provisions of the Subdivision Map Act. The Planning Commission or Council may require additional information to be filed or recorded simultaneously with the map. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the map and contain a statement that the additional information is for informational purposes. The additional information may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.

16.24.020 Final Parcel Map Required.

A. When a subdivision is proposed to be created through the tentative parcel map process, a final parcel map shall be filed for record with the County Recorder and the County Surveyor pursuant to Government Code Section 66466. No proposed subdivision shall be complete until such parcel map has been filed for record and with the County Surveyor unless a waiver has been approved. If a tentative parcel map is filed and approved, the final parcel map shall be approved by the Council in accordance with Government Code Sections 66457 and 66458.

B. A final parcel map for commercial or industrial zoned properties that identifies lease line or lines for tax purposes may be filed for recording with the County Recorder without being required to comply with the tentative parcel map requirements of this Title. Each parcel on the final parcel map shall be identified by letter and shall not be considered to be a separate building site. No transfers of fee title may be made in connection with the final parcel map. Identification shall be shown on the face of the final parcel map as to its purpose, provided that it does not create building sites and that it does not permit transfer of fee title interest.

16.24.030 Signatures Required.

A. When dedications or offers of dedications are made on the final parcel map, all parties having any record title or interest in the real property being subdivided shall consent to the preparation and recordation of the final parcel map by signing the required certificate. The certificate shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements, or other interests which cannot ripen into a fee, provided that:

1. The Planning Commission determines that division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

2. The map contains a statement that the Planning Commission has determined that the division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and
3. The public entity or utility has been given the opportunity to object to the determination in accordance with the provisions of the Subdivision Map Act.

B. When dedications or offers of dedications are not being made, no owners' or subdividers' signature shall be required on the final parcel map.


A. Final Parcel Map. The final parcel map shall be submitted to the Director and the City Engineer, who shall examine the map within 20 days of receipt of the final parcel map. If the City Engineer is satisfied that the map is technically correct and conforms with the approved tentative parcel map and any conditions imposed on the tentative parcel map, he/she shall execute the certificate required by the Subdivision Map Act. The Council shall then review and approve, conditionally approve, or deny the final parcel map.

B. Agreements and Security. Whenever, as a condition of an approved tentative parcel map, agreements and/or security are required for installation of certain improvements, the agreements and security shall be approved by the Council prior to recordation of the final parcel map.

16.24.050 Filing with the County Recorder and County Surveyor.

The City Engineer shall transmit the approved final parcel map to the County Recorder for recordation within 20 days from the time that the parcel map is submitted for approval, unless the City Engineer or subdivider requests an alternate time schedule for recordation. It shall be the obligation of the subdivider to cause a copy of the approved final parcel map to be filed with the County Surveyor in accordance with Government Code Section 66466.
Chapter 16.26. Final Maps - Requirements and Procedures

Sections:

16.26.010 Content and Form.
16.26.060 Filing with the County Recorder and County Surveyor.

16.26.010 Content and Form.

The content and form of final tract maps shall be governed by the provision of the Subdivision Map Act. The Council may require additional information to be filed or recorded simultaneously with the final tract map. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the map and contain a statement that the additional information is for informational purposes. The additional information may include, but is not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.


When a subdivision is proposed to be created through the tentative tract map process, a final tract map shall be filed for recording with the County Recorder and the County Surveyor pursuant to Government Code Section 66466. No proposed subdivision shall be complete until the final tract map has been filed for recording.


All parties having any record title interest in the real property being subdivided shall consent to the preparation and recordation of the final tract map by signing the required certificate. The signatures shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements, or other interests which cannot ripen into a fee, provided that:

A. Division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

B. The map contains a statement that the Council has determined that the division and development of the property in the manner identified on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and

C. The public entity or utility has been given an opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.


A. Final tract maps, together with any required improvement agreements and security, shall be submitted to the Director and the City Engineer for review and preliminary determination as to:

1. Compliance with any conditions imposed on the approval of the tentative tract map; and
2. Substantial conformance with the approved tentative tract map and any approved alterations of the tentative tract map.

B. Following the determination of the City Engineer and Director that the subdivision is either in compliance with, in substantial conformance with, or does not conform to the tentative map, the City Engineer and Director shall forward the final map to the City Council for acceptance or non-acceptance. The Council shall make an advisory ruling to the City Engineer and Director.

C. Based on direction provided by the Council, within 20 days (or more if requested by the subdivider) after the Council issues its advisory to the City Engineer and Director regarding whether all conditions precedent to the approval of the final tract map have been satisfied and any required improvement agreements and security are in order, the City Engineer shall execute the certificate required by the Subdivision Map Act.


After the City Engineer executes the certificate, then he/she shall transmit the final tract map to the City Clerk. The City Clerk shall present the map and any required agreements, securities, and approvals to the Council for their approval and execution of the certificate by the City Clerk.

16.26.060 Filing with the County Recorder and County Surveyor.

The City Engineer shall transmit the approved final tract map to the County Recorder for recordation, unless the City Engineer or subdivider requests an alternate time schedule for recordation. It shall be the obligation of the subdivider to cause a copy of the approved final tract map to be filed with the County Surveyor in accordance with Government Code Section 66466.
Chapter 16.28. Waivers and Exceptions

Sections:

16.28.010 Waivers and Exceptions Permitted.
16.28.020 Types of Subdivisions Eligible.
16.28.030 Waiver Procedure.
16.28.040 Waiver Does Not Establish Lots.
16.28.050 Time to Record a Certificate of Compliance.

16.28.010 Waivers and Exceptions Permitted.

When requested by the subdivider or by a governmental agency, waivers from the requirement for recording a final parcel map and exceptions to the tentative parcel map process may be approved by the Planning Commission in compliance with the provisions of this Chapter. When any such waiver request is approved a certificate of compliance may be recorded in lieu of a parcel map. The requirement for recording a final parcel map shall not be waived when the City Engineer finds that a survey and/or monumentation is necessary.

16.28.020 Types of Subdivisions Eligible.

A. Only the following types of subdivisions are eligible to receive a waiver from the requirement for recording a final parcel map:

1. Subdivisions containing four or fewer parcels, each of which is a minimum of five acres in area and is proposed for further subdivision;

2. Subdivisions wherein each parcel will have a gross area of 20 acres or more and a right of vehicular access for a continuous width of not less than 40 feet to a maintained public street or highway having a right-of-way width of not less than 40 feet;

3. Subdivisions wherein each parcel will have a gross area of not less than 40 acres;

4. Subdivisions in accordance with Government Code Section 66428.1 wherein at least two-thirds of the owners of mobile homes who are tenants in the mobile home park sign a petition indicating their intent to purchase the mobile home park for purposes of converting it to tenant-owned, condominium ownership interest and further, a field survey is performed, the requirement for a parcel map as a tentative and final map specified by Government Code Section 66426 shall be waived unless any of the following exist:

a. There are significant design or improvement requirements necessitated by health or safety concerns;

b. Subsequent to recordation of the existing final parcel or final tract map, there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map;

c. The existing lot or lots were not created by a recorded parcel or final tract map;

d. The conversion would result in the creation of additional parcels; or,

e. The text of the petition to be signed by the tenants shall follow the form as identified in Government Code Section 66428(c).
B. If pursuant to Government Code Section 66428, the City imposes requirements on the applicant to mitigate health or safety conditions, no improvement bonds or other security device, except an unsecured improvement agreement, may be required.

16.28.030 Waiver Procedure.

A waiver from the requirement for recording a parcel map may be approved in compliance with the following procedure:

A. A tentative parcel map, accurately describing the existing legally created lot and each proposed lot shall be submitted. Such tentative parcel map shall be processed in compliance with the tentative parcel map procedure except that it need not be prepared by a licensed land surveyor or civil engineer and need include only such information that the City Engineer and the Planning Commission find to be necessary to make the required determinations.

B. A waiver request shall accompany the tentative parcel map. The exception to the tentative parcel map requirements specified in subsection (A) of this Section is permitted only when a tentative parcel map proposes one of the subdivisions specified by Section 16.28.020 (Types of Subdivisions Eligible) and when such map is accompanied by a waiver request.

C. Prior to any action by the Planning Commission to approve a waiver, the City Engineer shall examine the map and shall identify each proposed lot as a building site or a nonbuilding site.

D. Prior to any action to approve a waiver, the Planning Commission shall find that the subdivision:

1. Will comply with City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection;

2. Will satisfy any other requirements pertaining to the subdivision of land as specified in the Subdivision Map Act, this Title, and any other applicable City ordinance; and

3. Will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.

16.28.040 Waiver Does Not Establish Lots.

The approval of a waiver of the requirement to record a parcel map does not create a subdivision or satisfy the requirements applicable to the division of a lot of land. Any lots shown on a tentative map for which a parcel map has been waived shall not be considered to be legally established until a certificate of compliance for the lots has been filed in the office of the County Recorder of the County of Orange.

16.28.050 Time to Record a Certificate of Compliance.

A waiver of the requirement to record a parcel map is valid only for the time as the subject tentative map is valid, and a waiver approval shall expire concurrently with the expiration of the tentative map approval. After a waiver has been approved and within the period of validity of a tentative map, and when the Director has determined that all conditions and requirements of the tentative map have been satisfied, the Director shall cause a certificate of compliance to be recorded in compliance with the provisions of Chapter 16.32 (Certificate of Compliance). In the event any required conditions have not been satisfied, a conditional certificate of compliance may be recorded within the specified time.
period. The conditional certificate of compliance shall contain a notice of the conditions that are required to be satisfied prior to the recordation of a certificate of compliance.
Chapter 16.30. Reversions to Acreage

Sections:

16.30.010 Reversion Authorized.

16.30.010 Reversion Authorized.

All subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act (Government Code 66410 et seq.)
Chapter 16.32. Certificate of Compliance

Sections:

16.32.010 Approval.
16.32.020 Procedure.
16.32.030 Appeal to Planning Commission.

16.32.010 Approval.

Certificates of compliance and conditional certificates of compliance shall be approved by the Director.

16.32.020 Procedure.

Requests for a certificate of compliance and conditional certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures identified in Government Code Sections 66412.6 and 66499.35. No certificate of compliance or conditional certificate of compliance shall be valid until it has been recorded in the office of the County Recorder.

16.32.030 Appeal to Planning Commission.

Any interested person may appeal any action of the Director on a certificate of compliance or conditional certificate of compliance to the Planning Commission. The appeal shall be made in writing within 10 days of the final action of the Director and shall be addressed to the secretary of the Planning Commission.
Chapter 16.34. Lot Line Adjustments

Sections:

16.34.010 Application – Approval.
16.34.020 Parcel Map Optional.
16.34.030 Appeal.

16.34.010 Application – Approval.

A. For the purposes of this Chapter, a lot line adjustment is any division of land not requiring a subdivision tract map, as specified by the Subdivision Map Act, Government Code Section 66411 et seq., where adjustment is sought between two or more existing adjacent lots, and where the land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existed is not created, provided the lot line adjustment is approved by the Director as the advisory agency for purposes of the Subdivision Map Act.

B. The Director shall initially review the application for a lot line adjustment to determine if the application is complete. Thereafter, the Director shall limit his/her review and approval to a determination of whether or not the lots resulting from the lot line adjustment will conform to the Zoning Regulations and building codes. The Director in reviewing lot line adjustments proposals shall not impose conditions or exactions on the approval of a lot line adjustment except to conform to the Zoning Regulations and building codes to facilitate the relocation of existing utilities, infrastructure, or easements, and to require the prepayment of real property taxes prior to the approval of the lot line adjustment.

C. No tentative map, final parcel map, or final tract map shall be required as a condition to the approval of a lot line adjustment.

D. Any lot line adjustment approved shall be reflected in a deed which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Business and Professions Code Section 8762.

E. The decision to approve or deny a lot line adjustment by the Director, acting as the advisory agency, shall be in writing and sent by mail to the applicant within 50 days from the date the application was complete.

16.34.020 Parcel Map Optional.

Nothing in this Chapter shall prohibit an applicant for a lot line adjustment from submitting a tentative parcel map in lieu of the procedure outlined in this Chapter.

16.34.030 Appeal.

Any person adversely affected by a decision to approve or deny a lot line adjustment may appeal that decision to the Council. The appeal shall be made in writing within 10 days of the final action of the Director and shall be addressed to the City Clerk.
Chapter 16.36. Merger of Lots

Sections:

16.36.010 Authority to Merge Lots.
16.36.020 Recordation of Notice.
16.36.030 Notice of Intent to Determine Status.
16.36.040 Request for Hearing on Determination of Status.
16.36.050 Hearing – Time, Date, and Place.
16.36.070 Failure to Request Hearing – Determination of Merger.
16.36.090 Failure to Comply with this Chapter.

16.36.010 Authority to Merge Lots.

A. The Director is authorized to accept applications for the merger of two contiguous lots or units of land with a contiguous lot, or units of land held by the same owner if any one of the contiguous lots or units of land held by the same owner does not conform to the standards for minimum lot size under the Zoning Regulations applicable to the lots or units of land if all of the following requirements are satisfied:

1. At least one of the affected lots is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot or unit;

2. With respect to any affected lot, one or more of the following conditions exists:

   a. The lot comprises less than 5,000 square feet in area at the time of the determination of merger;
   b. The lot was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
   c. The lot does not meet current standards for sewage disposal and domestic water supply;
   d. The lot does not meet slope stability standards;
   e. The lot has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
   f. The lot development would create health or safety hazards; or
   g. The lot is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

B. For purposes of determining whether contiguous lots are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded as provided by Section 16.36.030 (Notice of Intent to Determine Status).
C. The provisions of this Chapter shall not apply if any one of the following conditions exist:

1. On or before July 1, 1981, one or more of the contiguous lots or units of land is enforceably restricted open space land pursuant to a contract, agreement, scenic restriction, or open space easement, as defined and identified in Revenue and Taxation Code Section 421; 

2. On July 1, 1981, one or more of the contiguous lots or units of land is timberland as defined in Government Code Section 51104, or is land devoted to an agricultural use as defined in Government Code Section 51201; 

3. On July 1, 1981, one or more of the contiguous lots or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the City; 

4. On July 1, 1981, one or more of the contiguous lots or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the City.

D. For purposes of subsections (C)(3) and (C)(4) of this Section, “mineral resource extraction” means gas, oil, hydrocarbon, gravel or sand extraction, geothermal wells, or other similar commercial mining activity.

16.36.020 Recordation of Notice.

A merger of lots becomes effective when the City causes to be filed for record with the Orange County Recorder a notice of merger specifying the names of the record owners and particularly describing the real property.

16.36.030 Notice of Intent to Determine Status.

Prior to recording a notice of merger, the City shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected lots may be merged pursuant to the standards in this Chapter, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Orange County Recorder on the date that notice is mailed to the property owner.

16.36.040 Request for Hearing on Determination of Status.

At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the City a request for a hearing on determination of status.

16.36.050 Hearing – Time, Date and Place.

A. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section 16.36.040 (Request for Hearing on Determination of Status), the City shall fix a time, date, and place for a hearing to be conducted by the Council, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the City’s receipt of the property owner’s request for the hearing, but may be postponed or continued with the mutual consent of the City and its determination.

B. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 16.36.010 (Authority to Merge Lots). A determination of merger shall be recorded within 30

A. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Chapter.

B. At the conclusion of the hearing, the Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 16.36.010 (Authority to Merge Lots). A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 16.36.040 (Request for Hearing on Determination of Status).

16.36.070 Failure to Request Hearing – Determination of Merger.

A. If, within the 30-day period specified in Section 16.36.040 (Request for Hearing on Determination of Status) the owner does not file a request for a hearing in accordance with Section 16.36.040 (Request for Hearing on Determination of Status), the City may, at any time thereafter, make a determination that the affected lots are to be merged or are not to be merged.

B. A determination of merger shall be recorded as provided for in Section 16.36.020 (Recordation of Notice) no later than 90 days following the mailing of notice required by Section 16.36.030 (Notice of Intent to Determine Status).


If, in accordance with Section 16.36.060 (Hearing – Evidence – Determination of Status) or 16.36.070 (Failure to Request Hearing – Determination of Merger), the City determines that the subject property shall not be merged, the City shall cause to be recorded in the manner specified in Section 16.36.020 (Recordation of Notice) a release of the notice of intention to determine status and shall mail a clearance letter to the then current owner of record.

16.36.090 Failure to Comply with this Chapter.

A. The failure of the City to comply with the requirements of this Chapter for the merger of contiguous lots or units of land held in common ownership shall render void and ineffective any resulting merger or recorded notice of merger, and no further proceedings under the provisions of this Chapter shall be required for the purpose of sale, lease, or financing of those contiguous lots or units, or any of them, until such time as the lots or units of land have been lawfully merged by subsequent proceedings initiated by the City which meet the requirements of this Chapter.

B. The failure of the City to comply with the requirements of any prior law establishing requirements for the merger of contiguous lots or units of land held in common ownership shall render voidable any resulting merger or recorded notice of merger. From and after the date the City determines that its actions did not comply with the prior law, or a court enters a judgment declaring that the actions of the City did not comply with the prior law, no further proceedings under the provisions of this Chapter shall be required for the purpose of sale, lease, or financing of such contiguous lots or units, or any of them, until such time as the lots or units of land have been lawfully merged by subsequent proceedings initiated by the City which meet the requirements of this Chapter.

Sections:

16.38.010 Exceptions for Lots Recorded Prior to 1963 or Dedicated for Cemetery Purposes.

This Title shall not apply to any lot not conforming to the provisions of this Title for which a deed is of record or for which a contract of sale was in full force and effect and recorded prior to the 1963-64 assessment roll of the City, nor to any land dedicated for cemetery purposes under the Health and Safety Code.

16.38.020 Compliance with Title Required.

No building shall be constructed nor shall a permit for the construction of a building be issued, nor shall any portion of any lot be used when not conforming to this Title.


Any offer to finance, lease, sell, or contract to sell, or any financing of a division of land, lease, or sale contrary to the provisions of this Title shall be a misdemeanor, and any person, upon conviction of the misdemeanor, shall be punishable by a fine of not more than $500.00 or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment; except that nothing contained in this Title shall be deemed to bar any legal, equitable, or summary remedy to which the City or other political subdivision or any person may otherwise be entitled, and the City or any other political subdivision or any person may file an action in the superior court of the state, in and for the County of Orange, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Title.

16.38.040 Noncomplying Transfer Voidable.

Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any lot of land without compliance with the terms of this Title shall be voidable at the option of the transferee in accordance with the provisions of Government Code Section 66499.32.

16.38.050 Environmental Impact.

No parcel or tentative map filed pursuant to the provisions of this Title shall be approved unless the parcel or tentative map complies with and is accompanied by appropriate environmental documents in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
Chapter 16.40. Notices of Violation

Sections:

16.40.010 Notice of Intention to Record Notice of Violation.
16.40.020 Receipt of Evidence.

16.40.010 Notice of Intention to Record Notice of Violation.

Whenever the Director or City Engineer has information indicating that real property has been divided in violation of the Subdivision Map Act or this Title, the Director or City Engineer shall mail by certified mail or other means providing proof of delivery to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners in violation, and stating that an opportunity will be given to the owner to present evidence on the issue whether the property has been divided in violation of the Subdivision Map Act or this Title. The notice shall specify a time, date, and place for a meeting at which the owner may present evidence to the Planning Commission why the notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under Government Code Section 66412.6.

16.40.020 Receipt of Evidence.

The meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing the notice of intention to record a notice of violation. If, within 15 days of receipt of the notice of intention to record a notice of violation the owner of the real property fails to inform the local agency of his or her objection to recording the notice of violation, the Planning Commission shall record the notice of violation with the Orange County Recorder.


A. If, after the owner has presented evidence, the Planning Commission determines that there has been no violation, the Director shall mail a clearance letter to the then current owner of record.

B. If, after the owner has presented evidence, the Planning Commission determines that there has been a violation the Director shall record the notice of violation with the Orange County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.


A notice of violation may be released by a certificate of compliance pursuant to Chapter 16.32 (Certificate of Compliance).
ARTICLE 1: ENACTMENT, APPLICABILITY AND ENFORCEMENT

Chapter 17.00 Purpose and Applicability of the Los Alamitos Zoning Code
Chapter 17.02 Interpretation of Los Alamitos Zoning Code Provisions

Chapter 17.00 Purpose and Applicability of the Los Alamitos Zoning Code

Sections:

17.00.010 Title
Title 17 of the Los Alamitos Municipal Code shall be known and cited as the “Los Alamitos Zoning Code” or “Zoning Code.”

17.00.020 Purpose and Authority
The Los Alamitos Zoning Code is intended to regulate the use and development of land within the City consistent with the City of Los Alamitos General Plan. It is also the intent of this Zoning Code to promote orderly development; protect the public health, safety, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods and business districts; and ensure that new uses and development benefit the City.

This Zoning Code is enacted based on the authority vested in the City of Los Alamitos by the State of California, including, but not limited to, the State Constitution, the Planning and Zoning Law (Government Code Sections 65000 et seq.), the Subdivision Map Act (Government Code Sections 66410 et seq.), and the California Health and Safety Code.

17.00.030 Prior Rights and Violations
The enactment of this Zoning Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Zoning Code.

17.00.040 Relationship to General Plan
This Zoning Code and the Zoning Map are the primary tools used by the City of Los Alamitos to implement the goals, objectives, and strategies of the Los Alamitos General Plan, which is the overall policy document of the City, now referred to as the “General Plan.”
17.00.050 Relationship to CEQA

When a project application subject to the provisions of this Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in compliance with the provisions of this Zoning Code, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

17.00.060 Applicability

A. Generally. This Zoning Code applies to land uses, structures, and development within the City of Los Alamitos, as provided by this Section.

B. New Land Uses or Structures, Changes to Land Uses or Structures. Compliance with the requirements of Section 17.06.020 (General Requirements for Development and New Land Uses) or, where applicable, Chapter 17.66 (Nonconformities), is necessary for a person or public agency to lawfully establish, construct, reconstruct, alter, or replace a use of land or structure.

C. Issuance of Building or Grading Permits. The Development Services Department may issue building, construction, or grading permits only when the proposed land use or structure satisfies the requirements of subsection B of this Section, and other applicable statutes, ordinances, and regulations.

D. Continuation of an Existing Land Use. An existing land use is lawful only when it was legally established in compliance with applicable regulations, and when it is operated and maintained in compliance with applicable provisions of this Zoning Code, including Chapter 17.66 (Nonconformities). Existing land uses that were in violation of this Zoning Code applicable before the effective date of Chapter 17.66 are in violation of this Zoning Code. These uses shall continue to be in violation unless they conform to the current provisions of this Zoning Code, except as otherwise provided herein.

E. Minimum Requirements. The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of an applicable review authority, that discretion may be exercised to impose more stringent requirements than identified herein as may be necessary to promote orderly land use development and the purposes of this Zoning Code.

F. Other Requirements May Still Apply. Nothing in this Zoning Code eliminates the need for obtaining a permit, approval, or entitlement required by other provisions of the Los Alamitos Municipal Code or complying with the regulations of a City department, or a county, regional, State, or Federal agency.

G. Conflicting requirements. Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Section 17.02.020(E) (Rules of Interpretation).

H. Uses that Contravene State or Federal Law. Notwithstanding any provision in this Zoning Code to the contrary, any use of land, operation, or business that cannot be, or is not, conducted or carried out without being in violation of State or Federal law shall be prohibited in all planning areas, districts, or zones within the City.

17.00.070 Severability

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this Zoning Code. The Council hereby declares that this Article and each chapter, section, subsection, paragraph,
subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.
Chapter 17.02 Interpretation of Los Alamitos Zoning Code Provisions

Sections:

17.02.010 Purpose and Intent

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code and to ensure consistent interpretation and application of this Zoning Code.

17.02.020 Rules of Interpretation

A. Authority. The Director has the authority to interpret provisions of this Zoning Code according to Section 17.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of this Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Planning Commission for a determination.

B. Terminology. When used in this Zoning Code, the following rules apply to all provisions.

1. Language. The words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.

2. Tense. The present tense includes the past and future tense, and the future tense includes the present.

3. Number. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

4. Calculations

   a. Residential Density. When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. For projects eligible for a density bonus subject to Government Code Section 65915 or any successor statute, any fractional number of permitted density bonus units shall be rounded up to the next whole number.

   b. Other Calculations. For calculations required by this Zoning Code other than those described in subsections (4)(a) of this section, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.4 or more, and to the next lowest whole number when the fraction is less than 0.4.

5. Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either…or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to.”
6. **Local Reference.** "City" means the City of Los Alamitos, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.

7. **Definitions.** As defined in Article 07 (Definitions) and/or as determined/interpreted by the Director.

8. **Abbreviated Titles and Phrases.** For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel and decision-making bodies are shortened in this Zoning Code.
   a. The Development Services Director is referred to as the "Director."
   b. The City Council is referred to as the "Council."
   c. The State of California is referred to as the "State."
   d. The City of Los Alamitos Municipal Code is referred to as the "Municipal Code."
   e. The California Subdivision Map Act is referred to as the "Map Act."

C. **Number of Days.** Whenever a number of days is specified in this Zoning Code, or in a permit, condition of approval, or notice issued or given as provided herein, the number of days shall be construed as calendar days, unless business days are specified. Time limits shall extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business, except as otherwise provided for by the Map Act.

D. **Minimum Requirements.** When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

E. **Conflicting Requirements.** Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows.
   1. **Zoning Code Provisions.** In the event of a conflict between the provisions of this Zoning Code, the most restrictive requirement shall apply.
   2. **Development Agreements or Specific Plans.** In the event of a conflict between the requirements of this Zoning Code and standards adopted as part of a Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
   3. **Municipal Code Provisions.** In the event of a conflict between requirements of this Zoning Code and other regulations of the City, the most restrictive shall apply.
   4. **Private Agreements.** It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate or annul an easement, covenant, or other agreement that existed when the ordinance codified in this Zoning Code became effective. This Zoning Code apply to land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of an agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement.

F. **Zoning Map Boundaries.** If there is uncertainty about the location of a zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty.
1. Where the Zoning Map shows a parcel or area within a particular zone, the zone shall extend to the centerline of an adjacent road, street, parkway, or highway.

2. Where the exact boundaries of a zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be included within the zone that is more restrictive.

3. The provisions of this Section shall not apply to acreage.

4. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the Director shall determine the location of the boundary by using the scale appearing on the Zoning Map.

5. Where a public street, alley, railroad, or other public right-of-way is officially vacated or abandoned, property that was within the former right-of-way shall be deemed to be included within the zone applicable to the property to which the abandoned right-of-way is being attached.

G. Measurement of Height and Area Requirements. When this Zoning Code requires that compliance to a standard is met by specific measurements and there is an ambiguity concerning the measurement, the Director shall decide as to the correct measurement.

17.02.030 Procedures for Interpretation

A. Authority of Director to Interpret; Referral to Commission. Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

B. Request for Interpretation. Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.

C. Findings, Basis for Interpretation. The issuance of an interpretation by the Director/Planning Commission shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

D. Record of Interpretation/Determinations. All interpretations and determinations by the Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.

1. Interpretations and determinations shall quote the provisions of the Zoning Code being interpreted, together with the applicability in the particular or general circumstances that caused the need for interpretations and the determination; and

2. A provision of this Zoning Code that is determined by the director to need refinement or revision shall be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Director shall maintain a record of official interpretations as an appendix to this Zoning Code and indexed by the number of the Chapter or Section that is the subject of the interpretation.
E. **Referral of Interpretation.** The Director has the option of forwarding an interpretation or determination of the meaning or applicability of a provision of this Zoning Code directly to the Planning Commission for consideration.

F. **Appeals.** Any interpretation of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 17.60 (Appeals).

**17.02.040 Uses Not Classified**

A. **Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.

B. **Director’s Determination.** Based on the authority granted in Section 17.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:

1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;

2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and

3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan.

C. **Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

**17.02.050 Illustrations**

In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in the Municipal Code, the text shall control.

**17.02.060 State Law Requirements**

Where this Zoning Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

Chapter 17.04 Establishment of Zones, Adoption of Zoning Map

Sections:

17.04.010 Purpose
17.04.020 Zones Established
17.04.030 Zoning Map Adopted
17.04.040 Zoning of Annexed Areas and Undesignated Properties

17.04.010 Purpose

This Chapter establishes the zones applied to properties within the City, sets forth how the zones are applied on the zoning map, establishes the general permit requirements for development and land uses citywide.

17.04.020 Zones Established

The City shall be divided into zones that implement the General Plan land use designations. The zones into which the City is divided are defined in Table 2-01 (Zones and General Plan Designations).

17.04.030 Zoning Map Adopted

The designations, locations, and boundaries of the zones established are delineated upon the map entitled “Zoning Map of the City of Los Alamitos, California.” Materials, references, data, and other information shown on the zoning map and as amended from time to time are made a part of this Title 17 by reference. The Director shall be responsible for the custody and maintenance of and amendments to the zoning map.

17.04.040 Zoning of Annexed Areas and Undesignated Properties

A. Annexed/Unincorporated Areas. Where adjoining unincorporated land has been prezoned in compliance with the methods provided by this Zoning Code for zoning within the City, the zone applied by the prezoning action shall become effective when lands are annexed to the City.

B. Undesignated Land. Land now or later included within the City boundaries that is not a public right-of-way or pre-zoned in compliance with subsection A of this section or is designated on the zoning map as being included in a zone shall be designated as R-1 (Single-family Residential).
### Table 2-01: Zones and General Plan Designations

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Zones Name</th>
<th>General Plan Land Use Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>Single Family Residential Zone</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>R-2</td>
<td>Limited Multi-Family Residential Zone</td>
<td>Limited Multi-Family Residential</td>
</tr>
<tr>
<td>R-3</td>
<td>Multi-Family Residential Zone</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td>M-H</td>
<td>Mobile Home Park Zone</td>
<td>Limited Multi-Family Residential</td>
</tr>
<tr>
<td><strong>Commercial and Industrial Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-O</td>
<td>Commercial/Professional Office Zone</td>
<td>Professional Office</td>
</tr>
<tr>
<td>C-G</td>
<td>General Commercial Zone</td>
<td>Retail Business</td>
</tr>
<tr>
<td>P-L-I</td>
<td>Planned Light Industrial Zone</td>
<td>Planned Industrial</td>
</tr>
<tr>
<td><strong>Mixed Use Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCMU</td>
<td>Town Center Mixed Use Zone</td>
<td>Mixed Use</td>
</tr>
<tr>
<td><strong>Special Purpose Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-A</td>
<td>Open Area Zone</td>
<td>Open Area/Easement Overlay</td>
</tr>
<tr>
<td>C-F</td>
<td>Community Facilities Zone</td>
<td>Community &amp; Institutional</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community &amp; Institutional/JFTB</td>
</tr>
<tr>
<td>SP</td>
<td>Specific Plan</td>
<td>Specific Plan</td>
</tr>
<tr>
<td><strong>Overlay Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOZ</td>
<td>Medical Overlay Zone</td>
<td>Medical Overlay</td>
</tr>
<tr>
<td>ROZ</td>
<td>Retail Overlay Zone</td>
<td>Retail Overlay</td>
</tr>
<tr>
<td>LWOZ</td>
<td>Live/Work Overlay Zone</td>
<td>Limited Multiple Family Residential; Mixed Use</td>
</tr>
</tbody>
</table>
Chapter 17.06 Land Use Permit Requirements

Sections:

17.06.010 Purpose
17.06.020 General Requirements for Development and New Land Uses
17.06.030 Exemptions from Land Use Permit Requirements
17.06.040 Additional Permits and Approvals May Be Required

17.06.010 Purpose

This Chapter establishes general requirements for the approval of proposed development and new land uses in the City. The land use permit requirements for specific land uses are established by Article 2 (Zones, Land Uses, and Zone-Specific Standards), and Article 3 (Site Planning and General Development Standards).

17.06.020 General Requirements for Development and New Land Uses

Uses of land and/or structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the following requirements.

A. Allowable Uses. The land uses for lots of land shall be identified by Chapter 17.08 (Residential Zones), Chapter 17.10 (Commercial/Industrial Zones), or Chapter 17.14 (Special Purpose and Overlay Zones). The Director may determine whether a land use is allowable in compliance with Section 17.02.020 (Rules of Interpretation).

B. Permit/Approval Requirements. Land use permits or other approvals required by Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones), Section 17.12.020 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones), and Section 17.14.020 (Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones) shall be obtained by the applicant before the proposed use is established, constructed, reconstructed, enlarged, altered, moved, or otherwise put into operation, unless the proposed use is exempt as provided in Section 17.06.030 (Exemptions from Land Use Permit Requirements).

C. Development Standards. The use of land and/or structure shall comply with applicable requirements of this Zoning Code, including the zone standards of this Article and the provisions of Article 3 (Site Planning and General Development Standards).

D. Conditions of Approval. The use of land and/or structure shall comply with applicable conditions imposed by a previously granted land use permit or other approval.

E. Legal Lot. The use of land and/or structure shall only be established on a lot of land that has been legally created in compliance with the Subdivision Map Act (Section 66410 et seq. of the California Government Code) and Title 16 (Subdivisions), as applicable at the time the lot was created.

17.06.030 Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Code shall not apply to the following activities, uses of land, and/or structures:

A. Governmental Facilities. Facilities of the City, State, Federal government, or special districts (e.g., school district, sanitation district) on land owned or leased by a governmental agency, for governmental operations, to the extent that the facilities are exempted by State or Federal law.
B. Interior Remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure or change the approved use of the structure.

C. Repairs and Maintenance. Ordinary repairs and routine maintenance that do not result in a change in the approved land use of the site or structure, addition to, or enlargement/expansion of the land use and/or structure.

17.06.040 Additional Permits and Approvals May Be Required

A. An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain City permits or approvals before the use is constructed or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain permits or approvals required by other Municipal Code provisions or applicable County, State, or Federal agency regulations.

B. Necessary permits shall be obtained before starting work or establishing a new use.
Chapter 17.08 Residential Zones

Sections:

17.08.010     Purpose of Zones
17.08.020     Allowed Uses and Permit Requirements for Residential Zones
17.08.030     Development Standards in Residential Zones
17.08.040     R-1 Zone Front Yard Landscaping Requirement
17.08.045     Design Standards for Multi-Family Housing
17.08.050     Laundry Facilities for Multi-Family Housing
17.08.060     Mobile Home Park and Subdivision Standards
17.08.070     Exceptions to Development Standards in Residential Zones
17.08.080     Other Applicable Regulations in Residential Zones

17.08.010     Purpose of Zones

A. Generally. The purpose of the residential zones is to:

1. Provide for a full range of housing types and densities consistent with the General Plan;

2. Preserve, protect, and enhance the character of Los Alamitos’ residential neighborhoods and the quality of life of City residents;

3. Ensure adequate light, air, privacy, and open space for each dwelling; and

4. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

B. Individual Zones. The purposes of the individual residential zones and the manners in which they are applied are as follows:

1. Single-Family Residential Zone (R-1). The R-1 zone identifies lots designed to accommodate single-family dwellings on individual lots and planned-unit developments consisting exclusively of detached single-family dwellings. The maximum permitted density is six dwelling units per net acre. The R-1 zone implements the General Plan Single-Family Residential land use designation.

2. Limited Multi-Family Residential Zone (R-2). The R-2 zone applies to lots providing low-density multi-family housing consisting of more than one detached individual dwelling unit on one lot or attached dwelling units consisting of no more than three units in one structure. The maximum permitted density is 20 dwelling units per net acre. The R-2 zone implements the General Plan Limited Multi-Family Residential I and use designation.

3. Multi-Family Residential Zone (R-3). The R-3 zone applies to lots intended to provide multi-family housing. Housing types permitted include those permitted in the R-1 and R-2 zones, as well as structures containing four or more dwelling units. The maximum permitted density is 25 dwelling units per net acre. The R-3 zone implements the General Plan Multi-Family Residential land use designation.
4. **Mobile Home Residential Zone (M-H).** The M-H zone is established to accommodate and preserve mobile home park housing developments and subdivisions. The M-H zone implements the General Plan Limited Multi-Family Residential land use designation.

17.08.020 **Allowed Uses and Permit Requirements for Residential Zones**

A. **Use Regulations.** This Section, and Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones) in particular, identifies the uses of land that may be allowed within each of the zones established in Section 17.04.020 (Zones Established) and indicates whether any special permit is required for each allowable use.

B. **Permitted Uses, Use Permits, and Uses Not Allowed**

1. **Permitted Use ("P").** A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. **Permitted as an Accessory Use ("A").** Accessory uses are uses clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.38.030 (Accessory Structures/Uses-Residential).

3. **Administrative Use Permit ("AUP").** Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. **Conditional Use Permit ("CUP").** Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. **Temporary Use Permit ("TUP").** Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. **Uses Not Allowed ("—").** Uses with an "—" indication in Table 2-02 are not allowed in the specified zone.

C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-02 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character, pursuant to Section 17.02.020 (Rules of Interpretation). Land uses not listed in Table 2-02 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.
### Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td><strong>CANNABIS USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Delivery</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Commercial Cannabis Activities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Cultivation, even by Qualified Patients and Caregivers</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Accessory Structures and Uses</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Boarding House</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Group Home – 6 residents or fewer</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>—</td>
<td>AUP</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Multiple-Family Dwelling</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Resident Manager’s Unit</td>
<td>—</td>
<td>AUP</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Supportive Housing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Two-Unit Dwelling (Duplex)</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
</table>
### Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC ASSEMBLY AND RECREATION USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>—</td>
<td>CUP A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Only associated with a mobile home park</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>—</td>
<td>CUP —</td>
</tr>
<tr>
<td>Recreation Facilities, Private – Indoor or Outdoor</td>
<td>A</td>
<td>A A A A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Only associated with the primary permitted use and intended to serve the residents of the associated development.</td>
</tr>
<tr>
<td>Schools, K-12 – Private</td>
<td>—</td>
<td>CUP CUP —</td>
</tr>
<tr>
<td><strong>SERVICE AND CARE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>—</td>
<td>CUP CUP —</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Section 17.28.130 (Day Care, General)</td>
</tr>
<tr>
<td>Family Day Care Homes – Large</td>
<td>P</td>
<td>P P —</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Section 17.28.140 (Day Care Home—Large Family (9-14 children))</td>
</tr>
<tr>
<td>Family Day Care Homes – Small</td>
<td>P</td>
<td>P P</td>
</tr>
<tr>
<td>Residential Care Facilities – 7 or more persons</td>
<td>—</td>
<td>CUP —</td>
</tr>
<tr>
<td><strong>OTHER USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Charging Facilities</td>
<td>A</td>
<td>A A A A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Only as accessory to a permitted use</td>
</tr>
<tr>
<td>Temporary Uses/Activities</td>
<td>TUP</td>
<td>TUP TUP TUP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Chapter 17.46 (Temporary Use Permits)</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities with On-site Staff</td>
<td>CUP</td>
<td>CUP CUP CUP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ground-mounted equipment in residential zones shall be screened by landscaping to the satisfaction of the Director.</td>
</tr>
<tr>
<td>Facilities with No On-site Staff</td>
<td>AUP</td>
<td>AUP AUP AUP</td>
</tr>
<tr>
<td>Wireless Communication – Major</td>
<td>—</td>
<td>— — —</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Except as may be pre-empted by Federal law. 17.28.270(K) (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Communication Facilities – Minor</td>
<td>—</td>
<td>— — —</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Except as may be pre-empted by Federal law. 17.28.270(L) (Wireless Communications Facilities)</td>
</tr>
</tbody>
</table>
# Table 2-02:Allowed Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Land Use Regulation</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>R-1: P, R-2: P, R-3: P, M-H: P</td>
<td>Subject to size limitations per 17.28.270 (Wireless Communications Facilities) and as otherwise regulated by this Section</td>
</tr>
</tbody>
</table>
17.08.030 Development Standards in Residential Zones

A. The general property development standards for the R-1, R-2, R-3, and MH zones shall be as set forth in Table 2-03: Development Standards for Residential Zones.

B. In the R-2 zone, where a lot has been subdivided for the purpose of establishing one single-family residential unit per lot, the standards for the R-1 zone shall apply, except the minimum lot size shall be 5,000 square feet and the minimum lot width shall be 50 feet.

C. In addition to the standards set forth in Table 2-03, Section 17.08.045 (Design Standards for Multi-Family Housing) shall apply.

Table 2-03: Development Standards in Residential Zones

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>M-H</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>6 du/ac; 1 du per lot</td>
<td>20 du/ac</td>
<td>25 du/ac</td>
<td>10 du/ac</td>
<td>In MH zone, minimum lot or space size for individual mobile home is 2,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 sq. ft.</td>
<td>9,000 sq. ft.</td>
<td>7,200 sq. ft.</td>
<td>5 acres</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lot</td>
<td>60 ft</td>
<td>60 ft</td>
<td>60 ft</td>
<td>---</td>
<td>See also Title 16 (Subdivisions) regarding dimensions for cul-de-sac and other unusual lots.</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>60 ft</td>
<td>70 ft</td>
<td>70 ft</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Reversed Corner Lot</td>
<td>60 ft</td>
<td>75 ft</td>
<td>--</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 ft</td>
<td>135 ft</td>
<td>100 ft</td>
<td>---</td>
<td>Excludes swimming pools and any open-sided patio structure.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
<td>60%</td>
<td>50%</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Dwelling Area</td>
<td>Gross floor area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>No minimum for R-1 zone</td>
<td>800 sq. ft.</td>
<td>450 sq. ft.</td>
<td>---</td>
<td>Excludes garage area</td>
</tr>
<tr>
<td>1 bedroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2+ bedrooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main</td>
<td>30 ft</td>
<td>35 ft</td>
<td>35 ft</td>
<td>20 ft</td>
<td>See Section 17.16.040 (Height Measurement and Exceptions)</td>
</tr>
</tbody>
</table>
| 1) Along an interior side yard lot line, any structure taller than 25 feet shall be set back an additional five feet minimum (relative to minimum
required setback) for any portion of the building taller than 25 feet.

2) Structures on lots with a common property line with an R-1 zoned property shall not exceed 2 stories and 25 feet in height.

| Accessory | 15 ft | 15 ft | 15 ft | 15 ft | Accessory dwelling units shall conform to the setback requirements for the main structure. |

Minimum Setbacks

| Front Yard | 20 ft | 20 ft | 20 ft | --- |  |
| Turn-around end of a cul-de-sac | 10 ft | 10 ft | 10 ft |  |
| Side Yard - Interior | 5 ft | 5 ft | 5 ft | --- |  |
| Side Yard - Corner Lot | 10 ft | 10 ft | 10 ft |  |
| Rear Yard | 10 ft | 10 ft | 10 ft | --- |  |
| Garage Setback | Applies to garages associated with individual dwelling units | --- |  |
| Street (Front) | 20 ft | 20 ft | 20 ft | --- |  |
| Alleyway | 10 ft | 10 ft | 10 ft | --- |  |
| Street (side yard) (corner lot) | 20 ft | 20 ft | 20 ft | --- |  |
| Maximum Rear Yard Coverage by Patio or Accessory Structure | 30% | --- | --- | --- | Applies to all rear yard area, not just required rear setback area. |
| Distance (minimum) between structures on one lot | --- | 10 ft | 10 ft | N/A | A minimum of 10 feet between structures shall be free of any eaves or other projections. |
| When main structures face across a court | --- | 15 ft | 15 ft |  |
| Storage Space in a Garage or Carport (minimum) | N/A | 200 cubic ft/unit | N/A |  |

Outdoor Living Space

| Combination of Private and Common Area | --- | 400 sq. ft. per unit, with a minimum of 100 sq. ft. of 200 sq. ft. per unit of common area, with a minimum of 60 200 sq. ft. per unit of private open space adjacent to  |
| 1) For developments with five or more units, at least one common open space area with minimum dimensions of 20 feet by 20 feet shall be |  |  |  |  |
### 17.08.040 R-1 Zone Front Yard Landscaping Requirement

A. A minimum of 50 percent of the required front yard setback shall be landscaped with plant materials.

B. The required front yard landscaped area shall include landscaping (plant materials) along each side property line with minimum dimensions of four feet wide by 16 feet in length (see Figure 2-01). This requirement shall only apply to the development of a new residential use or renovation of an existing residential use which includes modifications to the existing garage or front yard that occurs after April 15, 2014.

**Figure 2-01: Required Front Yard Landscaping**

<table>
<thead>
<tr>
<th>private space per unit</th>
<th>sq. ft. of private space per unit</th>
<th>the unit, plus 50 sq. ft. per unit of common open space</th>
<th>provided. 1) For common open space areas, a minimum space of at least 20 feet by 20 feet shall be required. All common open space areas other than swimming pools shall be kept clear of mechanical equipment and other obstructions that would inhibit use of the open areas. 2) In the MH zone, common outdoor area shall be at least 125 sq. ft. and accessible to all mobile home park residents. 3) Private open space must be clear of mechanical equipment and other obstructions that would inhibit use of area.</th>
</tr>
</thead>
</table>
C. The Director shall have the authority, through the Minor Modifications process pursuant to Chapter 17.40 (Minor Modifications) to allow an exception to the requirements of subsections A and B, above, if necessary to provide safe and adequate property ingress and egress.

D. A Site Development Permit – Minor pursuant to Chapter 17.44 (Site Development Permit – Major and Minor) shall be required to deviate from the requirements of subsections A and B, above, for any purpose—including to allow access to a parking pad in a side or rear setback—other than providing for safe and adequate property ingress and egress.

17.08.045 Design Standards for Multi-Family Housing

A. Building Design.

1. For buildings higher than two stories, the third story shall step back a minimum of five feet from the story below to minimize building bulk and create façade articulation.

2. Building facades shall incorporate details such as window trim, window recesses, cornices, changes in material, color, or other design elements in an integrated composition.

3. Roofs shall be designed to drain away from neighboring properties.

4. On multi-story buildings, windows shall be placed to provide privacy for adjacent properties, such as avoiding having windows directly facing each other across lot lines.

5. Carport roofs visible from the public right-of-way or on-site buildings shall incorporate roof slopes and materials to match adjacent buildings.

B. Pedestrian Access.

1. Clearly marked pedestrian walkways shall be provided from parking areas to building entryways and shall be designed to minimize pedestrian/vehicle conflicts.

2. Interior and exterior pedestrian walkways with access within and to the residential or mixed-use projects shall be defined by landscaping and lighting that are consistent with the scale and architecture of the buildings they serve.

C. Other Design Standards.

1. Transformers shall not be located within any required private open space area.

2. Transformers, other on-site utility equipment, and on-site fire department connections shall be screened from view from public rights-of-way by landscaping or ground-mounted structures/fencing of materials and colors that match on-site architecture.

3. Stormwater retention ponds, where provided, shall be designed as a landscape feature.
17.08.050 Laundry Facilities for Multi-Family Housing

If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. Such common laundry area shall be centrally located to the units to be served.

17.08.060 Mobile Home Park and Subdivision Standards

A. Use.

1. No mobile home shall be used for any purpose other than a dwelling.

2. Each mobile home shall be located on an approved mobile home site, and all mobile home sites shall be designed to accommodate independent mobile homes. No home site shall be used as the location for more than one mobile home or trailer.

B. Property Boundary Setback. Mobile homes and other structures shall not be located closer than five feet from any property line of the mobile home park or subdivision.

C. Space Boundary Setback. Mobile homes shall not be located closer than three feet from their space boundary line.

D. Compliance with State Law. All mobile home parks shall comply with the regulations contained in the California Code of Regulations, Title 25, Article I, Chapter 2.

17.08.070 Exceptions to Development Standards in Residential Zones

A. Setbacks - Exceptions

1. Front Yard Setback in R-2 and R-3 Zones. When a lot in an R-2 or R-3 zone is approved for single-family residential use by means of a subdivision or lot split and a resulting lot has an area of less than 9000 square feet, the lot may have a minimum front yard setback of 15 feet.

2. Front Yard Setback in R-3 Zone. In the R-3 zone, front yard setbacks may vary provided an average building setback of 20 feet is maintained along an entire block face, with no setback less than 15 feet.

Figure 2-02: Front Yard Setback in R-3 Zone
3. **Side Yard Setback in R-2 and R-3 Zones.** Where a dwelling or dwellings have entry from an interior side yard, the entry must open onto an outdoor court. The minimum length of the outer court wall which parallels the side lot line shall be 15 feet and that minimum wall length shall be located directly across from the entry to provide screening. The wall shall have a minimum height of four feet and a maximum height of six feet. The dwelling entry shall be set back a minimum of 15 feet from such side lot line.

Figure 2-03: Side Yard Setback for R-2 and R-3 Zones with Interior Side Entry

C. **Heights of Institutional Facilities.** Private schools, places of religious assembly, and utility facilities may include structures up to 50 feet high. Such additional height above the maximum height requirement for the applicable zone shall be granted through a Conditional Use Permit. Any structure taller than 25 feet shall be set back an additional five feet minimum (relative to minimum required setback) for any portion of the building taller than 25 feet.

17.08.080 **Other Applicable Regulations in Residential Zones**

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
Chapter 17.10 Commercial and Industrial Zones

Sections:

17.10.010 Purpose of Zones

The purposes of the commercial and industrial zones are as follows:

A. Commercial-Professional Office Zone (C-O). The C-O zone is established to accommodate administrative and professional offices, retail commercial uses, restaurants and other food service uses, and other complementary uses and facilities. The C-O zone implements the General Plan Professional Office land use designation.

B. General Commercial Zone (C-G). The C-G zone is established to accommodate a wide range of retail sales, business, dining, personal, and professional services, as well as entertainment and lodging. The land uses allowed in this zone will generally serve the entire community and the region. The C-G zone implements the General Plan Retail Business land use designation.

C. Planned Light Industrial Zone (P-L-I). The P-L-I zone is established to accommodate manufacturing, research and development, product assembly, equipment repair, and other light manufacturing businesses that have limited environmental impact in terms of noise, traffic, odors, hazardous materials use/production, and vibration. Other allowed uses include indoor commercial recreation uses such as fitness studios, sports courts/fields, and sports instructional facilities, provided such uses can be found compatible with and not detrimental to the operations of the primary permitted light industrial uses. The regulation of uses and standards of development identified for the P-L-I zone are those deemed necessary to provide the proper environment for industrial businesses, and to provide the proper safeguards to protect nearby residential, commercial, and public uses. The P-L-I zone implements the General Plan Planned Industrial land use designation.

17.10.020 Allowed Uses and Permit Requirements for Commercial and Industrial Zones

A. Use Regulations. This Section, and Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) in particular, identifies the uses of land that may be allowed within each of the zones established in Section 17.04.020 (Zones Established) and indicates whether any special permit is required for each allowable use.

B. Permitted Uses, Use Permits, and Uses Not Allowed

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. Permitted as an Accessory Use (“A”). Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).
3. **Administrative Use Permit ("AUP").** Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. **Conditional Use Permit ("CUP").** Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. **Temporary Use Permit ("TUP").** Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. **Uses Not Allowed ("—").** Uses with an “—” indication in Table 2-04 are not allowed in the specified zone.

C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-04 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 07 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-04 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. **Prohibited Uses.** The following uses are specifically prohibited in all commercial and industrial zones:

1. All Cannabis Activities, including Cannabis Deliveries, Commercial Cannabis Activities, and Commercial Cultivation, even by Qualified Patients and Caregivers

2. Donation Boxes

3. Freight and/or Truck Terminals

4. Gun and Ammunition Stores

5. Manufacturing – Heavy

6. Recycling, Large Collection

7. Recycling, Processing Facility

8. Salvage Yard

9. Secondhand Stores

10. Swap Meets – Indoor or Outdoor

11. Tobacco and Vape Stores
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture – Commercial Indoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Community Gardens</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td><strong>BUSINESS, FINANCIAL, AND PROFESSIONAL OFFICE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs) - Drive up</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Business Support Services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Check Cashing and/or Payday Loans</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Financial Institutions and Related Services (without drive-through facilities)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
| Office, Business and Professional (not including Medical and Dental Office) | P    | P   | CUP   | 1) In the C-G zone in **multi-story** structures, offices may occupy up to 100 percent of the gross floor area in the second and higher stories, and up to 15 percent of the ground floor upon verification of the square footage by the Director. In no case shall any single office space on the ground floor exceed 3,000 square feet total.  
2) In the C-G zone, in **single-story** structures located in shopping centers, up to 15 percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the Director. In no case shall any single office space exceed 3,000 square feet total. |
| Office, Medical and Dental Office                                  | See Medical-Related and Care Uses |
| Office, Public Utility Commercial                                  | P    | P/CUP | P     | In the C-G zone, permitted on properties with non-arterial street frontage. CUP required for ground-floor tenant spaces on properties with arterial street frontage. |
| **CANNABIS USES**                                                  |      |     |       |                                |
| Cannabis Deliveries                                                | —    | —   | —     | See Section 17.28.090 (Cannabis Uses) |
| Commercial Cannabis Activities                                      | —    | —   | —     | See Section 17.28.090 (Cannabis Uses) |
| Commercial Cultivation, Even by Qualified Patients and Caregivers  | —    | —   | —     |                                |
### EATING AND DRINKING ESTABLISHMENTS

<table>
<thead>
<tr>
<th>Use</th>
<th>P-O</th>
<th>C-G</th>
<th>P-L-I</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bars, Lounges, Nightclubs, and Tasting Rooms</td>
<td>CUP</td>
<td>P</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Food Preparation/Catering (no on-site sales or service)</td>
<td>—</td>
<td>AUP</td>
<td>P</td>
<td>See Section 17.28.060 (Alcoholic Beverage Retail Sales)</td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service, Serving Alcohol</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Restaurant – Full or Limited Service, No Alcohol Sales</td>
<td>P</td>
<td>P</td>
<td>CUP</td>
<td>Any outdoor dining area with alcoholic beverage sales shall require a CUP. See Section 17.28.200 (Outdoor Dining)</td>
</tr>
<tr>
<td>Restaurant – Accessory Outside Seating Areas</td>
<td>AUP/CUP</td>
<td>AUP/CUP</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>300 sf or less</td>
<td>301 sf or more</td>
<td></td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Restaurant with Drive-through Facilities</td>
<td>CUP</td>
<td>CUP</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Snack Bar</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
</tbody>
</table>

### INDUSTRY, MANUFACTURING AND PROCESSING, AND WAREHOUSING

<table>
<thead>
<tr>
<th>Use</th>
<th>P-O</th>
<th>C-G</th>
<th>P-L-I</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewery, Winery, or Distillery</td>
<td>—</td>
<td>AUP</td>
<td>CUP</td>
<td>In C-G zone, only as microbrewery, winery, or distillery with associated retail sales or restaurant use.</td>
</tr>
<tr>
<td>Data Centers</td>
<td>—</td>
<td>—</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Hazardous Waste Facilities</td>
<td>—</td>
<td>—</td>
<td>CUP</td>
<td>See Section 17.28.170 (Hazardous Waste Facilities)</td>
</tr>
<tr>
<td>Food Processing</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale sales only)</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Laboratory – Medical, Analytical, Research, Testing</td>
<td>P</td>
<td>P/CUP</td>
<td>P</td>
<td>In C-G zone, CUP required on ground-floor tenant spaces of properties with arterial street frontage.</td>
</tr>
<tr>
<td>Laundries and Dry-Cleaning Plants</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufacturing – Heavy</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Manufacturing - Light</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td>Pottery manufacturing and underground bulk storage of petroleum or gas require CUPs.</td>
</tr>
<tr>
<td>Recycling, Small Collection Facility</td>
<td>—</td>
<td>—</td>
<td>CUP</td>
<td>See also Municipal Code Chapter 8.12 (Integrated Waste Management)</td>
</tr>
<tr>
<td>Research and Development</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
### Article 2: Zones, Allowable Uses, and Development Regulations

#### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Reverse Vending Machine</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Storage - Outdoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Warehouse, Wholesaling and Distribution</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Homeless Shelters—up to 20 beds</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Homeless Shelters—more than 20 beds</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>Medical-Related and Care Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Fleet</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Clinic and Urgent Care</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Center</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Facilities, Therapy and Rehabilitation</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td>Hospital</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Office, Medical and Dental Office</td>
<td>P</td>
<td>P/CUP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
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<tr>
<th>Use</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>PUBLIC AND ASSEMBLY USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Schools, Private</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Trade and Vocational Schools</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>AUP</td>
<td>P</td>
</tr>
<tr>
<td>RECREATION AND ENTERTAINMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Commercial Recreation - Indoors</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Commercial Recreation - Outdoors</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Entertainment, Indoor¹</td>
<td>CUP²</td>
<td>CUP²</td>
</tr>
<tr>
<td>Health/Fitness Facilities</td>
<td>CUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Health/Fitness Facilities – Small</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Health/Fitness Facilities - Large</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>RETAIL USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Beverage Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Sales, for Off-Site Consumption</td>
<td>—</td>
<td>CUP</td>
</tr>
</tbody>
</table>
Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Alcoholic beverage sales, for on-site or off-site consumption, in conjunction with an allowed use</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Building Materials and Services, Indoor</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Building Materials and Services, Outdoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>CUP</td>
<td>P</td>
</tr>
<tr>
<td>Farmers’ Market</td>
<td>CUP¹</td>
<td>P</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Temporary and/or Seasonal Sales</td>
<td>TUP</td>
<td>TUP</td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Sales - General</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail Sales - Restricted</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

SERVICE USES

| Animal Care, Services                                               |                                                                                                                     |
| Animal Boarding/Kennels, Grooming                                   | —   —   CUP                                                                                                           |
| Veterinary Services, Large Animal                                   | —   —   CUP                                                                                                           |
| Veterinary Services, Small Animal                                   | CUP  CUP  CUP                                                                                                          |
| Funeral Parlors and Internment Services                             | CUP  —   —                                                                                                           |
| Instructional Services                                              | P   P   CUP                                                                                                           |
| Maintenance and Repair Services - Indoor                            | —   —   P                                                                                                              |
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-O</td>
<td>C-G</td>
</tr>
<tr>
<td>Moving Companies, Storage Allowed</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Personal Services, General</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal Services, Restricted</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Recording Studio</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage - Personal</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Storage – Outdoor Recreational Vehicle Storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle Repair and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service/Fueling Station</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Washing/Detailing</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Vehicle Service, Major</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Service, Minor</td>
<td>—</td>
<td>CUP</td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATION, AND INFRASTRUCTURE USES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit Required by Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Sharing – Parking</td>
<td>AUP</td>
<td>AUP</td>
</tr>
</tbody>
</table>
### Table 2-04: Allowed Uses and Permit Requirements for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>C-O</th>
<th>C-G</th>
<th>P-L-I</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Facility - Temporary</td>
<td>TUP</td>
<td></td>
<td>TUP</td>
<td></td>
</tr>
<tr>
<td>Utility Facilities - Staffed</td>
<td>CUP</td>
<td>CUP</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Utility Facility - Unstaffed</td>
<td>AUP</td>
<td>AUP</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Vehicle Charging Stations - Commercial</td>
<td>AUP</td>
<td>AUP</td>
<td>AUP</td>
<td>Does not include private parking spaces.</td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td></td>
<td></td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Wireless Communication Facilities - Minor</td>
<td>AUP</td>
<td>AUP</td>
<td>AUP</td>
<td>See Section 17.28.270 (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Communication Facilities - Major</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>See also Chapter 17.28.270 (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Subject to Site Development Permit – Minor (see Section 17.44.020(C))</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See also Chapter 17.28.270 (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>OTHER USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td></td>
<td></td>
<td>AUP</td>
<td>Permitted only when used exclusively by a caretaker or superintendent incidental to an allowed primary use.</td>
</tr>
<tr>
<td>Donation Boxes - Outdoors</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Drive-Through or Drive-Up Facilities</td>
<td>CUP</td>
<td>CUP</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Vending Machine</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>Allowed indoors only as accessory to a permitted use.</td>
</tr>
</tbody>
</table>
17.10.030 Development Standards for Commercial and Industrial Zones

The general property development standards for the C-O, C-G, and P-L-I zones shall be as set forth in Table 2-05: General Development Standards for Commercial and Industrial Zones. Exceptions to these standards are set forth in Section 17.10.040 (Exceptions to Development Standards in Commercial and Industrial Zones).

Table 2-05: General Development Standards for Commercial and Industrial Zones

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>C-O</strong></td>
<td><strong>C-G</strong></td>
</tr>
<tr>
<td>Lot size</td>
<td>Minimum area, width, and depth for newly created lots</td>
<td></td>
</tr>
<tr>
<td>Lot area</td>
<td>No requirement</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Lot width</td>
<td>No requirement</td>
<td>60 ft</td>
</tr>
<tr>
<td>Lot depth</td>
<td>No requirement</td>
<td>100 ft</td>
</tr>
<tr>
<td>Floor-Area Ratio (FAR)</td>
<td>1.50 FAR</td>
<td>1.00 FAR</td>
</tr>
<tr>
<td>Height limit – Main structures</td>
<td>3 stories or 40 ft</td>
<td>3 stories or 40 ft</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Minimum setbacks required. Also see Section 17.16.130 (Sight Safety Triangle).</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>15 ft</td>
<td>None required</td>
</tr>
<tr>
<td>Sides</td>
<td>Not required unless abutting a residential zone, then 10 ft.</td>
<td>Not required unless abutting a residential zone, then 15 ft.</td>
</tr>
<tr>
<td>Street side yard (Corner lot)</td>
<td>10 ft</td>
<td>None required</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft; where rear lot abuts a C-G or P-L-I zone, no setback is required.</td>
<td>Not required unless abutting a residential zone, then 15 ft.</td>
</tr>
</tbody>
</table>
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

17.10.040 Exceptions to Development Standards in Commercial and Industrial Zones

A. **Height of Public Facilities Structures.** Structures at schools, religious institutions, hospitals, and other permitted institutional uses may have a maximum height of 50 feet. For any structure that exceeds the height limit for the zone in which it is located, the front, rear, and side setbacks shall be increased one foot for each one foot by which each structure exceeds the height limit established for the zone.

B. **Additional Height via CUP.** For all other uses, a maximum height of five stories/60 feet may be allowed upon approval of a Conditional Use Permit. Factors to be considered by the Planning Commission in whether to grant the additional height are as follows:

1. A structure with increased height shall be located at least 100 feet from a residential zone.
2. The Planning Commission may require that vision into adjacent residences be limited from a structure with increased height.
3. Open space shall constitute 10 percent of the total site area, in addition to any amount required to be landscaped.
4. The structure shall have no more gross floor area than could have been achieved if the structure were 40 feet or less in height. In computation of gross floor area, floor area devoted to parking shall be disregarded.

C. **C-O Height Restrictions Adjacent to Residential Zone.** When adjacent to a residential zone, in the C-O zone height limits shall be:

1. 25 feet/one story within 25 feet of a residential zone
2. 35 feet/two stories within 25 to 75 feet of a residential zone
3. 50 feet/three stories within 76 to 150 feet of a residential zone

D. **Front Setbacks within C-O Zone.** Front setbacks within the C-O zone shall extend across the full width of the lot (except for access drives, walks, fences, and minor ornamental structures). The Planning Commission may allow staggering of setbacks as part of a total development plan, but in no case shall a setback of less than 10 feet be allowed.

E. **Metal Structures Setbacks in P-L-I Zone.**

1. Metal structures may be located closer than 100 feet to the street if the following conditions prevail:
   a. The sheet metal comprises 25 percent or less of the exterior wall area of the structure; or
   b. The sheet metal consists of panels with baked enamel or similar finish; or
   c. The structure is concealed from view from the public street by walls, fences, landscaping, or other structures.
2. Metal structures shall be set back a minimum of 150 feet from any property line along a freeway or major/secondary highway, and 100 feet from the property line along any other street.
17.10.050  Other Applicable Regulations

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

Chapter 17.12 Town Center Mixed-Use Zone

Sections:

17.12.010 Purpose of Zone
17.12.020 Land Uses and Permit Requirements
17.12.030 Commercial Uses Required along Street Frontages
17.12.040 Development Standards for Town Center Mixed-Use Zone
17.12.050 Design Standards
17.12.060 Live/Work Standards
17.12.070 Open Space Requirements for Residential Uses
17.12.080 Mixed-Use Lot Consolidation Incentive Program
17.12.090 Other Applicable Regulations

17.12.010 Purpose of Zone

The Town Center Mixed Use (TCMU) zone is established to provide opportunities for commercial and residential mixed-use development that takes advantage of easy access to transit and proximity to commerce, and that encourages pedestrian activity. A wide range of integrated commercial and residential uses are appropriate. The Town Center Mixed Use zone requires the inclusion of a ground-floor, street-frontage commercial components for all projects. Exclusive residential structures are not allowed. This zone implements the General Plan Mixed Use land use designation.

17.12.020 Land Uses and Permit Requirements

A. Use Regulations. This Section, and Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone) in particular, identifies the uses of land that may be allowed within the TCMU zone and indicates whether any special permit is required for each allowable use.

B. Permitted Uses, Use Permits, and Uses Not Allowed

1. Permitted Use (“P”). A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. Permitted as an Accessory Use (“A”). Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).

3. Administrative Use Permit (“AUP”). Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. Conditional Use Permit (“CUP”). Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. Temporary Use Permit (“TUP”). Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. Uses Not Allowed (“—“). Uses with an “—“ indication in Table 2-06 are not allowed in the specified zone.
C. Specific Use Regulations. All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-06 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. Zoning Permit Required. For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. Multiple Uses on a Single Site. When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. Director Determination. Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-06 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. Prohibited Uses. The following uses are specifically prohibited in the TCMU zone:

1. All Cannabis Activities, including Cannabis Deliveries, Commercial Cannabis Activities, and Commercial Cultivation, even by Qualified Patients and Caregivers

2. Donation Boxes

3. Freight and/or Truck Terminals

4. Gun and Ammunition Stores

5. Manufacturing – Heavy

6. Recycling, Large Collection

7. Recycling, Processing Facility

8. Salvage Yard

9. Secondhand Stores

10. Swap Meets – Indoor or Outdoor

11. Tobacco and Vape Stores

17.12.030 Commercial Uses Required along Street Frontages

To maintain an active pedestrian environment in the TCMU zone, commercial uses shall be the predominant along street frontages. At least 75 percent of the ground floor frontage along Katella Avenue and Los Alamitos Boulevard shall be occupied by commercial uses.
### Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUSINESS, FINANCIAL, AND PROFESSIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs) -Drive up</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Business Support Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Check Cashing and/or Payday Loans</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions and Related Services (without drive-through</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>facilities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offices - Business, and Professional (but not including Medical and</td>
<td>P</td>
<td>1) In multi-story</td>
</tr>
<tr>
<td>Dental Office)</td>
<td></td>
<td>structures, offices may</td>
</tr>
<tr>
<td></td>
<td></td>
<td>occupy up to 100% of the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>gross floor area in the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>second and higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>stories, and up to 15%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the ground floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>upon verification of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the square footage by</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Director. In no case</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shall any single office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>space on the ground floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>exceed 3,000 square feet total.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) In single-story</td>
</tr>
<tr>
<td></td>
<td></td>
<td>structures located in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shopping centers, up to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15% of the gross floor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>area of the center</td>
</tr>
<tr>
<td></td>
<td></td>
<td>is allowed for office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>uses upon verification</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the square footage by</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Director. In no case</td>
</tr>
<tr>
<td></td>
<td></td>
<td>shall any single office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>space exceed 3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>square feet total.</td>
</tr>
<tr>
<td>Cannabis deliveries</td>
<td>—</td>
<td>See Section 17.28.090</td>
</tr>
<tr>
<td>Commercial cannabis activities</td>
<td>—</td>
<td>(Cannabis Uses)</td>
</tr>
<tr>
<td>Commercial cultivation, even by qualified patients and caregivers</td>
<td>—</td>
<td>See Section 17.28.090</td>
</tr>
<tr>
<td><strong>EATING AND DRINKING ESTABLISHMENTS</strong></td>
<td></td>
<td>(Cannabis Uses)</td>
</tr>
<tr>
<td>Bars, Lounges, Nightclubs, and Tasting Rooms</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Restaurant – No Alcohol Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurant – Accessory Outside Seating Areas</td>
<td>AUP</td>
<td>See Section 17.28.200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Outdoor Dining) and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 17.32 (Administrative Use Permits and Conditional Use Permits)</td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service with late hours - open between</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>midnight and 6:00 AM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service, Serving Alcohol</td>
<td>CUP</td>
<td>See Section 17.28.060</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Alcoholic Beverage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Retail Sales)</td>
</tr>
<tr>
<td>Restaurant with Drive-through Facilities</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td><strong>EDUCATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, Private</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>
### Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade and Vocational Schools</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelters—up to 20 beds</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Homeless Shelters—more than 20 beds</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td><strong>MEDICAL-RELATED AND CARE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ambulance Services</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Clinic and Urgent Care</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Day Care Center</td>
<td>CUP</td>
<td>17.28.130 (Day Care, General)</td>
</tr>
<tr>
<td>Health Facilities, Therapy and Rehabilitation</td>
<td>CUP</td>
<td>Prohibited on ground floor. No larger than 3,000 sq. ft.</td>
</tr>
<tr>
<td>Hospital</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Medical and Dental Office</td>
<td>P/CUP</td>
<td>1) CUP required on ground-floor tenant spaces on properties with arterial street frontage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) In <strong>multi-story</strong> structures, offices may occupy up to 100 percent of the gross floor area in the second and higher stories, and up to 15 percent of the ground floor upon verification of the square footage by the Director. In no case shall any single office space on the ground floor exceed 3,000 square feet total. These standards shall apply to all office uses, including Professional. Such determination/verification shall occur through the Zoning Permit process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3) In <strong>single-story</strong> structures located in shopping centers, up to 15 percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the Director. In no case shall any single office space exceed 3,000 square feet total. These standards shall apply to all office uses, including Professional. Such determination/verification shall occur through the Zoning Permit process.</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>—</td>
<td></td>
</tr>
</tbody>
</table>
### Article 2: Zones, Allowable Uses, and Development Regulations

#### Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECREATION AND ENTERTAINMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>CUP</td>
<td>See Section 17.28.070 (Arcades)</td>
</tr>
<tr>
<td>Commercial Recreation - Indoors</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation - Outdoors</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Entertainment, Indoor</td>
<td>CUP</td>
<td>Excludes uses that are regulated under Section 17.28.040 (Adult Businesses).</td>
</tr>
<tr>
<td>Health/Fitness Facilities, Small</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Health/Fitness Facilities, Large</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>AUP</td>
<td>Required to be integrated into a project as either horizontal or vertical mixed use, but not permitted as a stand-alone use.</td>
</tr>
<tr>
<td>Multi-Family Dwelling</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Senior Residential Housing Projects</td>
<td>P</td>
<td>See Section 17.28.250 (Senior Citizen Housing)</td>
</tr>
<tr>
<td>Single-Family Dwelling</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Supportive Housing – Housing Type</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Transitional Housing – Housing Type</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td><strong>RETAIL SALES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Beverage Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Sales, for Off-Site Consumption</td>
<td>CUP</td>
<td>See Section 17.28.060 (Alcoholic Beverage Retail Sales)</td>
</tr>
<tr>
<td>Alcoholic beverage sales, for on-site or off-site consumption, in conjunction with an allowed use</td>
<td>CUP</td>
<td>See Section 17.28.060 (Alcoholic Beverage Retail Sales)</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Building Materials and Services, Indoor</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Building Materials and Services, Outdoor</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Farmers' Market</td>
<td>TUP</td>
<td></td>
</tr>
<tr>
<td>Outdoor Temporary and/or Seasonal Sales</td>
<td>TUP</td>
<td></td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail - General</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail – Restricted</td>
<td>CUP</td>
<td></td>
</tr>
</tbody>
</table>
### Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Sales and Rental</td>
<td>P</td>
<td>Office only; no storage of cars on property.</td>
</tr>
<tr>
<td>Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td><strong>SERVICE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Boarding/Kennels, Grooming</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Funeral Parlors and Internment Services</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Instructional Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Maintenance and Repair Services - Indoor</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Personal Services, General</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal Services, Restricted</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Moving Companies, Storage Allowed</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Vehicle Repair and Services</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Service/Fueling Station</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Vehicle Washing/Detailing</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Vehicle Service, Major</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services, Large Animal</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services, Small Animal</td>
<td>CUP</td>
<td>All operations must be conducted completely within a masonry structure. No overnight boarding permitted.</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATIONS, AND INFRASTRUCTURE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Sharing – Parking</td>
<td>AUP</td>
<td>Car sharing parking spaces may not occupy any space required for another use.</td>
</tr>
<tr>
<td>Freight/Truck Terminals</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Vehicle Charging Stations</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Utility Facilities</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Vehicle Storage</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities – Minor</td>
<td>AUP</td>
<td>See Section 17.28.270 (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities - Major</td>
<td>CUP</td>
<td>See Section 17.28.270 (K) (Wireless Communications Facilities)</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>P</td>
<td>See Section 17.28.270 (Wireless Communications Facilities)</td>
</tr>
</tbody>
</table>
Table 2-06: Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>P: Permitted Use</th>
<th>CUP: Conditional Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: Permitted as an Accessory Use</td>
<td>—: Use not allowed</td>
</tr>
<tr>
<td>AUP: Administrative Use Permit</td>
<td>TUP: Temporary Use Permit</td>
</tr>
<tr>
<td>UF: Permitted Only on Upper Floor(s)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TCMU</th>
<th>Special Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>OTHER USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Drive-Through or Drive-Up Facilities</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>CUP</td>
<td></td>
</tr>
<tr>
<td>Vending Machine</td>
<td>A</td>
<td>Allowed indoors only accessory to an allowable use</td>
</tr>
</tbody>
</table>

**17.12.040 Development Standards for Town Center Mixed-Use Zone**

A. **General.** The general property development standards for the TCMU zone shall be as set forth in Table 2-07: General Development Standards for Town Center Mixed-Use Zone.

B. **Calculation of Density and Intensity**

1. **Horizontal Mixed Use.** For residential and nonresidential uses on the same development site but separate legal lots, the residential density shall be calculated for the lot or lots dedicated solely to residential use. The FAR for the nonresidential use shall be calculated for the lot or lots dedicated solely to the nonresidential use.

2. **Vertical Mixed Use.** For a development project consisting of residential and nonresidential uses in the same building or group of buildings, the residential density and FAR shall be additive, meaning that the residential density shall be calculated for the residential component and the FAR for nonresidential component.

Table 2-07: General Development Standards for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (for new mixed-use development)</td>
<td>10,000 sq. ft.</td>
<td>For new mixed-use development. Single-purpose uses can be constructed on lots smaller than 10,000 sq. ft.</td>
</tr>
<tr>
<td>Structure Form and Location Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density - Maximum</td>
<td>30 units/acre</td>
<td></td>
</tr>
<tr>
<td>FAR Maximum – Nonresidential Components</td>
<td>2.00</td>
<td></td>
</tr>
<tr>
<td>Storefront Width - Minimum</td>
<td>50% of street frontage lot width</td>
<td></td>
</tr>
<tr>
<td>Minimum Setback</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 2-07: General Development Standards for Town Center Mixed-Use Zone

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front or adjacent to a street</td>
<td>0 ft minimum; 10 ft maximum</td>
<td></td>
</tr>
<tr>
<td>Abutting nonresidential or mixed-use zone</td>
<td>0 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>10 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Side - Street side</td>
<td>10 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Abutting nonresidential zone</td>
<td>0 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Abutting residential zone</td>
<td>15 ft minimum</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>60 ft.</td>
<td></td>
</tr>
<tr>
<td>Open Space for Residential Uses</td>
<td>200 sq. ft. per unit combined common and private</td>
<td></td>
</tr>
</tbody>
</table>

C. Parking Restricted within Front and/or Street Side Setbacks. Parking shall only be allowed within required front and/or street side setbacks where the responsible review authority finds that no feasible alternative exists to design a project and further, where such parking can be well integrated into overall project design and can adequately screened.

D. Minimum Ground Floor Height. The minimum ground-floor height for structures with commercial uses on the ground floor shall be not less than 12 feet, six inches.

17.12.050 Design Standards

A. Generally. All new development shall be designed to achieve the following objectives:

1. Site and building design shall provide for internal compatibility among the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and similar operating characteristics.

2. Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

3. The design of any live/work or mixed-use project shall take into consideration potential impacts, including but not limited to noise, odors, and hours of operation, on adjacent properties. The design shall include specific design features to minimize potential impacts.

4. The design of the mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.

5. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, paseos, courtyards, and walkways, as well as pedestrian scale amenities and street furniture.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

7. Any mixed-use development in which two-thirds or more of the gross floor area is developed with residential uses, in addition to complying with the design standards set forth in this Section, shall comply with the provisions of Section 17.08.045 (Design Standards for Multi-Family Housing).

B. Building Orientation, Entrances, and Articulation

1. Orientation. The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses.

2. Ground Floor Transparency. At least 65 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.

3. Nonresidential Entrances. Entries shall include clearly defined features of front façades and be of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance while maintaining a pedestrian scale.

4. Transitional Space at Residential Entries. New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas fronting the primary street(s) and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.

5. Building Articulation. No street frontage wall may run in a continuous plane for more than 25 feet without building openings or offsets, or as approved by the Review Authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible Review Authority accepts as rendering this requirement infeasible. Offsets shall vary in depth and/or direction of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of similar depth.

6. Structured Parking. Structured parking facing public streets shall be fronted or wrapped with actively occupied spaces such as storefronts, live/work units, residential community amenities, and lobbies. Access to parking shall be designed so that it is not prominent and ties into the adjacent architectural style.

17.12.060 Live/Work Standards

All live/work units shall comply with the regulations established in Article 4, Section 17.28.180 (Live/Work Units) of this Title.

17.12.070 Open Space Requirements for Residential Uses

A. Type. Open space shall be in the form of private or common open space such as balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces. Open standards for the R-3 zone shall apply.

B. Minimum Dimension. Balconies that are 30 inches or less in width or depth shall not be counted as open space.

C. Encroachment. Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.
17.12.080 Mixed-Use Lot Consolidation Incentive Program

To encourage the assemblage of smaller lots into larger lots that can be developed more efficiently into a mixed-use project, the following incentives may be provided to a qualifying development at the Director’s discretion:

A. Reduction of planning permit application fees.

B. Priority in permit processing.

17.12.090 Other Applicable Regulations

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Article 3 – Regulations Applicable to All Zones-Site Planning and General Development Standards and Article 4 – Regulations for Specific Land Uses and Activities.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

Chapter 17.14 Special Purpose and Overlay Zones

Sections:

17.14.010 Purpose of Zones
17.14.020 Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

17.14.010 Purpose of Zones

A. Applicability. This Chapter establishes regulations applicable to development and new land uses in the special purpose zones established by Section 17.04.020 (Zones Established). The regulations for the overlay zones are supplemental to the standards of the primary zone. Overlay zones shall be indicated in parenthesis following the primary zone, for example R-2 (LW).

B. Purpose. The purposes of the individual special purpose or overlay zones and the manner in which they are applied are as follows:

1. Open Area Zone (O-A). The O-A zone is intended to provide regulations and standards for areas reserved for parks, recreation, open space, and governmental public uses, or in areas where a physical hazard to the public may exist. The O-A zone implements the General Plan Special Use land use designation. Development standards will be determined through the Conditional Use Permit and/or Site Plan approval process.

2. Community Facilities Zone (C-F). The C-F zone is intended to provide for the orderly establishment of public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies and for the orderly establishment of semi-public institutional uses. The C-F zone implements the General Plan Special Use land use designation. Development standards will be determined through the Conditional Use Permit and/or Site Development Permit approval process.

3. Medical Overlay Zone (M).
   a. Use Regulations. The (M) overlay zone is intended to encourage and permit medical businesses as primary uses on certain lots north of the Los Alamitos Medical Center campus, while still maintaining the underlying zone. The uses allowed in the (M) overlay zone shall be those uses listed under the category Medical-Related and Care Uses in Table 2-04 (Allowed Uses and Permit Requirements for Commercial/Industrial Zones) in the same manner that such uses are allowed or conditionally allowed in the Commercial Office (C-O) zone, as well as all uses allowed or conditionally allowed in the primary zone.
   b. Development Standards. The development standards for any medical service shall be the same as in the C-O zone. The development standards for any use allowed or conditionally allowed in the primary zone shall be as set forth in that zone.

4. Retail Overlay Zone (R).
   a. Purpose of Zone. The (R) overlay zone is intended to allow the development of retail businesses on certain lots, while still maintaining the primary zoning.
   b. Uses Allowed. The uses allowed in the (R) overlay zone shall be those uses allowed in the General Commercial (C-G) Zone as set forth in Table 2-04 (Allowed Uses and Permit Requirements for Commercial/Industrial Zones).
Commercial/Industrial Zones) in the same manner that such uses are allowed or conditionally allowed in the C-G zone, as well as all uses allowed or conditionally allowed in the primary zone.

c. **Development Standards.** The development standards for the primary zone shall apply to the (R) overlay zone.

5. **Live/Work Overlay Zone (LW)**

   a. **Purpose of Zone.** The (LW) overlay zone is intended to allow live/work development and uses on certain lots, while still maintaining the primary zoning.

   b. **Uses Allowed.** In addition to the uses allowed in the primary zone, the following uses shall be allowed in the (LW) overlay zone as a matter of right:

   1. Business and Professional Offices
   2. Instructional Services
   3. Personal Services – General

   c. **Development Standards.** All live/work uses in the (LW) overlay zone shall comply with the development standards applicable to the primary zone and the supplemental standards established in Section 17.28.180 (Live/Work Standards).

17.14.020 **Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones**

A. **Use Regulations.** This Section, and Table 2-08 (Allowed Uses and Permit Requirements for Special Purpose Zones) in particular, identifies the uses of land that may be allowed within the Special Purpose zones and indicates whether any special permit is required for each allowable use.

B. **Permitted Uses, Use Permits, and Uses Not Allowed**

1. **Permitted Use (“P”).** A permitted use is a use permitted as a matter of right, subject to compliance with applicable provisions of this Zoning Code, including Site Development Permit – Major and Minor (Chapter 17.44) and a building permit or other permit required by the Municipal Code.

2. **Permitted as an Accessory Use (“A”).** Accessory uses that are clearly incidental to a primary permitted or conditionally permitted use are permitted as a matter of right, subject to subject to the requirements of this Zoning Code, including Section 17.28.035 (Accessory Structures—Nonresidential Zones).

3. **Administrative Use Permit (“AUP”).** Uses that are allowed subject to the approval of an Administrative Use Permit (Chapter 17.32).

4. **Conditional Use Permit (“CUP”).** Uses that are allowed subject to the approval of a Conditional Use Permit (Chapter 17.32).

5. **Temporary Use Permit (“TUP”).** Temporary uses are subject to the approval of a Temporary Use Permit (Chapter 17.46).

6. **Uses Not Allowed (“—“).** Uses with an “—” indication in Table 2-08 are not allowed in the specified zone.
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT REGULATIONS

C. **Specific Use Regulations.** All uses, regardless of the type of permit that may be required, shall comply with applicable provision of this Zoning Code. In addition, if there is a section number in the last column of the Table 2-08 labeled Specific Use Regulations, the use is also subject to the referenced provisions.

D. **Zoning Permit Required.** For any use permitted as a matter of right, such use shall require approval of a Zoning Permit in compliance with Chapter 17.50 (Zoning Consistency Review).

E. **Multiple Uses on a Single Site.** When a proposed project includes multiple land uses and more than one type of land use permit is required, the most restrictive land use permit shall apply to the entire project application.

F. **Director Determination.** Land uses are defined in Article 7 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in Table 2-08 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

G. **Uses Not Listed.** Land uses that are not listed in Table 2-08 or not shown in a zone are not allowed, except as otherwise provided by Section 17.02.020 (Rules of Interpretation) or Section 17.06.030 (Exemptions from Land Use Permit Requirements).

**Table 2-08: Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Permit Required by Zone</th>
<th>Specific Use Regulations</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>O-A</td>
<td>C-F</td>
</tr>
<tr>
<td><strong>AGRICULTURE AND OPEN SPACE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>CUP</td>
<td>—</td>
</tr>
<tr>
<td>Facilities Necessary to Preserve Open Space, Including Public Facilities</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Parks and Playgrounds - Public</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parks and Playgrounds - Private</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>CANNABIS USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Delivery</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Commercial Cannabis Activities</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Cultivation, even by Qualified Patients and Caregivers</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>EDUCATION, PUBLIC ASSEMBLY, AND RECREATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation Establishments, Outdoor</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Community/Cultural Centers</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Educational and Research Institutions</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Schools - Private</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Golf Courses/Country Clubs</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
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# Table 2-08: Allowed Uses and Permit Requirements for Special Purpose and Overlay Zones

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<tr>
<td></td>
<td>O-A</td>
<td>C-F</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior residential housing projects for low- and very low-income households</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>See sections 17.28.250 (Senior Citizen Housing) and 17.28.050 (Affordable Housing)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SERVICE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Shelters</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Cemeteries, crematories, columbaria, and related facilities</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td>Hospitals</td>
<td>—</td>
<td>CUP</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATIONS, AND INFRASTRUCTURE USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facilities - Staffed</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Utility Facilities - Unstaffed</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities - Minor</td>
<td>AUP</td>
<td>AUP</td>
</tr>
<tr>
<td>See Section 17.28.270 (Wireless Communications Facilities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities - Major</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>See Section 17.28.270 (Wireless Communications Facilities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunication Facilities, Satellite Dish Antenna</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Subject to Site Development Permit – Minor (See Section 17.44.020 (C))</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See also Section 17.28.270 (Wireless Communications Facilities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>OTHER USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory structures, incidental to allowed/conditional uses on the same lot</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Corporation Yards (City)</td>
<td>—</td>
<td>P</td>
</tr>
</tbody>
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<tr>
<td></td>
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</tr>
<tr>
<td>Flood Control Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Uses/Activities</td>
<td>TUP</td>
<td>TUP</td>
</tr>
</tbody>
</table>

P: Permitted Use  
A: Permitted as an Accessory Use  
AUP: Administrative Use Permit  
CUP: Conditional Use Permit  
—: Use not allowed  
TUP: Temporary Use Permit
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.16 General Development Standards
Chapter 17.18 Landscaping
Chapter 17.20 Noise
Chapter 17.22 Parking and Loading
Chapter 17.24 Performance Standards
Chapter 17.26 Signs

Chapter 17.16 General Development Standards

Sections:

17.16.010 Purpose
17.16.020 Fences, Hedges, and Walls
17.16.030 Floor Area Ratio and Density Calculations
17.16.040 Height Measurement and Exceptions
17.16.050 Lighting
17.16.060 Lot Coverage Calculation
17.16.070 Paving of Required Front Yard Setback – Residential Zones
17.16.080 Projections into Required Setbacks
17.16.090 Refuse and Recycling Storage Areas
17.16.100 Screening and Buffering
17.16.110 Setbacks – Measurement
17.16.120 Vehicular Access – Residential Zones
17.16.130 Sight Safety Triangle
17.16.140 Swimming Pools and Spas

17.16.010 Purpose

The purpose of this Article is to prescribe development and site regulations that apply, except where specifically stated, to development in all zones. These standards shall be used in conjunction with the standards for each zone established in Article 2 (Zones, Allowable Uses, and Development Regulations). In any case of conflict, the standards specific to the zone shall override these regulations.

17.16.020 Fences, Hedges, and Walls

A. Purpose and Application.

1. Purpose. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, and overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.

2. Application.

   a. These regulations apply to any type of visible or tangible obstruction that has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to any type of artificially constructed barriers of wood, metal, or concrete posts.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

connected by boards, rails, panels, wire, or mesh, and any type of natural growth such as hedges and screen plantings.

b. The regulations in this Section shall not apply to fences required by other agencies.

c. In addition to the regulations identified in this Section, fences shall be constructed and maintained so that they do not constitute a hazard to traffic, persons, or property.

B. Residential Zones. Fences, hedges, and walls installed in residential zones shall be subject to the following requirements:

1. Fences, walls, and hedges are allowed but not required unless specifically stated to be required.

2. Fences, walls, and hedges shall not exceed seven feet in height above the interior finished grade immediately abutting the fence, wall, or hedge.

Figure 3-01: Fence, Wall, and Hedge Height

3. Fences or structures exceeding seven feet in height to enclose sports courts and fields, when such fences enclose the rear half of a parcel, may be installed subject to the granting of a Site Development Permit - Minor.

4. Where a solid fence, wall, or hedge is located in the required front yard setback or corner cut-off, the fence, wall, or hedge shall not exceed three feet in height; see Section 17.16.130 (Site Safety Triangle).

5. Open wrought iron fences (minimum 90 percent open) are allowed in any front, side, or rear yard to a maximum height of seven feet.

6. Chain link fences are not allowed in any front yard area.
7. The Director, through a Site Development Permit – Minor, may allow fences, walls, or hedges that exceed seven feet in height in the required front, side, or rear setback where the setback abuts a street or alley.

C. Non-Residential Zones.

1. Requirements. Fences, hedges, and walls installed in non-residential zones, including mixed-use zones, shall be subject to the following requirements:

a. Fences, walls, and hedges are allowed but not required.

b. Fences, walls, and hedges shall not exceed seven feet in height above the finished grade immediately abutting the fence, wall, or hedge.

c. Fences or structures exceeding seven feet in height erected to enclose sports courts and fields may be installed subject to the granting of a Site Development Permit - Minor.

d. Where a solid fence, wall, or hedge is located in the required front yard setback or corner cut-off, the fence, wall, or hedge shall not exceed three feet in height; see Section 17.16.130 (Site Safety Triangle).

e. Open wrought iron fences (minimum 90 percent open) are allowed in any front, side, or rear yard to a maximum height of seven feet.

f. The Director, through a Site Development Permit – Minor, may allow fences, walls, or hedges that exceed seven feet in height in the required front, side, or rear setback where the setback abuts a street or alley.

g. Approval for walls that exceed the maximum height of seven feet shall be subject to Site Development Review – Minor.

2. Required Walls Abutting Residential Districts.

a. Building sites abutting a residential zone or property used for residential purposes shall have a wall not exceeding eight feet in height along the lot line abutting the residential zone or use. Where a street or alley is located along the border or in between the residential district or property and the non-residential use, no wall shall be required unless determined through the site plan or use permit review process that such wall is necessary to guard against potentially adverse impacts on the residential zone or use.

b. Required walls six feet or more in height shall be constructed of decorative masonry material.

c. Required walls less than six feet in height may be constructed of other permanent material.

D. Prohibited Fencing Materials. The following fencing materials shall be prohibited: barbed or razor wire, electrified wire, chicken wire and similar small-gauge wire or mesh product, plastic, and chain-link fencing, unless such chain-link fencing is provided with wood, plastic, or other slats.

17.16.030 Floor Area Ratio and Density Calculations

A. Purpose and Applicability. This Section establishes a standard measurement of development intensity for commercial, industrial, and mixed-use developments.

B. Measurement – Floor Area Ratio. Building intensity, when expressed as the floor area ratio (FAR), shall exclude surface parking areas, below-grade parking areas, public rights-of-way, and any portion of a site dedicated for
public use. For mixed-use developments, the floor area of all portions of the building shall be included in the FAR calculation, and the residential portion shall also comply with any applicable density limits.

C. Density. Density limits, as applied to residential developments and the mixed-use portion of a mixed-use development, shall be calculated as net density, meaning that any public rights-of-way, public alleys, and any easements used for public circulation purposes shall not be included in the calculation of any lot area.

17.16.040 Height Measurement and Exceptions

A. Height Measurement. Maximum height shall be measured as the vertical distance from the top of the nearest curb to an imaginary plane located the allowed distance above and parallel to the top of the nearest curb.

Figure 3-02: Maximum Height Measurement

B. Allowed Projections Above Height. The following building elements may exceed the allowed height of the zone in which they are located, up to an additional six feet above the maximum height limit in the zone:

   a. Plumbing vents and chimneys
   b. Fire and parapet walls
   c. Roof structures for the housing of air conditioners, elevators, stairways, tanks, ventilating fans, and similar equipment
   d. Skylights

17.16.050 Lighting

A. Purpose

   1. These outdoor lighting regulations are intended to encourage lighting practices and systems that will:

      a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambience of night;
b. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;

c. Help protect the natural environment from the damaging effects of night lighting;

2. Other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

B. Applicability. Unless specifically exempted, this Section applies to any exterior lighting that is not within a fully enclosed building or structure.

C. Exemptions. The following lighting fixtures are exempt from the requirements of this Section:

1. **Neon and Signage Lighting.** Neon and other low-intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through associated discretionary review processes.


3. **Emergency Aviation Lighting.** Emergency lighting operated by public agencies or for the purpose of aviation safety.

4. **Infrastructure Construction Lighting.** All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.

5. **Temporary and Seasonal Lighting.** Temporary lighting equipment and seasonal lighting equipment, provided that individual lamps are 10 watts or less. Temporary lighting that does not comply with the regulations contained in this Section is subject to review and approval through the applicable Temporary Use Permit. In granting a request for approval of temporary lighting that does not comply with these regulations, the Director shall make all the following findings:
   a. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and
   b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as feasible.

6. **Decorative Patio and Landscape Accent Lighting.** Low-level outdoor patio and landscape accent lighting, where individual lamps are 10 watts or less, used by commercial businesses to provide ambiance.

D. General Standards for Exterior Lighting.

1. Outdoor lighting shall be designed, installed, and maintained to minimize nighttime sky light pollution, and use energy efficiently by lighting only those areas or objects necessary for safety and security.

2. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.

3. The level of parking lot light projected onto any ground or wall surface shall not be less than two foot-candles nor more than five foot-candles at the base of the light fixture. The electrical plan or lighting plan shall demonstrate the dispersal of light on the ground surface and compliance with the requirements of this subsection. Building-mounted decorative lights shall not exceed five foot-candles measured five feet from the light source.
E. Prohibited Lighting.

1. **Flashing.** Outdoor lighting shall not blink, flash, or rotate, except as used in conjunction with a security alarm system.

2. **Projection above Horizontal Plane.** Outdoor flood light projection above the horizontal plane, as shown in Figure 3-03 (Outdoor Lighting Horizontal Plane) is prohibited, unless allowed by subsection F of this Section.

3. **Search Lights.** Search lights, laser source lights, or any similar high-intensity light are prohibited, unless allowed by subsection F of this Section.

4. **Light Interference.** Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

Figure 3-03: Outdoor Lighting Horizontal Plane

[Figure showing outdoor lighting restricted to not extend above a horizontal plane]

F. New Development. New development projects shall incorporate the following regulations to minimize glare and light trespass and facilitate better vision at night.

1. **Fully Shielded.** Outdoor lighting fixtures, including lighting for outdoor recreational facilities, shall be shielded with full cutoff or recessed fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture (see Figure 3-03: Outdoor Lighting Horizontal Plane). Cutoff fixtures shall be installed using a horizontal lamp position.

2. **Design.** Lighting fixtures should be of a design that complements building design and landscaping.

3. **Height, Intensity, and Scale.** Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving.
17.16.060 Lot Coverage Calculation

The following shall be excluded from the lot coverage calculation:

A. Uncovered decks, porches, landings, balconies, and stairways that are 30 inches or less in height, as measured from the adjacent existing grade.

B. Roof eaves which project 30 inches or less from the structure.

C. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

D. Up to two small, non-habitable accessory structures under 120 square feet and under seven feet in height. Any additional structures above the quantity of two shall be included in lot coverage.

17.16.070 Paving of Required Front Yard Setback – Residential Zones

A. Not more than 50 percent of the required front yard setback area shall be covered with paving and similar impervious surfaces.

B. Notwithstanding any other provision of this Title, this requirement only applies to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

C. The Director may allow an exception from the requirements set forth in subsections A and B, if necessary, to provide safe and adequate ingress and egress for the site. Any such request for an exception to this requirement shall require a Site Development Permit – Minor.

17.16.080 Projections into Required Setbacks

A. Allowed Projections into Required Setback Areas. The following features are allowed projections into required setback areas:

1. Architectural Features. Architectural features on the main structure (e.g., cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows that do not include usable floor space) may extend a maximum of 30 inches into a required side setback. Fireplaces, not exceeding eight feet in width, may extend up to 30 inches into a required side, front, or rear setback.

2. Balconies, Porches, Stairways, and Decks. Uncovered balconies, uncovered porches, outside stairways, and decks may extend not more than six feet into the required setback distance.

3. Exits. Fire escapes, exit stairs, or other required exits shall comply with setback standards established in the Building and Fire Codes.

4. Utility and Mechanical Equipment. Mechanical equipment shall comply with required setbacks, with the following exceptions:

   a. Tankless water heaters may encroach into the required side and rear setbacks up to 30 inches.
b. Filter and heating systems for pools, spas, jacuzzis, and hot tubs shall not be located closer than 15 feet to any dwelling other than the owner’s. All such equipment shall be acoustically shielded as needed to comply with Chapter 17.20 (Noise).

c. All ground-mounted heating and air conditioning equipment may be placed in the side yard setback areas in the R-1 zone, provided that the equipment does not project more than 24 inches into a required side yard setback area, and in no case shall the equipment be placed closer than 36 inches to a side property line. The placement of the ground-mounted heating and air conditioning equipment shall also be located at least 12 feet from any window of a neighboring dwelling, as measured from the farthest projected edge of the equipment to the closest edge of window. The placement of ground-mounted heating and air conditioning equipment shall comply with the provisions set forth in Chapter 17.20 (Noise). Mitigations such as block wall enclosures may be required to mitigate sound impacts at the property line.

5. **Fences, Hedges, and Walls.** Fences, walls, and hedges may occupy setbacks to the extent provided in Section 17.16.020 (Fences, Hedges, and Walls).

6. **Unenclosed Parking Spaces in Side and Rear Setbacks.** Unenclosed parking spaces and parking aisles may be located within side and rear setbacks.

B. **Awnings.** Awnings are allowed to overhang on the public right-of-way in all zones, subject to the following provisions:

1. A building permit and any other applicable permit(s) shall be obtained before installing an awning within or over a public right-of-way.

2. Awnings shall be constructed with noncombustible frames and coverings. Every awning shall be collapsible, retractable, or capable of being folded against the face of the structure to which it is attached. When collapsed, retracted, or folded, the design of the awning shall not block any required exit.

3. Awnings may extend over public property not more than seven feet from the face of a supporting structure, but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the structure site.

4. Supporting elements of an awning shall be at least eight feet above a public walkway. A valance attached to an awning shall not extend more than 12 inches below the roof of the awning at the point of attachment, and in no case shall a portion of a valance be less than seven feet in height above a public walkway.

5. Awnings shall be maintained in a clean and untattered condition.

17.16.090 **Refuse and Recycling Storage Areas**

A. **Purpose and Applicability.**

1. **Purpose.** This Section establishes standards for the location, development, and operations of refuse and recycling storage areas required by the Municipal Code or by State law to ensure that the storage of refuse (trash) and recyclable materials does not have significant adverse health and environmental consequences and minimizes adverse impacts on surrounding properties.
2. **Applicability.** This Section applies to all nonresidential, mixed-use, and multifamily residential developments with five or more dwelling units that are required by the Municipal Code or by State law to provide refuse and recycling storage areas and where such developments provide a common refuse collection area.

B. **Enclosure Required.** Enclosures are required for any common outdoor refuse and recycling storage areas.

1. **Multifamily and Mixed-Use Residential.** Multi-family development projects with five or more dwelling units shall provide at least one enclosure, as described in this Section, to contain all its required outdoor refuse and recycling storage areas. If a project contains 10 dwelling units or more, at least two enclosures or a larger enclosure shall be provided, the location and size of which shall be subject to the review and approval of the Director.

2. **Nonresidential.** All commercial development with more than one tenant, all industrial developments, and all other non-residential developments shall contain at least one outdoor refuse and recycling materials enclosure.

C. **Location.**

1. Outdoor refuse and recycling enclosures required under this Section shall not be located within any front or street-facing yard areas and shall conform to setback requirements.

2. No outdoor refuse and recycling enclosure shall be located within any required landscaped areas, required off-street parking spaces, public rights-of-way, or in any location where it would obstruct pedestrian walkways, obstruct vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety.

D. **Design of Enclosure Area.**

1. **Size.** The enclosure shall have a minimum width and minimum depth sufficient to enclose all required refuse and recycling containers with minimum clearance of one foot on all sides between the containers and the interior enclosure walls. Curbs or similar buffers shall be provided in the interior to protect the walls.

2. **Exterior.** All refuse and recycling enclosures shall have three sides consisting of minimum six-foot-high, fully grouted, decorative masonry walls, with the fourth side consisting of a solid metal gate with latch, painted a color compatible with the enclosure walls. The gate shall be located on one of the wide sides of the enclosure. The top one-foot of the gate shall be open work, with screening; the remaining section of the gates shall have solid metal backing. The exterior wall shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.

3. **Access.** The interior dimensions of the refuse and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and to minimize scavenging, while allowing authorized persons access for disposal and collection of materials.

4. **Roofs.** All trash enclosures shall have full roofs to reduce storm water pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with materials and colors of the enclosure and shall have adequate height clearance to enable ready access to any containers.

5. **Security.** The gate shall be equipped with latches that allow the gate to be locked.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Figure 3-04: Refuse and Recycling Enclosure

E. Maintenance. Outdoor refuse and recyclables enclosures shall be maintained in the following manner:

1. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

2. Trash enclosure covers shall be closed when not in use.

3. Trash enclosures shall be easily accessible for garbage and recyclables collection.

4. Trash enclosures shall be regularly emptied of garbage.
17.16.100 Screening and Buffering

A. Purpose and Applicability. This Section establishes standards for the screening and separation of residential from adjoining nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

B. Mechanical Equipment, Loading Docks, and Refuse Areas.

1. Ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, and exhaust, etc.), loading docks, refuse storage areas, and utility facilities shall be screened from view from adjoining public rights-of-way and area(s) zoned for residential or open space uses by a minimum six-foot-high decorative masonry wall or structures.

2. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

3. Landscaping shall be installed adjacent to the walls, at the discretion of the Director, in compliance with Chapter 17.18 (Landsaping).

C. Drive-through Facilities. Queuing aisles that abut a public right-of-way shall be screened from view from the right-of-way with a minimum three-foot-high landscaped hedge or combination wall and landscape screening.

17.16.110 Setbacks – Measurement

A. Purpose. This Section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of the Zoning Code, are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Setback areas are further intended to help provide landscape beauty, air circulation, views, and exposure to sunlight for both natural illumination and use of solar energy.

B. Measurement of Setbacks

1. General. All setback distances shall be measured at right angles from the designated property line to the building or structure, and the setback line shall be drawn parallel to and at the specified distance from the corresponding front, side, or rear property line. Where the front property line is located beyond the curb (i.e., within a street or common driveway), the front setback is defined as the minimum distance between a structure and the edge of curb.

2. Flag Lots. For flag lots, the pole portion of the parcel shall not be used for defining setback lines.

17.16.120 Vehicular Access – Residential Zones

A. All Residential Zones.

1. Parcels shall have vehicular access from a dedicated street or alley or from a private street established by a subdivision map.

2. Driveway access to garages or carports shall be of permanent construction material, concrete or asphalt or other material approved by the Director.

3. Driveways shall be kept and maintained free and clear of inoperative vehicles, debris, waste, junk, litter, building materials, boxes, structures, and other items, equipment or matter which block or limit access.
B. **Multiple-Family Residential Zones.** Where a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be accessed from the alley. The responsible review authority shall have the ability to allow an alternative ingress and egress arrangement based on site-specific circumstances.

C. **Mobile Home Residential Zone.**

1. Dwelling units must be served by internal private streets within the mobile home park. There shall be no direct access from a mobile home unit to a public street or alley.

2. Internal public streets shall be of a permanent construction material such as concrete, asphalt, or other material approved by the Director.

3. Internal private streets shall be a minimum of 30 feet in length.

4. Accessways shall be kept free and clear of nonmobile vehicles, materials, and equipment.

**17.16.130 Sight Safety Triangle**

A. **Sight Safety Triangle.** All parcels shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways. The sight safety triangle area shall be described as a triangular shaped area on a corner parcel formed by measuring 15 feet from the intersection of the front and street side property lines, or an intersecting alley or driveway, and connecting the lines diagonally across the property making a 90-degree triangle, as shown in Figure 3-05 (Sight Safety Triangle Area) below.
B. **Height of Obstructions.** The maximum height cutback of any object (e.g., fence, landscaping, signs, walls, etc.) located in the sight safety triangle area shall be three feet, measured from the adjoining top of curb. The three-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.

**17.16.140 Swimming Pools and Spas**

A. **Location.**

1. Swimming pools in the R-1, R-2, and R-3 zones shall be constructed on the rear one-half of the parcel or 50 feet from the front property line, whichever is the less, or unless a different location is approved by the Director via an Administrative Use Permit. Swimming pools shall not be located closer than five feet from any rear, or side parcel line. On the street side of any corner parcel, where the rear parcel line abuts a side parcel line, the pool shall not be located closer than 10 feet from the side parcel line. The Director may reduce these requirements by 50 percent on approval of an Administrative Use Permit.

2. Filter and heating systems for swimming pools, spas, and hot tubs shall not be located closer than 15 feet to any dwelling other than the dwelling on the property on which the swimming pool, spa, or hot tub is located.

B. **Parcel Coverage.** Swimming pools, spas, and hot tubs collectively shall not occupy more than 40 percent of the required rear setback. Coverage by swimming pool, spa, or hot tub shall not be considered in measuring maximum parcel coverage.

C. **Fencing Required.** Swimming pools, spas, and hot tubs shall be completely enclosed by a fence at least five feet in height, and gates shall be self-closing and self-latching.
Chapter 17.18 Landscaping

Sections:

17.18.010 Purpose and Intent
17.18.020 Applicability
17.18.030 Landscape Area Requirements
17.18.040 Submittal of Plans Required
17.18.050 Water-Efficient Landscape Principles

17.18.010 Purpose and Intent

The City promotes the value and benefits of landscapes while recognizing the need to conserve water and other resources as efficiently as possible. This Section establishes minimum landscape standards for all uses in compliance with applicable State standards and guidelines and to promote sustainable development. The purpose of this Section is to establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects.

17.18.020 Applicability

A. General. This Section shall supplement the Water Efficient Landscaping Ordinance (Chapter 13.05) and shall be apply to all landscape projects listed in Section 13.05.020 (Applicability).

B. Exemptions. The provisions of this Section shall not apply to:

1. Registered local, State, or federal historical sites.
2. Ecological restoration projects that do not require a permanent irrigation system.
3. Single-family residential land uses with landscaped areas of less than 5,000 square feet that are not developer-installed.

17.18.030 Landscape Area Requirements

A. Nonresidential and Multiple-family Uses. Each land use, except single-family residential, shall provide and maintain a minimum of 15 percent of the site in landscaped areas. The landscape area requirement may include setback areas and other unused areas of the site that are not intended for future use. Parking lot landscaping may be counted towards meeting this requirement.

B. New Residential Subdivisions. Setback areas visible from the public right-of-way shall be landscaped within six months of certificate of occupancy. Landscaping shall be provided as required in Section 17.08.040 (R-1 Zone Front Yard Landscaping Requirement).

C. Unused Areas. Any area of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

D. Landscape Techniques. The design and installation of all proposed landscape improvements subject to this Chapter shall be in compliance with the following general provisions:
1. Landscape design shall include a selection of plant materials based upon their adaptability to the climatic, geologic, and topographical conditions of the site. The protection, preservation, and enhancement of native species and natural areas are encouraged.

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

3. Landscape design shall address the functional aspects of landscaping (e.g., grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade and reduction of glare, etc.).

4. Landscape design shall demonstrate a concern for solar access, including exposure and shading of window areas.

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

6. Landscape design shall provide for the planting of all unpaved areas with an effective combination of trees, groundcover, live turf, shrubbery, and/or approved dry landscape materials. At the discretion of the Director, artificial turf may be used as a substitute for live turf.

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

17.18.040 Submittal of Plans Required

A. Both landscape and irrigation plans shall be submitted for plan check and approval by the City.

B. Landscape and irrigation plans shall include all materials specified in Section 13.05.030 (Implementation Procedures).

17.18.050 Water-Efficient Landscape Principles

A. Purpose. The use of water-efficient landscape principles is intended to reduce the consumption of water used in landscaped areas and to offer as much latitude as possible when designing required landscape and irrigation. These provisions are intended to encourage landscapes that can be maintained with low water use irrigation systems which will not overuse or waste the available water supply and that are consistent with the requirements of this Section.

B. Applicability of Water-efficient Landscape Principles. The requirements of this Section shall apply to new and rehabilitated landscaping for public agency and private development projects that require a permit, and to developer-installed landscaping in single-family and multiple-family projects. This Section shall not apply to:

1. Homeowner-provided landscaping at single-family and multiple-family projects;

2. Existing commercial and industrial developments, unless landscaping is rehabilitated; and

3. A project with an aggregate landscaped area requiring less than 2,500 square feet.

C. Criteria. Landscape and irrigation plans shall be reviewed for compliance with the criteria in Chapter 13.05 (Water Efficient Landscaping) the City’s landscape guidelines.
Chapter 17.20 Noise

Sections:

17.20.010 Purpose
17.20.020 Exemptions
17.20.030 Noise Level Measurement Criteria
17.20.040 Designated Noise Districts
17.20.050 Exterior Noise Standards
17.20.060 Interior Noise Standards
17.20.070 Special Provisions – Schools, Hospitals, and Places of Public Assembly
17.20.080 Manner of Enforcement
17.20.090 Relief from Standards – Application Procedure

17.20.010 Purpose

A. The City establishes the noise regulations in this Chapter to control unnecessary, excessive, and annoying sounds emanating from all properties and land uses in the City. It is the declared policy of the City to prohibit these sounds generated from all sources, as specified in this Chapter.

B. The City recognizes and declares, based on published scientific and health data, that certain noise levels are detrimental to the public health, welfare, and general safety and contrary to public interest. Therefore, the Council does ordain and declare that creating, maintaining, causing, or allowing to create, maintain, or cause any noise in a manner prohibited by, or not in conformity with the provisions of this Chapter, is a public nuisance and shall be abated and when such abated is not achieved, to be punishable as a public nuisance pursuant to Section 17.20.080 (Manner of Enforcement) of this Title.

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this Chapter.

A. School bands, school athletic events, and school entertainment events, provided these events are conducted on school property or authorized by special permit from the City;

B. Activities lawfully conducted in public parks, public playgrounds, and public or private school grounds;

C. A mechanical device, apparatus, or equipment used, related to, or connected with emergency machinery, vehicle, or work;

D. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided a permit has been obtained from the City, and further provided the activities do not take place between the hours of 8:00 PM and 7:00 AM on weekdays and on Saturdays, or at any time on Sundays or federal holidays;

E. Noise sources associated with the maintenance of real property, provided the activities take place between the hours of 8:00 AM and 8:00 PM on weekdays and on Saturdays, or between the hours of 9:00 AM and 6:00 PM on Sunday or a federal holiday;

F. An activity or equipment to the extent that design regulation of it has been preempted by State or Federal laws.
17.20.030 Noise Level Measurement Criteria

Noise level measurements made in compliance with the provisions of this Chapter shall be performed using a sound level meter as defined in Article 7 (Definitions). The location selected for measuring exterior noise levels shall be at any point on the property line of the offender or anywhere on the affected property. Interior noise measurements shall be made within the affected building. The measurement shall be made at a point in the affected building at least four feet from the wall, ceiling, or floor nearest the noise source.

17.20.040 Designated Noise Districts

A. Noise Districts. For the purposes of controlling noise and its impacts, the City shall be divided into noise districts defined as follows:

1. Noise District 1: All properties zoned R-1, R-2, R-3, and MH
2. Noise District 2: All properties zoned C-O, C-F, and O-A, and with an MOZ overlay
3. Noise District 3: All properties zoned C-G and TCMU, and with the ROZ overlay
4. Noise District 4: All properties zoned P-L-I

B. Unclassified. For any property or group of properties zoned SP, the Director shall assign an applicable noise district based upon the prevailing land uses within the specific plan area.

17.20.050 Exterior Noise Standards

A. Baseline. The following noise standards, unless otherwise specifically indicated, shall apply to properties within the identified noise districts. No person shall cause any noise to occur that exceeds these standards except as authorized in subsection B, below.

Table 3-01: Exterior Noise Standards

<table>
<thead>
<tr>
<th>Noise District</th>
<th>Maximum Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Daytime</td>
<td>55 dB(A)</td>
<td>7:00 AM to 10:00 PM</td>
</tr>
<tr>
<td>1 – Nighttime</td>
<td>50 dB(A)</td>
<td>10:00 PM to 7:00 AM</td>
</tr>
<tr>
<td>2</td>
<td>55 dB(A)</td>
<td>Anytime</td>
</tr>
<tr>
<td>3</td>
<td>60 dB(A)</td>
<td>Anytime</td>
</tr>
<tr>
<td>4</td>
<td>70 dB(A)</td>
<td>Anytime</td>
</tr>
</tbody>
</table>

B. Temporary Exceedances. It is unlawful for any person to create noise, or to allow the creation of noise, on property owned, leased, occupied, or otherwise controlled by a person, that causes the baseline noise levels established in subsection A, either within or outside of the City, to exceed the applicable noise standard as follows:

1. For a cumulative period of more than 30 minutes in any hour;
2. Plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
3. Plus 10 dB(A) for a cumulative period of more than five minutes in any hour;
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

4. Plus 15 dB(A) for a cumulative period of more than one minute in any hour; or

5. Plus 20 dB(A) for any period of time.

C. Maximum Allowable Noise Levels. In the event the ambient noise level exceeds the noise limit categories described in subsections (B)(1) through (5) of this section above, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under that category shall be increased to reflect the maximum ambient noise level.

17.20.060 Interior Noise Standards

A. Baseline. Interior noise standards established by the State Health and Safety Code (California Code of Regulations, Title 24, Part 2) shall apply to all multi-family residential construction and uses. For all other uses, the following interior noise standards shall apply.

Table 3-02 Interior Noise Standards

<table>
<thead>
<tr>
<th>Noise District</th>
<th>Maximum Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Daytime</td>
<td>55 dB(A)</td>
<td>7:00 AM to 10:00 PM</td>
</tr>
<tr>
<td>1 – Nighttime</td>
<td>45 dB(A)</td>
<td>10:00 PM to 7:00 AM</td>
</tr>
<tr>
<td>2, 3, 4</td>
<td>55 dB(A)</td>
<td>Anytime</td>
</tr>
</tbody>
</table>

B. Temporary Exceedances. It is unlawful for any person to create noise, or to allow the creation of noise, on property owned, leased, occupied, or otherwise controlled by a person, that causes the noise level, when measured within structures in the applicable noise district, to exceed:

1. The noise standard for a cumulative period of more than five minutes in an hour;

2. The noise standard plus five dB(A) for a cumulative period of more than one minute in an hour; or

3. The noise standard plus ten dB(A) for any period of time.

C. Maximum Allowable Noise Levels. In the event the ambient noise level exceeds either of the first two noise limit categories described in subsections (B)(1) and (2) of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under that category shall be increased to reflect the maximum ambient noise level.

D. Different Noise Districts. In the event that the noise source and the affected property are within different noise districts, the noise standards of the affected property shall apply.

17.20.070 Special Provisions – Schools, Hospitals, and Places of Public Assembly

It is unlawful for a person to create noise that causes the noise level at a school, hospital, or place of public assembly—while the facility is in use—to exceed the noise limits specified for exterior noise in this Chapter, or which noise level unreasonably interferes with the use of the facility or which unreasonably disturbs or annoys patients in a hospital, provided conspicuous signs are displayed in three separate locations within one-tenth of a mile of the school, hospital, or place of public assembly indicating the presence of such school, hospital, or place of public assembly.
17.20.080 Manner of Enforcement

A. The Director and his/her duly authorized representatives are directed to enforce the provisions of this Chapter. The Police Chief and his/her duly authorized representatives are authorized in compliance with Penal Code Section 836.5 to arrest any person without a warrant when they have reasonable cause to believe that a person has committed a misdemeanor in their presence.

B. Persons shall not interfere with, oppose, or resist an authorized person charged with enforcement of this Chapter while any person is engaged in the performance of his/her duty.

17.20.090 Relief from Standards – Application Procedure

A. Application Requirements. The owner or operator of a noise source that violates any of the provisions of this Chapter may file an application with the Director for relief from the provisions, and the owner or operator shall detail all actions taken to comply with the provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee as established by resolution of the Council.

B. Separate Applications. A separate application shall be filed for each noise source. However, in the circumstance that several mobile sources are under common ownership, or several fixed sources occur on a single property, such request for relief may be combined into one application. Upon receipt of the application and fee, the Director shall refer it with his/her recommendation in compliance with the provisions of this Chapter.

C. Compliance Required Until Relief Granted. An applicant for relief shall remain subject to prosecution under the terms of this Title until such relief is granted.

D. Review Authority. The Planning Commission shall evaluate all applications for relief from the requirements of this Chapter and may grant relief with respect to time for compliance subject to the terms, conditions, and requirements as it may deem reasonable to achieve maximum compliance with the provisions of this Chapter. These terms, conditions, and requirements may include, but shall not be limited to, limitations on noise levels and operating hours. Each relief application granted shall identify in detail the approved method of achieving maximum compliance and a time schedule for its accomplishment.

E. Factors to be Considered. In its determinations, the Planning Commission shall consider the magnitude of nuisance caused by the offensive noise; the uses of property within the area of impingement by the noise; the time factors related to study, design, financing and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare.

F. Violations. Any relief granted shall be by resolution and shall be transmitted to the Director for enforcement. A violation of the terms of the relief is unlawful.
Chapter 17.22 Parking and Loading

Sections:

17.22.010 Purpose and Applicability
17.22.020 General Parking Regulations
17.22.030 Required Parking Spaces
17.22.040 Parking for Electric Vehicles
17.22.050 Bicycle Parking Standards
17.22.060 Motorcycle Parking Standards
17.22.070 Nonconforming Parking
17.22.080 Joint Use or Shared Parking
17.22.090 Residential Parking and Storage Standards
17.22.100 Residential Condominium Conversion Parking Standards
17.22.110 Development Standards for Exterior Residential Parking Spaces
17.22.120 Development Standards for Exterior Parking Spaces in Non-Residential and Mixed-Use Zones
17.22.130 Location of Spaces
17.22.140 Loading Requirements

17.22.010 Purpose and Applicability

A. Purpose. The purposes of this Chapter are to:

1. Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts;

2. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

3. Where possible, consolidate parking and minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities;

4. Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with onsite and surrounding land uses;

5. Ensure that adequate off-street bicycle parking facilities are provided;

6. Promote parking lot designs that offer safe and attractive pedestrian routes; and

7. Encourage bicycling, transit use, walking, carpooling, and other modes of transportation (other than by motor vehicle).

B. Applicability. The standards for off-street parking shall apply to new structures, alterations of existing structures, and when new or intensified uses of existing structures or parcels of land occur.
17.22.020 General Parking Regulations

A. Requirements by Type of Use.

1. Except as otherwise provided in this Zoning Code, for every structure erected or enlarged and for any land or structure devoted to a new use requiring more spaces according to the schedule set out in this Chapter, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided. The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers. In no case shall required parking spaces for a use be rented or leased to off-site uses or used for other purposes, unless specifically allowed by this Chapter.

2. Additional parking or alternative parking development standards may be required as a condition of permit approval.

B. Uses Not Listed. The Director shall determine the parking requirement for uses that are not listed in Table 3-04: Parking Requirements by Use. The Director’s determination shall be based on similarity to listed uses. The decision of the Director may be appealed to the Planning Commission.

C. Parking Calculations.

1. Floor Area. Where parking requirements are based on floor area, the parking requirement calculation shall be based on the gross floor area of the entire use, unless stated otherwise.

2. Sites with Multiple Uses. If more than one use is located on a site (including a mix of uses or a mixed-use development), the number of required onsite parking spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.22.030.B (Alternative Parking Standards).

17.22.030 Required Parking Spaces

A. Minimum Number of Spaces Required. Each land use shall be provided with at least the number of onsite parking spaces stated in this Section and Table 3-05 (Parking Requirements by Use).

B. Alternative Parking Standards. As an alternative to providing the required parking spaces specified in Table 3-05 (Parking Requirements by Use), an applicant may prepare an independent parking study identifying alternative parking demand for the uses proposed. Such study shall be prepared by a licensed traffic engineer or other qualified professional, as determined by the Director. Where no discretionary approval is required for the proposed use, the Director shall have the authority to review the parking study and determine whether alternative parking standards can be applied. Where a Conditional Use Permit or other discretionary action of the Planning Commission is required for the proposed use, the Commission shall have the authority to review the parking study.

Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE</td>
<td></td>
</tr>
<tr>
<td>Agriculture – Commercial Indoor</td>
<td>1 space/2,000 sf of floor or greenhouse area</td>
</tr>
<tr>
<td>Community Garden</td>
<td>No spaces required when on-street parking is available immediately adjacent to the garden. If no on-street parking is available, then a minimum of eight spaces.</td>
</tr>
</tbody>
</table>
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUSINESS, FINANCIAL, AND PROFESSIONAL OFFICE</strong></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machines (ATMs)</td>
<td>No requirement</td>
</tr>
<tr>
<td>Banks and Credit Unions</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Business Support Services</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Check Cashing Shops/Payday Loans</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Office, Business and Professional</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Office, Medical and Dental Office</td>
<td>See Medical and Care Uses</td>
</tr>
<tr>
<td>Office, Public Utility Commercial</td>
<td>See Office, Business and Professional</td>
</tr>
<tr>
<td><strong>EATING AND DRINKING ESTABLISHMENTS</strong></td>
<td></td>
</tr>
<tr>
<td>Bars, Lounges, and Nightclubs</td>
<td>1 space/75 sf of public area</td>
</tr>
<tr>
<td>Food Preparation/Catering (no on-site sales or service)</td>
<td>1 space/1,500 sf of use area plus 1 space/300 sf of office area</td>
</tr>
<tr>
<td>Restaurant with Drive-through Facilities</td>
<td>A. 1 space/100 sf of gross area of the structure up to 5,000 sf, plus 1 space/150 sf of gross structure area in excess of 5,000 sf</td>
</tr>
<tr>
<td></td>
<td>B. Outdoor dining areas:</td>
</tr>
<tr>
<td></td>
<td>1) For outdoor dining areas ancillary to indoor dining areas, no parking shall be</td>
</tr>
<tr>
<td></td>
<td>required for outdoor dining areas 300 sf or less in size. For any outdoor dining</td>
</tr>
<tr>
<td></td>
<td>area in excess of 300 sf, parking for the outdoor area shall be provided at a ratio</td>
</tr>
<tr>
<td></td>
<td>of 1 space/150 sf of outdoor dining area.</td>
</tr>
<tr>
<td></td>
<td>2) For uses with no indoor dining area, parking for the outdoor dining area shall be</td>
</tr>
<tr>
<td></td>
<td>provided as indicated in A above.</td>
</tr>
<tr>
<td>Restaurant - Full or Limited Service</td>
<td>A. 1 space/75 sf of customer seating area</td>
</tr>
<tr>
<td></td>
<td>B. Outdoor dining areas:</td>
</tr>
<tr>
<td></td>
<td>1) For outdoor dining areas ancillary to indoor dining areas, no parking shall be</td>
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<td>of 1 space/150 sf of outdoor dining area.</td>
</tr>
<tr>
<td></td>
<td>2) For uses with no indoor dining area, parking for the outdoor dining area shall be</td>
</tr>
<tr>
<td></td>
<td>provided as indicated in A above.</td>
</tr>
<tr>
<td>Take-out Restaurant with no seating on site</td>
<td>1 space/300 sf of GFA of structure</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING AND PROCESSING, AND WAREHOUSING USES</strong></td>
<td></td>
</tr>
<tr>
<td>Brewery, Winery, or Distillery</td>
<td>1 space/1,000 sf of production space, plus any additional required for associated</td>
</tr>
<tr>
<td></td>
<td>office, dining, and customer service space</td>
</tr>
</tbody>
</table>
Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data Centers</td>
<td>See Warehouse, Wholesaling and Distribution</td>
</tr>
<tr>
<td>Hazardous Waste Facilities</td>
<td>See Manufacturing - Light</td>
</tr>
<tr>
<td>Food Processing</td>
<td>1 space/1,000 sf of production space, plus any required spaces for dedicated office area</td>
</tr>
<tr>
<td>Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops (wholesale only)</td>
<td>1 space/1,000 sf of production space, plus any required spaces for dedicated office area</td>
</tr>
<tr>
<td>Laboratory - Medical, Analytical, Research, Testing</td>
<td>1 space/1,000 sf of combined laboratory and office space</td>
</tr>
<tr>
<td>Laundries and Dry-Cleaning Plants</td>
<td>1 space/1,000 sf of plant space, plus any additional required for associated office and customer service space</td>
</tr>
<tr>
<td>Manufacturing – Light</td>
<td>1 space/500 sf</td>
</tr>
<tr>
<td>Recycling, Processing Facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Recycling, Collection Facility</td>
<td>None required</td>
</tr>
<tr>
<td>Research and Development</td>
<td>1 space/1,000 sf of combined assembly/fabrication space (indoor and outdoor) and office space</td>
</tr>
<tr>
<td>Storage - Outdoor</td>
<td>As required for primary permitted use</td>
</tr>
<tr>
<td>Storage - Personal</td>
<td>1 space/6,000 sf of combined storage space and business/sales office</td>
</tr>
<tr>
<td>Warehouse, Wholesaling and Distribution</td>
<td>1 space/1,000 sf</td>
</tr>
</tbody>
</table>

**LODGING**

| Homeless Shelter                                         | 2 spaces for the facility plus 1 space for each six occupants at maximum allowed occupancy |
| Hotels and Motels                                         | 1 space/guest room, plus any spaces required for conference/meeting facilities and restaurants open to the public |

**MEDICAL AND CARE USES**

| Ambulance Fleet Services                                  | 1 space/1,000 sf of indoor space, plus any required spaces for dedicated office area and 1 space for each fleet vehicle |
| Day Care Homes – Large                                    | 2 on-site parking spaces in addition to any spaces required for the primary residential use |
| Hospital                                                  | 1.75 spaces/patient bed                                                                   |
| Health Facilities, Therapy and Rehabilitation            | 1 space/400 sf                                                                           |
| Office - Medical, and Dental                              | 1 space/200 sf                                                                           |
| Residential Care Facilities                               | 0.25 space to 1.5 spaces per unit or room, to be determined by the Planning Commission based on the age of residents, type of transportation facilities provided, and on-site amenities to be provided. The applicant shall submit a study |
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>prepared by a City-approved independent consultant that provides justification for the parking proposed.</td>
</tr>
<tr>
<td>Urgent Care/Clinic</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td><strong>MIXED-USE CLASSIFICATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use Development</td>
<td>As required for each separate use in the mixed-use development</td>
</tr>
<tr>
<td><strong>PUBLIC AND ASSEMBLY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>Live Theater: 1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats All other uses: 1 space/400 sf of public assembly area</td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats</td>
</tr>
<tr>
<td>Places of Religious Assembly</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats plus any additional required for ancillary uses such as classrooms</td>
</tr>
<tr>
<td>Schools, Private</td>
<td>1 space/5 seats, but not less than 1 space/30 sf</td>
</tr>
<tr>
<td>Trade and Vocational Schools</td>
<td>0.75 spaces/employee plus 0.75 spaces/student at maximum enrollment</td>
</tr>
<tr>
<td>Tutoring and Education Centers</td>
<td>1 space/200 sf of public or instruction area</td>
</tr>
<tr>
<td><strong>RECREATION AND ENTERTAINMENT</strong></td>
<td></td>
</tr>
<tr>
<td>Arcade (Electronic Game Center)</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Commercial Recreation – Indoor and Outdoor</td>
<td>1 space/200 sf of indoor space, plus 1 space/500 sf of outdoor space</td>
</tr>
<tr>
<td>Entertainment, Indoor</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Health/Fitness Facilities</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 space/3 fixed seats or for every 30 sf of public assembly area where there are no fixed seats</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1 space (see Section 17.28.020(F) regarding parking for ADUs)</td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>2 covered spaces per unit, plus one customer space, which can be in a driveway</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>2 covered tandem parking spaces/dwelling unit, plus 0.5 space/dwelling unit for guest parking</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>1.5 spaces/unit</td>
</tr>
<tr>
<td>One-Bedroom Unit</td>
<td>2 spaces/unit</td>
</tr>
</tbody>
</table>
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-Bedroom Unit</td>
<td>2.75 spaces/unit</td>
</tr>
<tr>
<td>Three-Bedroom Unit</td>
<td>3.5 spaces/unit</td>
</tr>
<tr>
<td>Four-Bedroom Unit and Larger</td>
<td>4 spaces/unit for 4-bedroom unit&lt;br&gt;0.5 additional parking spaces for each additional bedroom in excess of the first 4 bedrooms</td>
</tr>
<tr>
<td>Affordable Housing Developments (Moderate Income and Below)</td>
<td>1 space for each studio&lt;br&gt;1 space for each affordable 1-bedroom unit&lt;br&gt;2 spaces for each affordable dwelling unit with 2+ bedrooms, regardless of the number of bedrooms</td>
</tr>
<tr>
<td>Senior Residential Housing Projects</td>
<td>1.1 spaces/unit</td>
</tr>
<tr>
<td>Single-family Dwelling</td>
<td>2 covered spaces for each dwelling unit for units with up to 4 bedrooms. For units with 5 or more bedrooms, 3 covered spaces.</td>
</tr>
</tbody>
</table>

**RETAIL USES**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol Sales, Off-Sale</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Animal Retail Sales</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Building Materials and Services - Indoor</td>
<td>1 space/1,000 sf of indoor space</td>
</tr>
<tr>
<td>Building Materials and Services - Outdoor</td>
<td>1 space/1,500 sf of outdoor space</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>1 space/200 sf</td>
</tr>
<tr>
<td>Nurseries and Garden Centers – Indoor Sales Only</td>
<td>1 space/500 sf of floor area</td>
</tr>
<tr>
<td>Nurseries and Garden Centers – Indoor and Outdoor Sales</td>
<td>1 space/500 sf of floor area, plus 1 space per 2,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>1 space/300 sf gross floor area</td>
</tr>
<tr>
<td>Recreational Equipment Rentals – Indoor Only</td>
<td>See Retail Sales - General</td>
</tr>
<tr>
<td>Retail Sales - General (including shopping centers and grocery stores) and Restricted</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Secondhand Stores</td>
<td>See Retail Sales – General and Restricted</td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>1 space/300 sf of office area, plus 1 space/500 sf of parts/sales/service area, plus 1 space/2,000 sf of outdoor sales area</td>
</tr>
</tbody>
</table>
### Table 3-05: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SERVICES USES</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Care and Services</td>
<td></td>
</tr>
<tr>
<td>Animal Boarding/Kennels</td>
<td>1 space/1,000 sf of indoor area</td>
</tr>
<tr>
<td>Animal Grooming</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Veterinary Services, Large Animal</td>
<td>1 space/500 sf of indoor area</td>
</tr>
<tr>
<td>Veterinary Services, Small Animal</td>
<td>1 space/300 sf of indoor area</td>
</tr>
<tr>
<td>Funeral Parlors and Internment Services</td>
<td>1 space/3 fixed seats in assembly areas or for every 20 sf of seating area where there are no fixed seats, plus 1 space/400 sf of floor area outside the assembly area</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>1 space/250 sf</td>
</tr>
<tr>
<td>Maintenance and Repair Services - Indoor</td>
<td>1 space/600 sf, plus 1 space for each fleet vehicle</td>
</tr>
<tr>
<td>Personal Services - General and Restricted</td>
<td>1 space/300 sf</td>
</tr>
<tr>
<td>Moving Companies, Storage Allowed</td>
<td>1 space/1,000 sf</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>See Office, Business and Professional</td>
</tr>
<tr>
<td>Vehicle Repair and Services</td>
<td></td>
</tr>
<tr>
<td>Service Station</td>
<td>4 spaces/service bay, if service bays are included on site</td>
</tr>
<tr>
<td></td>
<td>1 space/250 sf of any retail on site</td>
</tr>
<tr>
<td>Vehicle Washing/Detailing</td>
<td>1 space/250 sf of any indoor sales, office, or lounge areas</td>
</tr>
<tr>
<td>Vehicle Service, Major and Minor</td>
<td>1 space plus 4 spaces/service bay, plus 1 space/250 sf of any retail or office on site</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATIONS, AND UTILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Light Fleet Services</td>
<td>1 space/1,000 sf of indoor space, plus any required spaces for dedicated office area, plus 1 space/fleet vehicle</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>1 space/500 sf</td>
</tr>
<tr>
<td>Utilities Facilities</td>
<td></td>
</tr>
<tr>
<td>Facilities with on-site staff</td>
<td>1 space/1,500 sf of indoor area</td>
</tr>
<tr>
<td>Facilities with no on-site staff (no staff)</td>
<td>No requirement</td>
</tr>
</tbody>
</table>
17.22.040 Parking for Electric Vehicles

A. Parking spaces for electric vehicles shall be provided for all uses in accordance with the requirements of the California Green Building Standards Code and any local amendments thereto.

B. All EV-ready spaces, as defined in this Title, shall be equipped with full electric vehicle charging equipment, including an electric vehicle charging station, the use of which the property owner or operator may require payment, at his/her discretion. All EV capable spaces, as defined in this Title, shall be served by an empty raceway to supply power for future EV charging stations at any given time.

C. Any charging or similar equipment shall not be placed within the required parking space dimensions and shall not obstruct any pedestrian path of travel.

D. EV-ready and EV-capable spaces and the associated electric vehicle charging equipment shall be provided for all new developments and whenever a substantial addition to an existing development is proposed. For the purposes of this subsection, a substantial addition shall be defined as building area of more that 2,500 square feet (gross) of new construction.

E. Where an existing legal, nonconforming parking condition exists, the EV spaces requirement shall be based on the existing number of parking spaces, not the required number of parking spaces.

17.22.050 Bicycle Parking Standards

A. Applicability

1. The provisions of this Section shall apply to:
   a. New multi-family residential developments, non-residential developments, and community and institutional facilities.
   b. Existing nonresidential developments that involve a change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
   c. Existing multi-family residential and nonresidential developments that involve expansion, intensification, addition, or any other changes to the site requiring a Site Development Permit – Major.

2. The provisions of this Section shall not apply to:
   a. Single-family residential dwellings or accessory dwelling units.
   b. Any site where there is less than 2,500 square feet of gross building area.

B. Required Bicycle Spaces. Parking for bicycles shall be provided in accordance with the requirements of the California Green Building Standards Code and any local amendments thereto.

C. Required Bicycle Parking Location and Standards. All bicycle parking spaces shall be provided on the same parcel as the building or use to which such spaces are required, unless the City has established programs allowing for shared parking arrangements at bicycle corrals. All short-term bicycle spaces shall be located at the ground-floor level and near or within visual site distance of building entrances.
17.22.060 Motorcycle Parking Standards

Each use or development that requires 20 or more motor vehicle parking spaces shall provide facilities for parking motorcycles at the rate of one space for each 20 car spaces.

17.22.070 Nonconforming Parking

For additions or changes in use for existing uses or structures that do not meet current parking standards, the following standards shall apply.

A. Nonresidential Additions and Reconstruction. When expansion of floor area creates an increase of 10 percent or more in the number of required onsite parking spaces in an existing nonresidential building, additional onsite parking shall be provided for such addition and not for the entire building or site. Additional parking spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

B. Residential Additions. At least one legally conforming space shall be provided for each existing unit, in addition to all parking required for the addition itself, unless otherwise exempted for an approved Accessory Dwelling Unit.

C. Use Changes. Changes in use that increase the total parking demand from existing legal uses that are nonconforming because they do not meet current parking requirements may be allowed so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use. The existing parking shall be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

17.22.080 Joint Use or Shared Parking

Joint or shared use of required off-street parking facilities may be allowed, provided a Conditional Use Permit is first obtained in compliance with Chapter 17.32 (Administrative Use Permits and Conditional Use Permits) and the following requirements:

A. Parking Management Plan. The Conditional Use Permit application shall be accompanied by a parking management plan that contains requirements listed below and shall be the basis for issuance of the Conditional Use Permit.

1. A comprehensive list of uses by type and area (gross floor area);

2. An analysis of parking demands by uses for morning, midday and evening periods for each 24-hour period, seven days a week;

3. A peak demand calculation by adding the various components together to determine the parking demand. The highest figure represents the minimum number of spaces to be provided;

4. Private parking agreements or easements encumbering required parking.

B. Findings. In addition to the findings required for a Conditional Use Permit, the Planning Commission shall make the following findings to approve joint use parking:
1. Adequate parking will be available at all times for employees and customers of the uses affected by the joint use parking plan;

2. Surrounding property owners, residents, and businesses shall not be adversely affected by the joint-use parking plan.

C. Review of Permit. A Conditional Use Permit issued in compliance with this Section shall be subject to review, modification, or revocation if any of the following events occur:

1. A substantial change in any of the participating uses occurs; and/or

2. Additional or other users commence legal use of the jointly used facilities or which changes substantially the factors described in the parking management plan which are the basis for the permit.

D. Off-Site Parking. The Planning Commission may, by approving a Conditional Use Permit Chapter 17.32 (Administrative Use Permits and Conditional Use Permits), allow some or all required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed, or within an office, commercial or manufacturing zone. It shall be within 300 feet of the use served and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased, or otherwise controlled by the party controlling the use.

E. Deed Restriction. A Conditional Use Permit issued in compliance with this Section shall require a recorded deed restriction in the office of the County Recorder. The deed restriction shall include the terms and restrictions of the Conditional Use Permit.

17.22.090 Residential Parking and Storage Standards

A. Carports and Garages. Garages and/or carports shall be provided for required parking spaces in residential zones as follows:

1. Single-family Dwellings. For single-family dwellings, required parking spaces for each dwelling unit shall be located in an enclosed garage. The exception shall be in the case of a garage having been legally converted to an Accessory Dwelling Unit, in which case the required replacement parking may be provided as either enclosed spaces, in a carport, or as open spaces at approved on-site locations.

2. Multiple-Family Dwellings. For multiple-family dwellings, the following parking standards apply:

   a. For condominiums, two of the required parking spaces shall be located in a fully enclosed garage space equipped with a functional, automatic garage door opener.

   b. For all other multiple-family dwellings, one of the required parking spaces shall be located in a fully enclosed garage space equipped with a functional, automatic garage door opener.

3. Carports or open space parking spaces are allowed for required guest spaces for dwelling units.

4. Any carport constructed as part of a new development shall include an enclosed personal storage space that does not encroach into the required parking space(s). The dimensions of this space may be included to comply with the outdoor storage requirements for R-2 and R-3 zones.
5. Covered parking spaces (garages or carports) shall have a minimum interior measurement of 10 feet by 20 feet, clear of any encroachments such as laundry facilities and water heaters, except for tankless water heaters which are mounted a minimum of four feet above a finished floor.

B. Vehicles and Recreational Vehicles. Vehicles and recreational vehicles, which includes empty tow trailers, shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or parcel used for residential purposes, except in compliance with the following standards:

1. Vehicle as Residence. Vehicles and recreational vehicles shall not be used either temporarily or permanently for sleeping or living purposes.

2. Location. Vehicles—including recreational vehicles, recreational items, trailers, or utility trailers—shall not project into any public right-of-way or be parked on a parcel in any manner that adversely affects traffic or pedestrian safety by obstructing vision or movement.

3. Front Setback Area and Driveway

   a. In a front setback area, all vehicles—including recreational vehicles, recreational items, trailers, and utility trailers—shall be parked or left standing only on a paved driveway and shall not be parked or left standing on another part of the front setback area. See Figure 3-06 (Parking Diagram for Vehicles).

   b. In the area between the front setback line and the dwelling unit, including the dwelling's related garage and other accessory structures, vehicle—including recreational vehicles, recreational items, trailers, and utility trailers—shall be parked or left standing only on a driveway unless completely screened from view from the public right-of-way and adjacent property. See Figure 3-06 (Parking Diagram for Vehicles).

   c. Vehicles, recreational vehicles, recreational items, trailers, or utility trailers shall not be parked or left standing within five feet of an adjacent property line in a front setback area, except that operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any front setback area. See Figure 3-06 (Parking Diagram for Vehicles).
d. Detached parts (e.g., camper shells or bodies, racks or jacks, and similar items) shall not be stored on any portion of a front setback area or driveway. These parts may be stored in a front yard behind the front setback line and in the side setback area if screened from view.

e. Driveways shall lead to a garage or carport and shall not exceed the width of the garage or carport or 50 percent of the parcel width at the street, whichever is less. A minimum driveway width of 12 feet is required.

f. A minimum straight, unobstructed, perpendicular backup distance of 24 feet is required behind all 90-degree parking spaces.

g. Only one curb cut, driveway, and driveway apron shall be allowed for each residential parcel unless a Site Development Permit-Minor is approved in accordance with Chapter 17.44 (Site Development Permit – Major and Minor). Notwithstanding any other provision of this Code, this requirement only applies to
development of a new residential use or renovation of an existing residential use which includes modifications to the existing garage or front yard that occurs after April 15, 2014.

4. **Side and Rear Setbacks.** Recreational vehicles, recreational items, trailers, or utility trailers not exceeding a total of two in any combination may be parked or left standing on any portion of a side or rear setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage and other accessory structures, provided that the view to a recreational vehicle, recreational item, trailer, or utility trailer from an observer standing at ground level on an adjoining right-of-way or adjoining property is totally obscured by a wall or similar durable screen not exceeding seven feet in height. Any recreational vehicle, recreational item, trailer, or utility trailer that cannot be totally obscured from view from an adjoining right-of-way or adjoining property in this manner shall also be located a minimum of five feet from all property lines.

Operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any rear or side setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage or other accessory structures.

5. **Operational Status.** Motor and recreational vehicles on driveways and in front setback areas shall be operational and currently registered (if required).

C. **Commercial Vehicles and Equipment.** Commercial vehicles and equipment shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or residentially used parcel, except in compliance with the following standards:

1. Commercial vehicles not more than 22 feet in length nor more than 5,500 pounds unladen weight may be parked on residential properties subject to the same limitations for vehicles including recreational vehicles, trailers, utility trailers, and recreational items contained in this Chapter.

2. Commercial vehicles exceeding 22 feet in length or 5,500 pounds unladen weight shall not be parked upon any portion of a property used or zoned for residential purposes except while delivering or picking up materials used in conjunction with construction on the property for which a City building permit has been obtained or while delivering or picking up merchandise, goods, or wares necessary or incidental to the residential use. Vehicle length shall be the gross distance between the forward edge of the front bumper and the rear edge of the rear bumper.

3. Construction or maintenance equipment used in the conduct of a business or trade (e.g., concrete mixers, insulation blowers, asphalt mixers, and similar equipment) shall not be stored on any unenclosed portion of a property used or zoned for residential purposes. Equipment may be allowed on property used or zoned for residential purposes when used in conjunction with construction or improvements on a property.

17.22.100 *Residential Condominium Conversion Parking Standards*

A. Buildings converted to condominiums may utilize the parking spaces that exist prior to the conversion only and need not provide additional parking, even if the spaces are not in compliance with the parking requirements and standards established for newly constructed multi-family residential structures in the R-2 and R-3 zones, unless additional or alternative parking spaces exist as determined by City staff.

B. In all other respects, off-street parking requirements and standards shall be governed by the provisions of this Chapter.
17.22.110 Development Standards for Exterior Residential Parking Spaces

A. Parking Space Area. Each off-street parking space shall consist of an area, together with drives, aisles, turning and maneuvering areas, and have direct or indirect access at all times to a public street or alley. Every parking space shall be designed and established to allow motorists to maneuver easily into the space. The minimum dimensions of parking spaces and aisles shall be provided in compliance with this Section and the Table 3-06 (Parking Dimensions).

Table 3-06: Parking Dimensions

<table>
<thead>
<tr>
<th>Angle</th>
<th>Space Width</th>
<th>Space Length</th>
<th>Space Depth</th>
<th>Aisle Width One-way Aisle</th>
<th>Two-way Aisle</th>
<th>Total Module Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8′</td>
<td>21′</td>
<td>9′</td>
<td>12′</td>
<td>24′</td>
<td>30′</td>
</tr>
<tr>
<td>30°</td>
<td>9′</td>
<td>19′</td>
<td>17’- 5”</td>
<td>13′</td>
<td>24’</td>
<td>48’</td>
</tr>
<tr>
<td>45°</td>
<td>9′</td>
<td>19′</td>
<td>20′</td>
<td>15’</td>
<td>24’</td>
<td>55’</td>
</tr>
<tr>
<td>60°</td>
<td>9′</td>
<td>19′</td>
<td>21′</td>
<td>18’</td>
<td>24’</td>
<td>60’</td>
</tr>
<tr>
<td>90°</td>
<td>9′</td>
<td>19′</td>
<td>19’</td>
<td>24’</td>
<td>24’</td>
<td>62’</td>
</tr>
</tbody>
</table>

* Other angle/dimensions may be considered where it can be shown to accommodate aisle width and circulation.

B. Parking Area Development. Off-street parking areas shall be constructed and maintained in accordance with the following:

1. Grading and drainage shall be constructed to the specifications of the City engineering staff.

2. All striping and identification of parking spaces shall be provided in accordance with specifications established by the City Engineer and kept on file in the Development Services Department.

3. Lighting shall be provided in the parking area. Such lighting shall be arranged or shielded so that direct rays do not shine or reflect onto adjacent property or into public rights-of-way (See Figure 3-07 Parking Area Development).
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Figure 3-07: Parking Area Development

4. New and reconstructed parking areas and driveways shall be permanently surfaced with cement concrete or other permeable surface over compacted native soil. The required pavement section shall be subject to approval by the City Engineer as appropriate to on-site soil conditions.

C. Compact Spaces. Compact car parking spaces shall not be allowed for required parking.

D. Tandem Parking Spaces. Tandem parking spaces shall not be allowed except as provided for Accessory Dwelling Units or in a mobile home park for individual mobile home sites.

17.22.120 Development Standards for Exterior Parking Spaces in Non-residential and Mixed-Use Zones

A. Parking Space Area. Each off-street parking space shall consist of an area together with drives, aisles, turning and maneuvering areas, and shall have access at all time to a public street or alley or private street. The minimum dimensions of parking spaces and aisles in parking lots shall comply with specifications established by the City Engineer and kept on file in the Development Services Department.

B. Landscaping. Each off-street parking area shall provide an area, or areas, landscaped equivalent to 20 square feet for each parking space. Landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material. At least one minimum-sized 15-gallon tree shall be provided for every five parking spaces. In addition, one minimum-sized 15-gallon tree minimum shall be provided in the interior portions of the parking area for each 1,500 square feet of parking area. This landscaped area may be included as part of the overall required landscape coverage for a development.

C. Unused Areas. Unused areas resulting from the layout of the parking area shall be landscaped.

D. Irrigation Required. Required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.
E. Plans Required. Landscape and irrigation plans, including the type and location of plant materials to be used, shall be subject to the approval of the City Engineer.

F. Parking Area Development. Off-street parking areas shall be constructed and maintained to provide the following:

1. Grading and drainage shall be constructed to the specifications of the City Engineer.
2. Parking spaces in the commercial and industrial districts shall be delineated in accordance with specifications established by the City Engineer and kept on file in the Development Services Department.
3. Wheel stops and/or six-inch concrete curbs shall be required for parking stalls, installed in a manner to prevent vehicles from overhanging into any adjacent landscaped areas.
4. Lighting shall be provided in the parking area and shall be arranged or shielded so that direct rays do not shine or reflect onto adjacent property or into public rights-of-way.
5. New and reconstructed parking areas and driveways shall be permanently surfaced with asphalt concrete, Portland cement, or other acceptable material over compacted native soil. The required pavement section shall be subject to approval by the City Engineer as appropriate to on-site soil conditions.
6. Curbs, where provided, shall be installed at a minimum of two and one-half feet from face of buildings, walls, fences, or other structures, and landscaping.
7. There shall be a minimum of 10 feet from the first parking space at any driveway leading to a public right-of-way.

G. Compact Spaces. Compact car parking spaces shall not be allowed for required spaces.

H. Tandem Parking Spaces. Tandem parking spaces shall not be allowed for required spaces.

17.22.130 Location of Spaces

Off-street parking facilities shall be located as required in this Section. Where a distance is specified, the distance shall be measured from the nearest point of the parking facility to the nearest point of the structure or use served by this parking.

A. Single-family and multiple-family unit dwellings and hotel/motel parking shall be located on the parcel occupied by the structure or use to be served.

B. Parking facilities for all uses not specified above shall be located not more than 300 feet from the structure or use served, unless a shared parking agreement is approved pursuant to this Chapter.

C. Mechanical Parking Lifts. In commercial zones, industrial zones, and mixed-use and multi-family developments, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements.

   1. Up to 25 percent of the required minimum amount of spaces may be required to be provided as non-mechanical parking for lift systems unable to accommodate a range of vehicles, including trucks, vans, SUVs, and large sedans.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

2. Application submittals shall include any information deemed necessary by the Director to determine that parking can adequately and feasibly be provided and that the following performance standards can be met and the following findings for approval can be made:

a. The use of mechanical lift parking results in superior design and implementation of City goals and policies.

b. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements and parking and driveway standards, except for minimum parking stall sizes, which shall be established by lift specifications.

c. Mechanical parking systems shall be safely operated and maintained in continual operation except for limited periods of maintenance.

3. For proposed mechanical lift systems to be located in an unenclosed space (not in a structure or not in an underground garage), such system shall be screened and shall be subject to review via the Site Development Permit-Minor process where no other discretionary permit is required.

17.22.140 Loading Requirements

A. Required Loading Spaces in Certain Zones. In the C-O, C-G, P-L-I, M, and TCMU zones, every new building and every building enlarged by more than 5,000 square feet of gross floor area that is to be occupied by a manufacturing – light establishment; warehousing, storage, and distribution facility; retail sales; eating and drinking establishment; general market; hotel; hospital; funeral parlor and internment service; or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise, shall provide off-street loading and unloading areas as follows:

Table 3-07: Loading Spaces Required by Gross Floor Area

<table>
<thead>
<tr>
<th>Gross Floor Area of Building</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000 sf or less</td>
<td>None</td>
</tr>
<tr>
<td>3,001 to 15,000 sf</td>
<td>1</td>
</tr>
<tr>
<td>15,001 to 40,000 sf</td>
<td>2</td>
</tr>
<tr>
<td>40,001 sf and over</td>
<td>3</td>
</tr>
</tbody>
</table>

B. Reduction in Number of Loading Spaces Required. The loading space requirement may be waived by a Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such loading space will not be needed.

C. Additional Loading Spaces Required. The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which the onsite loading spaces are required.

D. Loading Space Location. All required loading berths shall be located on the same site as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential zone unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not
less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.

E. Minimum Size. Each onsite loading space required by this Section shall not be less than 12 feet wide, 20 feet long, and 15 feet high, exclusive of driveways for ingress and egress, maneuvering areas, and setbacks. The minimum size requirement may be modified by Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such size will not be needed.

F. Driveways for Ingress and Egress and Maneuvering Areas. Each onsite loading space required by this Section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for onsite parking spaces. Truck maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified by Minor Modification (Chapter 17.40 Minor Modifications), if the Director finds that sufficient space is provided so that truck maneuvering areas will not interfere with traffic and pedestrian circulation.
Chapter 17.24 Performance Standards

Sections:

17.24.010 Purpose and Applicability
17.24.020 Fire and Explosive Hazards
17.24.030 Hazardous Materials
17.24.040 Light and Glare
17.24.050 Liquid or Solid Wastes
17.24.060 Odor
17.24.070 Property Maintenance
17.24.080 Radioactive or Electrical Disturbances
17.24.090 Vibration
17.24.100 Smoke

17.24.010 Purpose and Applicability

A. Purpose. This Chapter provides uniform performance standards designed to minimize and mitigate the potential impacts of development within the City and promote compatibility with surrounding areas and land uses.

B. Applicability. The standards in this Chapter shall apply to all uses in all zones, unless a contrary standard is specifically stated in this Chapter.

17.24.020 Fire and Explosive Hazards

Activities involving, and storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and device standards in industry and as approved by the fire department. Incineration is prohibited throughout the City.

17.24.030 Hazardous Materials

No existing or proposed use, activity, or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.

17.24.040 Light and Glare

A. Shielding of Light Source. Where the light source is visible from outside the project boundary, shielding shall be required to reduce glare so that neither the light source nor its image from a reflective surface shall be directly visible from a point five feet or more beyond the property line. The requirement shall not apply to traffic safety lighting or public street lighting.

B. Mechanical or Chemical Processes. Light, heat, or glare from mechanical or chemical processes, or from reflective materials used or stored on a site, shall be shielded or modified to prevent emission of light or glare beyond the property line.

C. Sky-Reflected Glare. Sky-reflected glare shall be controlled. Glare will not inconvenience or annoy persons or interfere with the use and enjoyment of nearby property.
17.24.050 Liquid or Solid Wastes

Discharge into a public sewer, private sewage disposal system, or stream or into the ground, of materials of a nature or temperature as can contaminate a water supply, interfere with bacterial processes in offensive elements, is not allowed, except in accord with standards approved by the State Department of Public Health or another governmental agency as shall have jurisdiction of these activities.

17.24.060 Odor

No use or activity shall create noxious odors in any manner so as to be readily detectable beyond the boundaries of the site.

17.24.070 Property Maintenance

A. Public Nuisance.

1. Public Nuisance Defined. Structures, and the land upon which the structures are located, and vacant land in the City maintained in a condition that results in the following, shall be deemed to be a public nuisance and a violation of this zoning code. A public nuisance:

   a. Is detrimental to the property of others;

   b. Is a hazardous, inappropriate, and/or unsightly condition; and/or

   c. Causes a reduction in the enjoyment, benefit, or use of adjoining properties.

2. Nuisances Prohibited. A person who owns, maintains, or possesses a structure or land in a condition identified in subsection (A)(1) of this Section shall not allow the nuisance condition to exist.

B. Prohibited Conditions Applicable to All Structures and Properties. Prohibited conditions applicable to all structures and properties shall include:

1. Neglected or improperly maintained landscaping (e.g., grass, groundcovers, hedges, shrubs, and trees) in conflict with the provisions of Chapter 17.18 (Landscaping). This shall include dead, overgrown in excess of 12 inches in height or weed-infested vegetation; vegetation dying likely to harbor rodents, vermin, insects, or other nuisances; vegetation which overhangs, impedes or obstructs vehicular traffic on a sidewalk, street, or other public right-of-way; and required landscaping removed without proper City approval; and

2. Damaged, dilapidated, and inadequately or improperly maintained signs or other identification or advertising devices or signs related to uses no longer conducted on the subject parcel, except for those identified in subsection(E)(2) (Vacant Nonresidential Structures or Properties), of this Section.

C. Prohibited Conditions Applicable to Residential Structures and Properties. Prohibited conditions applicable to residential structures and properties shall include:

1. Debris, junk, trash, or salvaged materials readily visible from a public street, alley, or adjoining property;

2. Garbage, trash, or refuse bins, boxes, cans, or other containers stored for more than 24 hours on the public right-of-way or within the required front or street side setbacks;
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

3. Abandoned, discarded, or unused cabinets, freezers, furniture, refrigerators, sinks, stoves, toilets, or other household fixtures or equipment that are visible at ground level from a public street, alley, or adjoining property;

4. Construction equipment or machinery parked or stored on a residential property when the equipment is visible to the general public, except while construction, demolition, or excavation operations covered by an active building permit are in effect on the subject, or immediately adjoining property;

5. Other conditions related to fences, structures, or walls that are in need of correction, repair, or adequate and proper maintenance, including the existence of broken windows, graffiti, physical damage or general dilapidation, and surfaces in need of paint, stain, varnish, or similar coating; and

6. Clothing, laundry, linens, rugs, towels, and other similar materials hung on balconies, fences, open windows, railings, shrubbery, trees, or walks in the front or side yard or visible from the public right-of-way; and

7. Accumulation of animal waste.

D. Prohibited Conditions Applicable to Occupied Nonresidential Structures or Properties. Prohibited conditions applicable to occupied nonresidential structures of properties shall include:

1. Construction, debris, junk, trash, salvaged materials, or waste materials located anywhere on the property, except in approved solid waste storage or pickup areas;

2. Damaged, dilapidated, and inadequately or improperly maintained structures left in a state of partial completion and not covered by an active building permit;

3. Garbage, trash, or refuse bins, boxes, cans, or other containers stored for more than 24 hours before pickup or after pickup on the right-of-way or within the required front or street side setbacks;

4. Business activities, including manufacturing and the sale and storage of merchandise or materials, not conducted entirely within a totally enclosed structure, except as allowed by Section 17.28.220 (Outdoor Storage);

5. Other conditions related to fences, structures, or walls that are in need of correction, repair, or adequate and proper maintenance, including the existence of broken windows, graffiti, physical damage or general dilapidation, and surfaces in need of paint, stain, varnish, or similar coating.

E. Prohibited Conditions Applicable to Vacant Nonresidential Structures or Properties. Prohibited conditions applicable to vacant nonresidential structures or properties shall include:

1. Property maintenance requirements for vacant nonresidential structures or premises shall be the same as for occupied nonresidential structures or properties described in subsection D of this Section, where applicable, along with additional requirements described in subsection (E)(2) of this Section.

2. Damaged, dilapidated, or inadequately or improperly maintained signs or other identification or advertising devices or signs related to uses no longer conducted on the subject parcel.

3. Discarded lumber, junk, trash, construction debris, salvaged materials, or waste materials located anywhere on the vacant property;
4. Vehicles, including automobiles, boats, camper shells, construction equipment, mobile homes, motor homes, trailers, and trucks, regardless of condition or capability of self-powered movement, parked or stored on vacant private property, except as allowed by other provisions of this subsection or the City’s building code; or

5. Abandoned, discarded, stored, or unused business, household, or industrial equipment, fixtures, furniture, or materials located anywhere on the vacant property.


17.24.080 Radioactive or Electrical Disturbances

Devices that radiate radio-frequency energy shall be operated so as not to cause interference with an activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation shall be emitted in quantities that are dangerous to humans.

17.24.090 Vibration

Vibration that causes a noticeable tremor, measurable without instruments at the parcel line shall not be allowed.

17.24.100 Smoke

No existing or proposed use, activity, or process or portion thereof shall from any source whatsoever discharge smoke or other particulate matter into the atmosphere, except as may be allowed by the South Coast Air Quality Management District.
Chapter 17.26 Signs

Sections:

17.26.010  Purpose
17.26.020  Applicability
17.26.030  Permit Requirements
17.26.040  Exempt Signs
17.26.050  Prohibited Signs
17.26.060  General Requirements for All Signs
17.26.070  Rules for Sign Measurement
17.26.080  Digital Sign Standards
17.26.090  Regulations for Permitted Signs by Zone
17.26.100  Transit Advertising Shelters within a Public Right-of-Way
17.26.110  Planned Sign Program
17.26.120  Temporary Signs
17.26.130  Signs of Special Significance
17.26.140  Nonconforming Signs
17.26.150  Abatement of Unsafe and Unauthorized Signs

17.26.010  Purpose

A. This Chapter provides a reasonable system for the regulation of the location, size, type, illumination, and number of signs, with the goal of enhancing 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 enhance the character of the City as a desirable place to live, work, play, and visit;
5. Promote the public health, safety, and general welfare of the residents and business community of the City;
6. Protect public and private investments in structures and open spaces; and
7. Provide clear and unambiguous sign standards that enable fair and consistent enforcement.
17.26.020 Applicability

The requirements and development standards in this Chapter shall apply to all zones in the City. Only signs authorized by this Chapter shall be allowed in that zone unless otherwise expressly provided in this Chapter.

17.26.030 Permit Requirements

A. Permits Required.

1. Except as otherwise specifically provided in this Chapter, signs shall not be erected, re-erected, constructed, or altered until a sign permit for it has been issued by the Development Services Department, or until a Conditional Use Permit has been granted by the Planning Commission in instances in which a Conditional Use Permit is required.

2. A separate permit shall be required for each sign or group of signs in one location. In addition to the requirements identified in this Section, applicable building and electrical permits shall be obtained in compliance with the Uniform Building Code and the Uniform Electrical Code.

B. Permit Application. Applications for sign permits shall be made in writing upon forms provided by the Department. The application shall be signed by the owner of the property or property manager where the sign is to be located. The sign permit application shall include all information specified on the application form. A sign permit and plan check fee for each sign permit shall be paid before the issuance of a sign permit. Permit fees shall be established by a resolution of the council.

C. Issuance of Sign Permit. The Director or designee shall determine whether the proposed sign and related discretionary approvals with respect to sign area, construction, location, color, and materials conform to applicable City regulations and the provisions of this Chapter. In considering a sign permit application, the factors noted below shall be used in determining whether a submitted sign proposal furthers the intent and purpose established by this Chapter and may or may not be allowed:

1. The proposed sign will be legible under normal viewing conditions, based on its location and the design of its visual content;

2. The proposed sign will not obscure from view or detract from existing signs based on its location, shape, height, color, placement, and the proximity of the proposed sign to adjacent properties and surroundings;

3. The proposed structure, sign, or display will be constructed so that it will not constitute a hazard to the public.

17.26.040 Exempt Signs

A. Sign permits shall not be required for exempt signs. The provisions and regulations of this Chapter shall not apply to the following exempt signs, nor shall the area of these signs be counted toward the maximum allowable sign area for any premises or use. However, if a building permit is required in compliance with the Building Regulations of the City of Los Alamitos, appropriate building permits shall be secured before the construction of any such exempt sign.

1. Nameplates, directional, or informational signs, (e.g., “no trespassing,” “no parking”) and other warning signs, or signs intended for public convenience, provided that any such individual sign does not exceed three square feet in area, is no taller than six feet, is intended solely for directional or informational purposes, and is located entirely on the residential or business premises.
2. Interior signs located in a manner so that they are not to be visible (meaning capable of being seen, regardless of actually being read) outside the building or structure where the sign is located.

3. Window signs not exceeding 25 percent of the aggregate window area on which they are affixed or viewed from.

4. Signs exclusively regulated by the State; traffic, directional, warning, or informational signs required by any public body; signs required by law; railroad crossing signs; legal notices; and emergency or danger notices.

5. Signs used for the sole purpose of advertising a property for sale, lease, or rental, provided that:
   a. The signs are posted on the subject private property only.
   b. Signs shall not be permanent in nature and shall only be allowed for the time the subject property or structure is available for sale, lease, or rent.
   c. Property with residential units for sale, lease, or rent may have one sign per street frontage erected solely for the purpose of advertising that property for sale, rent, or lease. The sign area shall not exceed the following dimensions:
      i. Single-family residential use: six square feet in area and five feet in height
      ii. Multiple-family residential use: 32 square feet in area and eight feet in height
   d. Developed or undeveloped land for sale in nonresidential zones may have one such sign per street frontage. More than one sign may be allowed for parcels with street frontages greater than 250 linear feet. Minimum distances between signs shall be 250 linear feet. These signs are limited to 32 square feet in area and eight feet in height.
   e. Signs shall be maintained in a clean, orderly fashion and shall be removed upon the close of escrow or when the rental or lease has been accomplished, whichever occurs first.

6. The flag of the United States of America, State of California, the City, or corporate flag, provided that not more than three flags are displayed on any one site. Flags shall be maintained and displayed in a state of good repair and in compliance with appropriate protocol.

7. Memorial signs on tablets or plaques, including names of structures or sites, and dates of erection when cut into or attached to the surface or the facade of the building and which the Director deems to be a memorial sign.

8. Holiday decorations commonly associated with national or religious holidays, provided such decorations are displayed for a period not exceeding 30 consecutive calendar days and a maximum of 60 cumulative days per calendar year. Decorations shall be displayed in compliance with City fire and other safety codes.

9. Signs erected on private property for the purpose of announcing a garage sale. Such signs shall be removed on the final day of the sale. The maximum number of days such signs may be posted is three days every calendar year.

10. On a site for which an active building permit has been issued, one sign may be erected for the purpose of displaying information about the project under construction. In the R-1 zone, the sign shall not exceed six
square feet in area and five feet in height. In all other zones, the sign shall not exceed 32 square feet in area and six feet in height.

11. Temporary signs displaying noncommercial messages shall not require a Temporary Sign Permit, provided such signs comply with the following:

   a. No individual such sign shall exceed an area of 24 square feet and a height of eight feet.

   b. No such sign shall be placed within or on, nor extend over, any public right-of-way, public property, public easement, or public utility pole. The City shall have the authority to assess a charge against the identified responsible party for the cost incurred in the removal pursuant to subparagraph e, below.

   c. Permission of the property owner shall be required for placing such signs on private property.

   d. For any such sign associated with a specific event, such sign shall be erected no more than 60 days prior to the event and shall be removed within seven calendar days of the conclusion of the event.

   e. If the Director finds that any temporary noncommercial message sign has been posted or is being maintained in violation of the provisions of this subsection, or has not been removed as required following the conclusion of an event, the person(s) responsible for the sign(s) shall be given notice to remove the sign(s) within 24 hours from the time of the notice. The notice shall include a brief statement of the reasons for requiring removal. If the person receiving the notification fails to correct the violation or remove the sign(s), the Director may cause the sign(s) to be removed without further notice. If the owner of the sign cannot in good faith be located within a reasonable time, the sign shall be deemed abandoned. The Director may cause the abandoned signs and signs which constitute an immediate peril to persons or property to be removed summarily and without prior notice. The City shall have the authority to assess a charge against the identified responsible party posting or placing signs in violation of this subsection for the cost incurred in the removal.

B. Sign permits shall not be required in the following situations:

   1. The changing of advertising copy or messages on announcement or bulletin boards and similar signs erected in conformance with this Chapter, specifically designed for the use of replaceable or changeable copy, unless electrical alterations are made.

   2. Repainting with existing colors and cleaning of a sign or advertising structure, unless a change in structure size, height, location, or paint color is made.

17.26.050 Prohibited Signs

Signs that are not expressly allowed in this Chapter shall be expressly prohibited, including those listed below.

A. Signs not Specifically Allowed or Illegally Erected. A sign, sign structure, or advertising device that is not specifically allowed by the zone regulations in which the sign is located, or which may have been erected in violation of the laws in effect at time of erection, is prohibited.

B. Signs Constituting a Traffic Hazard. Persons shall not install or maintain or cause to be installed or maintained a sign which simulates or imitates in size, color, lettering or design a traffic sign or signal, or which makes use of the words “stop, look, danger,” or other words, phrases, symbols or characters that interfere with, mislead, or confuse vehicular or pedestrian traffic.
C. **Signs on or Projection over a Public Property or Right-of-Way.** Signs on a public property or anywhere on a public right-of-way are prohibited. Projecting signs shall not extend over or into a public right-of-way, except as may otherwise be permitted in this Chapter.

D. **Signs on Doors, Windows, or Fire Escapes.** Signs shall not be installed, relocated, or maintained in any manner that prevents free ingress to or egress from any door, window, or fire escape. Signs of any kind shall not be attached to a standpipe or fire escape, except those signs as required by other adopted codes.

E. **Animated or Moving Signs.** Signs consisting of any moving, swinging, rotating, flashing, blinking, indexing, scintillating, fluctuating, or otherwise animated light are prohibited, except for time and temperature displays and permitted LED signs.

F. **Offsite Outdoor Advertising Signs (Billboards).** Installed for the purpose of advertising a project, event, person, or subject not related to the premises upon which the sign is located is prohibited.

G. **Vehicle Signs.** Signs located on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify, or provide direction to a use or activity not related to or being used for the bona fide deliveries or sales of merchandise or rendering of services from vehicles are prohibited.

H. **Signs Blocking the Visibility of Other Signs.** Signs shall not be placed that obscure visibility of signs on adjacent properties.

I. **Inflatable Devices.** Persons shall not anchor, tie, or secure an inflatable device to or on the ground or a structure and cause the inflatable device to fly, float, or remain suspended in the airspace over business premises or a part of the City as a sign or for the purpose of attracting or drawing the public to the property for commercial purposes. For the purposes of this subsection, other shapes capable of being inflated with air, helium, or other gaseous matter are prohibited.

J. **Portable Signs.** Portable signs including, but not limited to, animals, human beings, A-frames, and those of a similar nature.

K. **Pennants and Banners.** Temporary or permanent pennants and banners attached to poles or structures or on a pole stuck into the ground.

L. **Roof signs.** Any sign wholly mounted on a roof above the roof eave line shall be prohibited unless approved as part of a planned sign program.

M. **Audible Signs.** Any sign which emits audible sounds shall be prohibited.

17.26.060 **General Requirements for All Signs**

A. **Content Neutrality.** It is the City’s policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Chapter, a content-neutral regulation is a so-called “time, place, or manner” regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.

B. **Sign Removal or Replacement.** When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed, and any electrical components shall be removed and/or capped, and any resulting holes filled. Affected building surfaces shall be restored to match the adjacent portion of the building.
C. Materials and Mounting Required.

1. **Materials.** Signs shall be made of sturdy, durable materials capable of withstanding weathering over the life of the sign with reasonable maintenance. Paper, fabric, cardboard, plywood, and other materials subject to rapid deterioration may only be used for temporary signs or as permitted awning signs.

2. **Mounting Required.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

3. **Quality Design.** All permanent signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs), or others who, in the opinion of the Director based on presented evidence, are capable of producing professional results.

4. **Quality Construction.** All permanent signs shall be constructed by persons whose principal business is building construction or a related trade, including sign manufacturing and installation businesses or others who, in the opinion of the Director based on presented evidence, are capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability to reduce maintenance costs and prevent dilapidation.

D. Sign illumination: The following standards shall apply to all illuminated signs:

1. **Shielding.** Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.

2. **Illumination.** Signs may be internally or externally illuminated.

3. **Residential Properties in Direct Line of Sight.** The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in direct line of sight to the sign.

4. **Colored Lights.** Colored lights shall not be used at a location or in a manner to be confused or construed as traffic control devices.

5. **Bulb Face Exposure.** Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property, unless approved by the Director. This provision does not apply to light-emitting diode (LED) signs.

6. **Energy Efficiency.** Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

7. **No Flashing.** Lights illuminating signs shall not flash, blink, flutter, include intermittent or chasing lights, or provide any illumination that is in motion or appears to be in motion. With regard to digital signs, see Section 17.26.080 (Digital Sign Standards).

E. Sign Maintenance. All signs and associated supporting structures shall be maintained in good condition, without rips, tears, and similar damage.
F. **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, missing or has inoperative lights, or is in an otherwise dilapidated condition shall be promptly repaired, to the satisfaction of the Director, or removed.

G. **Maintenance Standards.** All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure, shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

17.26.070  **Rules for Sign Measurement**

A. **Measuring Sign Height.** The height of a sign shall be measured from the highest part of the sign, including any decorative features, to the height of the adjoining grade directly beneath the sign.

B. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. **Measuring Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

D. **Calculating Sign Area: General.** Supporting structures such as sign bases and columns are not included in the sign area, provided that they contain no lettering or graphics except for addresses or required tags. See Figure 3-08.

**Figure 3-08: Calculation of Freestanding Sign Area**

E. **Calculating Sign Area: Single-Faced Signs (Four Sides or Fewer).** For sign faces with four or fewer sides, sign area shall include the entire area within a single continuous perimeter composed of one triangle, square, or rectangle (consisting of no more than four corners) that enclose the extreme limits of all sign elements, including but not limited to sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 3-09 (Calculation of Sign Area on Single-Faced Signs (Four Sides or Fewer)).
Figure 3-09: Calculation of Sign Area on Single-Faced Signs (Four Sides or Fewer)

F. Calculating Sign Area: Single-Faced Signs (Five Sides or More). For sign faces with five or more sides, sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 3-10 (Calculation of Sign Area on Single-Faced Signs (Five Sides or More)).

Figure 3-10: Calculation of Sign Area on Single-Faced Signs (Five Sides or More)

G. Calculating Sign Area: Double-Faced Signs. Only one face of a double-faced sign shall be counted in computing the permitted area of the sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure and the distance between each sign face does not exceed two feet at any point. Where two faces of a double-faced sign are located more than two feet from one another at any point, both sign faces shall be counted toward sign area. Where the two faces are not equal in size, the larger sign face shall be used.

H. Calculating Sign Area: Multi-Faced Signs. On a three-faced sign, the combined sum of the area of two faces (the largest and smallest face) shall be counted in computing the permitted area of the sign.

I. Calculating Sign Area: Three-Dimensional Signs. On spherical, free-form, sculptural, or other non-planar signs, sign area equivalent to 50 percent of the sum of the areas using only the four vertical sides of the smallest cube that will encompass the sign structure, as shown in Figure 3-11 (Calculation of Sign Area on Three-Dimensional Signs), shall be counted in computing the permitted area of the sign.
17.26.080 Digital Sign Standards

Digital signs shall be allowed as freestanding permanent signs and as window signs in the C-O, C-G, and TCMU zones subject to the following standards:

A. No Flashing. Digital signs shall not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).

B. Display Change. Digital signs may display changing messages, provided that each message is displayed for no fewer than eight consecutive seconds. The transition or blank screen time between one display message and the next shall not exceed one second.

C. Night-time Brightness.

1. Night-time brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message off, and again with the electronic message displaying a white image for a full color-capable electronic message or a solid message for a single-color electronic message.

2. All measurements shall be taken perpendicular to the face of the electronic message at the following distance:

\[
\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}
\]

The difference between the off and solid message measurements shall not exceed 0.3 foot-candles at night.

D. Ambient Light Sensor. Digital signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3 foot-candle requirement.

E. Turn Off. Digital signs located within 500 feet and in a direct line of sight of a residentially zoned property shall be turned off daily at the close of business, or at such a time as specified by the Development Services Director, and in no case shall be permitted to be turned on between the hours of 2:00 AM and 6:00 AM.
F. Sign Types. Awning, canopy, and driveway/onsite directional signs shall not include digital copy.

G. Certification of Compliance. The owner of any digital sign shall arrange for certification by an independent contractor showing compliance with brightness standards.

17.26.090 Regulations for Permitted Signs by Zone

Tables 3-08 through 3-12, inclusive, identify the signs allowed in each zone. In addition to the regulations set forth in the tables, signs shall comply with other provisions of this Chapter, except for those signs specifically addressed in Section 17.26.040 (Exempt Signs) and approved Planned Sign Programs. Where a contradiction in regulations exists, the more restrictive standard shall apply. In addition to the listed requirements, each sign shall comply with the requirements detailed in each specific zone and other applicable City standards and ordinances.

<table>
<thead>
<tr>
<th>TABLE 3-08: SIGNS ALLOWED IN R-1, R-2, R-3, AND MH ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Sign Types</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>1. Single Family Residential Subdivision Development</td>
</tr>
<tr>
<td>a. Monument or Wall</td>
</tr>
<tr>
<td>2. Institutional and Places of Assembly Uses in Residential Zones</td>
</tr>
<tr>
<td>a. Monument</td>
</tr>
<tr>
<td>b. Wall</td>
</tr>
<tr>
<td>3. Multiple Family and Mobile Home Developments in R-2, R-3, and M-H Zones</td>
</tr>
<tr>
<td>a. Wall</td>
</tr>
<tr>
<td>b. Monument</td>
</tr>
<tr>
<td>c. Sign Provided for Sole Purpose of Identifying Tenants</td>
</tr>
</tbody>
</table>
### TABLE 3-09: CO, CG, P-L-I, AND TCMU ZONES – KATELLA AVENUE AND LOS ALAMITOS AVENUE

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Single Tenant Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| a. Freestanding | 1 per parcel or street frontage | 1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet | C-O: 8 feet | Permitted | a. Signs shall be placed within a landscaped planter or private parkway. 
b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet. |
| b. Wall, Canopy, Under Canopy, Projecting | Multiple signs are permitted but shall not exceed the aggregate maximum area permitted for wall signs based on linear building feet. | 1 square foot of sign area per linear foot of building on a public right-of-way | Shall be located below the eave line | Permitted | Signs shall be affixed to a permanent wall. |
| c. Awning | 1 per awning | 1/2 square foot of sign area per linear foot of building on a public right-of-way | Shall be located only on the front of the awning and shall be wholly contained within the awning face | No | |
| d. Menu Board (for permitted drive-through businesses only) | 2 per business or as approved as part of a Planned Sign Program | 48 square feet aggregated for all menu boards | 6 feet | Permitted | a. Menu board signs shall be approved as part of a Planned Sign Program. 
b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way. 
c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise). |
### TABLE 3-09: CO, CG, P-L-I, AND TCMU ZONES – KATELLA AVENUE AND LOS ALAMITOS AVENUE

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
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<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. Multiple Tenant Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| a. Freestanding (Center Identification Sign) | 1 per parcel or street frontage | 1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet total | C-O: 8 feet  
C-G:  
Pylon – 20 feet  
Monument - 8 feet  
P-L-I: 15 feet | Permitted | a. Signs shall be placed within a landscaped planter or private pathway.  
b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet. |
| b. Wall, Canopy, Under Canopy, Projecting | Multiple signs are permitted but shall not exceed the aggregate area permitted for wall signs. | 1 square foot of sign area per linear foot of building on a public right-of-way, not to exceed 24 square feet per tenant  
In the P-L-I zone, for industrial buildings over 50,000 square feet in size, up to 48 square feet total sign area is permitted. | Below the eave line | Permitted | a. Signs shall be affixed to a permanent wall.  
b. Aggregate area shall not exceed 1/2 square foot of area per linear frontage of the buildings or tenant lease, whichever is less. |
| c. Awning | 1 per awning | 1/2 square foot of sign area on an awning per linear foot of building on a public right-of-way | Shall be located only on the front of the awning and shall be wholly contained within the awning face | No | |
| d. Menu Board (for permitted drive-through businesses only) | 2 per business or as approved as part of a Planned Sign Program | 48 square feet aggregated for all menu boards | 6 feet | Permitted | a. Menu board signs shall be approved as part of a Planned Sign Program.  
b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.  
c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise). |
| e. Business Directory for Multiple Tenants | 1 per site | 24 square feet | Freestanding – 6 feet  
Wall – Below the eave line | Permitted | Signs shall be oriented and located in a manner that limits visibility from a public right-of-way. |
### TABLE 3-10: CO, CG, P-L-I, AND TCMU ZONES – NON-ARTERIAL ROADWAYS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
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<tbody>
<tr>
<td>1. Single Tenant Sites</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| a. Freestanding    | 1 per parcel or street frontage | 1 square foot per linear foot of parcel street frontage, not to exceed 32 square feet | C-O: 8 feet | Permitted | a. Signs shall be placed within a landscaped planter or private parkway.  
b. Where a parcel has more than 1 street frontage, 1 additional sign is permitted on the additional frontage. Signs shall be separated by 100 or more linear feet. |
| b. Wall, Canopy, Under Canopy, Projecting | Multiple signs are permitted but shall not exceed the aggregate area permitted for wall signs. | 1 square foot of sign area per linear foot of building on a public right-of-way; not to exceed 24 square feet | Shall be located below the eave line | Permitted | Signs shall be affixed to a permanent wall. |
| c. Menu Board (for permitted drive-through businesses only) | 2 per business or as approved as part of a Planned Sign Program | 48 square feet aggregated for all menu boards | 6 feet | Permitted | a. Menu board signs shall be approved as part of a Planned Sign Program.  
b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.  
c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise). |
### TABLE 3-10: CO, CG, P-L-I, AND TCMU ZONES – NON-ARTERIAL ROADWAYS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
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<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. Multiple Tenant Sites</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Freestanding (Center Identification Sign)</td>
<td>1 per parcel or street frontage</td>
<td>1 square foot per linear foot of parcel street frontage, not to exceed 50 square feet total</td>
<td>C-O: 8 feet</td>
<td>Permitted</td>
<td>a. Signs shall be placed within a landscaped planter or private parkway. b. Where a parcel has more than 1 street frontage and more than 1 sign is proposed, signs shall be separated by 100 or more linear feet.</td>
</tr>
<tr>
<td>b. Wall, Canopy, Under Canopy, Projecting</td>
<td>Multiple signs are permitted but shall not exceed the aggregate area permitted for wall signs.</td>
<td>1 square foot of sign area per linear foot of building on a public right-of-way, not to exceed 24 square feet per tenant</td>
<td>Below the eave line</td>
<td>Permitted</td>
<td>a. Signs shall be affixed to a permanent wall. b. Where individual buildings are located in a row perpendicular to a front property line, each building or tenant space to the rear of the building frontage may have wall signs affixed to the building side closest to the street. Aggregate area shall not exceed 1/2 square foot of area per linear frontage of the buildings or tenant lease, whichever is less.</td>
</tr>
<tr>
<td>c. Menu Board (for permitted drive-through businesses only)</td>
<td>2 per business or as approved as part of a Planned Sign Program</td>
<td>48 square feet aggregated for all menu boards</td>
<td>6 feet</td>
<td>Permitted</td>
<td>a. Menu board signs shall be approved as part of a Planned Sign Program. b. Signs shall be oriented and located in a manner that limits visibility from a public right-of-way. c. Audible or noise-producing signs shall not exceed the standards in Chapter 17.20 (Noise).</td>
</tr>
<tr>
<td>d. Business Directory for Multiple Tenants</td>
<td>1 per site</td>
<td>24 square feet</td>
<td>Freestanding – 6 feet Wall – Below the eave line</td>
<td>Permitted</td>
<td>Signs shall be oriented and located in a manner that limits visibility from a public right-of-way.</td>
</tr>
</tbody>
</table>
### TABLE 3-11: CF AND OA ZONES

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| a. Freestanding    | 1 per parcel or street frontage | 1 per linear foot of street frontage, not to exceed 50 square feet per street frontage | 10 feet | Permitted | a. Signs shall be placed within a landscaped planter.  
b. Additional signage may be permitted subject to a Planned Sign Program (i.e., booster signs for sports fields).  
c. Freestanding signs shall be of a monument type.  
d. If more than 2 of any kind of signs are proposed, a Planned Sign Program shall be required. |
| b. Wall            | 1 per use or building frontage | 1 square foot per linear foot of building frontage, not to exceed 24 square feet total | Below eave line | Permitted | If more than 2 of any kind of signs are proposed, a Planned Sign Program shall be required. |

### TABLE 3-12: SERVICE STATION PERMANENT SIGNS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| a. Freestanding – Monument only | 1 per parcel | 24 square feet if the sign only contains identification and no changeable copy panels for pricing. If price information required by law is incorporated into the identification signs, the total square footage may be 32 square feet. | 8 feet | Permitted | a. A Planned Sign Program shall be required for all new service stations.  
b. Service stations with an associated convenience store shall be limited to 24 square feet for an identification sign.  
c. Signs shall be of a monument type and shall be located within a planter  
d. The total square footage of all permanent signs shall not exceed 100 square feet in area cumulatively. |
| b. Wall or Canopy | 1 per street frontage | 1 square foot per 3 linear feet of building frontage | Wall – below the eave line  
Canopy – confined to canopy fascia | Permitted | a. No other signs shall be permitted on the canopy or columns.  
b. Signs encompassed within a fuel pump or required by State or |
TABLE 3-12: SERVICE STATION PERMANENT SIGNS

<table>
<thead>
<tr>
<th>Allowed Sign Types</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Illumination Allowed?</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Safety Sign</td>
<td>1 per canopy column</td>
<td>2 square feet per sign</td>
<td>Below the canopy roof line</td>
<td>Permitted</td>
<td>Federal governments shall not be regulated by this ordinance.</td>
</tr>
</tbody>
</table>

17.26.100 Transit Advertising Shelters within a Public Right-of-Way

Notwithstanding the prohibition on offsite advertising signs (billboards) established in Section 17.26.050 (Prohibited Signs), offsite advertising signs shall be permitted on transit shelters and benches for transit operated by a public transit agency, subject to the following regulations.

A. All such signs shall be permanently attached to the transit shelter or bench.

B. A maximum of two signs per shelter/bench are permitted.

C. The aggregate area of all such signs shall not exceed 40 square feet.

D. The signage shall be wholly contained on the shelter structure or bench.

E. Transit advertising shelters and benches may be allowed within the public right-of-way or other location subject to the approval of the Director of Public Services/City Engineer.

F. All plans and specifications shall be approved by the Orange County Transit Authority and shall be maintained in accordance with the Authority’s requirements.

G. Before the erection of any shelter or display, the applicant shall enter into a license and maintenance agreement with the City, which shall be subject to review and approval by the City Council.
ARTICLE 3: SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

17.26.110 Planned Sign Program

A. **Purpose.** The purpose of the Planned Sign Program is to provide flexibility from strict application of this Chapter while encouraging good sign design, sign variety, and better visibility for multi-tenant developments that may not be visible from a right-of-way.

B. **Applicability.**

1. **Mandatory Sign Program Required.** A Planned Sign Program shall be required whenever a parcel will have permanent signs that exceed either five signs or an aggregate area of 200 square feet.

2. **Optional Sign Program Allowed.** Application under the provisions of a Planned Sign Program shall be at the option of the applicant whenever the application is not mandatory under this Section and the site meets any of the following conditions:
   a. The site to be considered consists of five or more separate business activities;
   b. The area to be included for consideration consists of a parcel, a series of parcels, or parcels combined, which total a minimum of two acres;
   c. The site to be considered consists of a parcel, or a series of parcels, or parcels combined, as provided below, which front on two or more publicly dedicated street rights-of-way;
   d. Signs for the site to be considered consist of three or more signs for a single tenant.

C. **Permit Application.** Permit application requirements shall comply with Chapter 17.26 (Applications, Processing, and Fees), and shall include a letter of justification identifying how the proposed sign program is consistent with the findings for approval and the intent of this Chapter.

D. **Review Procedures.** The Director shall review the Planned Sign Program and shall make a recommendation to the Planning Commission to approve, approve with modifications, or disapprove the application.

E. **Findings Required.** Before approval of a Planned Sign Program, the Commission shall make the following findings:

1. The proposed signs complement and are in harmony with the design of the building; incorporate several common design elements (e.g., materials, letter style, colors, illumination, sign-type or sign shape); and incorporate materials, colors, or design motifs included in the structure or structures being identified;

2. The approval of a Planned Sign Program will not adversely affect surrounding land uses or obscure adjacent conforming signs.

F. **Amendment of a Previously Approved Planned Sign Program.** Application for the addition, modification, or replacement of signs requiring permits, within the boundaries of an area having a previously approved Planned Sign Program, shall be made in the following manner and shall be approved by the Director.

1. Whenever the total number of signs to be added, modified, or replaced total less than 25 percent of the number of allowed signs presently on the site, application shall be made under the provisions of a standard sign application.
2. When the total number of signs to be added, modified, or replaced total 25 percent or more of the number of allowed signs presently on the site, application shall be made under the provisions of a Planned Sign Program.

17.26.120 Temporary Signs

A. Applicability. All temporary signs shall comply with the standards provided in this Section. A Temporary Sign Permit shall be obtained from the Development Services Director prior to the display of temporary signs, unless specified in Section 17.26.040 (Exempt Signs).

B. Purpose. In addition to the purpose of this Chapter set forth in Section 17.28.010, the purpose of this Section is to ensure that temporary signs do not create a distraction to the traveling public by limiting the proliferation of temporary signs. Further, the purposes of this Section include eliminating aesthetic blight and litter in Los Alamitos that is detrimental to public health, safety, and general welfare.

C. General Standards for All Temporary Signs.

1. Number. The maximum number of temporary signs that may be displayed at the same time is subject to compliance with the applicable requirements of this Section. The number and area of temporary signs shall not be included in the calculation of aggregate permanent sign area.

2. Materials and Maintenance.
   a. Temporary exterior signs shall be made of durable, weather-resistant material. Only interior window signs may be made of nonrigid (e.g., paper) material.
   b. Temporary signs shall be well maintained consistent with Section 17.26.060(E) (General Requirements for All Signs).

3. Illumination Prohibited. Temporary signs shall not be illuminated.

   a. Temporary signs are allowed on private property only subject to permission of the property owner.
   b. Temporary signs shall not be placed in any public right-of-way except as may otherwise be permitted by the Municipal Code.

5. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the applicable Temporary Sign Permit.

D. Temporary Sign Standards for the C-O, C-G, TCMU, P-L-I, CF, and OA Zones. Temporary signs are allowed in the C-O, C-G, TCMU, P-L-I, CF, and OA as provided in Table 3-10 subject to the following standards.

1. A business may be granted a permit to display on-site temporary signs for a maximum of 90 days within a 12-month period. This can be accrued in multiple or consecutive days up to 90 days.

2. Sign Area.
   a. Total temporary signs for a single business on a single lot shall not exceed a total aggregate area of more than one square foot per lineal foot of building frontage on a public street and shall not exceed a total aggregate area of 32 square feet.
b. Building sites with 100 lineal feet of frontage or more on a public street may be allowed an aggregate area of temporary signs not to exceed 50 square feet.

c. Individual tenants or building sites with less than 24 lineal feet of building frontage may be allowed 24 square feet.

d. Individual tenants within a center may be allowed a total aggregate area of one square foot per lineal foot of store frontage at the main entrance and shall not exceed 24 square feet of total sign area.

3. One temporary sign only, per street frontage, shall be allowed for each business.

4. In no case shall a temporary sign obstruct an adjacent sign.

5. Temporary signs shall be erected or placed only upon the site in which they are intended to advertise. Off-site temporary signs shall not be allowed.

E. Calendar Year Permit.

1. Businesses may apply to the Director for a calendar year permit. If the Director approves the permit, the use of one temporary sign per business shall only be allowed for up to 90 days. Afterwards, a new temporary sign shall be used for each new event. In no event shall the same temporary sign be used consecutively. The applicant shall request a temporary sign for each event.

2. The Director may revoke or disapprove a year-long Temporary Sign Permit in the event that the sign is not removed in a timely manner or is not appropriately maintained.

F. Grand Opening/Business Closing Sign. In addition to the temporary signs permitted in paragraph D of this subsection, on-site grand opening or business closing temporary signs in connection with a new business, new ownership, or closure of a business may be allowed and approved by the Director, subject to the provisions listed below. If approved, a temporary sign permit shall be issued to include the expiration date.

1. Banners, pennants and flags shall be allowed for a period not to exceed 45 days.

2. Banners, pennants, and flags shall not exceed a total aggregate area of more than one square foot per lineal foot of building frontage on a public street. The banners, pennants, and flags shall not exceed an aggregate area of 32 square feet.

G. Nonprofit Organizations. Temporary signs advertising a special event occurring on site, including civic, public, religious, educational, or philanthropic events, may be granted a Temporary Sign Permit for no longer than 30 days per occurrence unless a longer time period is established by the Director in the Temporary Sign Permit. Temporary banners, pennants, and flags shall be allowed. Sign area, specific locations, colors, and materials shall be submitted for review by the Director. If approved, a temporary sign permit shall be issued including the expiration date.

H. Temporary Signs during Elections and on Residential Property. See Section 17.26.040 (Exempt Signs) for regulations pertaining to temporary signs during elections and on residential properties during times when a residential activity is occurring, such as a yard sale or a property is advertised for sale, rent, or lease.
I. Abatement of Illegal Temporary Signs. An unlawful portable or temporary sign may be impounded by the City and held pending notification of the owner by the City. Unlawful signs located within the public right-of-way or on public property may be removed without notice. Abated signs shall be retained at City Hall for a period of minimum three working days; after three days, the signs may be discarded. The owner may obtain the signs from the City upon payment of an impound and storage charge in an amount established by the Council.

17.26.130 Signs of Special Significance

A. An existing sign, because of its character, age, influence, or cultural or historical significance, may be exempted from the regulations detailed in this Chapter. The Director shall have the authority to determine whether a particular sign meets these criteria. These signs shall be subject to approval of a Conditional Use Permit in compliance with Chapter 17.32 (Administrative Use Permits and Conditional Use Permits).

B. In approving a sign of special significance, the Commission shall make the following findings.

1. The sign contributes to the positive architectural, cultural, or historical character of the City, State of California, or the United States;

2. The sign would not create confusion to the public or to public safety officials in response to emergencies;

3. The sign would not adversely affect the health, safety, or general welfare of the community;

4. The documentation of the history of the sign and site has been provided to the City for archive purposes. Documentation shall include:
   i. Date in which the sign was erected,
   ii. Documentation of originality of historic or cultural value, and
   iii. Documentation showing that the sign has been maintained in original form and significant text as when it was originally constructed.

5. The sign(s) fulfill the purpose and intent of this Chapter in compliance with Section 17.26.010 (Purpose).

17.26.140 Nonconforming Signs

A. Nonconforming Signs—General. A sign or other advertising device or structure of whatever type or nature, other than an illegal sign, which was legally established but has become nonconforming due to the establishment of new standards may continue, provided such nonconforming sign complies with the provisions of this Section.

B. Abandoned Signs. An advertising device that was lawfully erected that does not now conform to the provisions of this Chapter, but whose use has ceased, or the structure upon which the display exists has been abandoned by its owner, for a period of minimum 180 consecutive days, shall be removed, altered, or replaced so as to conform to the provisions of this Chapter within six months from the date of receipt of a written order of abatement from the Director requiring the abatement. Costs incurred by the City in removing an abandoned display shall be borne by or charged to the legal owner of the real property upon which the sign is located.

C. Remodeled Nonconforming Signs. A sign that does not conform to the provisions of this Chapter, whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expands or enlarges the structure or intensifies the land use upon which the advertising display is located, and the display
exceeds 50 percent of the cost of reconstruction of the structure, shall remove, alter, or replace the sign so as to conform to the requirements of this Chapter in conjunction with the project.

D. Agreement to Remove Nonconforming Signs. A sign that does not conform to the provisions of this Chapter for which there has been an agreement between the sign owner and the City for its removal as of any given date shall remove the sign in compliance with the provisions of the agreement.

E. Traffic Hazard. A sign that is determined by the City Engineer to constitute a traffic hazard not created by the relocation of streets or highways or by acts of the City shall be removed, altered, or replaced so as to conform to the requirements of this Chapter as provided in the written order of abatement from the City official requiring removal or alteration.

F. Minor Repairs and Repainting. Nonconforming signs may be removed for the purpose of repairing or repainting and may be replaced upon first obtaining a sign permit.

G. Change of Ownership. Upon change of ownership of the business advertised by the nonconforming sign, the sign as originally approved, including text, may remain on site.

17.26.150 Abatement of Unsafe and Unauthorized Signs

A sign or other advertising device regulated by this Chapter that is deemed by the Director or other authorized individual to be unsafe or hazardous to the public health, safety, or welfare or that has been constructed, erected, or maintained in violation of the provisions outlined in this Chapter or other applicable code shall be considered a public nuisance. The property owner or responsible person(s) shall be given written notice to correct and/or remove the sign violation within 30 days from the date of receipt of a written order of abatement from the Director requiring the removal or alteration. If the responsible person(s) or property owner fails to alter or remove the structure to comply with the regulations detailed in this Chapter within 10 days, the unsafe or unauthorized sign may be removed or altered by the City at the expense of the responsible person(s) or owner. A sign or advertising device that presents an immediate threat to the public safety may be removed without notice.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

Chapter 17.28 Regulations for Specific Land Uses and Activities

Sections:

17.28.010 Purpose and Applicability
17.28.020 Accessory Dwelling Units (ADUs)
17.28.030 Accessory Structures/Uses—Residential
17.28.035 Accessory Structures – Nonresidential Zones
17.28.040 Adult Businesses
17.28.050 Affordable Housing
17.28.060 Alcoholic Beverage Retail Sales
17.28.070 Arcades
17.28.080 Automobile Service Stations and Automobile Repair Uses
17.28.090 Cannabis Uses
17.28.100 Condominiums—Commercial and Industrial
17.28.110 Condominiums—Residential and Residential Conversions
17.28.120 Construction Structures - Temporary
17.28.130 Day Care, General
17.28.140 Day Care Home—Large Family (9-14 Children)
17.28.150 Day Care Home—Small Family (8 or Fewer Children)
17.28.160 Emergency Shelters
17.28.170 Hazardous Waste Facilities
17.28.180 Live/Work Units
17.28.190 Mobile Food Vending
17.28.200 Outdoor Dining
17.28.210 Outdoor Display and Retail Activities
17.28.220 Outdoor Storage
17.28.230 Recycling Facilities
17.28.240 Schools—Private
17.28.250 Senior Citizen Housing
17.28.260 Single Room Occupancy Units
17.28.265 Swimming Pools
17.28.270 Wireless Communications Facilities
17.28.280 Wireless Communications Facilities - Small

17.28.010 Purpose and Applicability

This Chapter establishes standards for the location, site planning, development, and operations of certain land uses that are allowed within individual or multiple zones, as outlined in Article 2 (Zoning District, Allowable Uses, and Development Regulations), and for activities that require special standards to mitigate their potential adverse impacts.
17.28.020 Accessory Dwelling Units (ADUs)

A. **Purpose.** This Section provides for the development of accessory dwelling units on lots zoned for and/or developed with single-unit dwellings. Such accessory dwelling units contribute needed housing to the City’s housing stock. Thus, an accessory dwelling unit is a residential use that is consistent with General Plan objectives and that expands housing opportunities.

B. **Applicability.** The provisions of this Section apply to all lots with an existing single-family dwelling unit and zoned for residential use. Accessory dwelling units shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located and are deemed a residential use that is consistent with the existing General Plan designation and zone for the lot.

C. **General Requirements**

1. The lot shall meet the minimum lot area for the zone as outlined in Chapter 17.08 (Residential Zones).

2. Regardless of the residential zone, an accessory dwelling unit shall only be allowed on a lot that contains one existing single-unit dwelling.

3. Only one accessory dwelling unit may be allowed per lot.

4. The accessory dwelling unit may be attached to the existing dwelling, detached from the existing dwelling, or located within the existing living area of the existing dwelling.

5. The accessory dwelling unit shall comply with all development regulations for the zone in which it is located.

6. If the accessory dwelling is located within the existing living area, it shall have an independent exterior access.

7. No passageway between structures on the lot shall be required in conjunction with the construction of an accessory dwelling unit.

8. An accessory dwelling unit, whether attached or detached, shall be consistent in architectural style with the existing single-unit dwelling and shall be designed so that the property maintains a single-unit appearance from the public right-of-way.

9. Accessory dwelling units shall comply with all appropriate building code requirements. However, accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

10. Accessory dwelling units may be rented separately from the primary residence but shall not be sold, or otherwise conveyed, separately from the primary residence.

11. The applicant for the accessory dwelling unit shall be the owner and occupant of the existing dwelling, and shall certify, and record a covenant with the Orange County recorder, declaring that the property owner will continue to occupy one of the units on the lot, so long as the accessory dwelling unit exists on the property as a habitable structure. In the event of a hardship, such as the death or disability of the property owner which prevents one of the units from being occupied by the property owner, the property owner or estate representative may apply for a temporary waiver of the owner occupation requirement for a specific time.
period to allow occupancy of both dwelling units by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the property owner’s disability which prevents him or her from occupying one of the units on the property. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period of longer than three years.

12. No accessory dwelling unit, or the primary dwelling unit on the same lot on which an accessory dwelling unit is located, shall be rented out for less than 30 consecutive calendar days. A covenant shall be recorded to this effect in a form approved by the City Attorney. Such covenant may be included upon or separate from the covenant required by paragraph 11 above.

13. All applicable public service and recreation impact fees shall be paid prior to occupancy in compliance with Government Code Section 66000 et seq., and Section 66012 et seq., as the same may be amended.

D. Size, Setbacks, and Height

1. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, or 1,200 square feet, whichever is less.

2. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

3. The minimum size of an accessory dwelling unit shall be 200 square feet.

4. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.

5. A minimum distance of 10 feet shall be provided between a detached accessory dwelling unit and the primary residence or any other structure on the property.

6. The height of the accessory dwelling unit shall not exceed 15 feet.

7. Except as identified by this Section, the setbacks for accessory dwelling units and the maximum site coverage shall be as set forth in Chapter 17.08 (Residential Zones).

E. Utilities

1. An accessory dwelling unit that is contained within the existing space of a single-family residence or accessory structure shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, or impact fees such as park or traffic. No new or separate utility connection between the accessory dwelling unit and the utility shall be required.

2. All other accessory dwelling units other than those mentioned in Subsection (E)(1) above may require a new or separate utility connection between the accessory dwelling unit and the utility. Any connection fee or capacity charge shall be proportionate to the burden placed on the water and sewer systems due to unit size or number of plumbing fixtures. The Director shall make the determination as to whether a new or separate utility connection is required.

3. All utility installations on the lot shall be underground.

4. No accessory dwelling unit shall be allowed if the Building Official determines that there is not adequate water or sewer service to the property.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

F. Parking. Notwithstanding any other provision of this Zoning Code, the following parking requirements shall apply to accessory dwelling units:

1. Parking requirements for accessory dwelling units shall not exceed one parking space. This space may be provided as tandem parking, including on an existing driveway or in paved setback areas, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or fire and life safety conditions. Parking spaces may also be provided through a mechanical lift.

2. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory dwelling unit. These spaces may be provided as tandem parking, including on an existing driveway or in paved setback areas. Parking spaces may also be provided through a mechanical lift.

3. The parking requirement for an attached or detached accessory dwelling unit shall be in addition to the parking requirement for the existing residence on the property.

4. Parking is not required in the following instances:
   a. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
   b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
   c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
   d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
   e. When there is a car share vehicle located within one block of the accessory dwelling unit.

G. Permits

1. A permit for an accessory dwelling unit shall be approved by the Director of Development Services or the designee for any accessory dwelling unit that meets the requirements of this Section.

2. An application for an accessory dwelling unit shall be acted upon within 120 days after receipt of a complete application.
B. General Requirements

1. Accessory structures may be erected or constructed concurrent with, or subsequent to, the construction of the main residential structure.

2. Consistent with the definitions of “accessory structure” and “accessory use” in Article 7 (Definitions), accessory uses and structures in the residential zone shall be incidental to and not alter the residential character of the site.

C. Standards

1. Use. Accessory structures, other than permitted accessory dwelling units and legally approved guest houses, shall not be used for residential purposes, even on a temporary basis.

2. Coverage. The sum of the floor area(s) of the total number of detached accessory structures shall not exceed the maximum rear setback coverage of the lot in compliance with Table 2-03 (Development Standards in Residential Zones). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-03.

3. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved in compliance with Chapter 17.44 (Site Development Permit – Major and Minor).

4. Height Limit. Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds located within a required side setback shall not exceed a height of seven feet from grade.

5. Improvements

a. Accessory structures may include no more than one half-bath (i.e., sink and toilet) and shall not include any shower, bathtub, or cooking facilities.

b. Each accessory structure shall be no more than one room, not including a half-bath or an attached garage.

6. Separation Requirements. Detached accessory structures on a single lot shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).

7. Location Requirements

a. Setback Areas. Accessory structures in residential zones may be located in the required side or rear setback areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and further provided that all run-off water from the roof is disposed of on the subject lot.

b. Garage Access from Alley. Where access to a garage is provided from an alley, the garage shall be located a minimum of 10 feet from the rear property line.

17.28.035 Accessory Structures/Uses—Nonresidential Zones

A. Purpose. This Section provides standards for accessory structures that are customarily related to commercial, industrial, and institutional uses of property.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

B. General Requirement.

1. Accessory structures may be erected or constructed concurrent with, or subsequent to, the construction of the main structure or structures.

2. No more than three accessory structures shall be located on a lot.

C. Standards

1. Use. Accessory structures, other than approved caretaker units, shall not be used for residential purposes, even on a temporary basis.

2. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved in compliance with Chapter 17.44 (Site Development Permit – Major and Minor).

3. Height Limit. Detached accessory structures shall not exceed a height of 15 feet.

4. Separation Requirements. Detached accessory structures shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).

5. Location Requirements. Accessory structures may be located in the required side or rear setback areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and further provided that all run-off water from the roof is disposed of on the subject lot.

17.28.040 Adult Businesses

A. Purpose and Findings

1. It is the purpose and intent of this Section to provide for the reasonable and uniform regulation of adult-oriented businesses in the City. It is recognized that adult-oriented businesses have a serious deleterious effect upon adjacent areas, as well as the areas in which they are located. It is the purpose of this Section to establish criteria and standards for the establishment and conduct of adult-oriented businesses that will protect the public health, safety, and welfare; preserve locally recognized values of community appearance; minimize the potential for nuisances related to the operation of adult-oriented businesses; and maintain local property values.

2. It is the purpose and intent of this Section to establish proper regulations and to provide for a reasonable number of approximately located sites for adult-oriented businesses within the City, based upon the following findings:

a. The following studies that substantiate the adverse, secondary effects of adult-oriented businesses were reviewed by the City:

- Austin, Texas: 1986;
- Indianapolis, Indiana: 1984;
- Los Angeles, California: 1977;
• Phoenix, Arizona: 1979;
• St. Paul, Minnesota: 1989;
• Garden Grove, California: 1991; and
• Upland, California: 1992.

b. Based on the foregoing studies and the other evidence presented, the Council finds that:

i. Adult-oriented businesses are linked to increases in the crime rates of those areas in which they are located and that surround them.

ii. Both the proximity of adult-oriented businesses to sensitive land uses and the concentration of adult-oriented businesses tend to result in the blighting and downgrading of the areas in which they are located.

3. The studies conducted in various communities in other jurisdictions have demonstrated that the proximity and concentration of adult-oriented businesses adjacent to residential, recreational, religious, educational, or other adult-oriented businesses can cause other businesses and residents to move elsewhere.

4. The studies conducted in various communities in other jurisdictions have demonstrated that adult-oriented businesses are linked to increases in the crime rates and blighting of those areas in which they are located and that surround them.

5. The special regulation of adult-oriented businesses is necessary to ensure that their adverse secondary effects will not contribute to an increase in the crime rates or the blighting or downgrading of the areas in which they are located or surrounding areas. The need for the special regulation is based on the recognition that adult-oriented businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity with sensitive uses (e.g., residential zones and uses, parks, schools, religious institutions or day care centers), having a deleterious effect upon the adjacent areas.

6. It is the purpose and intent of these special regulations to prevent the concentration or location of adult-oriented businesses in a manner that would create adverse secondary effects. Thus, in order to protect and preserve the public health, safety, and welfare of the citizenry, especially including minors, the special regulation of the time, place, and manner of the location and operation of adult-oriented businesses is necessary.

7. The protection and preservation of the public health, safety and welfare require that certain distances be maintained between adult-oriented businesses and residential uses and zones, religious institutions, schools, day care centers, parks, and other adult-oriented businesses.

8. The need to regulate the proximity of adult-oriented businesses to sensitive land uses (e.g., residential, religious, educational, recreational, and other adult-oriented businesses) is documented in studies conducted by other jurisdictions as listed elsewhere in this Section.


a. Community impacts of sexually oriented businesses are primarily a function of two variables, proximity to residential areas and concentration. Property values are directly affected within a small radius, typically one block, of the location of a sexually oriented business. Concentration may compound depression of
property values and may lead to an increase of crime sufficient to change the quality of life and perceived desirability of property in a neighborhood.

b. The impacts of sexually oriented businesses are exacerbated when they are located near each other. When sexually oriented businesses have multiple uses (i.e. theater, bookstore, nude dancing, peep booths), one structure can have the impact of several separate businesses.

10. In consideration of the findings of the report of the State of Minnesota Attorney General’s Working Group on the regulation of sexually oriented businesses dated June 6, 1986, it is appropriate to prohibit the concentration of multiple adult-oriented businesses within one structure in order to mitigate the compounded adverse secondary effects associated with the concentrations as described above.

11. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials, that are protected by the First Amendment of the United States Constitution and the relevant provisions of the California State Constitution.

12. The proposed parking standards are necessary in the interests of the public health, safety, and welfare to provide for an appropriate amount of off-street parking.

A. Definitions. Terms unique to this Section are listed in Chapter 17.74 (Definitions).

B. Appeal. Wherever there is a reference to an appeal being filed or available to be filed, the right of appeal shall also include the right to appeal administrative determinations made by the Director in compliance with this Section to the Planning Commission and Council.

D. Adult Use Planning Permit.

1. License and Permit Requirements. In order to operate an adult-oriented business within this City, the applicant or proprietor of the business shall obtain the license required by Chapter 5.40 (Adult-Oriented Business Licenses) and other licenses required by Title 5 (Business Licenses and Regulations) of the Municipal Code and an adult use planning permit as required by this Section. It is unlawful and a misdemeanor, subject to punishment in compliance with the Municipal Code, for an owner, operator, manager, or employee to operate an adult-oriented business without processing an adult use planning permit—including an interim adult use planning permit—required by this Section and a license required by Title 5 (Business Licenses and Regulations) of the Municipal Code.

2. Contents of Application. Applicants for a permit, in addition to an application or documents required to be filed in compliance with the provisions of this Zoning Code, shall file a written, signed, and verified application on a form provided by the Director evidencing the following:

a. The name and permanent address of the applicant;

b. The name and business address of the applicant. If the applicant is a corporation, the applicant shall provide the name of the State of incorporation, the name shall be exactly identified in its articles of incorporation and the applicant shall show the name and address each of the officers, directors, and controlling stockholders owning no less than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall show the name and address of each of the partners, including limited partners;
c. Location and address of the proposed adult-oriented business;

d. Legal description of the subject property;

e. A detailed description of the manner of providing proposed entertainment, including type of entertainment and the number of persons engaged in the entertainment;

f. Proposed hours of operation;

g. A floor plan showing where the specific entertainment uses are proposed to be conducted within the structure;

h. A site plan as specified in Chapter 17.44 Site Development Permit – Major and Minor

i. The name or names of the person or persons having responsibility for the management or supervision of the applicant’s business and of the entertainment;

j. Statement of the nature and character of the applicant’s business if any, to be carried on in conjunction with this entertainment.

3. Nondisclosure of Portions of Application. Notwithstanding the fact that an application filed for an adult use planning permit may be a public record under Government Code Section 6250 et seq., certain portions of the application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Information includes, but is not limited to, the applicant’s residence address and telephone number, the applicant’s date of birth and/or age, the applicant’s driver’s license and/or Social Security number, and/or personal financial data. The Council, in adopting the application and licensing and/or permit system detailed, has determined in compliance with Government Code Section 6255 that the public interest in disclosure of the information detailed above is outweighed by the public interest in achieving compliance with this Section by ensuring that the applicant’s privacy, confidentiality, or security interests are protected. The City Clerk shall cause to be obliterated from a copy of a completed license application made available to any member of the public, the information detailed in this Subsection.

E. Referral of Application for Investigation.

1. Referral of Application. The Director shall refer the permit application to the Chief of Police for an investigation to be made of the information contained on the application.

2. Police Investigation. After an investigation, including obtaining the information in compliance with Section 2.64.130 et seq. (Criminal History Information) of the Municipal Code, the Chief of Police shall issue a report to the Director. The Planning Commission, or Council as appropriate, shall approve the adult use planning permit unless one or more of the following findings is true:

a. The applicant, employee, agent, partner, director, officer, controlling stockholder, or manager has knowingly made false, misleading or fraudulent statement of material fact in the application for a permit or in a report or record required to be filed with a city or county agency or department.
b. On the date that the business for which a permit is required commences, or after that time, there will be no responsible person on the premises to act as manager at all times during which the adult-oriented business is open.

c. An applicant is under 18 years of age.

d. An applicant has been convicted of a specific criminal act for which:

i. Less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display, or sale of material harmful to minors; prostitution; or pandering;

ii. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display or sale of material harmful to minors; prostitution; or pandering;

iii. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanors for the specified criminal acts which are sexual crimes against children; sexual abuse; rape; or crimes connected with another adult-oriented business including, but not limited to, distribution of obscenity; distribution, display, or sale of material harmful to minors; prostitution; or pandering; conviction of an offense occurring within 24 months before application;

iv. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant,

v. An applicant who has been convicted of any of the above described specified criminal acts may qualify to own, operate or manage an adult-oriented business only when the required time period has elapsed.

3. Issuance, Suspension, and Revocation of Permit. In the event the information requested in compliance with Section 2.64.130 of the Municipal Code is not immediately available, the Chief of Police shall, if the application otherwise meets the requirements of this Zoning Code and the investigation conducted reveals none of the factors detailed in Subsection B of this Section, report on it and the permit shall be issued by the director. Should the information obtained in compliance with Section 2.64.130 et seq. (Criminal History Information) of the Municipal Code materially vary from that on the application, the variance shall be cause to revoke the permit. A permit issued before the City receives the information required by Section 2.64.130 et seq., of the Municipal Code shall state clearly on its face that the permit is subject to suspension or revocation in compliance with Sections 5.40.024 (Suspension and Revocation Hearings) and 5.40.026 (Revocation) of the Municipal Code.

4. Compliance with State Law. The City’s decision to approve or deny the permit shall not include information authorized or required to be kept confidential in compliance with Welfare and Institutions Code Sections 600 to 900.
F. Reservation of Right to Review. The Council and Planning Commission shall retain and reserve the right and jurisdiction to review and modify an adult use planning permit, including the conditions of approval, based on changed circumstances in compliance with Chapter 17.60 (Appeals). Changed circumstances include, but are not limited to, the modification of the business, the change in scope, emphasis, size or nature of the business, and the expansion, alteration, of change of use. The reservation of the right to review a permit granted or approval by the Council and Planning Commission shall be in addition to, and not in lieu of, the right of the Council and Planning Commission to review and revoke or modify a permit granted or approved for any violations of the conditions imposed on the permit.

G. Time Limit for Land Use Review and Decisions

1. Interim Adult Use Planning Permit. The Director shall accept as complete, or deny as incomplete, the application for an adult use planning permit for a business protected by the First Amendment of the United States Constitution within 10 days from the date on which an application is submitted to the director. In order to avoid undue delay or suppression of protected expression, the Director shall make an initial determination that the required information is contained in the application to process an interim adult use planning permit within five days of the date of filing the application. If the application is sufficient to issue an interim adult use planning permit it shall be issued by the Director within 10 days of the date the application was filed.

A sufficient application shall include, but not be limited to, the applicant's meeting the requirements to be issued an adult-oriented business license required by Chapter 5.40 (Adult-Oriented Business Licenses) of the Municipal Code and the proposed business shall be located and developed in compliance with the requirements of the P-L-I (Planned Light Industrial) Zoning District and the requirements of this Section. The granting of the interim adult use planning permit by the Director is without prejudice to and does not preclude the denial of the final adult use planning permit application filed by the applicant.

The interim adult use planning permit shall terminate upon the Planning Commission taking action on the final adult use planning permit. Rights to operate beyond the termination of the interim adult use planning permit for a First Amendment protected business shall not vest in the applicant if the applicant is unable or unwilling to obtain the adult-oriented business license required by Chapter 5.40 (Adult-Oriented Business Licenses) of the Municipal Code and the final adult use planning permit required by this Section.

2. Final Adult Use Planning Permit. The Planning Commission shall approve or deny the completed adult use planning permit application within 90 days of its acceptance as complete by the Director. The time limit established by this Section may be extended once for a period not to exceed 90 days upon consent of the Director and the applicant. The application shall be processed and noticed in the same manner as Conditional Use Permits are processed and noticed under State law and Chapter 17.66 (Public Hearing Notice Procedures) of this Zoning Code.

a. To approve the final adult use planning permit, the Planning Commission, or Council on appeal, shall first make the following findings:

i. Applicable filing fees have been paid.

ii. The applicant is not overdue in payment to the City of any taxes, fees, fines, or penalties assessed against or imposed in relation to an existing or former adult-oriented business.

iii. The structure, equipment, and location used by the business for which an adult-oriented business license is required complies with the requirements and standards of the health, building, zoning, fire and safety laws of the State, the Orange County Fire Department, and the City.
iv. The conduct of the adult-oriented business as proposed by the applicant, if allowed, will comply with all applicable laws; including but not limited to, the City’s, zoning, fire, and health and safety regulations.

v. The City currently has no evidence demonstrating that the applicant has knowingly made false, misleading, or fraudulent statement of material facts in the adult use planning permit application or another document required by the city in conjunction with it.

vi. The use is allowed in the zone, district or area in which it is proposed to be located and is in conformity with the applicable development standards of that zone, district or area—including the provision of required parking.

vii. The use is in conformity with the locational standards detailed in Chapter 17.10 (Commercial and Industrial Zones) and in Chapter 17.24 (Performance Standards).

viii. The design of the site and the proposed improvements are in compliance with applicable design standards in Chapter 17.10 (Commercial and Industrial Zones) and in Chapter 17.24 (Performance Standards).

ix. The proposed conduct of the adult-oriented business is in compliance with applicable performance standards of Chapter 17.24 (Performance Standards).

b. In the event the Planning Commission, or the Council on appeal, denies the final adult use planning permit application, the business shall cease its operations as an adult-oriented business and no further activities regulated by this Section or Chapter 5.40 (Adult-Oriented Business Licenses), Chapter 5.42 (Adult-Oriented Live Entertainer Licenses), or Chapter 5.44 (Figure Model Licenses) of the Municipal Code shall be conducted on the premises unless and until an adult use planning permit and all licenses required by Chapter 5.40 (Adult-Oriented Business Licenses), Chapter 5.42 (Adult-Oriented Live Entertainer Licenses), or Chapter 5.44 (Figure Model Licenses), of the Municipal Code are obtained. The interim adult use planning permit shall also terminate on the date the adult use planning permit application is denied.

c. If the permit requested is for a development project for construction or reconstruction subject to the Permit Streamlining Act (Government Code Section 65920 et seq.), the time limits provided in the Permit Streamlining Act shall apply to the adult use planning permit’s approval or denial.

d. Upon the filing of an appeal in compliance with Chapter 17.68 (Appeals), the Planning Commission or the Council shall render its decision on the appeal within 60 days.

H. Applicability and Nonconforming Period. Design and performance standards detailed in this Section are deemed to be necessary for the protection of the public health, safety, and welfare and shall be applicable and governing existing and proposed adult-oriented businesses immediately upon adoption and passage of the ordinance codified in this Section. In the event that there is any adult-oriented business lawfully in existence before the adoption of said ordinance and is not in compliance with the design and performance standards of this Section, the adult-oriented business shall conform to design and performance standards within six months of October 27, 2003.
I. Extension of Nonconforming Amortization Period.

1. Application for Extension of Amortization Period. An application for extension of the amortization period for an adult-oriented business which is a nonconforming use shall be made in a manner as required for a Conditional Use Permit.

2. Application Process. The owner of the property on which an adult-oriented business is located or the owner of the adult-oriented business who desires to extend the amortization period shall apply for approval of an extension not later than six months before expiration of the amortization period, unless the Director determines that good cause is shown for late filing of the application. The application shall be made in writing on a form as prescribed by the Director and shall be accompanied by the required fee as established by resolution of the Council. The party requesting the extension of the amortization period shall bear the burden of proof in establishing that the amortization period established by Section 17.66.020 (Applicability) is unreasonable and that the requested extension is a reasonable amortization period for the owner to receive a fair rate of return on the investment in the business. The party applying for the extension shall also be required in order to meet its burden of proof to submit the documentation detailed in this Section.

3. Application Contents. A complete application shall include:

   a. The applicant’s signature.

   b. A written request for an extension of the amortization period that shall include information relevant to the factors listed in Subsection E (Considerations for an Extension) of this Section and shall identify the term of the requested extension.

   c. The required fees.

   d. A mailing list and a set of gummed labels with the names, addresses and tax assessor parcel numbers of owners of real property within a radius of 300 feet from the external boundaries of the property on which the adult-oriented business is located.

   e. A tax assessor’s Parcel Map identifying the properties to be notified within the 300-foot radius.

4. Incomplete Application. If the application is not complete, the Director shall specify in writing those parts that are incomplete and shall identify the manner by which the application can be made complete. If a written determination is not provided to the applicant within 30 calendar days after it is submitted, the application shall be deemed complete.

5. Public Hearing. The Planning Commission shall hold a noticed public hearing on the request for an extension.

6. Considerations for an Extension. In determining whether to grant an extension of the amortization period for an adult-oriented business which is a nonconforming use, and in determining the appropriate length of the extension, the Planning Commission shall consider the amount of investment in the business, and the opportunities for relocation to a legally permissible site, the costs of relocation, the effects of the business on the surrounding area, and the following additional factors:

   a. The present actual and depreciated value of business improvements;

   b. The applicable Internal Revenue Service depreciation schedule or functional nonconfidential equivalents;
c. The remaining useful life of the business improvements;
d. The remaining lease term;
e. The ability of the business and/or landowner to change the use to a conforming use;
f. The date upon which the property owner and/or business operator received notice of the nonconforming status of the adult-oriented business and the amortization requirements.

8. **Findings.** The Planning Commission, or Council on appeal, shall receive and consider evidence presented by the applicant and any other persons, and shall make findings that the amortization period it establishes is reasonable in view of the evidence and the criteria detailed above.

J. **Continuation of Nonconforming Structures and Uses**

1. **Nonconforming Structure.** A nonconforming structure may be continued and maintained, except as provided in this Section, provided there are no structural alterations, except as provided in this Section.

2. **Nonconforming Use.** A nonconforming use may be continued, except as provided in this Section, provided that the use shall not be increased, enlarged, extended, or altered, except as provided in this Section.

K. **Removal or Alterations of Nonconforming Uses.** The following provisions shall apply to adult-oriented businesses:

1. **Amortization Time Periods.** An adult-oriented business that is a nonconforming use on January 1, 1995, shall be subject to an amortization period expiring January 1, 1996, and an adult-oriented business which becomes a nonconforming use after January 1, 1995, shall be subject to an amortization period of three years commencing on the date the use becomes nonconforming.

2. **Extension of Amortization Period.** The owner of an adult-oriented business that is a nonconforming use may apply for extension of the amortization period in the same manner as required for a Conditional Use Permit. An application shall be made before the expiration of the amortization period unless the reviewing authority determines that good cause is shown for late filing of the application.

3. **Cessation of Business Operations.** Upon the conclusion of the amortization period, an adult-oriented business that is a nonconforming use shall cease business operations and signs, advertising, and displays relating to the business shall be removed within 30 days.

L. **General Provisions.** Adult-oriented businesses shall only be allowed to be established in the P-L-I (Planned Light Industrial) zone and shall be subject to the location and design standards specified by this Section and the requirement of an adult use planning permit as otherwise provided in this Zoning Code.

M. **Location, Design, and Performance Standards**

1. **Separation Requirements.** An adult-oriented business shall not be established or located within 500 feet of:

   a. A zone or land use district that contains the words “residence” or “residential” within this Zoning Code;
b. A religious institution, chapel, or similar place of worship or property zoned, planned, or otherwise designated for this use by City action;

c. A funeral parlor, mortuary, cemetery, or similar facility, or property zoned, planned, or otherwise designated for this use by City action;

d. A school, nursery, day care center, park or playground or property zoned, planned, or otherwise designated for this use by City action;

e. Any other recreational facility where minors congregate or property zoned, planned, or otherwise designated for this use by City action.

2. Separation Requirements from Other Adult-Oriented Businesses. An adult-oriented business shall not be established or located within 500 feet of an existing adult-oriented business. If two or more existing adult-oriented businesses are located in closer proximity to each other than 500 feet, then in determining which of the businesses is or are nonconforming, preference shall be given in the order of the respective lengths of continuous uninterrupted operation of the businesses.

3. Measurement of Separation Distances. For the purposes of this Section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult-oriented business is or will be located to the nearest property line of any land use, land use district or zone, or to the nearest point of the structure in which an existing adult-oriented business is located.

4. Signs or Displays. Advertising signs or structures, advertisements, displays or other promotional materials depicting specified anatomical areas or specified sexual activities or displaying instruments, devices or paraphernalia designed for use in connection with specific sexual activities, shall not be shown or exhibited so as to be visible from any exterior area.

5. Entries and Windows. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from any exterior area.

6. Noise. Loudspeakers or sound equipment audible to persons in any public exterior area shall not be used in connection with an adult-oriented business, and the business shall not be so conducted that sounds associated with the business are not emitted into any public exterior area.

7. Compliance with Site Development Standards. The establishment of an adult-oriented business shall comply with the applicable site development standards, including parking, of the zone in which the adult-oriented business is located, as well as the Building Code, Fire Code, and the Health and Safety Code. An adult-oriented business shall comply with the applicable City permit and inspection procedures. In addition, adult-oriented businesses shall comply with the following performance standards:

a. Each adult-oriented business shall have a business entrance separate from any other non-adult business located in the same structure.

b. Adult-oriented business shall not be operated in a manner that permits the observation by the public of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from a location beyond the walls of the structure or portion of it in which the adult-oriented business is conducted.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

c. The structure entrance to the adult-oriented business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

d. Each adult-oriented business shall be provided with a manager’s station for the purpose of supervising activities within the business. A manager shall be on duty on the premises during all times that the adult-oriented business is open to the public.

e. A viewing room shall be visible from the manager's station of the adult-oriented business, and visibility of the entire viewing room from the manager’s station shall be neither obscured nor obstructed by any curtain, door, wall, or other structure.

f. Exterior areas of adult-oriented businesses, including structures, landscaping and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.

g. The maximum occupancy load, fire exits, fire lanes, and fire suppression equipment shall be regulated, designed and provided in compliance with the regulations and standards of the Orange County Fire Department and the City's Building Department.

h. Adult-oriented business shall not operate between the hours of 2:00 AM and 9:00 AM of any particular day. The Planning Commission, or Council on appeal, shall establish the actual allowed hours of operation for each permit approved or granted. Owners, operators, managers or employees of an adult-oriented business, regardless of whether or not a permit has been issued for the business under the provisions of this zoning code or the municipal code, shall not allow the business to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 AM and 9:00 AM or in violation of the actual allowed hours of operation established in the conditions of approval for the permit.

i. Off-street parking shall be provided for the adult-oriented business as specified for the zone in which the business is located in compliance with Chapter 17.22 (Parking and Loading). Each adult theater, adult cabaret, or adult motion picture arcade shall provide one parking space for every two seats in the viewing room, or shall provide one parking space for every two occupants in compliance with the allowable occupant load as established by the Building Official and/or the Fire Marshal, whichever standard is greater. One parking space shall be provided for each employee on the maximum shift.

j. A person who operates or causes to be operated an adult-oriented business, other than an adult motel and regardless of whether or not an adult-oriented business license has been issued to the business under this Zoning Code or the Municipal Code, which exhibits on the premises in a viewing room or viewing booth of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

i. Upon application for an adult-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan of it specifying the location of one or more manager’s stations, the location of overhead lighting fixtures, and designating any portion of the premises in which patrons shall not be allowed. A manager’s station(s) shall not exceed 32 square feet of floor area.
ii. Alterations in the configuration or location of a manager’s station shall not be made without the prior written approval of the Director.

iii. It is the duty of the permit holder to ensure that at least one employee is on duty and situated at each manager’s station at all times that any patron is present inside the premises.

iv. The interior of the premises shall be configured so that there is an unobstructed view from a manager’s station of every area of the premises to which a patron is allowed access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment. If the premises has two or more manager’s stations designed, then the interior of the premises shall be configured so that there is an unobstructed view of each area of the premises to which any patron is allowed access for any purpose from at least one of the manager’s stations. The view required in this Subsection shall be by direct line of sight from the manager’s station.

v. It shall be the duty of the permit holder and employees present on the premises to ensure that the view area remains unobstructed by doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is allowed access to areas of the premises which have been designed as an area in which patrons shall not be allowed in the application filed in compliance with this Section.

k. An on-site security program shall be prepared and implemented including the following items:

i. Off-street parking areas and structure entries serving the adult-oriented business shall be illuminated during hours of operation with a lighting system designed to provide an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway. This required lighting level is established to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to mitigate the incidence of vandalism and theft. The lighting shall be shown on the required site or lot plan and shall be subject to review for compliance through the design review process by the director and the Chief of Police.

ii. Interior portions of the adult-oriented business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two foot-candles of light.

iii. For adult-oriented businesses that exceed an occupant load of 125 persons, the provision of on-site security personnel shall be required during business hours in compliance with a plan to be reviewed and approved for adequacy by the Chief of Police. Security personnel shall be licensed in compliance with the California Business and Professions Code, to the satisfaction of the chief of police.

l. Adult Motion Picture Theater

i. A manager’s station shall be located near the main entrance and the station shall be provided with an unobstructed view of all motion picture private viewing areas.

ii. Adult motion picture arcades shall not be maintained or operated unless the complete interior of the adult motion picture theater is visible upon entrance to the adult motion picture theater. Partially or fully enclosed booths or partially or fully concealed booths shall not be maintained.
iii. Persons shall not operate an adult motion picture theater in which the number of image-producing devices exceeds the maximum occupancy load allowed in a room or partitioned portion of a room in which an image producing device is located.

m. Adult Hotel/Motel

i. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented or subrented and vacated two or more times in a period of less than 10 hours on a recurring basis creates a rebuttable presumption that the establishment is an adult hotel/motel as that term is defined in this Section.

ii. A person shall be in violation of the provisions of this Section if a person rents or sub-rents a sleeping room at a location without an adult-oriented business license and an adult use planning permit to a person or persons and within 10 hours afterwards rents or sub-rents the same room to another person(s) or sub-rents the same room to the prior renter.

N. Prohibited Activities

1. Duties of Persons Who Operate Business. Persons shall not operate or cause to be operated an adult-oriented business, regardless of whether or not a permit has been issued under this Zoning Code, knowingly or with reason to know, permitting, suffering, or allowing any employee:

   a. To engage in a couch dance or straddle dance with a patron at the business;
   
   b. To contract or otherwise agree with a patron to engage in a couch dance or straddle dance with a person at the business;
   
   c. To intentionally touch a patron at an adult-oriented business while engaged in the display or exposure of a specified anatomical area or engaged in or simulating a specified sexual activity;
   
   d. To voluntarily be within six feet of a patron while engaged in the display or exposure of a specified anatomical area or engaged in or simulating a specified sexual activity.

2. Prohibited Employee Activities. Employees of an adult-oriented business shall not:

   a. Engage in a couch dance or straddle dance with a patron at the business;
   
   b. Contract or otherwise agree to engage in a couch dance or straddle dance with a patron at the business;
   
   c. Engage in the display or exposure of a specified anatomical area or engage in or simulate a specified sexual activity while intentionally touching a patron at the adult-oriented business;
   
   d. Engage in the display or exposure of a specified anatomical area or engage in or simulate a specified sexual activity closer than six feet from any patron.

3. Intentional Touching Prohibited. Persons at an adult-oriented business, regardless of whether or not the business is allowed under this Zoning Code, shall not intentionally touch an employee who is displaying or
exposing a specified anatomical area or engaging in or simulating a specified sexual activity at the adult-oriented business.

4. **Prohibited Activities of Persons.** Persons at an adult-oriented business, regardless of whether or not the business is allowed under this zoning code, shall not engage in a couch dance or straddle dance with an employee at the business who is displaying or exposing a specified anatomical area or engaging in or simulating a specified sexual activity.

5. **Prohibited Activities During Certain Hours.** Employees of an adult-oriented business, regardless of whether or not a permit has been issued for the business under this Section, shall not engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 AM and 9:00 AM of any particular day.

**17.28.050 Affordable Housing**

Residential density bonuses, incentives, or concessions for the production of affordable housing shall be granted in compliance with Government Code Section 65915, as amended from time to time.

**17.28.060 Alcoholic Beverage Retail Sales**

A. **Purpose.** This Section provides development standards for the sale of alcoholic beverages for off-site consumption where allowed in compliance with Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones), Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones), and Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed-Use Zone) for “Alcoholic Beverage Sales,” “Convenience Stores,” and “Automobile Service Stations.”

B. **Applicability.** This Section shall apply to:

1. Establishments that do not currently sell, but propose to sell, alcoholic beverages for off-site consumption;

2. Establishments that currently sell alcoholic beverages for off-site consumption but which propose to change the type of alcoholic beverages to be sold (change the type of retail liquor license within a license classification);

3. Off-site establishments that currently sell alcoholic beverages if the establishment substantially changes its mode or character of operation, which includes but is not limited to either a 10 percent increase in floor area or a 25 percent increase in facing used for the display of alcoholic beverages;

4. Off-site establishments that have been abandoned or have discontinued operation for three months. The burden of proof shall be upon the applicant to determine when the establishment was in operation;

5. Gasoline service stations selling beer, wine, and/or spirits for consumption off the premises.

C. **Findings.** In addition to any required findings for an applicable discretionary permit, an application may be approved where the information submitted by the applicant or presented at the public hearing, substantiates the following:

1. The requested use at the proposed location will not adversely affect the use of a school, park, playground, religious institution, temple, or other place used primarily for religious worship, or similar uses within a 500-foot radius of the property, in or outside the City.
2. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect the area.

3. The requested use at the proposed location will not result in an undue concentration of similar premises. A separation of not less than 500 feet, from property line to property line, in or outside the City, shall not be construed as undue concentration. The applicant shall bear the burden of proof that a separation of less than 500 feet does not create an undue concentration of facilities for the sale of alcoholic beverages for off-site consumption within the community.

4. The requested use at the proposed location will not adversely affect the economic welfare of the community.

5. The exterior appearance of the structure will be consistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

D. Gasoline Service Stations and Convenience Stores. Gasoline service stations and convenience stores that sell beer, wine, and/or spirits for consumption off the premises shall be subject to the following:

1. Beer, wine, and/or spirits shall not be displayed within five feet of the cash register or the front entrance unless it is in a permanently affixed display case.

2. Advertisements of alcoholic beverages shall not be displayed at motor fuel islands.

3. Sale of alcoholic beverages shall not be made from a drive-in or drive-through window.

4. Display or sale of alcoholic beverages shall not be made from a portable container.

5. Alcoholic beverage advertising shall not be located on motor fuel islands, and self-illuminated advertising for alcoholic beverages shall not be located on structures or windows.

6. Employees on duty between the hours of 10:00 PM and 2:00 AM shall be at least 21 years of age to sell alcoholic beverages.

7. Arcade machines may not be kept, maintained, or operated on the premises.

8. Not more than 25 percent of the total floor area of the convenience market shall be devoted to the sale of alcoholic beverages.

17.28.070 Arcades

A. Locational and Development Restrictions.

1. Arcades, as defined by the number of machines in Article 7 (Definitions), shall be located more than 300 feet from a public or private school (grades kindergarten through 12) and from another legally allowed arcade.

2. Permit applications shall include a floor plan drawing including, but not limited to, emergency exits, fire doors, evacuation paths, desk, chairs, arcade machines, waiting areas, and restrooms.
3. A facility that has more than 45 arcade machines shall also meet all occupancy A fire requirements.

B. Operation Regulations.

1. The maximum number of arcade machines in an arcade shall not exceed one arcade machine for every 35 square feet of gross floor area allotted to the arcade operations.

2. Arcade machines and waiting areas within the premises shall be visible from the supervisor’s station and adequately supervised by an adult attendant 18 years or older. The attendant shall be present whenever an arcade machine is being operated.

3. Persons under 18 years of age shall not be allowed on the premises where the arcade machines are located after 10:00 PM unless accompanied by a parent or guardian or other adult person having the care and custody of the minor.

4. Arcades with a gross floor area of 3,000 square feet or greater, excluding restaurant dining and kitchen areas, shall provide a visible security guard between 5:00 PM and 4:00 AM on Friday, Saturday, and Sunday evenings. Security guards shall be responsible for crowd control both on the arcade premises and adjoining parking areas.

5. Windows shall be kept clear of any item or tint that obscures full view from the exterior to inside the business.

6. Establishments with arcade machines consisting of 25 percent or more of the floor area shall provide a waiting area with seating within the business. The minimum number of seats shall be determined at one seat for every eight arcade machines but not less than four, unless modified by the Planning Commission based on a showing of good cause that a lesser number of seats in the waiting area will adequately accommodate patrons waiting to use an arcade machine.

7. Failure to comply with the regulations provided by this Section shall be cause for immediate suspension or revocation of applicable permits in compliance with Chapter 17.42.050 (Violation, Discontinuance, and Removal).

17.28.080 Automobile Service Stations and Automobile Repair Uses

A. Applicability. Automobile service stations, automobile and motorcycle repair facilities, automobile body shops, and automobile paint shops shall be subject to the provisions of this Section.

B. Operations Requirements. Repairing, painting, or servicing of motor vehicles, installation of parts, and body repair work shall be conducted entirely within a structure.

C. Vehicle Storage and Parking.

1. For service stations located in the C-G (General Commercial) zone, outdoor storage of vehicles overnight shall not be permitted. Overnight parking of vehicles awaiting service or pick up shall be within a structure.

2. For automobile repair, body and paint shops, and service stations located in the P-L-I (Planned Light Industrial) Zoning District, overnight parking of vehicles awaiting repair, service or pick up shall be within a structure or screened by a masonry wall not to exceed eight feet in height. The outdoor storage of tires, automobile parts, and fluids is strictly prohibited.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

3. Vehicles awaiting repair, service, or pick up shall be parked on the subject property and not in the public right-of-way.

D. Repair Bays. Interiors of service repair bays shall be screened or oriented so as not to be visible from properties used or zoned for residential purposes.

E. Retail Sale of Alcohol. Automobile service stations with retail sales of beer and wine shall comply with the provisions of Section 17.28.060 (Alcoholic Beverage Retails Sales).

F. Hours of Operation.

1. Automobile servicing shall be conducted between the hours of 6:00 AM and 10:00 PM.

2. Automobile repair work, body repair work, and/or automobile painting shall be conducted between the hours of 7:00 AM and 8:00 PM.

17.28.090 Cannabis Uses

A. Purpose.

1. The purpose of this Section is to expressly prohibit the establishment of commercial cannabis uses in the City relating to medical cannabis and adult use cannabis and to impose reasonable regulations on personal cultivation in private residences and accessory structures.

2. The Council finds that the prohibition on commercial cannabis activity is necessary for the preservation of and protection of the public health, safety, and welfare of the City. The prohibition of such uses is within the authority conferred upon the Council by State law and is an exercise of its police powers to enact and enforce regulations for the public health, safety and welfare.

B. Definitions. Terms unique to this Section are listed in Chapter 17.74 (Definitions).

C. Prohibition

1. Commercial cannabis activities, whether or not for profit, are expressly prohibited in all zones in the City, including all specific plan areas and overlay zones. No person shall establish, operate, conduct, allow, or engage in a commercial cannabis activity anywhere within the City. This prohibition includes any type of business enterprise where cannabis is complimentarily provided as part of any other non-cannabis related business activity.

2. A property owner shall not rent, lease, or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the City. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial cannabis activity on any real property owned or controlled by that property owner that is located in the City.

3. This Section is meant to prohibit all activities for which a State license is required subject to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the Adult Use of
Marijuana Act (AUMA), including any local license to a non-profit entity subject to California Business and Professions Code Section 26070.5.

4. Except as provided in this Section, all cultivation of cannabis is expressly prohibited in all zones in the City.

D. Personal Cultivation—Regulations.

1. An authorized grower shall be allowed to cultivate cannabis for personal use only within a private residence or a fully enclosed and secure structure which is accessory to a private residence, subject to the following regulations in addition to any regulations of State law:

   a. The cannabis cultivation area shall be contained within one single room that shall not exceed 150 square feet.

   b. The room shall be securely locked and accessible only to individuals residing in the residence who are 21 years of age or older.

   c. The cannabis plants shall not come within 12 inches of the ceiling or any cultivation lighting.

   d. Cannabis cultivation lighting shall not exceed 1,200 watts in total for the total cultivation area within the residence.

   e. The use of gas products such as but not limited to CO2, butane, methane, or any other flammable or non-flammable gas for cannabis cultivation or processing is prohibited.

   f. There shall be no exterior visibility or evidence of cannabis cultivation occurring within the private residence or accessory structure from the public right-of-way or any adjoining property, including, but not limited to:

      i. Visual observation of any cannabis plants;

      ii. Any form of sign indicating that cannabis plants are being grown inside the residence or accessory structure;

      iii. Visual observation of any equipment used in the growing and cultivation operation;

      iv. Unusual odors, smells, fragrances, or other olfactory stimulus;

      v. Any light emanating from cultivation lighting.

   g. The authorized grower shall reside full-time in the residence where the cannabis cultivation occurs.

   h. The authorized grower shall not participate in cannabis cultivation in any other location within the City.

   i. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for cannabis cultivation.

   j. The cannabis cultivation area shall be in compliance with the provisions of the applicable building and construction codes as outlined in Title 15 of the Municipal Code. The Building Official may impose
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

additional conditions to meet such codes if necessary, including, but not limited to, installation of fire suppression sprinklers and ventilation and filtration systems that prevent plant odors from exiting the interior of the structure.

k. The cannabis cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products, or wastes.

l. Cultivation shall be limited to six cannabis plants, mature or immature, per private residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.

m. The cannabis plants and any cannabis in excess of 28-1/2 grams produced by plants shall be kept in a locked space on the grounds of the private residence or accessory structure which space is not visible from the public right-of-way by normal unaided vision.

n. If the person cultivating the plants is not the owner of the residence, such person shall obtain permission from the property owner to cultivate plants on the premises in compliance with the provisions of State law and this Section. Such permission shall be in writing and made available to City staff upon request.

2. No outdoor cultivation of cannabis plants shall be allowed in the City, even for personal use. (This Section shall be of no further force or effect and shall be deemed repealed upon a determination by the California Attorney General that nonmedical use of cannabis is lawful in the State under Federal law.)

E. VIOLATION. It is hereby declared to be unlawful, a public nuisance and a violation of this Section for any person owning, leasing, occupying, or having charge or possession of any property within the City to cause or allow such property to be used in a manner which violates this Section.

F. VIOLATION—MISDEMEANOR. Any violation of this Section shall be punishable as a misdemeanor, punishable as outlined in Chapter 1.20 (General Penalty).

G. PUBLIC NUISANCE. Any use or condition caused, or allowed to exist, in violation of any provision of this Section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City subject to Code of Civil Procedure Section 731 or any other remedy available to the City.

H. CIVIL PENALTIES. In addition to any other enforcement allowed by this Section, the City Attorney may bring a civil action for injunctive relief or the city may pursue administrative fines and penalties subject to Chapter 1.24 (Administrative Fines and Penalties) against any person or entity that violates this Section. In any civil action brought subject to this Section, a court of competent jurisdiction may award reasonable attorneys’ fees, where the City has elected at the initiation of the action to seek the recovery of such fees, in which case the prevailing party in such action shall be entitled to an award of attorneys’ fees in an amount which shall not exceed the reasonable attorneys’ fees incurred by the City, regardless of the actual costs of any party’s attorneys’ fees.
17.28.100 Condominiums—Commercial and Industrial

A. Purpose and Intent.

1. The Council finds that office and industrial condominium projects are different in so many respects from other types and forms of land ownership and development as to require additional regulations.

2. The intent of this Section is to further the goals of the General Plan and regulate the placement of these projects and land use consistent with the form of ownership and occupancy of these projects in compliance with applicable laws for the general health, safety, and welfare of the public.

3. The intent of this Section is also to develop standards, procedures, and guidelines that provide a more flexible method whereby properly located land areas can be developed, employing more innovative and imaginative land planning concepts than would be possible through the strict application of conventional zoning and subdivision regulations.

4. The purpose of this Section is to provide for the general control of design and development of common ownership office, and industrial condominiums in relation to adjoining areas in compliance with the basic purpose of the State Subdivision Map Act.

B. Conditional Use Permit Required.

1. Where Types of Condominium Projects Allowed. Commercial condominiums shall be allowed in the C-O (Commercial-Professional Office), C-G (General Commercial), and P-L-I (Planned Light Industrial) zones. Industrial condominiums shall be allowed in the P-L-I (Planned Light Industrial) zone subject to the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

2. Compliance Required. Persons shall not construct, sell, lease, convey, maintain, or use a condominium project within the City without complying with the provisions of this Section.

C. Applicability of Subdivision Ordinance. The provisions of Title 16 (Subdivisions) of the Municipal Code shall apply.

D. Relationship to Other Laws. Whenever regulations or restrictions imposed by this Section are either more or less restrictive than regulations or restrictions imposed by other laws, the regulations, rules, or restrictions which are more restrictive or which impose specific design standards shall govern.

E. Requirements for Commercial and Industrial Condominiums.

1. Application Requirements – New Development. The applicant shall file an application for Site Development Permit - Major for a commercial or industrial condominium development in compliance with the requirements of Chapter 17.44 (Site Development Permit – Major and Minor). Also, a tentative subdivision map, as required by this Section and Title 16 (Subdivisions) of the Municipal Code, shall be submitted to the Development Services Department concurrently. The Development Services Department shall make recommendations on the project to the Planning Commission for approval, conditional approval, or denial. Tentative subdivision maps and Site Development Permit – Major applications filed in compliance with this Section shall be processed concurrently.
2. **Application Requirements – Conversions.** The conversion of lease or rental commercial or industrial developments to commercial or industrial condominium developments within appropriate zoning districts shall be allowed, subject to the issuance of a Conditional Use Permit in compliance with the provisions of Chapter 17.32 (Administrative Use Permits and Conditional Use Permits) and the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law. In addition to satisfying other requirements of this Section, the applicant for conversion of an existing office or industrial structures to condominiums at the time application is made, shall provide the following information:

   a. **Structure and Zoning History.** A structure and zoning history, to the extent available, detailing the date of construction, major uses since construction, and the dates, nature, and scope of major repairs and alterations since construction.

   b. **Property Report.** A property report detailing the condition and useful life of the roof, foundation, mechanical, electrical, plumbing, and structural elements of existing structures. A registered civil or structural engineer shall prepare the report.

   c. **Pest Report.** A structural pest report prepared by a licensed structural pest control operator.

2. **Development Standards.**

   a. Approval of the Conditional Use Permit for conversion shall require that the development in question meet the requirements currently in effect for new commercial or industrial condominium developments.

   b. Structures shall comply with building, energy, mechanical, electrical, plumbing, and fire codes in force in the City at the time application for condominium is made.

   c. Commercial and industrial condominiums to be constructed or converted shall be subject to the development standards, parking requirements, and sign regulations for the zone in which they are located, and subject to the conditions of approval.

   d. In addition to the requirements of the applicable zone, the following development standards shall apply. Wherever there is a conflict or the appearance of a conflict between the normal zoning requirements and the following condominium requirements, the more stringent standards shall apply unless the conflict is mutually exclusive, in which case this Section shall apply:

3. **Utilities.** Each commercial or industrial condominium unit shall have separate water, sewage, and utility connections, or provisions for shared usage shall be included in the covenants, conditions, and restrictions. Each utility that is controlled by and consumed within the unit shall be separately billed for its use. Each unit shall have access to its own meter(s), heater(s), and air conditioner(s), and shall not require entry through another unit. Each unit shall have its own electrical panel and access to it. A plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

4. **Outdoor Storage Areas.** Outdoor storage may be allowed in industrial condominiums as a part of the required Conditional Use Permit when the Planning Commission determines that the storage is adequately screened from public view and will not be aesthetically or materially detrimental to surrounding properties. If the Planning Commission determines that a proposed industrial condominium development can adequately accommodate
outdoor storage area(s), then the development standards of the P-L-I (Planned Light Industrial) zone shall apply.

17.28.110 Condominiums—Residential and Residential Conversions

A. Purpose and Intent.

1. The Council finds that residential condominium projects are different in so many respects from other types and forms of land ownership and development as to require additional regulations. This applies to new condominium development projects as well as the conversion of existing multifamily housing to condominiums.

2. The intent of this Section is to further the goals of the General Plan, provide a balanced mix of housing, and ensure the form of ownership and occupancy complies with applicable laws for the general health, safety, and welfare of the public.

3. The intent of this Section is also to establish standards, procedures, and guidelines that provide a more flexible method whereby properly located land areas can be developed, employing more innovative and imaginative land planning concepts than would be possible through the strict application of conventional zoning and subdivision regulations.

4. The purpose of this Section is to provide for the general control of design and development of common ownership residential condominiums in relation to adjoining areas in compliance with the basic purpose of the State Subdivision Map Act.

B. Permits and Map Required.

1. New Condominium Projects. Residential condominium projects shall be allowed in all residential zones and in the Town Center Mixed Use zone at densities applicable to the zone in which the project is located, subject to the approval of tentative and final tract or parcel maps as may be required by law and any development permits required for multi-family housing in the zone in which the new project is located. This requirement is in addition to other permits or certificates required by law.

2. Condominium Conversions. Residential condominium conversion projects shall be allowed in all residential zones and in the Town Center Mixed Use zone at densities applicable to the zone in which the project is located, subject to the approval of a Site Development Permit – Major and the approval of tentative and final tract or parcel maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

3. Compliance Required. Persons shall not construct, sell, lease, convey, maintain, or use a condominium project within the City without complying with the provisions of this Section.

C. Applicability of Subdivision Ordinance

1. Condominiums, whether new construction or conversion of existing structures and as may otherwise be superseded by the Subdivision Map Act:
   a. If five or more dwelling units, the standard subdivision procedure shall be applied.
   b. If four or fewer dwelling units, the minor subdivision (Parcel Map) shall be applied.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

2. The provisions of Title 16 (Subdivisions) of the Municipal Code shall apply.

D. Relationship to Other Laws. Whenever regulations or restrictions imposed by this Section are either more or less restrictive than regulations or restrictions imposed by other laws, the regulations, rules, or restrictions which are more restrictive or which impose specific design standards shall govern.

E. Requirements for Residential Condominiums.

1. Compliance with Codes. Structures shall comply with building, mechanical, electrical, and plumbing codes in force in the City at the time the application is made.

2. Sound and Energy Insulation. Structures shall be sound attenuated to comply with the Uniform Building Code standards in effect at the time of filing. Additionally, the structure shall be made to comply with the energy insulation requirement in effect at the time of filing.

3. Fire Protection

   a. Smoke Detectors. Each condominium unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

   b. Maintenance of Fire Protection Systems. Fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition.

4. Utilities

   a. Utility Metering. Each condominium unit shall be separately metered for all utilities. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

   b. Undergrounding of Utilities. Onsite overhead utility service lines shall be placed underground.

5. Dedication and Improvements. Dedications for streets, alleys, drainage, or public utilities shall be made so as to bring the development into conformity with existing City street, alley, drainage, and public utility standards.

6. Parking, Off-Street. Parking requirements for condominiums shall be provided for in compliance with Chapter 17.22 (Parking and Loading).

7. Storage Space. Each condominium unit shall be provided with a minimum of 200 cubic feet of enclosed weatherproofed and lockable private storage space. The space shall be for the sole use of the unit owner. This storage area may be located within a covered parking area, provided it does not interfere with vehicle parking.
8. Laundry Facilities.
   a. Separate Facilities. A separate laundry facility area of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit (if provided for in the garage, the area shall not encroach into the required parking space).
   b. Common Facility. As an alternative to subparagraph a, a common laundry facility may be provided; such facility shall consist of not less than one automatic washer and dryer for each three condominium units or fractions of thereof.

9. Lot Size, Setback, Coverage, Height, and Density Requirements. Lot sizes, setback lines, coverage, structure heights, and density requirements shall meet the minimum requirements for the zone in which the condominium is located.

10. Private Open Space. An adjoining private open space for each condominium unit in compliance with the requirements for the zone in which the project is located.

F. Requirements for Residential Condominium Conversion.

1. Application for Conversion. In addition to satisfying other requirements of this Section, the applicant for conversion of any existing residential structures to condominiums, at the time application is made, shall provide the following information:
   a. Structure and Zoning History. A structure and zoning history, to the extent available, detailing the date of construction, major uses since construction, and the dates, nature, and scope of major repairs and alterations since construction.
   b. Property Report. A property report detailing the condition and useful life of the roof, foundation, mechanical, electrical, plumbing, and structural elements of all existing structures. A registered civil or structural engineer, or a licensed general building or engineering contractor, shall prepare the report.

2. Development Standards
   a. Compliance with Codes. Structures shall comply with building, mechanical, electrical, and plumbing codes in force in the City at the time the application for conversion is made.
   b. Sound and Energy Insulation. Structures shall be sound attenuated to comply with the Uniform Building Code standards in effect at the time of filing. Additionally, the structure shall be made to comply with the energy insulation requirement in effect at the time of filing.
   c. Fire Protection.
      i. Smoke Detectors. Each condominium unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
ii. **Maintenance of Fire Protection Systems.** Fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition.

3. **Utilities**

   a. **Construction before January 23, 1980.** Structure construction approved by the City before January 23, 1980, may be converted to condominiums when the following standards are met:

      i. **Utility Metering.** Each condominium unit shall be separately metered for gas and electricity. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions. In a case where the subdivider can demonstrate to the Planning Commission that this standard cannot or should not be met, the Planning Commission may modify the standard.

   b. **Construction after January 23, 1980.** Structure construction approved by the City after January 23, 1980 may be converted to condominiums when the following standards are met:

      i. **Utility Metering.** Each condominium unit shall be separately metered for all utilities. In addition, a plan for equitable sharing of non-separately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.

4. **Undergrounding of Utilities.** On-site overhead utility service lines shall be placed underground.

5. **Dedications and Improvements.** Dedications for streets, alleys, drainage, or public utilities shall be made so as to bring the development into conformity with existing City street, alley drainage, and public utility standards.

6. **Off-Street Parking**

   a. Buildings converted to condominiums may utilize the parking spaces that exist prior to the conversion only, and need not provide additional parking, even if the spaces are not in compliance with the parking requirements and standards established for newly constructed multi-family residential structures in the R-2 and R-3 zones, unless additional or alternative parking spaces exist as determined by City staff.

   b. **Other Parking Provisions.** In all other respects, off-street parking requirements and standards shall be governed by the provisions of Chapter 17.22 (Parking and Loading).

7. **Storage Space.** Each condominium unit shall be provided with a minimum of 200 cubic feet of enclosed weatherproofed and lockable private storage space within a covered parking area, provided it does not interfere with motor vehicle parking.

8. **Laundry Facilities.**

   a. **Separate Facilities.** A separate laundry facility area of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit (if provided for in the garage, the area shall not encroach into the required parking space).
b. **Common Facility.** As an alternative to subparagraph a, a common laundry facility may be provided; such facility shall consist of not less than one automatic washer and dryer for each three condominium units or fractions of thereof.

9. **Setback, Height, and Density Requirements.** Setback lines, structure heights, and density requirements shall meet the minimum requirements for the zone in which the condominium is located.

10. **Tenant Provisions/Notification to Tenants.** The subdivider shall comply with the following provisions regarding tenants’ rights:

   a. Tenants of a structure proposed for conversion shall be given 10 days written notice, by the developer, of the Planning Commission meeting at which the conversion proposal will be heard and considered. Certification that the residents of the project have been notified shall be provided to the Director.

   b. Each tenant shall be given a minimum of 150 days written notice of intention to convert before termination of tenancy due to the conversion or proposed conversion. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the Development Services Department and shall contain not less than the following:

      i. Name and address of current owner;

      ii. Name and address of proposed subdivider;

      iii. Approximate date on which the tentative map is proposed to be filed;

      iv. Approximate date on which the final map or parcel map is to be filed;

      v. Approximate date on which the unit is to be vacated by nonpurchasing tenants;

      vi. Tenant’s right to purchase;

      vii. Tenant’s right of notification to vacate;

      viii. Tenant’s right to extend lease;

      ix. Tenant’s right of termination of lease;

      x. Statement of no rent increase;

      xi. Provisions of relocation assistance;

      xii. Other information may be required as deemed necessary.

   c. If a tenancy is to expire before 120 days before the commencement of sales is scheduled, the developer shall offer to extend the tenancy upon the same terms for an additional 90 days. If a tenancy is to expire before 30 days before the commencement of sales is scheduled, the developer shall offer to extend the tenancy for a period to and including the 30th day before the date scheduled for commencement of sales.
d. The developer shall permit a tenant to terminate a lease or rental agreement without a penalty, cost, or forfeiture, after notice has been given of the intention to convert to condominium housing, if a tenant notifies the developer, in writing, 30 days in advance of the termination.

11. Tenants’ Right to Purchase. Each of the tenants in the proposed condominium project shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that the units will be initially offered to the general public, or terms more favorable to the tenant. This right shall comply with the provisions of Business and Professions Code Section 11018.2, unless the tenant gives prior written notice of their intention not to exercise this right. This right of purchase shall extend at least 90 days from the date of issuance of the subdivision public report, or commencement of sales, whichever is later.

12. Increase in Rents. The tenant’s rent shall not be increased between the time of filing of the tentative map and the time relocation takes place, or the subdivision is denied or withdrawn.

13. Relocation Assistance.
   a. The subdivider shall provide each tenant with a list of available units of similar price and in the same general area.
   b. The subdivider shall provide relocation funds equivalent to the last month’s rent (at the current rental rate then being charged) to all tenants, to cover expenses related to moving.

14. Notice to New Tenants. After submittal of the tentative map, prospective tenants shall be notified in writing of the intent to convert, before the leasing or renting of a unit.

17.28.120 Construction Structures - Temporary

A. Temporary Use Permit Required. Contractor’s temporary construction structures or trailers in conjunction with a subdivision or other development, to be used only for offices or storage, may be allowed for a period not to exceed six months, with up to three six-month extensions, each upon approval of a Temporary Use Permit in compliance with Chapter 17.46 (Temporary Use Permits).

B. Design and Operational Requirements.
   1. The temporary construction site building shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold and/or is being developed.
   2. The property to be used for a temporary construction site building shall not be permanently improved for that purpose.
   3. The temporary construction site building shall conform to the setbacks of the underlying development district; shall provide skirting; and shall obtain all necessary permits, including building, electrical, and plumbing, as applicable.
17.28.130 Day Care, General

A. **Purpose and Applicability.** This Section establishes standards for the location, development, and operations for general day care facilities, as defined in Chapter 17.74 (Definitions) as “Day Care, General” where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations). This Section provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

B. **Standards.** All general day care facilities shall comply with all of the following:

1. **Licensing.** The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6.

2. **General Day Care Facilities Review Standards.** An application for a general day care facility shall be reviewed by the responsible review authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Section. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Section, all applicable City ordinances, and any regulations adopted by the State Fire Marshall.

3. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.

4. **Drop-off/Pick-up Areas.** Any general day care facility located on a through street classified as a collector or arterial street in the Los Alamitos General Plan shall provide a drop-off and pick-up area that does not require backing into the street.

17.28.140 Day Care Home—Large Family (9-14 children)

A. **Purpose and Applicability.** The provisions in this Section shall apply to large family child day care homes, as defined by current State law, in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations) and the following standards. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies.

B. **Standards.** All large family child day care homes shall comply with all of the following:

1. **Licensing.** The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

2. **Care Provider’s Residence.** The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence, in compliance with Health & Safety Code Section 1596.78 and other applicable law.

3. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.

4. **Play Area and Equipment.** Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the lot and shall comply with any setback requirements for the zone in which the large family day care home is located.
5. Drop-off/Pick-up Areas and Use of Garages
   
a. A minimum of two off-street uncovered parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 17.22 (Parking and Loading). A driveway may be used to provide the spaces, provided the City Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.

b. Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.

c. Hours of Operation. A large family child day care home located may only operate a maximum of 14 hours each day between the hours of 6:00 AM and 8:00 PM.

d. Inspection Required. Before commencing operation of a large family child day care home, the City Building Official shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there are no unallowed uses, structure, electrical, and/or mechanical improvements to the property.

17.28.150 Day Care Home—Small Family (8 or fewer children)

All small family child day care homes, as defined as in Chapter 17.74 (Definitions), shall comply with the applicable provisions of Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes). Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

17.28.160 Emergency Shelters

A. Purpose. This Section identifies locations for emergency shelters and sets forth the development standards that shall be met regardless of whether the emergency shelter is allowed as of right or by a Conditional Use Permit:

B. Required On-Site Waiting and Intake Areas.
   
1. 10 square feet per bed.
2. Minimum 100 square feet.

C. Facility Management. A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the Development Services Director. The management plan may be reviewed as needed by the City with revisions made by the operator.

D. Proximity to Other Emergency Shelters. An emergency shelter may not be located closer than 300 feet from another emergency shelter.

E. Maximum Length of Stay. Six months.
F. **Multi-Jurisdictional Agreement.** Emergency shelters for homeless persons that are subject to a multi-jurisdictional agreement, subject to California Government Code Section 65583(d), shall be considered an allowed use even if inconsistent with the criteria in this Section, provided the agreement includes standards and operational criteria acceptable to the participating jurisdictions.

17.28.170 **Hazardous Waste Facilities**

A. **Purpose and Intent.** The purpose of this Section is to establish uniform standards, land use regulations, and a permit process for controlling the location, design, maintenance, and safety of off-site hazardous waste facilities.

B. **Definitions.** Terms unique to this Section are listed in Chapter 17.74 (Definitions).

C. **Applicability.**

1. The provisions in this Section shall apply to hazardous waste facilities as defined in Chapter 17.74 (Definitions) and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Regulations).

2. The provisions of this Section do not apply to:
   a. Transportable treatment units (TTU) which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time;
   b. Permanent on-site hazardous waste facilities at locations where hazardous waste is produced, and which are owned by, leased to, or under the control of the producer of the waste.

D. **Required Licensing.** Facilities (i.e., off-site, on-site and TTUs) shall be licensed as required by State law.

E. **Consistency with County Hazardous Waste Management Plan.** Any application for a hazardous waste facility or project shall be subject to all applicable regulations outlined in the Los Alamitos Municipal Code and the County Hazardous Waste Management Plan. All requirements of the City with regard to hazardous waste facilities shall be consistent with those portions of the approved County Plan which identify general areas or siting criteria for hazardous waste facilities. The County Hazardous Waste Management Plan as it now exists or may be amended is adopted and incorporated by reference as part of the Municipal Code.

F. **City Requirements and Conditions.** Nothing contained in this Section nor any requirement incorporated by reference shall limit the authority of the City to attach appropriate conditions to the issuance of any Conditional Use Permit for a hazardous waste facility to protect the public health, safety or welfare, and does not limit the authority of the City to establish more stringent requirements or siting criteria than those specified in the County Hazardous Waste Management Plan.

17.28.180 **Live/Work Units**

A. **Purpose and Applicability.** The provisions in this Section shall apply to live/work units, as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

B. **Limitations on Use.** The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations). Specifically, however, a live/work unit shall not be allowed to include any of the following land uses or activities:
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

1. Vehicle repair and service.
2. Vehicle and equipment maintenance and repair services.
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
4. Manufacturing or industrial activities, including but not limited to welding and machining.
5. Any other activity or use, as determined by the Director, to be incompatible with residential activities and/or have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

C. Ground Floor Use. Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ground floor building area.

D. Design Standards.

1. Floor Area Requirement. A live/work unit shall have a minimum floor area of at least 500 square feet. At least 150 square feet of a live/work unit shall be designated as suitable for workspace and shall measure not less than 15 feet in at least one dimension and no less than 10 feet in any dimension. The area suitable for workspace for each unit shall be clearly demarcated on approved building plans.

2. Separation and Access of Individual Units. Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, or from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.

3. Location of Living Space – Ground Floor Units. Ground floor live/work units shall designate a minimum of the front 20 feet of the building depth of the unit, as measured from the unit frontage, as area suitable for workspace in order to maintain activity and commercial access along the frontage. Dedicated living space may be located be in the rear portion of the ground level, provided the front 20 feet of the unit is designated as suitable for work.

4. Facilities to Accommodate Commercial Activities. A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.

5. Ceiling Height. Ground floor live/work units shall have a minimum floor to ceiling height of 12 feet, measured from top of floor to bottom of ceiling. A mezzanine space shall not be included in the calculation of minimum height for any floor or level.
E. Operating Requirements.

1. **Sale or Rental of Portions of Unit.** The work portion of a live/work unit may be rented separately from the live portion.

2. **Business License Required.** At least one business tenant of a live/work unit shall be required to have a business license with the City, issued subject to Title 5 (Business Licenses and Regulations).

3. **Non-Resident Employees.** The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other State and Federal regulations.

4. **Client and Customer Visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

17.28.190 Mobile Food Vending

A. **Purpose and Applicability.** The purpose of this Section is to ensure that off-street mobile food vending is conducted in a manner compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking, or litter. Mobile food vending is also subject to Chapter 5.24 (Food Handling Business).

B. **Special Events that Include Mobile Food Vending.** The provisions of this Section shall not apply to persons operating a mobile vendor vehicle as part of a certified farmers’ market, or an authorized street fair or other event occurring under a Temporary Use Permit issued by the City, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.

C. **Operational Requirements.** Mobile vendor vehicles operating on private property shall comply with the following requirements:

1. **Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director prior to operating at the location. The vendor shall maintain proof of the owner’s approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or City employee authorized to enforce this Section.

2. **Impervious Surface Parking.** The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another impervious surface.

3. **Litter Removal.** The mobile vendor vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile food vendor shall remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle’s location.

4. **No Discharge of Liquid.** The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.

5. **Temporary Shade Structures.** Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
6. **Noise.** The mobile food vendor shall be subject to the noise provisions identified in Title 9 (Public Peace and Welfare). The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be allowed.

7. **Hours of Operation.** No mobile food vending shall operate before 8:00 AM or after 10:00 PM, including set-up and clean-up.

8. **Business License Required.** The mobile food vendor shall have a valid business license issued by the City subject to Title 5 (Business Licenses and Regulations). As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.

9. **Health Permit Required.** The mobile food vendor shall have a valid permit issued by the Orange County Department of Health. All required County Health permits shall be in the possession of the mobile food vendor at all times during which it operates within the City.

10. **Fire Department Inspection.** All mobile food vendors’ vending vehicles shall be inspected and approved by Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

17.28.200 **Outdoor Dining**

**A. Purpose and Applicability.**

1. The City encourages the use of outdoor dining and seating areas, provided that business operators are mindful of two important considerations: (a) the safety and flow of pedestrian traffic and (b) the visual appearance of the outdoor dining and/or seating areas. The standards set forth in this Section are intended to ensure that outdoor seating is done in a way that is both safe for pedestrians and appropriate for the surroundings.

2. The provisions in this Section shall apply to outdoor dining that occurs on private property incidental to an otherwise allowed use, and where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

3. Outdoor dining may be allowed on private property as an accessory use associated with a legally approved eating and/or drinking establishment upon approval of the required permit.

**B. Change in Allowed Use.** The size of an allowed outdoor dining area shall not be increased or the arrangement substantially altered unless the Director has reviewed and approved a new application as required under this Section.
C. **Submittal Requirements.** In addition to the submittal requirements of the required application, the applicant shall provide the following:

1. **Floor Plan.** A diagram showing the layout of the indoor business space, the proposed outdoor dining area with appropriate setbacks indicated.

2. **Furniture and Fixtures.** The submittal must identify the style, color and materials of all fixtures that will be placed in the outdoor dining area, including but not limited to tables, chairs, umbrellas, planters, and barriers.

3. **Hold Harmless Agreement.** For outdoor dining areas immediately adjacent to the public right-of-way, a hold harmless agreement in a form approved by the City Attorney, releasing the City from any liability related to the outdoor dining area.

D. **Development Standards.** Permits issued subject to the terms of this Section and as required by this Title 17 shall conform to all of the following requirements. No permit shall be issued that does not comply with these standards.

1. The outdoor dining area shall not encroach into any required parking lot area, including areas where vehicles may overhang curbs.

2. The outdoor dining area shall not be located or utilized in a manner which causes an obstruction of a public walkway or interferes with the flow of pedestrian or other traffic.

3. The proposed outdoor dining activity shall not interfere with the use of any public walkway by neighboring property owners and tenants.

4. A minimum setback of 200 feet from residential uses shall be maintained, except as may be otherwise approved for mixed-use projects.

5. The outdoor dining area shall maintain the minimum setbacks necessary to maintain the visibility of neighboring businesses to pedestrians and motorists, including visibility of signage.

6. A minimum of four feet of totally unobstructed walkway space shall be maintained around the outdoor dining area, and outdoor dining areas shall not interfere with disabled access.

7. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.

8. All fencing, dividers, appurtenances, furnishings, and furniture that occur with an allowed use under this Section shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.

9. The outdoor dining area shall not be allowed within 15 feet of any driveway.

10. The hours of operation for incidental outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Director.

11. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 accessibility requirements.
12. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public walkway, the rights of all adjoining property owners, and the health, safety, and welfare of the public.

D. Alcohol Service.

1. Barriers are only required if alcohol will be served in the outdoor dining area.

2. All areas where alcoholic beverages are served outside must comply with the standards established by the State Department of Alcoholic Beverage Control. Any perimeter fence and/or landscaped planter(s) shall be designed to clearly suggest that alcohol is not allowed outside the seating area.

E. Barrier Design. Barriers, where required or provided, shall comply with the following:

1. Any barrier must be freestanding, without any permanent or temporary attachments to buildings, sidewalks, or other infrastructure.

2. The physical design of the fence, barrier, and/or landscaped planter(s) shall be compatible with the design of the building. Seating area barriers (fences, gates, ropes, etc.) shall be visually appealing and help to separate the seating area from the sidewalk.

3. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. A variety of styles and designs are permissible for outdoor dining/seating area barriers, including the following:

   a. Sectional Fencing. Sectional fencing is generally defined as rigid fence segments that can be placed together to create a unified fencing appearance. This type of fencing is portable but cannot be easily shifted by patrons or pedestrians, as can less-rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).

   b. Rope and Chain Rails. Rope or chain-type barriers are generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions. These types of barriers are permitted if they meet the following guidelines:

      i. The rope or chain must have a minimum diameter of one inch in order to remain detectable by the visually impaired.

      ii. Vertical support posts (stanchions, bollards, etc.) must be constructed of wood or metal (aluminum, steel, iron, or similar).

      iii. A stanchion or other vertical supporting member that has a base must not be a tripping hazard. The stanchion base shall not be domed and shall not be more than one-half inch above the sidewalk surface.

   c. Planters. Planters may be used in addition to or in place of other barrier designs. Planters may be used in situations where no barrier is required to provide added visual interest and create a more attractive and welcoming atmosphere. All planters must have living plants contained within them. Dead plants within the planter must be replaced or the planter removed from public view. Artificial plants, empty planters, or
planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted. Seasonal, thematic planter displays are encouraged.

d. **Prohibited Materials.** Fabric inserts (natural or synthetic) of any size are not permitted to be used as part of a barrier. The use of chain-link, cyclone fencing, chicken wire, or similar material is prohibited. Materials not specifically manufactured for fencing or pedestrian control are prohibited unless they are expressly allowed elsewhere in these guidelines. Materials such as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc. are not permitted and shall not be used as components of a barrier.

e. **Barrier Measurements.** To ensure their effectiveness as pedestrian control devices and their ability to be detected by persons with vision impairments, barriers must meet the following measurements:

i. **Height.** The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height, with the exception of planters.

ii. **Maximum Height of Planters and Plants.** Planters may not exceed a height of 36 inches above the level of the sidewalk. Plants may not exceed a height of 96 inches (eight feet) above the level of the sidewalk.

iii. **Rope/Chain Distance from Ground.** In the case of a rope or chain enclosure, the bottom most point on a rope or chain must not exceed 27 inches in height.

iv. **Maximum Distance from Ground.** All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of barriers must be no greater than 27 inches above the sidewalk surface.

v. **Open Appearance.** Fences or other perimeter enclosures with a height of between 36 inches and 48 inches must be at least 50 percent open (see-through) to maintain visibility of street level activity. Any enclosure over 48 inches high must be at least 80 percent open.

vi. **Minimum Access Width.** Any access opening within the barrier must measure no less than 44 inches in width.

vii. **Location.** Access openings should be placed in a location that will not create confusion for visually impaired pedestrians. The seating area shall not be placed on landscaped areas.

F. **Furniture and Fixtures.** To ensure compatibility with surrounding uses and a high standard of design quality, all physical elements associated with an outdoor dining area shall be compatible with the overall design of the main structure. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures shall be maintained in a clean condition at all times. All furniture and fixtures shall be durable and of sufficiently sturdy construction as not to blow over with normal winds. Furniture and fixtures shall not be secured to trees, lampposts, street signs, hydrants, or any other public street infrastructure by any means, whether during restaurant operating hours or when the restaurant is closed. To ensure a quality visual appearance, the following standards apply to outdoor dining furniture:

1. **Tables and Chairs.** Tables and chairs need to be functional, not only for patrons, but also for pedestrians, given the limited space available in some areas. Outdoor dining furniture shall also contribute to the overall atmosphere and be complementary in both appearance and quality. Tables shall not be white plastic or any fluorescent or other strikingly bright or vivid color. Upholstered chairs are permitted. Upholstery is not
permitted to be of any fluorescent or other strikingly bright or vivid color. All chairs used within a particular establishment’s outdoor seating area shall match each other by being of visually similar design, construction, and color.

2. **Umbrellas.** Appropriately designed and sized umbrellas are permitted subject to the following conditions:

   a. Umbrellas must be free of advertisements or product names.

   b. All parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.

   c. When extended, the umbrella must measure at least seven feet above the surface of the outdoor dining area in order to provide adequate circulation space below. The seven-foot minimum height includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

   d. No part of an umbrella may exceed a height of ten feet above the surface of the outdoor dining area to avoid an undue visual obstruction of other businesses.

   e. Umbrella fabric shall be one solid color and is not permitted to be a fluorescent or other strikingly bright or vivid color.

   f. Market-style umbrellas (those designed specifically for patio or outdoor restaurant use) are preferred for outdoor dining purposes. Umbrella fabric shall be of a material suitable for outdoor use and shall be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.

   g. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other similar identifying characteristics.

3. **Prohibited Furniture.** Unless allowed by the conditions of an Administrative Use Permit or Conditional Use Permit, all furniture other than tables, chairs, umbrellas and heaters are prohibited. This includes, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, cooking appliances, and torches.

G. **Ground Coverings.** The floor of outdoor seating areas shall be uncovered sidewalk material as to provide continuity with the adjacent public sidewalk or private walkway.

H. **Signage.** Signage is not permitted within an outside dining area except with a valid city permit. No extra or additional signage is permitted solely as a result of having an outdoor dining area.

I. **Waste Receptacles.** Waste receptacles shall be provided in outside seating areas for quick-serve establishments (typically using disposable utensils) and/or when table service is not provided. Waste receptacles shall not otherwise be placed in outside seating areas when table service is provided unless required by the Director.

J. **Entertainment.** Outdoor seating areas that include dancing, entertainment, or amplified music require the preparation of a noise analysis with the appropriate mitigation measures. Outdoor entertainment requires a separate application from the City.
K. Parking Requirements. Parking shall be provided as set forth in Chapter 17.22 (Parking and Loading).

L. Compliance with Other Laws.

1. If any of the standards listed above are found to be inconsistent with the Americans with Disabilities Act (ADA) or California Building Code (CBC) requirements, the ADA and/or CBC standards shall apply.

2. To the extent any requirements of the ABC are more stringent than the standards listed above for restaurants serving alcohol, the ABC requirements shall apply.

M. Temporary Suspension. The use which is allowed under this Section may be temporarily suspended, subject to written notice, when, in the opinion of the Director, such use may interfere with the rights, health, welfare, or safety of the neighboring property owners and the others using the area.

17.28.210 Outdoor Display and Retail Activities

A. Purpose and Applicability. This Section provides development and operational standards for temporary and permanent outdoor display and sales that may be associated with the operation of retail establishments or of commercial centers in which retailers conduct their retail sales activities as defined by Chapter 17.74 (Definitions). Outdoor uses on public property within the public right-of-way shall require an Encroachment Permit.

B. Standards for Temporary Outdoor Displays and Sales. Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a Temporary Use Permit (Chapter 17.46).

C. Standards for Permanent Outdoor Displays and Sales. Permanent outdoor displays and sales of merchandise may be allowed subject to the requirements and approval of a Conditional Use Permit and in compliance with the following standards:

1. Height of Displayed Materials. The outdoor display of merchandise shall not exceed a height of 10 feet above finished grade.

2. Location of Merchandise. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. Displays shall not obstruct traffic sight areas or otherwise create hazards for vehicle or pedestrian traffic. Displays, storage, or placement of items, goods, or merchandise for sale or use in connection with a business shall not be allowed within a court.

3. Relationship to Primary Use. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject lot.

4. Signs. Additional signs, beyond those normally allowed for the subject use, shall not be allowed as a result of the outdoor display and sales area.

5. Operating Hours. The hours of operation shall be restricted to 8:00 AM to 10:00 PM if within 300 feet of a residential zoning district, or as identified in a permit.

6. Waste Collection and Disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

7. **Other Conditions.** Any other conditions that would ensure that the proposed use will be operated in an orderly and efficient manner shall be required.

17.28.220 **Outdoor Storage**

A. **Purpose and Applicability.** This Section provides standards for the establishment of outdoor storage areas where allowed in compliance with Article 2 (Zoning Districts, Allowable Uses, and Development Regulations).

B. **Development Requirements.**

1. **Screening.** Outdoor storage areas shall be screened from adjoining properties and public rights-of-way through all of the following:
   
   a. Use of decorative walls, fences, solid gates, and/or landscaping.
   
   b. Screening shall be provided to a height of at least one foot above the height of the materials being stored.

2. **Storage Setback Area.** Outdoor storage areas shall not encroach into required setback areas. In zones where no setback area is required, the outdoor storage area shall be set back a minimum of 10 feet from adjoining property line(s) unless otherwise allowed by a Conditional Use Permit.

17.28.230 **Recycling Facilities**

A. **Applicability.** Recycling facilities may be allowed in the commercial and industrial zones subject to the provisions in this Section.

B. **Reverse Vending Machines Requirements.**

1. Reverse vending machines located outside a commercial structure shall be established in conjunction with a commercial use or community service facility that is in compliance with the zoning, building, and fire codes of the City. Reverse vending machines shall only be allowed for beverage container convenience zone collection centers, subject to an Administrative Use Permit.

2. Reverse vending machines shall be located within 30 feet of the entrance to the commercial structures and shall not obstruct pedestrian or vehicular circulation.

3. Reverse vending machines shall not be located within 500 feet of a residential use.

4. Reverse vending machines shall be constructed and maintained with durable, waterproof, and rustproof material and maintained in a clean, litter-free condition on a daily basis.

5. Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

6. Reverse vending machines located within a commercial structure do not require discretionary permits.
C. Small Collection Facilities Requirements.

1. Small collection facilities shall be established only in conjunction with an existing commercial or community service facility that complies with the planning, building, and fire codes of the City.

3. Small collection facilities shall be no larger than 500 square feet, not including space that will be periodically needed for removal of materials or exchange of containers.

4. One parking space shall be required for the attendant.

5. Occupation of parking spaces by the facility and the attendant may not reduce the available parking spaces below the minimum number required for the primary use.

3. Additional parking spaces shall not be required for customers of a small collection facility located in an established parking lot.

4. Small collection facilities shall be set back at least 10 feet from property lines and shall not obstruct pedestrian or vehicular circulation.

5. Small collection facilities shall accept only glass metals, plastic containers, papers, and reusable items. Used motor oil containers may be accepted with the approval of the local Public Health Official.

6. Small collection facilities shall use no power-driven processing equipment, except for reverse vending machines.

D. Container Requirements.

1. Containers shall be used that are constructed and maintained with durable waterproof and rustproof materials, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule.

2. Recyclable material shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when the attendant is not present.

3. The site shall be maintained free of litter and other undesirable materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

4. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 AM and 7:00 PM.

5. Containers for the 24-hour donation of materials shall be at least 100 feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and the residential use that, in the opinion of the Director, provides adequate shielding for noise impacts.

6. Containers shall be clearly marked to identify the type of material which may be deposited.

7. The facility shall be marked clearly to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
17.28.240 Schools—Private

In addition to other provisions of this Zoning Code, all of the following requirements shall apply to private academic schools.

1. Side setbacks: minimum 10 feet.

2. Fences shall be constructed and maintained as required by the entitlement permit.

3. Minimum play area: 100 square feet per child.

17.28.250 Senior Citizen Housing

A. Applicability. Senior citizen housing projects and residential care facilities shall be subject to the standards in this Section.

B. Development Requirements.

1. Parking. Off-street parking shall be provided for each project in compliance with the standards in Chapter 17.22 (Parking and Loading).

2. Compliance with Zone Development Standards. At a minimum, proposed developments shall comply with the applicable zone regulations relative to structure setbacks, lot coverage, landscaping, and other development standards.

3. Different Abutting Uses. New projects proposed on property abutting lots that are zoned or developed commercially or industrially shall include specific measures approved by the Planning Commission to mitigate potential impacts from adjacent uses.

4. Sound Attenuation Measures. Sound attenuation measures shall be provided for new senior housing projects that comply with State requirements for residential occupancy.

5. Dwelling Unit Density. For senior housing developments in a residential zone, the density standards of that zone shall apply. For senior housing developments and residential care facilities in all other zones, where such uses are permitted, no density limit shall apply.

6. Dwelling Unit Size. Minimum and maximum dwelling unit size shall be governed by the Uniform Building Code and Department of Housing and Urban Development regulations. The Planning Commission may increase these standards upon review of the proposed occupancy and on-site amenities.
17.28.260 Single Room Occupancy Units

A. Purpose. This Section identifies development standards for single room occupancy (SRO) units.

B. Development Standards.

1. Each room shall have a minimum floor area of 150 square feet and a maximum floor area of 350 square feet.

2. Dwelling units shall be offered for rent on a monthly basis or longer.

3. An SRO unit shall accommodate a maximum of two persons.

4. Each SRO development shall provide a minimum common area of 10 square feet for each unit or 250 square feet, whichever is greater. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the Development Services Director may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities, common hallways, and other similar types of areas shall not be considered as common areas.

5. If a full kitchen is not provided in each SRO unit, common kitchen facilities shall be provided in the development. A full kitchen includes a sink, refrigerator, and a stove, range top, and/or oven.

6. Each SRO unit shall have a private toilet in an enclosed compartment with a door and a sink (not including a kitchen sink, if any). The compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in compliance with the most recent edition of the California Building Code for congregate residences. However, in no event shall there be less than one full shower or bathtub for every three units, and shower and bathtub facilities shall be located on each floor. Shared shower and bathtub facilities shall be accessible from a common area or hallway and shall be provided with an interior lockable door.

7. Each SRO unit shall have a separate closet.

8. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units.

9. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.

10. A resident manager shall be required. A written management plan addressing, at a minimum, staff training, identification process, neighborhood outreach, pet policy, safety, security, client intake, loitering control, referral services, outdoor activities, storage, refuse control, and facility maintenance shall be approved by the director of community development. The management plan may be reviewed as needed by the City with revisions made by the operator.

11. An SRO development shall not be located within 300 feet of another SRO development.

17.28.265 Swimming Pools

A. Location.

1. Swimming pools in the R-1, R-2, and R-3 zones shall be constructed on the rear one-half of the parcel or 50 feet from the front property line, whichever is the less, or unless a different location is approved by the Director.
2. Swimming pools shall not be located closer than five feet from any rear or side parcel line.

3. On the street side of any corner parcel, where the rear parcel line abuts a side parcel line, the pool shall not be located closer than 10 feet from the side parcel line.

4. Filter and heating systems for swimming pools, spas, Jacuzzis, and hot tubs shall not be located closer than 15 feet to any dwelling other than the dwelling on which the pool is located.

B. Parcel Coverage. Swimming pools shall not occupy more than 40 percent of the required rear setback. Coverage by a swimming pool shall not be considered in measuring maximum parcel coverage.

C. Enclosure Required. Swimming pools, spas, Jacuzzis, and hot tubs shall be completely enclosed by a fence at least five feet in height, and gates shall be self-closing and self-latching.

17.28.270 Wireless Communications Facilities

A. Purpose and Intent. The purpose of this Section is to regulate the installation of antennas and other wireless communications facilities consistent with Federal law. The City acknowledges the community benefit associated with the provision of wireless communications service and potential public benefit from leasing of publicly owned properties. It is also recognized that unrestricted installations are contrary to the City’s efforts to promote safety and aesthetic considerations. It is not the intent of this Section to unreasonably limit the reception or transmission of signals or to add excessive permit costs. Rather, it is the intent of this Section to permit antennas and wireless communications facilities where they can be installed without creating adverse safety and aesthetic impacts on abutting and nearby properties and the overall community.

B. Definitions. Terms unique to this Section are contained in Chapter 17.74 (Definitions).

C. Applicability. Wireless telecommunication facilities that are erected, located or modified within the City shall comply with the requirements of this Chapter unless exempt pursuant to the provisions of subsection D of this Section. This Chapter shall also apply to facilities for which building permits and an extension have expired.

D. Exemptions. The following wireless communications facilities are exempt from the requirements of this Section and are subject to compliance with other provisions of the Municipal Code:

1. A wireless communications facility shall be exempt from the provisions of this Section if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communications Commission (FCC) specifically provide that the antenna is exempt from local regulation.

2. Satellite earth station (SES) antennas which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any nonresidential zone. In order to avoid the creation of an attractive public nuisance, mitigate accidental tripping hazards, and maximize stability of the structure, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.

3. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas which are one meter (3.2808 feet) or less in diameter or diagonal measurement and Television Broadcast Service (TVBS) antennas, so long as said antennas are located entirely on private property and
are not located within the required front setback area. This locational requirement is necessary to ensure that such antenna installations do not become attractive nuisances and/or result in accidental tripping hazards if located adjacent to a street or other public right-of-way.

4. Antenna structures designed to receive broadcast satellite service, AM/FM radio signals, UHF/VHF radio signals, or multipoint distribution service (“MDS”) (“wireless cable”) as defined by the Federal Communications Commission.

5. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit provisions of this Section in compliance with the following standards:

   a. **Height Limits.** In residential zones, the height limit shall be 45 feet. In nonresidential zones, the height limit is 60 feet. However, amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum allowed height when not in operation.

   b. **Location Parameters.** All antenna structures shall be located outside of required front and street side setback areas. Antenna structures shall also be set back a minimum distance of five feet from interior property lines. If any portion of the antenna overhangs any property line, an Administrative Use Permit is required to obtain the authorized signature of all affected property owners on the required application form.

   c. **Tower Safety.** All ground-mounted antennas shall be located within an enclosed fenced area or have a minimum five-foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.

E. **Co-location Facilities.** Co-location facilities that have been granted a valid permit from the designated review authority are exempt from the requirements of this Section if they meet on all of the following requirements:

   1. Such co-locations shall not increase the height of the tower as previously approved, nor shall they include any new equipment beyond the physical enclosure(s) of the prior approval(s);

   2. Improvements to existing wireless facilities that deviate from the prior approval or result in new visual or noise impacts as determined by the Director shall require new permits; and

   3. Development of the facility may be phased without being required to obtain additional Site Development Permit – Minor for each antenna or service located on the structure, provided that the maximum height of the structure(s), the location of the structure(s), and design of the structure(s) are consistent with the approved permit.

F. **Application Requirements.** In addition to the application materials required for an Administrative Use Permit or Conditional Use Permit, the following information shall be provided for a wireless communications facility:

   1. A map showing the location of existing facilities within the City limits that are currently used by the operator of the proposed facility, whether or not the facilities are subject to the requirements of this Chapter, along with a brief narrative describing each facility.

   2. A written description demonstrating how the facilities will comply with screening and site selection criteria set forth in this Section.
G. **Conditions.** The designated review authority may impose conditions on wireless communications facility applications to ensure compliance with all provisions and purposes of this Section.

H. **Findings for Approval.** The review authority may approve or conditionally approve a permit for a wireless communications facility only upon making the following written findings based on substantial evidence in the record.

1. All of the following findings are required for the approval of an Administrative Use Permit or Conditional Use Permit for any wireless communications facility:
   a. The establishment or expansion of the facility demonstrates a reasonable attempt by the applicant to minimize stand-alone facilities.
   b. All applicable development standards in this Section have been met, or, if the application includes a request for an exception to those standards, then the review authority finds that lack of compliance with the development standards would not create adverse visual, noise, or aesthetic impacts to adjacent property.

2. Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one finding required):
   a. Co-location is not reasonably feasible;
   b. Co-location would have greater adverse effects on views, noise or aesthetics as compared with a stand-alone installation; or
   c. Co-location is not allowed by the property owner.

I. **Findings for Denial.** Findings to deny any permit for a wireless communications facility as regulated by the Municipal Code shall be done in writing and supported by substantial evidence contained in the written record. Denial shall not be based on the environmental effects of radio frequency emissions that comply with the Federal Communications Commission emission regulations.

J. **Development Standards, General.** Unless otherwise exempt subject to Subsection 17.28.270(D) (Exemptions), the following general development standards shall apply to all wireless communications facilities:

1. All wireless communications facilities shall comply with all applicable requirements of the current uniform codes as adopted by the City and shall be consistent with the General Plan and Municipal Code, as well as other standards and guidelines adopted by the City.
2. Facilities shall not bear signs or other advertising devices other than certification, warning, or other seals or signage required by law.
3. Accessory equipment associated with operation of the facility shall be located within a structure, enclosure, or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located. If the equipment is to be located above ground, it shall include sufficient
landscaping that is planted and continuously maintained to screen the structure from view from public rights-of-way and adjacent properties.

K. Major Facilities – Additional Development Standards. In addition to the general development standards in J, above, major facilities shall comply with the following standards:

1. Major facilities shall not be located within 200 feet of a property containing a residential structure. For the purposes of this provision, distance shall be measured in straight line without regard to intervening structures from the nearest point of the proposed major facility to the nearest relevant property line.

2. No major facility shall be located within 500 feet of another existing, legally established major facility unless co-located on the same structure.

3. Lattice towers shall not be allowed.

4. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator’s coverage objective.

5. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way.

6. Major facilities shall not exceed the maximum structure height for the zoning district in which it is located. For the purposes of this subsection, height shall be measured from the ground to the tallest part of the facility. The Commission may grant a higher structure height if the Commission can make the following findings:
   a. The Commission has reviewed the alternative options provided by the applicant and staff, including but not limited to additional and/or different locations and designs, and has determined that the proposed location has a lesser impact on the aesthetics and welfare of the surrounding community compare to other alternatives; and
   b. Based on the documented evidence presented, the additional height above the maximum structure height is reasonably necessary for co-location of facilities or for the efficient and technologically necessary operation of the proposed facility.

L. Minor Facilities – Additional Development Standards. In addition to the general development standards in J, above, and other provisions of the Los Alamitos Municipal Code, all minor facilities shall comply with the following standards:

1. A minor facility shall not exceed the maximum height for the zoning district in which it is located.

2. All screening and stealth features shall be well integrated into the design of the buildings and/or sites on which they are located in terms of architecture, materials, colors, building textures, and landscape palette.

N. Facility Removal.

1. Abandonment. A wireless communications facility that is inoperative or unused for a period of six continuous months shall be deemed abandoned. Upon reasonable suspicion of abandonment, the City shall provide a preliminary notice of abandonment to the operator of the facility and the owner(s) of the premises upon which the facility is located. The preliminary notice of abandonment may be delivered in person or mailed to the
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

address(es) stated on the facility permit application and shall be deemed given at the time delivered or placed in the mail.

2. Removal of Abandoned Facility.

   a. Within 30 days after preliminary notice of abandonment is given, the operator of the facility and the owner(s) of the property on which it is located shall either: (1) remove the facility and restore the premises, or (2) provide the Department with written objection to the City’s preliminary notice of abandonment and submit a request for administrative hearing to reconsider the abandonment. If after this time the facility is not properly removed or the City does not receive an objection to its preliminary notice of abandonment and request for administrative hearing, the Director may make a determination of abandonment and provide notice in the same manner as the preliminary notice of abandonment.

   b. If the City receives a timely written objection to the preliminary notice of abandonment and a request for administrative hearing, the Director shall schedule an administrative hearing to commence within 15 days of receiving the objection. At the time and place scheduled for the administrative hearing, the operator of the facility or the owner(s) of the property on which it is located may present documents and other evidence that the facility was in use during the relevant six month period and that it is presently operational. The Director shall review the evidence, determine whether or not the facility was properly deemed abandoned, and make a determination of abandonment or a finding of continued use and provide notice in the same manner as provided for the preliminary notice of abandonment.

3. Removal by City. If the facility is not properly removed following 30 days after the determination of abandonment, the facility shall be deemed a public nuisance and may be abated in compliance with Chapter 8.32 of the Los Alamitos Municipal Code.

17.28.280 Wireless Communications Facilities - Small

A. Purpose. The purpose and intent of this chapter is to:

   1. Provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation, and maintenance of small wireless facilities in the City, including within the public right-of-way.

   2. Establish clear local guidelines, standards, and time frames for the exercise of local authority with respect to the regulation of small wireless facilities in the City, including within the public right-of-way.

   3. Impose clear and reasonable requirements so that applications for small wireless facilities will be processed in a consistent and prompt manner. Particularly, this chapter imposes requirements that are necessary to protect public health and safety, community welfare, visual resources, and provide for the orderly, managed, and efficient development of small wireless facilities in accordance with state and federal laws, rules, and regulations.

   4. Provide for the orderly, managed, and efficient development of small wireless facilities in accordance with the state and federal laws, rules, and regulations and permit and manage reasonable access to the public right-of-way for telecommunications purposes on a competitively neutral basis.
5. Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development through the encouragement of advanced and competitive telecommunications services on the widest possible equivalent basis to the businesses, institutions, and residents of the City while continuing to fairly and responsibly protect the public health, safety and welfare.

6. Promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City consistent with the goals, objectives and policies of the General Plan.

7. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.

8. Assure that the City’s current and ongoing costs of granting and regulating private access to and use of the public right-of-way are fully paid by the persons seeking such access and causing such costs and secure fair and reasonable compensation to the City and the residents of the City for permitting private use of the public right-of-way.

9. This chapter is not intended nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or state law; or (6) otherwise authorize the City to preempt any applicable federal or state law.

B. Applicability. Notwithstanding any provision of this code to the contrary, this chapter shall govern all applications for small wireless facilities in the City.

C. Required Approvals.

1. Small wireless facility permit required. A small wireless facility permit shall be required to locate or modify any small wireless facility in the City, including without limitation within any public right-of-way. No small wireless facility shall be located or modified within the City on any property, including the public right-of-way, without the issuance of a small wireless facility permit as required by this chapter.

2. Action by Development Services Director.

   a. The director shall have the authority to approve, approve with conditions, or deny any application for a small wireless facility permit.

   b. Following the receipt of a complete application, and within the mandatory timeframes for processing small wireless facility applications established by the FCC, the director shall issue a written determination as to the approval, conditional approval, or denial of the application. The written determination shall state the findings in support of the director’s decision.

   c. Except as otherwise provided in this chapter, the provisions of Chapter 17-40 (Applications, Processing, and Fees) of this code shall govern the process and procedures for the preparation, filing, initial processing, and review of applications for a small wireless facility permit.
3. Permit for improvements in the public right-of-way. Each applicant for a small wireless facility permit pursuant to this chapter proposed for location in or on any public right-of-way within the City shall also submit an application for a permit for improvement in the public right-of-way pursuant to the provisions of Section 12.08.030 of this code. The application for such permit shall be processed, reviewed, and approved concurrently with the application for a small wireless facility permit pursuant to the provisions of this chapter.

4. Non-exclusive grant. Any administrative approval granted under this chapter shall not confer any exclusive right, privilege, license, or franchise to occupy or use the public right-of-way of the City for delivery of telecommunications services or any other purposes.

5. Application content. All applications for a small wireless facility permit required by this chapter and all required submittals must be made in writing by the applicant or the applicant's authorized agent on such form as the director may prescribe, which shall include the information specified in this subsection in addition to all other information determined necessary by the director.

   a. Full name and contact information for the small wireless facility owner, small wireless facility operator, agent (if any), and property owner, and related letter(s) of authorization from the small wireless facility owner and/or property owner.

   b. A full written description of the proposed small wireless facility, including its purpose and specifications.

   c. A detailed site and engineering plan of the proposed small wireless facility containing the exact proposed location of the small wireless facility, and any existing wireless facilities within a five hundred (500) foot radius of the proposed location, in accordance with requirements set by the director.

   d. Photographs of all proposed small wireless facility equipment and an accurate visual impact analysis with photo simulations, including reasonable line-of-sight locations from public streets, nearby vicinity, or other adjacent viewpoints as may be required by the director and a map that shows the photo location of each view angle.

   e. Building elevations and roof plan (for building- and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides.

   f. Proposed landscaping and/or nonvegetative screening (including required safety fencing) plan for all aspects of the small wireless facility.

   g. Written documentation demonstrating a good faith effort to locate the proposed small wireless facility in the least intrusive location and screened to the greatest extent feasible in accordance with the site selection and visual impact criteria of this chapter.

   h. If the application is for a small wireless facility that will be located within the public right-of-way, the applicant shall state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.

   i. A written description identifying the geographic service area for the subject facility.
j. The applicant shall submit evidence from the equipment manufacturer that the ambient noise emitted from all proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits as found in Chapter 17.24 of this code.

k. An application and processing fee in an amount equal to the maximum recommended fee amount as identified and periodically adjusted by the FCC or as established by the City Council by resolution for the estimated cost of the City, including staff time, and all other costs of whatever type or variety, incurred for the processing, review, commenting upon, evaluation, hearing, and consideration of the small wireless facility application.

l. A siting analysis which identifies a minimum of five (5) other feasible locations within or outside the City which could serve the area intended to be served by the small wireless facility, unless the applicant provides compelling technical reasons for fewer than the minimum. The alternative site analysis should include at least one (1) collocation site, if feasible.

m. A radio-frequency (RF) exposure compliance report prepared and certified by an RF engineer licensed by the State of California that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and exhibits and show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

n. Every applicant applying for authorization to construct, modify, or remove a small wireless facility located on private property must include with its application a written authorization signed by the property owner.

o. Any other studies or information as determined to be necessary by the director in order to consider an application for a small wireless telecommunications facility may be required.

D. Design and Development Standards for Small Wireless Facilities. The following design and development standards set forth in this section apply to all small wireless facilities in the City:

1. Design and Development.
   a. Each component part of a small wireless facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public’s use of the right-of-way, or safety hazards to pedestrians and motorists.

   b. A small wireless facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.

2. Noise Restrictions and Requirements.
   a. Small wireless facilities shall be operated in a manner to minimize any adverse impacts caused by noise.

   b. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 8:00 a.m.
3. Aesthetics.
   a. The applicant shall use screening and camouflage design techniques in the design and placement of small wireless facilities to ensure such facilities are as visually inconspicuous as possible.
   b. Small wireless facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or permitted by the City.
   c. Small wireless facilities shall not be illuminated unless specifically required by the Federal Aviation Administration, the FCC, or other government agency.

   a. Facilities shall be sited at least one hundred (100) feet away from other facilities to avoid cluttering.
   b. Collocated facilities on the same structure or the replacement of preexisting facilities shall not be required to meet the minimum spacing standard in paragraph (1) with respect to one another.

5. Undergrounding.
   a. To preserve community aesthetics, all small wireless facilities, excluding antennas, aboveground vents and the smallest possible electrical meter boxes, shall be placed within an underground vault, flush to the finished grade, whenever there are no physical or site constraints to make an underground vault infeasible, except as may be determined by the director.
   b. When above-ground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five (5) feet and a total footprint of fifteen (15) square feet, and shall be screened and camouflaged to the fullest extent possible, including the use of landscaping or alternate screening. Required electrical meter cabinets shall be adequately screened and camouflaged.
   c. Infeasibility under this subsection shall not be demonstrated by mere cost to construct an underground vault or place the equipment within the vault.
   d. Where it can be demonstrated that undergrounding of equipment is infeasible due to conflict with other utilities or conflict with being able to provide personal wireless service, the director may approve alternative above-grade equipment.

6. Modification. At the time a small wireless facility is modified, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise, and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
7. **Poles.**

   a. Only pole-mounted small wireless facilities shall be permitted in the right-of-way. All poles shall be designed to be the minimum functional height and width required to support the proposed small wireless facility installation and meet FCC requirements.

   b. Notwithstanding the above, no facility shall be located on a pole that is less than twenty-three (23) feet in height and no facility shall exceed fifty (50) feet in height, including, but not limited to the pole and any antenna that protrudes above the pole.

   c. If an applicant proposes to replace a pole to accommodate the small wireless facility, the replacement pole shall match the appearance of the original pole to the extent feasible, unless the director finds that another design accomplishes objectives of this subsection.

8. **Antennas.**

   a. The applicant shall use the least visible antennas as possible.

   b. Each antenna associated with any deployment, excluding associated antenna equipment, shall be no more than three (3) cubic feet in volume. All other wireless equipment associated with the small wireless facility, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the small wireless facility, shall be no more than twenty-eight (28) cubic feet in volume.

   c. Pole mounted equipment, including antenna equipment, shall be designed to occupy the least amount of space in the right of way that is technically feasible.

   d. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators.

   e. The small wireless facility shall be mounted on structures fifty (50) feet or less in height, including their antennas, or mounted on structures no more than ten (10) percent taller than other adjacent structures, or does not extend existing structures on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.

9. **Operation and Maintenance.**

   a. Small wireless facilities shall be maintained in good working order and condition and shall be fully operable at all times.

   b. Small wireless facilities shall be free and clean of general dirt and grease; chipped, faded, peeling, and cracked paint; rust and corrosion; cracks, dents, and discoloration; missing, discolored, or damaged artificial foliage or other camouflage; graffiti, bills, stickers, advertisements, litter and debris; and damaged structural parts.

10. **Security measures.**

    a. Small wireless facilities may incorporate reasonable and appropriate security measures, such as fences, walls, and anti-climbing devices, to prevent unauthorized access, theft, and vandalism.

    b. Security measures must be designed to enhance concealment to the maximum extent feasible.
c. Security measures shall not include barbed wire, razor ribbon, electrified fences, or any similar security measures.

11. ADA compliance. Small wireless facilities shall be built in compliance with the Americans with Disabilities Act.

E. Conditions of approval for small wireless facilities. In addition to compliance with the requirements of this chapter, approval of small wireless facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the director:

1. Before the permittee submits any application for a building permit or other permits required by this code, the permittee must incorporate the small wireless facility permit granted under this chapter, all conditions associated with the small wireless facility permit and the approved plans and any photo simulations (the "Approved Plans") into the project plans. The permittee must construct, install, and operate the small wireless facility in strict compliance with the Approved Plans. The permittee shall submit an as built drawing within ninety (90) days after installation of the facility.

2. Where feasible, as new technology becomes available, the permittee shall:
   a. Place above ground facilities below ground, including, but not limited to, any accessory equipment that has been mounted to a small wireless facility or pole or mounted on the ground; and,
   b. Replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to this code.

3. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the director. The permittee shall notify the director of any changes to the information submitted within seven days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:
   a. Identity, including the name, address, and twenty-four (24) hour local or toll-free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the small wireless facility.
   b. The legal status of the owner of the small wireless facility, including official identification numbers and FCC certification.
   c. Name, address, and telephone number of the property owner if different than the permittee.

4. The permittee shall not place any small wireless facility that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the City reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.

5. At all times, all required notices and signs shall be posted on the site as required by the FCC and California Public Utilities Commission, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
6. At all times, the permittee shall ensure that the small wireless facility complies with the most current regulatory and operational standards including, but not limited to, radio frequency emissions standards adopted by the FCC and antenna height standards adopted by the Federal Aviation Administration.

7. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.

F. Additional Conditions of Approval for Small Wireless Facilities in the Public Right-Of-Way. In addition to compliance with the requirements of this chapter, including without limitation the terms and conditions set forth in an approved permit for improvement in the public right-of-way, the approval of small wireless facilities in the public right-of-way shall be subject to each of the conditions of approval set forth in this section and any modification of these conditions or additional conditions of approval deemed necessary by the director:

1. The small wireless facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the director for the purpose of: (a) protecting the public health, safety, and welfare, (b) preventing interference with pedestrian and vehicular traffic, and (c) preventing damage to the public right-of-way or any property adjacent to it.

2. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the City shall be moved to accommodate a small wireless facility unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the City's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the City with documentation establishing to the City's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant's small wireless facility.

3. The permittee shall assume full liability for damage or injury caused to any property or person by the small wireless facility. The permittee of any administrative or discretionary land use entitlement permit required under the provisions of this chapter shall indemnify, defend, and hold the City, its officers, agents, employees, and representatives (Indemnitees), harmless from and against any and all loss, damage, liability, claim, demand, suit, cost, and expense whatsoever, including reasonable attorneys' fees, regardless of the merit or outcome of any such claim or suit arising from or in any manner connected with the issuance of any such permits or approvals and/or the installation, construction, maintenance, use, or operation of the work contemplated on private property, City property, or the public right-of-way for said permits, regardless of whether the Indemnitees reviewed and approved any plans or inspected any work or improvement, including any encroachment, and regardless of whether such maintenance, repair, replacement, or condition was affected or caused by the Indemnitees, except as provided by law.

4. The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, slopes, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the director, the director shall cause such repair to be completed at permittee's sole cost and expense.
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

5. Should any utility company offer electrical service that does not require the use of a meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within thirty (30) days of such service being offered and reasonably restore the area to its prior condition.

6. The permittee shall modify, remove, or relocate its small wireless facility, or portion thereof, without cost or expense to City, if and when made necessary by:

   a. Any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or aboveground public infrastructure including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by City or any other public agency;
   
   b. Any abandonment of any street, sidewalk, or other public facility;
   
   c. Any change of grade, alignment or width of any street, sidewalk or other public facility; or
   
   d. A determination by the director that the small wireless facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way.

7. Any modification, removal, or relocation of the small wireless facility shall be completed within ninety (90) days of written notification by the director unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the small wireless facility shall require submittal, review, and approval of a permit amendment pursuant to this code. The permittee shall be entitled, on permittee’s election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in this code allow. In the event the small wireless facility is not modified, removed, or relocated within said period of time, the City may cause the same to be done at the sole cost and expense of permittee. In the event of exigent circumstances, as determined by the director, the City may modify, remove, or relocate small wireless facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

G. Findings. Approval of a small wireless facility permit for a small wireless facility that will be located in the public right-of-way may be granted only if the following findings are made by the director:

   1. The applicant has provided substantial written evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise or other agreement with the City permitting them to use the public right-of-way.

   2. The applicant has demonstrated that the facility will not interfere with the use of the public right-of-way, existing subterranean infrastructure, or the City’s plans for modification or use of such location and infrastructure.

H. Abandonment and removal of small wireless facilities.

   1. Abandonment.

      a. A small wireless facility that is inoperative for a period of six (6) continuous months shall be deemed abandoned.
b. Upon reasonable suspicion of abandonment, the director shall provide a preliminary notice of abandonment to the operator of the small wireless facility and the owner(s) of the premises upon which the small wireless facility is located.

c. The preliminary notice of abandonment may be delivered in person, or mailed to the address(es) stated on the small wireless facility permit application, and shall be deemed given at the time delivered or placed in the mail.

2. Removal by Operator/owner.

a. Within thirty (30) days after preliminary notice of abandonment is given, the operator of the small wireless facility and the owner(s) of the property on which it is located shall either: (a) remove the small wireless facility and restore the premises, or (b) provide the director with written objection to the preliminary notice of abandonment and submit a request for administrative hearing to reconsider the abandonment. If after this time, the small wireless facility is not properly removed, or the director does not receive an objection to its preliminary notice of abandonment and request for administrative hearing, the director may make a determination of abandonment and provide notice in the same manner as the preliminary notice of abandonment.

b. If the director receives a timely written objection to the preliminary notice of abandonment and a request for administrative hearing, the director shall schedule an administrative hearing to commence within fifteen (15) days of receiving the objection. At the time and place scheduled for the administrative hearing, the operator of the small wireless facility or the owner(s) of the property on which it is located may present documents and other evidence that the small wireless facility was in use during the relevant six (6) month period and that it is presently operational. The director shall review the evidence, determine whether or not the small wireless facility was properly deemed abandoned, and make a determination of abandonment or a finding of continued use and provide notice in the same manner as provided for the preliminary notice of abandonment.

3. Removal by City. If the small wireless facility is not properly removed following thirty days after the determination of abandonment by the director, the small wireless facility shall be deemed a public nuisance and may be abated in compliance with Chapter 8.32 of this code.

I. Appeals. Pursuant to Section 17.30.020 and Table 5-1 of this code, a decision of the director regarding a small wireless facility permit may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council.

J. Indemnification. The permittee of any administrative or discretionary land use entitlement permit required under the provisions of this chapter shall indemnify, defend, and hold the City, its officers, agents, employees, and representatives (Indemnitees), harmless from and against any and all loss, damage, liability, claim, demand, suit, cost, and expense whatsoever, including reasonable attorneys’ fees, regardless of the merit or outcome of any such claim or suit arising from or in any manner connected with the issuance of any such permits or approvals and/or the installation, construction, maintenance, use, or operation of the work contemplated on private property, City property, or the public right-of-way for said permits, regardless of whether the Indemnitees reviewed and approved any plans or inspected any work or improvement, including any encroachment, and regardless of whether such maintenance, repair, replacement, or condition was affected or caused by the Indemnitees, except as provided by law.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

Chapter 17.30 Review Authority and Permit Processing Procedures
Chapter 17.32 Administrative Use Permits and Conditional Use Permits
Chapter 17.34 Covenants for Easements
Chapter 17.36 Home Occupation Permits
Chapter 17.38 Local Landmarks
Chapter 17.40 Minor Modifications
Chapter 17.42 Reasonable Accommodation
Chapter 17.44 Site Development Permit – Major and Minor
Chapter 17.46 Temporary Use Permits
Chapter 17.48 Variances
Chapter 17.50 Zoning Consistency Review

Chapter 17.30 Review Authority and Permit Processing Procedures

Sections:

17.30.010 Purpose
17.30.020 Discretionary Permits and Actions - Authority
17.30.030 Application Filing
17.30.040 Application Fees
17.30.050 Burden of Proof and Precedence
17.30.060 Determination of Application Completeness
17.30.070 Environmental Compliance
17.30.080 Staff Reports and Recommendations
17.30.090 Alterations or Modifications

17.30.010 Purpose

A. Procedures. This Chapter provides procedures and requirements for the preparation, filing, initial processing, and review of applications for the land use entitlements required by this Zoning Code.

B. Discretionary Land Use Entitlements. Receiving approval of a discretionary land use entitlement identified in this Article 5 is considered a privilege, not a right. The applicable review authority shall make the required findings in a positive manner before approving the application.

C. Failure to Follow Requirements. Failure to follow the procedural requirements shall not invalidate City actions taken, in the absence of a clear showing of intent not to comply with this Zoning Code.

17.30.020 Discretionary Permits and Actions - Authority

Table 5-01 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Zoning Code.
# Table 5-01

<table>
<thead>
<tr>
<th>Review Authority</th>
<th>Type of Entitlement or Decision</th>
<th>Chapter</th>
<th>Director (1)</th>
<th>Planning Commission</th>
<th>City Council</th>
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<tbody>
<tr>
<td><strong>Legislative Actions</strong></td>
<td>Development Agreements</td>
<td>17.62</td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
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<td></td>
<td>Development Agreement Amendments</td>
<td>17.62</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
<td></td>
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<tr>
<td></td>
<td>General Plan Amendments</td>
<td>17.64</td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Specific Plans and Specific Plan Amendments</td>
<td>17.58</td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
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<td></td>
<td>Zoning Code Amendments</td>
<td>17.58</td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
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<td></td>
<td>Zoning Map Amendments</td>
<td>17.58</td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td><strong>Planning Permits and Approvals and Administrative Actions</strong></td>
<td>Administrative Use Permits</td>
<td>17.32</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<td></td>
<td>Conditional Use Permits</td>
<td>17.32</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Covenants for Easements</td>
<td>17.34</td>
<td>Recommend</td>
<td>Decision</td>
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</tr>
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<td></td>
<td>Home Occupation Permits</td>
<td>17.36</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
<td></td>
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<tr>
<td></td>
<td>Local Landmarks Designation</td>
<td>17.38</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Landmarks Alteration – Director Review</td>
<td>17.38</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<td>17.38</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<tr>
<td></td>
<td>Minor Modifications</td>
<td>17.40</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<td>Reasonable Accommodation</td>
<td>17.42</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
<td></td>
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<tr>
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<td>Site Development Permit - Major</td>
<td>17.44</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<td>Site Development Permit - Minor</td>
<td>17.44</td>
<td>Decision</td>
<td>Appeal/Call for Review</td>
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<td>17.46</td>
<td>Decision</td>
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<td>17.48</td>
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<td>17.50</td>
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<td>Appeal/Call for Review</td>
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</tbody>
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Notes:
1. The Director may defer action on entitlement applications and refer the item(s) to the Planning Commission for final decision.

## 17.30.030 Application Filing

A. **Application Contents.** Applications for amendments, entitlements, and other matters pertaining to this Zoning Code shall be filed with the Development Services Department in the following manner:

1. The application shall be made on forms furnished by the Department.
2. The necessary fees shall be paid in compliance with the City’s fee resolution.
3. The application shall be accompanied by the information identified in the Department handout for the particular application. The requested information may include exhibits, maps, materials, plans, reports, and other information required by the Department that describe clearly and accurately the proposed work, its potential environmental impact, and its effect on the terrain, existing improvements, and the surrounding neighborhood.
4. Acceptance of the application does not constitute an indication of approval by the City.

B. Pre-Application Conference

1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director or designee before completing and filing a permit application required by this Zoning Code.

2. The purpose of a pre-application conference is to generally:
   a. Inform the applicant of City requirements as they apply to the proposed project;
   b. Discuss the City’s review process, possible project alternatives, or modifications; and
   c. Identify information and materials the City will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project.

3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by the City’s representative.

4. Failure of the City’s representative to identify all required studies or all applicable requirements at the time of pre-application review shall not constitute a waiver of those studies or requirement.

C. Eligible Applicants. Applications shall be made by the owners of a property or their agents with the written consent of the owner.

D. Concurrent Application Filing and Processing.

1. An applicant for a development project that requires the filing of more than one application shall file related applications concurrently, unless waived by the Director, and shall submit appropriate processing fees as set forth by Council resolution.

2. Permit processing and environmental review shall be concurrent, and the final decision on the project shall be made by the appropriate review authority in compliance with Table 17.30.020 (Review Authority).

E. Applicant’s Responsibility. It shall be the responsibility of the applicant to establish the evidence in support of the findings required by the applicable sections entitled “Findings and Decision.”

F. Application Not Eligible for Filing.

1. If the Director determines that the application is not eligible for filing because it lacks the proper components for the granting of the application (e.g., a request for a zoning map amendment or tentative map that could not be granted in absence of a required General Plan Amendment application, a request for a Conditional Use Permit allowing a use that is not allowable in the subject zoning district, etc.), the applicant shall be so informed.

2. If the application is subsequently filed and the required fee(s) paid, the fact that the applicant was so informed shall be noted on the application and the signature of the applicant shall constitute verification of being informed.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

3. Acceptance of the application does not constitute an indication of approval by the City.

G. Filing Date. The filing date of an application for any non-legislative permit or action shall be the date on which:

1. The Department receives the last submission, map, plan, or other material required as a part of that application by subsection A (Application contents) of this section; and

2. The application is deemed complete by the Director in compliance with Section 17.62.060 (Preapplication Review).

17.30.040 Application Fees

A. Filing Fees Required.

1. The Council shall, by resolution, establish a schedule of fees for amendments, entitlements, and other matters pertaining to this Zoning Code, referred to as the City’s fee resolution or schedule of fees.

2. The schedule of fees may be changed or modified only by resolution of the Council.

3. The City’s processing fees are cumulative (e.g., if an application for a parcel line adjustment also requires a minor modification, both fees shall be charged).

4. Processing shall not commence on an application until required fees have been paid.

5. Without the application fee, the application shall not be deemed complete.

6. As a matter of policy, the Council may waive certain fees for nonprofit organizations.

B. Refunds and Withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, refunds due to a disapproval are not allowed.

2. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to date and determination of the status of the application at the time of withdrawal. The Council may establish a refund schedule in the City’s fee resolution.

17.30.050 Burden of Proof and Precedence

A. Burden of Proof. The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with these Zoning Regulations is the responsibility of the applicant.

B. Precedence.

1. Each permit or approval shall be evaluated on a case-by-case basis.
2. The granting of a prior permit or approval, or the denial of a permit, either on the subject property or any other property within the City does not create a precedent and is not justification for the granting or denial of a new permit under current review.

17.30.060 Determination of Application Completeness

Applications filed with the Department shall be initially processed as follows:

A. Completeness Review. The Director, or designee, shall review applications for completeness and accuracy before they are accepted as being complete and officially filed. This shall include information required for the environmental review of the project in compliance with Section 17.30.070 (Environmental Compliance).

1. The applicant shall be informed in writing within 30 days of submittal either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided.

2. Where the Director has determined that an application is incomplete and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.60 (Appeals). Any such appeal shall stay the timeline for determining the application to be complete.

3. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(4) of this section.

4. Expiration of Application.
   a. If a pending application is not able to be deemed complete within 180 days after the first filing with the Department, the application shall expire and be deemed withdrawn.
   b. The Director may grant one 180-day extension, provided the applicant requests an extension in writing prior to expiration of the application submittal period.
   c. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

B. Referral of Application. At the discretion of the Director, or where otherwise required by this Zoning Code, State, or federal law, an application may be referred to a public agency that may be affected by or have an interest in the proposed/requested land use activity.

17.30.070 Environmental Compliance

A. CEQA Review. After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:

1. The proposed project is exempt from the requirements of CEQA;

2. The proposed project is not a project as defined by CEQA;

3. Whether a negative declaration or mitigated negative declaration may be issued, or
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

4. Whether an environmental impact report (EIR) shall be required.

B. CEQA Guidelines. These determinations and, where required, the preparation of EIRs, shall be in compliance with the State CEQA Guidelines.

C. Special Studies Required. One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

17.30.080 Staff Reports and Recommendations

A. Application Evaluation. The Director shall review applications to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, the General Plan, applicable Specific Plan, and CEQA.

B. Staff Report Preparation. For those application approvals requiring a public hearing, a staff report shall be prepared describing the conclusions about the proposed land use and development as to its compliance and consistency with the provisions of the Zoning Code, other applicable provisions of the Municipal Code, and the actions, goals, objectives, and policies of the General Plan.

C. Report Distribution. Staff reports shall be furnished to applicants at the same time that they are provided to the members of the Commission and/or Council before a hearing on the application.

17.30.090 Alterations or Modifications

A. Any person holding a permit or other approval granted under this Title may request a modification or amendment to that permit or approval via an application provided by the Department. For the purpose of this Section, the modification of a permit or approval may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or approval.

B. If the Director, determines that a proposed project action substantially conforms with the original approval, the Director shall have the authority to approve the alteration or modification. Such approval shall be issued in writing.

C. If the Director determines that a proposed project action is not in substantial conformance with the original approval, the Director or designee shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same review authority as the original permit or approval.

D. A permit or approval modification may be granted only when the review authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

E. Any permit or approval modification is subject to the same hearing and notice requirements as the original permit or approval.
Chapter 17.32 Administrative Use Permits and Conditional Use Permits

Sections:

17.32.010 Purpose and Intent
17.32.020 Applicability
17.32.030 Application Requirements
17.32.040 Action by Development Services Director for Administrative Use Permits
17.32.050 Review Procedures for Conditional Use Permits
17.32.060 Conditions of Approval
17.32.070 Required Findings for Administrative Use Permits and Conditional Use Permits
17.32.080 Permit to Run with the Land

17.32.010 Purpose and Intent

A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The Administrative Use Permit and Conditional Use Permit are provided for this purpose.

B. The Director is empowered to grant and deny applications for Administrative Use Permits and to impose reasonable conditions upon the granting of such permit.

C. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.

17.32.020 Applicability

Approval of an Administrative Use Permit or a Conditional Use Permit is required to authorize proposed land uses specified by Division 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of an Administrative Use Permit or a Conditional Use Permit.

17.32.030 Application Requirements

A. Generally. An application for an Administrative Use Permit or a Conditional Use Permit shall be filed and processed in compliance with Sections 17.30.030 (Application Filing) through 17.30.080 (Staff Reports and Recommendations). The application shall include the information and materials specified in the most up-to-date Department handout for Administrative Use Permit and Conditional Use Permit applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.32.070 (Required Findings for Administrative Use Permits and Conditional Use Permits), below.

B. For Massage Establishments. In addition to the requirements of subsection A above, an application for a massage establishment shall include a floor plan drawn to scale and showing entrances; exits; windows; interior doors; restrooms; all other separately enclosed rooms with dimensions including but not limited to closets, storerooms, break rooms, and changing rooms; and the location of all massage tables and chairs. All massage establishments shall comply with Chapter 5.32 ( Massage) of the Municipal Code.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.32.040 Action by Development Services Director for Administrative Use Permits

A. The Director shall review the process an application in accordance with the standards set forth in this Division 5 and may impose reasonable conditions of approval.

B. No public notice and no public hearing shall be required for an Administrative Use Permit. Within 10 working days from the date an application is deemed complete, the Director shall issue a written determination as to the approval, conditional approval, or denial of the application. The written determination shall state the findings for decisions.

17.32.050 Review Procedures for Conditional Use Permits

A. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter. A staff report shall be prepared pursuant to Section 17.30.080 (Staff Reports and Recommendations).

B. Notice and Hearings.

1. A public hearing before the Planning Commission shall be required for all Conditional Use Permits.

2. A public hearing shall be scheduled once the Director has determined the application complete.

3. Noticing of the public hearing shall be given in compliance with Chapter 17.56 (Public Hearings and Notices).

17.32.060 Conditions of Approval

In approving an Administrative Use Permit or Conditional Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this Chapter, State law, and with the findings required by Section 17.32.070 (Required Findings for Administrative Use Permits and Conditional Use Permits).

17.32.070 Required Findings for Administrative Use Permits and Conditional Use Permits

Before an Administrative Use Permit or Conditional Use Permit may be granted, review authority shall make the following findings:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

D. The site is physically suitable in terms of:
1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

3. Public protection services (e.g., fire protection, police protection, etc.); and

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

17.32.080 Permit to Run with the Land

A. An Administrative Use Permit or Conditional Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter.

B. In addition to securing a business license, any new applicant seeking to operate a previously approved use in substantial compliance with an existing Administrative Use Permit or Conditional Use Permit shall submit a project description (e.g., narrative and/or a site and floor plan) to the Director ensuring that the new operation would be in compliance with the previous use and that the new applicant agrees to operate in full compliance with the previously issued conditions of approval. A fee may be imposed for the review of the project description and conditions of approval in compliance with the City’s fee resolution.
Chapter 17.34 Covenants for Easements

Sections:

17.34.010 Purpose and Applicability
17.34.020 Procedure
17.34.030 Content of Covenant
17.34.040 Release of Covenant

17.34.010 Purpose and Applicability

A. This Chapter is established in compliance with Government Code Sections 65870 through 65875 for the purpose of providing a mechanism for the City to create an easement independent of the subdivision process.

B. This Chapter shall apply to development projects approved by the Council, Commission, Director, and voters, and acts independently from other authority or method for the City to require an easement.

C. The covenant for easement may be for:

1. Parking;
2. Ingress, egress, or emergency access;
3. Light or air access;
4. Landscaping;
5. Right-of-way for public road or alley; or
6. Open space purposes.

D. At the time of recording the covenant of easement, the real property benefited or burdened by the covenant shall be in common ownership.

17.34.020 Procedure

A. Permits and Approvals Contingent Upon Recordation of Covenant. Whenever the Council, Commission, or Director determines that a covenant of easement is needed for one or more of the purposes identified in Section 17.34.010 (Purpose and Applicability), the approval, permit, or designation shall not become effective unless or until the covenant of easement is recorded.

B. Preparation of Covenant. Whenever a covenant of easement is required in this Chapter, the covenant shall either:

1. Be in a form and manner approved by the City Attorney based upon the advice of the City Engineer and Director; or
2. Be prepared by the City Attorney. Whenever the City Attorney prepares a covenant of easement, the City shall be entitled to reimbursement from the applicant for the costs associated with its preparation.
17.34.030 Content of Covenant

A covenant of easement prepared in compliance with this Chapter shall contain, at a minimum, the following elements:

A. Identification of the owner or owners of the real property to be burdened, including a statement that both the burdened and benefited parcels are under common ownership;

B. A consent to the covenant of easement and its recordation by the record owner or owners who are parties to the covenant;

C. Identification of the real property to be benefited and to be burdened by the covenant including a legal description of the property;

D. A statement that the covenant shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the California Civil Code, including an express statement that the easement and covenant of easement shall not merge into any other interest in real property in compliance with Government Code Section 65871, subdivision (b);

E. A statement that the covenant of easement shall run with the land, be binding upon successors in interest to the burdened real property, inure to successors in interest to the real property benefited, and shall be subject to California Civil Code Section 1104;

F. Identify the approval, permit, or designation granted which required the covenant;

G. A statement identifying the Los Alamitos Municipal Code section that identifies the procedure for release of the covenant;

H. An appropriate section for execution of the covenant of easement by the record owner or owners of the subject real property.

17.34.040 Release of Covenant

A. Any person may request that the City make a determination as to whether or not the restriction imposed by the covenant of easement is still necessary to achieve the City’s land use goals. The determination of the need for the covenant of easement shall be made by the body or department that took final action on the original application. A person shall be entitled to only one determination in any 12-month period.

B. To obtain a determination mentioned above, a request for determination application shall be made and filed with the city clerk. The application shall include a fee as set by the city’s fee resolution.

C. Upon receipt of a completed application, the City Clerk shall set the matter for public hearing before the Commission or Council or appropriate department head, as appropriate, and cause notice of it to be given in compliance with Government Code Section 65090, and a copy of the notice shall be mailed to the record property owner or owners as shown on the tax assessor’s latest equalized roll if other than the applicant and to record property owners within 300 feet of the property.

D. At the conclusion of the public hearing, the Commission, or Council, or Department head, as appropriate, shall determine and make a finding, based upon substantial evidence in the record, whether or not the restriction imposed by the covenant for easement is still necessary to achieve the land use goals of the City. If a determination
is made that the covenant for easement is still required, the commission or council, as appropriate, shall by resolution determine that the need still exists.

E. If a determination is made that the covenant of easement is no longer necessary, the Commission, or Council, or Department head, as appropriate, shall by resolution make the determination and finding and direct the City Attorney to prepare a release and transmit the same to the City Clerk for recording.

F. The department head or Commission action on the continuing need for the covenant of easement is subject to appeal in compliance with Chapter 17.60 (Appeals).

G. The Council’s determination in subsections D and E of this Section shall be final and conclusive.
Chapter 17.36 Home Occupation Permits

Sections:

17.36.010 Purpose and Intent
17.36.020 Allowed and Prohibited Home Occupations
17.36.030 Permit Required
17.36.040 Permit Process
17.36.050 Business License Required
17.36.060 Permit Expiration; Nontransferable
17.36.070 Inspections
17.36.080 Changes in Home Occupation

17.36.010 Purpose and Intent

A. Purpose. It is the purpose of this Chapter to:

1. Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;

2. Recognize that a residential property owner or resident has a limited right to conduct a small business from a residence and that a neighbor, under normal circumstances, would not be aware of its existence;

3. Maintain the residential character of residential neighborhoods; and

4. Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.

B. Incidental and Secondary Use. The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone or the residential component of a mixed-use zone and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

17.36.020 Allowed and Prohibited Home Occupations

A. Where Allowed. Home occupations are allowed in residential and the residential component of mixed-use zones in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

B. Allowed Home Occupations. Allowed home occupations include any activity producing income, or intended to produce income, conducted entirely within a residential dwelling by the inhabitants of the dwelling, which use is clearly incidental and secondary to the use of the structure for residential purposes, which does not change the character of the dwelling, and only when conducted in compliance with the applicable locational and operational standards identified in Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones). This shall include cottage food operations as set forth in the California Health and Safety Code, Chapter 11.5 (Cottage Food Operations) et seq.

C. Prohibited Home Occupations. The following uses are not incidental to or compatible with residential activities and are prohibited as home occupations:

1. Adult businesses;
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

2. Alcohol sales;

3. Ammunition, explosives, or fireworks, sales, use, or manufacturing;

4. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;

5. Carpentry (on-site) and cabinet making (does not prohibit a normal wood-working hobby operation);

6. Fortune telling (Psychic);

7. Lawn mower and/or small engine repair;

8. Massage establishments (on-site);

9. Medical and dental offices, clinics, and laboratories;

10. Mini storage;

11. Plant nursery;

12. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;

13. Tattoo parlors;

14. Television, radio, or appliance repair;

15. Tobacco/hookah lounges/parlors;

16. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" or resident-conducted minor repair or detailing at the customer's location);

17. Vehicle sales whereby any vehicle is stored on the premises for any period of time;

18. Welding and machining; and

19. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

17.36.030 Permit Required

A. Home Occupation Prohibited Without a Permit. No person shall engage in business or transact and carry on any business, calling, profession, occupation, or trade, on any property zoned for residential purposes without an approved and unrevoked or unsuspended Home Occupation Permit.

B. No Permit on Site with Violations. No permit shall be issued for a property on which there exists a violation of the law.
C. Permit Required. The establishment of a home occupation within a residence (single-family, multifamily, mixed use, or accessory dwelling) shall be regulated by a one-time application and fee, in compliance with the fee schedule adopted by the Council.

17.36.040 Permit Process

A. Filing. An application for a Home Occupation Permit shall be filed and processed in compliance with Section 17.44.030 (Application Processing, Filing, and Review – Generally). The application shall include the information and materials specified in the most up-to-date Department handout for Home Occupation Permit applications, together with the required fee in compliance with the fee schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.40.040 (Required Findings and Decision). Initial review of the application, including time requirements and requests for information, shall be in compliance with Section 17.62.060 (Preapplication Review).

B. Project Review Procedures. Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section.

C. Public Notice Not Required. A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

D. Director's Actions. The Director may approve a Home Occupation Permit that would be operated in compliance with Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones), or the Director may defer action and refer the application to the Commission for review and final decision. The Director shall review all Home Occupation Permit applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only upon first making all of the following findings. Failure to make all of the following findings shall result in denial of the Home Occupation Permit application:

1. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject zone;
2. The proposed home occupation shall meet all of the requirements of this Section and will be located and conducted in full compliance with all of the standards specified in Section 17.08.020 (Allowed Uses and Permit Requirements for Residential Zones) and all conditions imposed on the Home Occupation Permit;
3. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
4. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential developments and will not create traffic or pedestrian hazards.

E. Conditions of Approval. In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required above.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

F. Acknowledgement. A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

17.36.050 Business License Required

Immediately following the effective date of an approved Home Occupation Permit, when no appeal has been filed, the applicant shall obtain a Business License in compliance with Municipal Code Title 5 (Business Licenses and Regulations).

17.36.060 Permit Expiration; Nontransferable

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation. Home Occupation Permits are not transferable to a new owner or resident of a premises, nor to another property.

17.36.070 Inspections

The Director shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a Home Occupation Permit to verify compliance with the provisions of this Chapter.

17.36.080 Changes in Home Occupation

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.
Chapter 17.38 Local Landmarks

Sections:

17.38.010 Purpose and Intent
17.38.020 Duties of the Planning Commission
17.38.030 Register of Local Landmarks
17.38.040 Procedure for Review of Requests for Local Landmark Designations
17.38.050 Criteria for Designation
17.38.060 Alteration of a Local Landmark

17.38.010 Purpose and Intent

This Chapter is established to assist in the identification and preservation of historic and cultural resources within the City. These regulations are necessary to preserve those elements of Los Alamitos’ heritage which may now or in the future be endangered as to their very existence or in maintaining their historic or cultural integrity.

17.38.020 Duties of the Planning Commission

The Planning Commission shall have the authority to review and make determinations and/or recommendations on various matters relating to a local landmark, as provided in this Chapter.

17.38.030 Register of Local Landmarks

There shall be created a Los Alamitos Register of Local Landmarks that shall contain the name, location, pertinent historic data, and date of entry on the register of structures or natural or manmade features receiving a local landmark designation. The Los Alamitos Register of Local Landmarks shall be maintained in the City Clerk’s office.

17.38.040 Procedure for Review of Requests for Local Landmark Designations

A. Authority. Upon the written consent of the property owner, the Planning Commission may upon its own initiative or upon request of a person or government agency, approve a local landmark designation for a historic or cultural resource in the City.

B. Public Hearing. The Planning Commission shall hold a public hearing for any request for a local landmark designation in compliance with Chapter 17.56 (Public Hearings and Notices).

C. Findings and Decision. The Planning Commission, after due consideration and public hearing, shall by resolution approve or disapprove the request for local landmark designation, stating the reasons for the action.

D. Appeal of Decision. The decision of the Planning Commission shall be final unless appealed to the Council pursuant to Chapter 17.60 (Appeals).

E. Notice with City Clerk. Upon approval of a local landmark, notice shall be placed with the City Clerk for inclusion in the Register of Local Landmarks and in the building permit address file for consideration before issuance of future requested building permits.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.38.050 Criteria for Designation

In considering a request for a local landmark designation, the Planning Commission, or Council on appeal, shall use the following criteria in determining eligibility:

A. Character, interest, or value as part of the heritage of the City;
B. Location as a site of historical event;
C. Identification with a person or persons or groups who significantly contributed to the culture and development of the City;
D. Exemplification of a particular architectural style or way of life important to the City;
E. Identification as the work of a person or persons whose work has influenced the heritage of the City, the state of California, or the United States;
F. Embodiment of elements of outstanding attention to architectural design, detail, materials, craftsmanship, or the best remaining architectural type in an area;
G. Relationship to other landmarks, where the preservation of one has a bearing on the preservation of another;
H. A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood; and/or
I. Integrity as a natural environment that strongly contributes to the wellbeing of the people of the City.

17.38.060 Alteration of a Local Landmark

A. Rehabilitation Criteria. Any alteration of a local landmark shall comply with the Secretary of the Interior’s “Standards for Rehabilitation of Historic Properties,” the State Historic Building Code, and other design criteria and standards established by resolution of the Council. The primary concern is with the exterior of the local landmark unless there are interior features that greatly contribute to the significance of the property.

B. Maintain Historic Nature. Every attempt shall be made to restore or modify the local landmark in a way to maintain the historic nature of the property, but not so as to burden the owner of the local landmark with the requirements that are not practically or economically available in current markets, as determined by the Director.

C. Alterations. Alterations of a local landmark shall be subject to review and approval in compliance with the following procedures.

1. Director Review. The following projects shall be reviewed by the Director:
   a. Minor alterations, including the addition, change, or removal of exterior architectural features and existing hardscape;
b. Minor exterior improvements (e.g., air conditioning units, skylights, solar panels, greenhouse windows, roof mounted equipment, arbors, and fences);

c. Expansion of a local landmark by less than 10 percent of the existing floor area, provided the expansion is not readily visible from the public street;

d. The construction or demolition of an accessory structure that has a floor area less than 500 square feet.

2. Planning Commission Review. The following projects shall be reviewed by the Planning Commission:

a. A proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior’s “Standards for Rehabilitation of Historic Properties” and/or the State Historic Building Code;

b. A proposed alteration that involves the construction of a new, detached structure that has a floor area of 500 square feet or more;

c. Expansion of a local landmark by more than 10 percent but less than fifty 50 percent of the existing floor area, provided such expansion does not exceed 500 square feet;

d. An alteration of a local landmark whereby the alteration is readily visible from the public street.

3. Site Development Permit - Major Review Required. The following projects shall be reviewed by the Planning Commission and shall require Site Plan Review – Major in compliance with Chapter 17.44 (Site Development Permit – Major and Minor). The Planning Commission may approve such projects with conditions that the local landmark be memorialized by providing a written history of the site, photo documentation, placement of a historic marker signifying the importance of the site, or other means as deemed appropriate by the Commission.

a. On appeal, a proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior’s “Standards for Rehabilitation of Historic Properties” and/or the State Historic Building Code;

b. An alteration that results in a local landmark being enlarged by more than 50 percent of the existing floor area or more than 500 square feet.

c. The demolition of a local landmark wherein all or part of it will be removed from a site either by relocation or destruction.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

Chapter 17.40 Minor Modifications

Sections:

17.40.010 Purpose and Intent
17.40.020 Applicability
17.40.030 Application Filing, Processing, and Review
17.40.040 Required Findings and Decision
17.40.050 Post-decision Procedures

17.40.010 Purpose and Intent

The Minor Modification process is established to authorize the Director to act on certain applications on an administrative basis, without a public hearing, due to the minor nature of a proposed and allowed deviation from specified development standards, as further described in this Chapter.

17.40.020 Applicability

When in the public interest and when it has been determined that there will be no significant adverse impact on surrounding property, the Director may consider and render a decision on slight variations from the provisions of this Zoning Code, limited to the following:

A. Reduction in Parcel Area or Dimension. Where an existing or proposed parcel is substandard in land area or dimensions, with respect to the regulations of the zoning district in which the parcel is located, a reduction in parcel area or dimension by not more than five percent may be allowed.

B. Reduction of Setback Requirements or Separation Distances. Where an existing or proposed parcel is so irregularly shaped as to render strict compliance with setbacks and distances between structure regulations of the zoning district in which the parcel is located difficult to maintain or where a situation imposes an onerous burden on the development of the parcel, a reduction of setback requirements or distance between structures of not more than 10 percent may be allowed.

C. Fence, Wall, and Hedge Heights. Up to 10 percent of a fence, wall, or hedge height above the stated maximum height may be allowed.

17.40.030 Application Filing, Processing, and Review

A. Application. An application for a Minor Modification shall be filed and processed in compliance with Sections 17.40.030 (Application Filing, Processing, and Review). The application shall include the information and materials specified in the most up-to-date Department handout for Minor Modification applications, together with any required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.40.040 (Required Findings and Decision), below.

B. Review. A completed application shall be reviewed and analyzed by the Director to ensure the application is consistent with the purpose and intent of this Chapter and otherwise conforms to the requirements of the General Plan and this Title 17.
C. Public Notice and Hearing Not Required. A public notice and hearing shall not be required for the Director’s action on a Minor Modification.

17.40.040 Required Findings and Decision

A. Decision. Within 10 days of deeming a Minor Modification application complete, the Director shall act to approve, approve with conditions, or deny the application.

B. Required Findings: Before a Minor Modification may be approved, the Director, or the Commission or Council on appeal, shall make the following findings:

1. There are special circumstances applicable to the property (i.e., substandard size or irregular shape), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. Granting the Minor Modification would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

3. Granting the minor modification is consistent with the General Plan and any applicable specific plan; and

4. The proposed Minor Modification would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

17.40.050 Post-decision Procedures

A. Notice to Commission. Within one day of issuing the decision, the Director shall transmit a copy of the proceedings and findings of the Director to all owners of properties immediately abutting the subject property/properties.

B. Substantial Compliance. Once approved, the Minor Modification shall not be substantially altered. Substantial changes shall require review and approval by the Director before commencement of construction.
Chapter 17.42 Reasonable Accommodation

Sections:

17.42.010 Purpose
17.42.020 Review Authority
17.42.030 Application Requirements
17.42.040 Decision
17.42.050 Violation, Discontinuance, and Removal
17.42.060 Amendments

17.42.010 Purpose

In accordance with Federal and State Fair Housing laws, this Chapter establishes regulations to provide reasonable accommodations in the City’s zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

17.42.020 Review Authority

A. Director. The Development Services Director shall review all applications for a reasonable accommodation pursuant to the provisions of this Chapter.

B. No Public Hearing Required. No public hearing is required for any reasonable accommodation request unless a decision of the Director is appealed or called for review pursuant to the provisions of this Title 17.

17.42.030 Application Requirements

A. Applicant. A request for reasonable accommodation from any zoning provision, rule, practice, or policy may be made by any person with a disability, his/her representative, a developer of housing for individuals with disabilities, or a provider of residential care to individuals with disabilities. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.

B. Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form provided by the Development Services Department and shall be accompanied by a fee in an amount set by resolution of the Council.

C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit, then the applicant shall file the request for reasonable accommodation together with the application for the other discretionary permit. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation request and the discretionary permit. Nothing herein prevents an applicant from requesting a reasonable accommodation at a later time.

D. Required Submittals. In addition to materials required under other applicable provisions of this Zoning Code, an application for a reasonable accommodation shall include the following:
1. Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability.

2. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant.

3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability equal opportunity to use and enjoy the residence.

4. Any other information that the Director reasonably concludes is necessary to determine whether the findings required by Section 17.42.040(B) can be made, so long as any request for information regarding the disability of the individuals benefited complies with Fair Housing Law protections and the privacy rights of the individuals affected.

17.42.040 Decision

A. Director Action. The Director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with subsection B.

B. Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the Director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

1. The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under State or Federal law.

2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the City, as “undue financial or administrative burden” is defined in Fair Housing Laws and interpretive case law.

4. The requested accommodation will not result in a fundamental alteration in the nature of the City’s Zoning Code, as “fundamental alteration” is defined in Fair Housing Laws and interpretive case law.

5. The requested accommodation will not fundamentally alter the character of the community, as “fundamental alteration” is defined in Fair Housing Laws and interpretive case law, including creating a substantial increase in traffic or insufficient parking.

6. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health, safety, or general welfare of other individuals or substantial physical damage to the property of others.

C. The Director may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.

3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.

4. In the case of a residential care facility, whether the existing supply of facilities of similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

D. The Director may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City’s Zoning Code:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether granting the requested accommodation would substantially alter the character of the community.

3. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

4. Whether granting the requested accommodation would substantially undermine any express purpose of either the general plan or an applicable specific plan.

5. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

E. Rules While Decision Is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

F. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of the time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made on such appeal.

17.42.050 Violation, Discontinuance, and Removal

A. Violation of Terms/Revocation. Any reasonable accommodation approved in accordance with the terms of this Title may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith, pursuant to the provisions set forth in Chapter 17.68 (Revocations and City-initiated Modifications) of this Title.


B. **Discontinuance.** A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.

C. **Removal.** All improvements constructed under a reasonable accommodation authorized by this Chapter which deviate from the applicable development standards at the time that the improvement is constructed shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted, unless the Director makes one of the findings below. If neither of the findings can be made, nothing herein prevents a person from filing for a Variance in order to keep the improvement.

1. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The Director may request the applicant or his/her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

2. The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined by the City’s building official, or such costs of removal equal or exceed 25 percent of the market value of the structure, as determined by the City’s Building Official.

**17.42.060 Amendments**

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval, shall be treated as a new application. The Director may waive the requirement for a new application if, as determined by the Director, the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.
Chapter 17.44 Site Development Permit – Major and Minor

Sections:

17.44.010 Purpose and Intent
17.44.020 Two Types of Site Development Permits – Major and Minor
17.44.030 Application Processing, Filing, and Review – Generally
17.44.040 Application Processing, Filing, and Review – Housing Development Projects
17.44.050 Conditions of Approval
17.44.060 Required Findings and Decision
17.44.070 Issuance of Building Permits and Certificate of Occupancy

17.44.010 Purpose and Intent

A. Purpose. The purpose of this Section is to provide a process for the appropriate review of development projects.

B. Intent. The intent of this Section is to ensure that all approved site and structural development:

1. Respects the physical and environmental characteristics of the site;
2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
3. Exemplifies the best professional high-quality design practices;
4. Allows for and encourages individual identity for specific uses and structures;
5. Encourages the maintenance of a distinct neighborhood and/or community identity;
6. Minimizes or eliminates negative or undesirable visual impacts; and
7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure associated with the subject development.

17.44.020 Two Types of Site Development Permits – Major and Minor

A. Two Levels. Two levels of Site Development Permits are established, and the thresholds set forth below shall apply.

B. Major. A Major Site Development Permit requires a discretionary Planning Commission review process that includes public notice with a public hearing conducted as is required for all Planning Commission actions. The following projects shall require a Major Site Development Permit:

1. Any new construction or addition to an existing commercial, mixed-use, industrial, or private institutional structure or group of structures involving greater than 2,500 square feet of gross floor area.
2. Any structural project involving a tentative parcel map or tentative subdivision map, with the Commission’s review of any multi-family residential subdivision limited to adherence of the project to the objective design criteria established in this Title 17 and any applicable design guidelines.

3. Any project requiring a Conditional Use Permit.

4. Any multi-family residential development project, including duplex developments, with the Commission’s review limited to adherence of the project to the objective design criteria established in this Title 17 and any applicable design guidelines.

C. Minor. A Minor Site Development Permit consists of a staff-level review with public notice provided but with no public hearing required. A Minor Site Development Permit shall be required for any proposed addition to an existing multi-family residential, commercial, mixed-use, industrial, or private institutional structure or group of related structures whereby the addition is 2,500 square feet or less of gross floor area.

17.44.030 Application Processing, Filing, and Review - Generally

A. Application. An application for Site Development Permit shall be filed and processed in compliance with Sections 17.30.030 (Application Filing). The application shall include the information and materials specified in the most up-to-date Department handout for Site Development Permit applications, together with any required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.44.060 (Required Findings and Decision), below.

B. Review. The following criteria shall be considered during the review of a Site Development Permit application, including but not limited to:

1. Compliance with this Title 17 and all other applicable City regulations and policies;

2. Efficient site layout and design;

3. Applicable environmental review;

4. Compatibility with neighboring properties and developments with regard to setbacks, building heights, massing, location of parking facilities, and similar site design and building design features that shape how a property appears within a broader, definable neighborhood or zone context;

5. Efficiency and safety of public access and parking and loading facilities;

6. The compatibility in scale and aesthetic treatment of proposed structures with public areas;

7. The adequacy of proposed driveways, landscaping, parking spaces, onsite and off-site parking, pedestrian improvements;

8. The placement and use of private open spaces;

9. The use of design techniques such as façade articulation, use of varied building finishes and materials, varied rooflines, and stepped-back stories to break up building massing;

10. Privacy considerations with regard to the placement and orientation balconies and windows;

11. Appropriate open space and use of water-efficient landscaping both to enhance overall site design and to provide privacy screening;
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

12. Consistency with the General Plan and any applicable specific plan; and

13. Consistency with any adopted design guidelines, policies, and standards applicable to the property and in particular, the provisions of Section 17.08.045 (Design Standards).

17.44.040 Application Processing, Filing, and Review – Housing Development Projects

The provisions of Government Code Section 65589.5(j)(2)(A), as it may be amended from time to time, shall apply to the review of applicable housing development projects with regard to consistency and conformance with applicable plans, policies, programs, ordinances, standards, requirements, or similar local land use regulations.

17.44.050 Conditions of Approval

In approving a Site Development Permit application, the responsible review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this Chapter, State law, and with the findings required by Section 17.44.060 (Required Findings and Decision).

17.44.060 Required Findings and Decision

A. Decision – Minor Site Development Permit. Within 21 days of deeming a Minor Site Development Permit application complete, the Director shall act to approve, approve with conditions, or deny the application.

B. Decision – Major Site Development Permit. Decisions on Major Site Development Permit applications shall be made by the Commission through the public hearing process specified in Section 17.44.020(B) (Two Types of Site Development Permits – Major and Minor).

C. Required Findings: Before a Site Development Permit application may be approved, the responsible review authority shall make the following findings:

1. The proposed project is allowed within the subject zone;

2. The proposed project complies with all of the applicable criteria identified in 17.44.030(B) (Application Processing, Filing, and Review - Generally), above;

3. The proposed project is in keeping with the character of the neighborhood, in terms of the structure(s) general appearance;

4. The design of the proposed development will provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and will remain aesthetically appealing and retain an appropriate level of maintenance; and

5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

17.44.070 Issuance of Building Permits and Certificate of Occupancy
No building permits shall be issued unless the site plans have been approved in compliance with this Chapter. Certificates of occupancy shall not be issued unless development complies with approved site plans and conditions.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

Chapter 17.46 Temporary Use Permits

Sections:

17.46.010 Purpose and Intent
17.46.020 Applicability and Permit Requirements
17.46.030 Exempt Temporary Uses
17.46.040 Allowed Temporary Uses
17.46.050 Application Processing, Filing, and Review
17.46.060 Findings and Decision; Acknowledgement by Applicant
17.46.070 Post-Activity Requirements

17.46.010 Purpose and Intent

This Chapter provides a process for reviewing proposed temporary uses conducted on privately owned property outside of a private structure (e.g., carnivals, car washes, outside displays/sales, etc.) to ensure that:

A. Basic public convenience, health, interest, safety, or community welfare standards are maintained and protected from adverse impacts;

B. The integrity of the applicable zone is preserved;

C. The compatibility between the temporary land use and the surrounding neighborhood is maintained; and

D. Suitable temporary uses are approved with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

17.46.020 Applicability and Permit Requirements

A. Minor Short-Term Activities. A Temporary Use Permit allows short-term activities that might not meet the development or use standards of the applicable zone but may otherwise be acceptable because of their temporary nature.

B. Categories of Uses. The following three categories of temporary uses identify the level of permit required based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in 17.46.030 (Exempt Temporary Uses);

2. Uses requiring Temporary Use Permits for one-day events are identified in 17.46.040 (Allowed Temporary Uses). One-day events are defined to be “special events.” The City may establish a distinct application fee for Temporary Use Permits issued for special events.

3. Uses requiring Temporary Use Permits for multi-day events are identified in 17.46.040 (Allowed Temporary Uses).

C. Temporary Use Permit Required. Allowed temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit.
17.46.030 Exempt Temporary Uses

The following temporary uses are exempt from the requirement for a Temporary Use Permit.

A. Construction Yards—On-Site. On-site contractors’ construction yard(s) in conjunction with an approved construction project on the same site, subject to the following operational provisions.

1. Security personnel may be present at any time.

2. The construction yard shall be removed immediately upon completion of the construction project or the expiration of the companion building permit authorizing the construction project.

3. An event conducted entirely inside of a building if no special parking arrangements are required and all activities will adhere to all noise standards in Chapter 17.20 (Noise) and other performance standards specified in Chapter 17.24 (Performance Standards).

B. Emergency Facilities. Emergency public health and safety needs/land use activities.

17.46.040 Allowed Temporary Uses

The following temporary uses may be allowed, subject to the issuance of a Temporary Use Permit by the Director and subject to the following operational standards and any additional standards that may be stated in the applicable Temporary Use Permit. Other temporary uses which, in the opinion of the Director, are similar in nature to those described here, may be permitted.

A. Car Washes.

1. Any one permitted car wash activity shall be limited to six totals days within any one 12-month period.

2. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501 (c) of the Federal Revenue and Taxation Code.

3. All permitted car washes shall comply with water quality and runoff control requirements specified by the Development Services Department.

B. Construction Yards – Off-site.

1. Off-site contractor construction yards shall only be permitted in conjunction with an approved construction project.

2. Security personnel may be present at any time.

3. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project or the expiration of the companion building permit authorizing the construction project.

C. Estate Sales. Estate, garage, or yard sale events on a single residential property or group of residential properties shall be limited to no more than three events within a 12-month period and for no more than three consecutive days for each event.
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

D. Filming Activities.

1. The temporary use of a specified site or group of sites for outdoor activities of filmmaking on private property shall require review by the Fire Department and shall be subject to the issuance of any other required City, County, or State permits or authorizations (such as health permits for food service).

2. In lieu of the Temporary Use Permit application, the applicant shall complete the Special Filming application form provided by the Development Services Department and shall adhere to the specific requirements set forth in that application and any additional conditions imposed.

E. Outdoor Events. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer’s markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, swap meets, rummage sales, second-hand sales, and the like shall be limited in duration to six consecutive days or fewer, or three two-day weekends, within a 12-month period.

F. Outdoor Meetings. Outdoor meetings within parking areas shall be limited to seven consecutive days or fewer within a 12-month period. The applicant shall be required to demonstrate that adequate parking will be available for both the outdoor meeting event and the use which the parking area serves.

G. Parking Lot Sales.

1. The temporary outdoor display/sales of merchandise in private parking lots shall be allowed only if the merchandise is regularly sold on the premises.

2. The duration of such sales shall be limited to either one 18-day event or two nine-day events within a 12-month period.

3. The applicant shall be required to demonstrate that adequate parking will be available for both the outdoor sales event and the use which the parking area serves.

H. Seasonal Sales Lots.

1. Seasonal holiday sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) may include the use of a temporary residence/security trailer.

2. All such events shall be conducted only on nonresidential properties.

3. The duration of the event shall be limited to for 45 days or fewer within a 12-month period.

I. Temporary Model Homes.

1. Temporary model homes and related facilities (e.g., parking lots) may be established within the area of an approved residential subdivision project, solely for the first sale of homes.

2. The application may be approved for a maximum time period of 12 months; extensions of time of up to 12 additional months may be granted as long as homes are still being constructed.
J. **Temporary Structures.** In the commercial and industrial districts, a temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved for a maximum 12-month period as an accessory use or as the first phase of a development project.

K. **Temporary On-site Work Trailers.**

1. A trailer, modular structure, or mobile home may be used as a temporary work site for employees of a business:
   
   a. During construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force; or
   
   b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

2. A permit for temporary work trailer(s) may be granted for up to 12 months. The permit may be extended up to a second 12-month period upon demonstration by the applicant that additional time is required due to construction delays.

**17.46.050 Application Processing, Filing, and Review**

A. **Application Filing.** An application for a Temporary Use Permit shall be filed in the following manner:

1. For events proposed within nonresidential zones, including mixed-use zones: At least 15 days before the date that the proposed use is scheduled to take place.

2. For events proposed within residential zones: At least 30 days before the date that the proposed use is scheduled to take place.

B. **Review.** The Development Services Director shall review the application for compliance with the provisions of this Chapter for the specific proposed temporary use. The Director may impose conditions (e.g., buffers, hours of operation, lighting, parking, property maintenance, signs, traffic circulation, removal upon cessation, etc.) deemed reasonable and necessary to:

1. Ensure compliance with the general purpose of this Chapter;

2. Ensure that the approval would be in compliance with the findings required by Section 17.46.060 (Findings and Decision; Acknowledgement by Applicant); and

3. Protect the best interests of the surrounding property or neighborhood.

C. **Evidence.** It is the responsibility of the applicant to establish evidence in support of the findings required by 17.46.060 (Findings and Decision; Acknowledgement by Applicant).
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.46.060 Findings and Decision; Acknowledgement by Applicant

A. Findings. A Temporary Use Permit may be approved, modified, conditioned, or denied by the Director. The Director, or the Commission on appeal, may approve, modify, or conditionally approve a Temporary Use Permit application only for a time period no greater than the duration identified in Section 17.46.040 (Allowed Temporary Uses), above, and only if the following findings of fact can be made in a positive manner:

1. The temporary use would be located, operated, and maintained in compliance with the applicable provisions of the Municipal Code and this Zoning Code;

2. The location, operation, or maintenance of the temporary use would not be detrimental to the public convenience, health, interest, safety, or welfare of persons residing or working in the surrounding neighborhood or business district;

3. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;

4. The temporary use would be compatible with adjoining properties and the surrounding neighborhood and would not alter the integrity of the zone in which it is to be located;

5. The applicant has provided evidence that the applicant’s liability insurance names or will name the City as additional insured; and

6. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

B. Acknowledgment.

1. The applicant shall sign an approved Temporary Use Permit acknowledging receipt, full understanding, and agreement with the conditions.

2. By signing the written acknowledgment, the applicant acknowledges acceptance of the benefits of the Temporary Use Permit and agrees to waive a right to later challenge a condition(s) imposed as unfair, unnecessary, or unreasonable.

17.46.070 Post-Activity Requirements

A. Each site occupied by a temporary use shall be cleaned of debris, litter, temporary structures, or other evidence of the temporary use within three days after the termination of the use, expiration of the Temporary Use Permit, and/or revocation of the Temporary Use Permit, whichever comes first, and shall thereafter be used in compliance with the provisions of this Zoning Code.

B. A bond or other security approved by the Director may be required before initiation of the use to ensure cleanup and restoration after the use is finished.

C. The Director or designee shall have the responsibility to verify that the cleanup and restoration has been completed in a satisfactory manner.
Chapter 17.48 Variances

Sections:

17.48.010 Purpose and Intent
17.48.020 Application Filing, Processing, and Review
17.48.030 Burden of Proof
17.48.040 Required Findings

17.48.010 Purpose and Intent

A. Purpose. The Variance procedure is established to allow minor relaxation of certain standards by the Commission which, with the strict application of this Zoning Code, would otherwise prevent a property from being used in the same manner as other, similar property because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, where the intent of these regulations would not be compromised by such minor relaxation.

B. Applicability. Setbacks, height limits, lot coverage, floor area ratio, and parking space requirements may be relaxed. No Variance to land use regulations or density standards may be granted.

C. Limitations. A Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zone, or which is contrary to the public convenience, health, interest, safety, or welfare.

17.48.020 Application Filing, Processing, and Review

A. Filing. An application for a Variance shall be filed and processed in compliance with Sections 17.30.030 (Application Filing). An application shall state the precise nature of the grounds for the Variance sought and shall be accompanied by any required fees.

B. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter. A staff report shall be prepared pursuant to Section 17.30.080 (Staff Reports and Recommendations).

C. Notice and Hearings.

1. A public hearing before the Commission shall be required for all Variances.

2. A public hearing shall be scheduled once the Director has determined the application complete.

3. Noticing of the public hearing shall be given in compliance with Chapter 17.56 (Public Hearings and Notices).
ARTICLE 5: LAND USE AND PERMIT PROCEDURES

17.48.030  Burden of Proof

It shall be the responsibility of the applicant to provide evidence in support of the findings required in Section 17.48.040 (Required Findings).

17.48.040  Required Findings

To approve a Variance, the Commission, or the Council on appeal, must make each of the following findings:

A. That there are special circumstances applying to the site, such as size, shape, or topography, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning;

B. That the Variance will not be in conflict with the purpose and intent of this Zoning Code, the General Plan, or any applicable specific plan;

C. That the Variance will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and

D. That the Variance will not adversely affect the health, safety, or general welfare of persons residing or working on the site or in the vicinity.
Chapter 17.50 Zoning Consistency Review

Sections:

17.50.010 Purpose and Intent

Zoning Consistency Review is a ministerial process used by the Director to verify that a proposed land use activity complies with the list of allowed activities in the applicable zone for the subject site. Zoning Consistency Review is conducted in conjunction with the City’s business license issuance process.

17.50.020 Applicability

Zoning Consistency Review shall be required as part of the City’s review of any business license for a proposed use of property.

17.50.030 Review Process

Upon the City’s receipt of a business license application, the Director or designee shall review the proposed business use to determine whether that use complies with all applicable land use regulations for the zone of the subject parcel. Where the use is found to comply, the Director or designee shall issue, in writing, a determination of compliance.
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

Chapter 17.52 Administrative Responsibilities

Sections:

17.52.010 Purpose
17.52.020 Development Services Director
17.52.030 Planning Commission
17.52.040 City Council

17.52.010 Purpose

The purpose of this Chapter is to describe and establish the authority and responsibilities of the Development Services Director, Planning Commission, and City Council in the administration of this Zoning Code.

17.52.020 Development Services Director

A. Definition of the Term "Director." When used in this Zoning Code or any permit or condition approved in compliance with this Zoning Code, the term "Director" shall be as defined in Article 7 (Definitions) and shall include designee(s) of the Director.

B. Duties and Authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:

   a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;

   b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and

   c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
2. Perform the duties and functions prescribed in this Zoning Code, including the review of administrative development projects, in compliance with Table 5-1: Review Authority, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);

3. Defer action on matters where the Director is the Review Authority and refer the matter to the Planning Commission for final determination;

4. Perform other responsibilities assigned by the Council or City Manager;

5. Delegate the responsibilities of the Director to Development Services Department staff under the supervision of the Director; and

6. Serve in an advisory capacity, in compliance with State law (Map Act Section 66415). The Director is charged with the responsibility of making investigations and reports on the design and improvement of proposed divisions of real property.

17.52.030 Planning Commission

A. Appointment. The appointment, terms, removal, and the filling of vacancies of the Planning Commission shall be in compliance with Chapter 2.38 (Planning Commission) of the Municipal Code.

B. Duties and Authority. The Planning Commission shall perform the duties and functions prescribed by State law and this Zoning Code, including the following:

1. The review of development projects;

2. The recommendation to the Council for final decisions on Development Agreements, Zoning Code Amendments, General Plan amendments, specific plans, zoning map amendments, and other applicable policy or ordinance matters related to the City’s planning process;

3. Reviewing and acting upon environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) for those projects for which the Planning Commission has final authority.

4. The investigation and preparation of an annual report to the Council regarding the status of the General Plan, and the Housing Element in particular, and progress in its implementation in compliance with State law; and

5. The above-listed functions shall be performed in compliance with Section 17.30.020 (Discretionary Permits and Actions - Authority), Table 5-01 (Review Authority), and CEQA.

17.52.040 City Council

The City Council, referred to in this Zoning Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in the Municipal Code and this Zoning Code, which include the following:

A. Review Authority on Specific Planning Matters. Final decisions on Development Agreements, Zoning Code amendments, General Plan amendments, specific plans, zoning map amendments, environmental documents prepared pursuant CEQA for those projects for which the Council has final authority, and other applicable policy or ordinance matters related to the City’s planning process;
B. **Appeals.** The review of appeals filed from Planning Commission decisions; and

C. **Compliance.** The above-listed functions shall be performed in compliance with Section 17.30.020 (Discretionary Permits and Actions - Authority), Table 5-01 (Review Authority), and the California Environmental Quality Act (CEQA).
Chapter 17.54 Permit Implementation, Time Limits, and Extensions

Sections:

17.54.010 Purpose
17.54.020 Conformance with Approved Plans
17.54.030 Effective Date of Permits
17.54.040 Performance Guarantees
17.54.050 Time Limits and Extensions
17.54.060 Changes to an Approved Project
17.54.070 Resubmittals

17.54.010 Purpose

This Chapter establishes the requirements for implementing, or “exercising,” the permits or entitlements identified in this Zoning Code, including time limits and procedures for granting extensions of time.

17.54.020 Conformance with Approved Plans

A. Compliance. Work performed under a building permit, for which project drawings and plans have received approval by the Director, Planning Commission, or Council, shall be in substantial compliance with the approved drawings and plans, statements (written or oral) made in support of the application, and conditions of approval imposed by the Review Authority.

B. Changes. Changes to an approved project shall be submitted and processed in compliance with Section 17.30.090 (Alterations and Modifications).

17.54.030 Effective Date of Permits

A. Permits and Variances.

1. An Administrative Use Permit, Conditional Use Permit, Site Development Permit, Variance, or designation of a Local Landmark shall become effective on the tenth day following the date the decision is rendered by the applicable review authority and upon recordation by the Orange County Recorder, unless appealed.

2. A Home Occupation Permit and Temporary Use Permit shall become effective immediately upon written approval by the Director or designee.

B. General Plan Amendments. An amendment to the General Plan shall become effective immediately upon the signing of the Council resolution approving the amendment.

C. Plans and Code Amendments. Council actions to adopt or amend a Development Agreement, Specific Plan, the zoning map, or this Zoning Code shall become effective on the 30th day following the second reading by the Council.

D. Effective Date. Certificates of occupancy, building permits, and other permits shall not be issued until the effective date, provided that no appeal of the Review Authority’s decision has been filed in compliance with Chapter 17.60 (Appeals). In the event of an appeal, permits shall not be issued until after the Planning Commission’s or Council’s final determination. Permits shall not have force or effect until the applicant actually receives the permit, signed by
17.54.040 Performance Guarantees

A permit applicant may be required by conditions of approval, or by action of the Director, to provide adequate security to guarantee the faithful performance of conditions of approval imposed by the Review Authority. The Director, in consultation with the Building Official, shall be responsible for setting the amount of the required security.

17.54.050 Time Limits and Extensions

A. Time Limits

1. When Permits Expire. To ensure continued compliance with the provisions of this Title, each approved permit or entitlement shall expire 24 months from the date of approval—unless otherwise specified in the permit or entitlement or unless an extension has been granted pursuant to the provisions of this Chapter—if the use or entitlement has not been exercised.

2. Approval Voided. If a permit or entitlement has not been exercised within the established time frame and a time extension is not granted pursuant to the provisions of subsection C (Extensions of Time) and subsection D (Action on Expiration/Extension), the permit or entitlement shall be deemed void.

B. Permit Implementation—Exercising the Permit or Entitlement

1. “Exercised” Defined. An approved permit or entitlement shall be exercised before its expiration. The permit or entitlement shall not be deemed exercised until the applicant has completed one of the following:

   a. Obtained a building permit and a grading permit (if a grading permit is required) and has initiated grading where a grading permit is required or initiated construction where no grading permit is required. The Director shall have the authority to determine whether grading or construction has been initiated;

   b. Obtained a permit authorizing occupancy of the improvements to the site or structure(s), or has occupied the site or structure(s) where no building permit or certificate of occupancy is required by the City; or

   c. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

2. Project Phasing

   a. Two or More Phases. Where the permit or entitlement provides for development in two or more phases or units in sequence, the permit or entitlement shall not be approved until the Director has approved a phasing plan for the entire project site. The applicant shall not be allowed to develop a portion of the proposed development under the original approval, and then develop the remaining portion(s) in compliance with this section, without first obtaining Director approval.

   b. Commencement for Each Phase. If a project is to be built in preapproved phases, each subsequent phase shall have 18 months from the previous phase’s date of construction commencement to the next phase’s date of construction commencement to have occurred, unless otherwise specified in the permit or entitlement, or the permit or entitlement shall expire and be deemed void, unless an extension has been granted pursuant to the provisions of this section.
c. **Tentative Map.** If the application for the permit or entitlement also involves the approval of a tentative map, the phasing shall be consistent with the tentative map, and the permit or entitlement shall be exercised before the expiration of the companion tentative map.

C. **Extensions of Time**

1. **Application.** On the applicant's own motion and on the timely filing of a request for extension by the applicant at least 30 days before the expiration date, the applicable review authority may extend the time to establish the approved permit or entitlement.

2. **Substantial Evidence**
   
   a. The applicant shall file a written request for an extension of time with the Department, together with the filing fee established by the City's fee resolution.
   
   b. The review authority that approved the original permit or entitlement shall consider the application for the extension of time. Such review authority shall determine whether the applicant has made a good faith effort to establish the permit. Criteria the review authority shall use to determine whether a good faith effort has been made include, but are not limited to:
      
      i. Granting of building permits and where applicable, grading permits
      ii. Initiation of grading
      iii. Initiation of construction
      iv. Issuance of a business license where no grading or building permits are required
      v. Execution of a lease
   
   c. The burden of proof shall be on the applicant to establish, with substantial evidence beyond the control of the applicant (e.g., demonstration of financial hardship, legal problems with the closure of the sale of the parcel, poor weather conditions in which to complete construction activities, etc.), why the permit should be extended.

D. **Maximum Extension.** An applicant may request up to three separate 12-month extensions. The maximum period of time that a permit or entitlement may be extended shall not exceed 36 months beyond the expiration of the original approval.

17.54.060 **Changes to an Approved Project**

A. **Applicability**

1. A development or land use allowed through a Conditional Use Permit, Home Occupation Permit, Site Development Permit, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, statements (written or oral) made in support of the application, and conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.

2. An applicant shall request desired changes in writing, shall furnish appropriate supporting materials, including an explanation of the reasons for the request; and shall pay the appropriate fee required by the City’s fee resolution.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the entitlement (e.g., hours of operation, expansion of use, etc.) as originally proposed by the applicant or approved by the Review Authority.

4. Changes shall be approved before implementation of the changes and may be requested either before or after construction or establishment and operation of the approved use.

B. Public Hearing - When Required. If the matter originally required a noticed public hearing, the review authority shall hold a public hearing on the requested change(s) and give notice in compliance with Chapter 17.56 (Public Hearings and Notice).

C. Minor Changes. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with applicable provisions of this Zoning Code and the spirit and intent of the original approval;

2. Do not involve a feature of the project that was:
   a. A basis for findings in a negative declaration or environmental impact report for the project,
   b. A basis for conditions of approval for the project, or
   c. A specific consideration by the Review Authority (e.g., the Director, Planning Commission, or Council) in the approval of the entitlement.

3. Do not result in an expansion of the use.

D. Major Changes. Major modifications are changes to the project that do not meet the definition of minor changes in subsection C, above, of this Section. Major changes shall only be approved by the Review Authority through a new entitlement application or modification and payment of applicable fees and shall be processed in compliance with this Zoning Code.

17.54.070 Resubmittals

A. Resubmittals Prohibited within Six Months. For a period of six months following the approval, disapproval, or revocation/modification of a discretionary land use permit or entitlement, no application for the same or substantially similar discretionary permit or entitlement for the same site shall be filed. For the purposes of this Section, substantially similar shall mean a use with similar operating characteristic and/or a building or site development involving similar lot coverage, orientation to the streets and surroundings, or layout of proposed structures and other improvements.

B. Director’s Determination. The Director shall determine whether the new application is for a discretionary permit or entitlement that is the same or substantially similar to the previously approved or disapproved permit or entitlement. The determination of the Director may be appealed to the Planning Commission in compliance with Chapter 17.60 (Appeals).

C. Council Waiver. The Council may waive the prohibition identified in subsection A of this Section upon finding that by reason of changed legal, physical, or sociological circumstances, reconsideration would be in the best interests of the City.
Chapter 17.56 Public Hearings and Notice

Sections:

17.56.010  Purpose
17.56.020  Notice of Hearing
17.56.030  Scheduling of Hearing
17.56.040  Hearing Procedure

17.56.010  Purpose

This Chapter provides procedures for public hearings required by this Zoning Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted in compliance with this Chapter.

17.56.020  Notice of Hearing

A. Generally. When this Zoning Code requires a public hearing before a decision on a permit or other discretionary entitlement, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, 65096, and 66451.3; Public Resources Code 21000 et seq.; and as required by this Chapter.

B. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. Hearing Information. The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number, street address, and email or website address of the City Development Services Department where an interested person could call or visit to obtain additional information.

2. Project Information. The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the property that is the subject of the hearing.

3. Statement on Environmental Document. If a proposed Negative Declaration, Mitigated Negative Declaration, final Environmental Impact Report, or statement of exemption from the requirements of California Environmental Quality Act (CEQA) has been prepared for the project in compliance CEQA, the hearing notice shall include a statement that the Review Authority will also consider approval (or recommendation of adoption/approval for an application requiring Council action) of the proposed Negative Declaration, Mitigated Negative Declaration, certification of the final Environmental Impact Report, or statement of exemption.

4. Statement Regarding Challenges of City Actions. A notice substantially stating all of the following: "If you challenge the (nature of the proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (public entity conducting the hearing) at, or before, the public hearing" in compliance with Government Code Section 65009(b)(2).

5. Statement Regarding Commission's Recommendations. For Council items that involve a recommendation from the Planning Commission, the notice shall contain the Planning Commission's recommendations.
C. **Method of Notice Distribution.** Notice of a public hearing required by this Chapter, and any other type of notice specified in Article 6 (Permit Processing Procedures), shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing.** Notice shall be mailed or delivered not less than 10 calendar days before the scheduled hearing to the following:

   a. **Project Site Owners, Agent(s), and Applicant.** The owners of the property being considered in the application, the owners' agent(s), and the applicant.

   b. **Local Agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected;

   c. **Affected Owners.** All owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 500 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; the 500-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels, without reference to structures existing on any of the parcels;

   d. **Commercial and Industrial Tenants.** All occupants of commercial and industrial space within 500 feet of the real property that is the subject of the notice; the 500-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels, without reference to structures existing on any of the parcels; and

   e. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director or City Clerk.

2. **Alternative to Mailing.** If the number of property owners and occupants of commercial and industrial space to whom notice would be mailed in compliance with subparagraph C. 1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).

3. **Additional Notice.** In addition to the types of notice required above, the Director may require any additional notice with content or using a distribution method (e.g., posting on the City’s web site) as the Director determines is necessary or desirable, including posting a notice on the property.

4. **Newspaper Notice.** Notices of public hearings shall also be given by publication in a newspaper of general circulation in the City at least 10 calendar days prior to the hearing.

D. **Affidavit of Method of Notice.** Upon completion of publication or other notice required by this Section, the secretary of the Planning Commission, if the hearing is held by the Commission, or the City Clerk, if the hearing is held by the Council, shall provide proof of the mailing or publication that shall be filed in the permanent records of the particular proceedings to which the notices pertain.

E. **Failure to Receive Notice.** Failure to receive the mailed notice or failure to post notice shall not invalidate any proceedings.
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

17.56.030  Scheduling of Hearing

After the completion of any environmental document required by CEQA, a matter requiring a public hearing shall be scheduled on the next available agenda (Planning Commission or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

17.56.040  Hearing Procedure

A. Time and Place of Hearing. A hearing shall be held at the date, time, and place for which notice was given.

B. Continued Hearing. Any hearing may be continued from time to time without further notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. Deferral of Final Decision.

1. The Review Authority may announce a tentative decision and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.

2. The date of the final action shall be as described in the motion, ordinance, or resolution that incorporates the findings and/or conditions.

D. Summary Information. A summary of all pertinent testimony offered at a public hearing, together with the information of all persons testifying, shall be recorded and made a part of the permanent files of the case.

E. Formal Rules of Evidence or Procedure Not Applicable. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to these Zoning Regulations, except as otherwise required by the City Charter or the Municipal Code, in compliance with Government Code Section 65010.
Chapter 17.58 Amendments

Sections:

17.58.010 Purpose
17.58.020 Authority to Initiate an Amendment
17.58.030 Application and Hearing Notice
17.58.040 Planning Commission Proceedings
17.58.050 Council Proceedings
17.58.060 Findings and Decision

17.58.010 Purpose

A. This Chapter provides processing procedures for amendments to:

1. Zoning Map. Zoning map amendment that has the effect of rezoning property from one zone to another;
2. Zoning Code. Zoning Code amendment that may modify procedures, requirements, or standards applicable to the development, and/or use of property within the City; and
3. Specific Plans. Specific Plan amendment that may modify procedures, requirements, or standards applicable to the development and/or use of property within the boundaries of the specific plan area.

B. Approval of Amendments. The amendments may be approved by the Council whenever required by public convenience, health, interest, safety, or welfare of the City.

17.58.020 Authority to Initiate an Amendment

An amendment may be initiated by:

A. City Council. Notification to the Development Services Director via a minute action of the Council;

B. Planning Commission. Notification to the Development Services Director via a minute action of the Planning Commission;

C. Development Services Director. Notification to the Council; or

D. Property Owners. Filing with the Director an application from one or more record owners of land that is the subject of the proposed amendment, or their authorized agents.

17.58.030 Application and Hearing Notice

A. Application. For those amendments requested by owners of land or their authorized agents, the application shall be filed in compliance with 17.30.030 (Application Filing) and shall be accompanied by the information identified in the Department handout for amendment applications and by a fee established by the City’s fee resolution.
B. Notice and Hearing.

1. Date of Hearing. Upon receipt of a complete application to amend the zoning map or this Zoning Code, or on initiation by the Director, Planning Commission, or Council, and following Director review, public hearings shall be set before the Planning Commission.

2. Notice. Notice of the hearing shall be given in compliance with Section 17.56.020 (Notice of Hearing) of this Chapter.

17.58.040 Planning Commission Proceedings

A. Planning Commission Action. After the close of the public hearing, the Planning Commission shall forward a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment based on the findings contained in Section 17.58.060 (Findings and Decision). The recommendations of the Planning Commission on proposed amendments shall be adopted by a majority of the total voting members of the Planning Commission.

B. Planning Commission Report. The Planning Commission report of the hearing shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, the findings of the Planning Commission, and copies of maps or other data and documentary evidence submitted in connection with the proposed amendment. The recommendation shall include the findings of the Planning Commission constituting the basis for the recommendation.

C. Notice of Planning Commission’s Action. The secretary of the Planning Commission shall transmit the recommendation (together with the staff report) to the Council.

D. Applicant's Copy. The applicant’s copy of the recommendation shall be mailed to the address shown upon the application or provided to the applicant via electronic delivery.

17.58.050 Council Proceedings

A. Hearing. Following the receipt of either of the following, the City Clerk shall schedule a hearing in compliance with State law and this Zoning Code, and the Council shall conduct at least one public hearing on the amendment:

1. Approval. A written recommendation from the Planning Commission recommending the approval of the amendment; or

2. Disapproval. A written recommendation from the Planning Commission recommending disapproval of the amendment.

B. Effect of Commission’s Recommendation to Disapprove Amendment. If the matter under consideration is an amendment to the Zoning Code to change property from one zone to another and the Planning Commission has recommended against the adoption of the amendment, the Council shall not be required to take further action on it unless otherwise provided by ordinance or unless an interested party requests a hearing before the Council by filing a written request with the City Clerk within 10 days after the Planning Commission files its recommendations with the Council.

C. Council’s Action. The Council shall approve, approve in modified form, or disapprove the recommendation of the Planning Commission.
D. **Referral to Planning Commission.** If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearings, the proposed modification shall be first referred back to the Planning Commission for its recommendation, in compliance with State law, but the Planning Commission shall not be required to hold a public hearing on the referral. Failure of the Planning Commission to report within 40 days after the reference, or a longer period as may be designated by the Council, shall be deemed to be approval of the proposed modification.

17.58.060 **Findings and Decision**

A. **Findings Required.** An amendment to the zoning map or this Zoning Code may be approved only if the following findings of fact can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the applicant to establish evidence in support of the required findings.

B. **Mandatory Findings Required for All Amendments**

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with this Zoning Code, in the case of a Zoning Code amendment;

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the City; and

3. 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.

B. **Additional Finding for Zoning Map Amendments:** The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zone and anticipated land use development(s).

C. **Additional Finding for Zoning Code Amendments:** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
Chapter 17.60 Appeals

Sections:

17.60.010 Standing to Appeal

Any person may appeal a decision of any official body, except that administrative decisions requiring no discretionary judgment may not be appealed.

17.60.020 Time to File Appeal

Appeals must be filed within 10 business days of the rendering of a decision which is being appealed.

17.60.030 Content of Appeal Filing

The appeal shall concern a specific action and shall state the grounds for appeal. Applicable fees for the appeal shall be paid as established by Council resolution.

17.60.040 Course of Appeals

A. Decisions of the Director shall be appealed to the Planning Commission. Such appeals shall be filed with the Director.

B. Decisions of the Planning Commission shall be appealed to the Council. Such appeals shall be filed with the City Clerk.

C. The Director or City Clerk, as applicable, shall have the authority to combine multiple appeal filings for a single public hearing.

17.60.050 Hearings and Notice

A. Within 30 days after the receipt of a notice of appeal and fee, or after the Planning Commission or Council has voted for a call for review, the appeal shall be transmitted to either:

1. Appeals to the Planning Commission. The Director, who shall place the item on the commission agenda for a public hearing; or

2. Appeals to the Council. The City Clerk, who shall place the item on the Council agenda for a public hearing.

B. Action on appeals shall be “de novo” review and shall be considered at the same type of hearing and after the same notice that is required for the original decision.
C. In the event new or different evidence is presented on appeal, the Council may, but shall not be required to return the matter to the Planning Commission for further consideration.
Chapter 17.62 Development Agreements

Sections:

17.62.010 Purpose and Scope
17.62.020 Authority
17.62.030 Initiation of Hearings
17.62.040 Applications – Legal Interest
17.62.050 Fees
17.62.060 Preapplication Review
17.62.070 Application – Contents
17.62.080 Public Notice
17.62.090 Failure to Receive Notice
17.62.100 Planning Commission Hearing and Recommendation
17.62.110 City Council Hearing
17.62.120 City Council Action
17.62.130 Development Agreement – Contents
17.62.140 Development Agreement – Adoption by Ordinance – Execution of Contract
17.62.150 Recordation of Executed Agreement
17.62.160 Ordinance, Regulations, and Requirements Applicable to Development
17.62.170 Subsequently Enacted State and Federal Laws
17.62.180 Enforcement – Continuing Validity
17.62.190 Amendment – Time Extension – Cancellation
17.62.200 Review for Compliance – Director’s Authority
17.62.210 Violation of Agreement – Council Review and Action
17.62.220 Modification or Termination for Violations
17.62.230 Consequences of Termination
17.62.240 Irregularity of Proceedings
17.62.250 Coordination of Approvals

17.62.010 Purpose and Scope

Development Agreements specify the rights and responsibilities of the City and developers. Used in conjunction with subdivision approval, annexation, rezoning, or architectural approval, Development Agreements establish the terms and conditions under which development projects may proceed. Development Agreements are best used for large, complex, or phased projects which require extended construction time and which involve numerous public improvements such as streets, utilities, flood improvements, schools, parks and open space, and other improvements of community-wide benefit. Under a Development Agreement, projects may proceed under the rules, standards, policies, and regulations in effect at the time of original project approval.

17.62.020 Authority

This Chapter establishes procedures and requirements for Development Agreements for the purposes specified in and as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code, Sections 65864 et seq. The Planning Commission may recommend and the Council may enter into a Development Agreement for the development of real property with any person having a legal or equitable interest in such property, as provided in this Chapter. At its sole discretion, the Council may, but is not required to, approve a Development Agreement where a clear public benefit or public purpose can be demonstrated.
17.62.030  Initiation of Hearings

Hearings on a Development Agreement may be initiated upon the filing of an application as provided below or by the Council by a simple majority vote.

17.62.040  Applications – Legal Interest

Any person having a legal or equitable interest in real property or such other interest as specified in Section 17.62.070(A)(3)(b) may apply for a Development Agreement, except that a person may not file, and the Director shall not accept, an application which is the same as, or substantially the same as, an application which was denied within the previous year, unless the application is initiated or otherwise authorized by the Council.

17.62.050  Fees

The Council shall establish, and from time to time may amend, a schedule of fees to cover the City’s costs of processing applications for development agreements and conducting an annual review as required by the Government Code.

17.62.060  Preapplication Review

Before submitting an application and support materials, applicants shall discuss the proposal with the Director. At such review, the applicant should present a preliminary site plan and show basic features of the proposed project, including its public purposes and/or benefits. For large or complex projects, the applicant may request Council review of the preliminary concept. Such a review shall be at the Council’s sole discretion and would allow the Council to review and comment on a proposal early in the review process.

17.62.070  Application – Contents

A. A Development Agreement application shall include the following information:

1. A planning application and processing fee;

2. The names and addresses of the applicant and of all persons having a legal or equitable interest in all or a part of the property proposed to be used;

3. Evidence that the applicant:
   a. Has a legal or equitable interest in the property involved, or
   b. Has written permission from a person having a legal or equitable interest to make such application;

4. Location of the subject property by address and vicinity map;

5. Legal description of the property, including a statement of total area involved;

6. A plan showing the location of all property included in the request for action, existing and proposed land uses, property lines and dimensions, topography, significant natural features, setbacks, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of 300 feet from the exterior boundaries of the property described in the application;
7. Mailing list including addresses of all tenants occupying the subject property and properties within 500 feet from the subject property boundaries; and a mailing list of owners of adjacent properties within 500 feet from the subject property boundaries, as shown on the County Assessor’s latest available assessment roll;

8. The proposed Development Agreement, together with all explanatory text, plans, maps, drawings, pictures and other information as may be required to evaluate such proposal, and as further described in Section 17.62.130; and

9. Such other information as the Director may require.

B. The Director may waive the filing of one or more of the above items where the required information is filed with an application for a rezoning, use permit, variance, subdivision approval, or other development entitlement to be considered concurrently with the Development Agreement.

1. The Director may reject any application that does not supply the required information or may reject incomplete applications.

2. The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant.

17.62.080 Public Notice

A. Director Responsibilities. When the Director certifies that the application is complete, the item shall be scheduled for Planning Commission hearing, and the Director shall give notice of the public hearing, as provided below.

B. Manner of Giving Public Notice. Public notice shall be provided in compliance with Chapter 17.56 (Public Hearings and Notice).

17.62.090 Failure to Receive Notice

The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

17.62.100 Planning Commission Hearing and Recommendation

The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the Council. The recommendation shall include whether or not the proposed Development Agreement meets the following findings:

A. The proposed Development Agreement is consistent with the General Plan and any applicable specific plan;

B. The proposed Development Agreement complies with this Zoning Code, the subdivision ordinance, and other applicable ordinances and regulations;

C. The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning, and provides substantial public benefits or necessary public improvements, making it in the City’s interest to enter into the Development Agreement with the applicant; and
D. The proposed project and Development Agreement:

1. Will not adversely affect the health, safety, or welfare of persons living or working in the surrounding area; and

2. Will be appropriate at the proposed location and will be compatible with adjacent land uses.

17.62.110 City Council Hearing

After the recommendation of the Planning Commission, the City Clerk shall give notice of a public hearing before the Council in the manner provided for in Chapter 17.56 (Public Hearings and Notice).

17.62.120 City Council Action

A. Referral. After it completes the public hearing and considers the Planning Commission’s recommendation, the Council may approve, conditionally approve, modify, or disapprove the proposed Development Agreement. The Council may refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for review and recommendation.

B. Approval. The Development Agreement may be approved if the Council makes the findings for approval listed in Section 17.62.100.

17.62.130 Development Agreement – Contents

A. Development Agreements shall include the following:

1. The duration of the agreement, including a specified termination date if appropriate;

2. The uses to be permitted on the property;

3. The density or intensity of use permitted;

4. The maximum height, size, and location of buildings permitted, as well as other pertinent development standards;

5. The reservation or dedication of land for public purposes to be secured, including, but not limited to, rights-of-way, open space preservation, and public access easements;

6. Proposed exceptions from the Zoning Code or other development standard, and findings where required;

7. The time schedule established for periodic review as required by Section 17.62.200.

B. Development Agreements may also include additional terms, conditions, and restrictions in addition to those listed in subsection A of this Section. These additional terms may include, but are not limited to:

1. Development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
2. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, public art and other landscape amenities, drainage and flood-control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;

3. Method of financing such improvements and, where applicable, reimbursement to developer or City;

4. Prohibition of one or more uses normally listed as permitted, accessory, or subject to a Conditional Use Permit in the zone normally allowed by right;

5. Limitations on future development or special terms or conditions under which subsequent development approvals not included in the agreement may occur;

6. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of a bond, the applicant may deposit with the City Clerk certificates of deposit or other security acceptable to the finance director;

7. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping, and signs;

8. Special setbacks, opens spaces, trails, staging areas, buffer areas, fences and walls, public art, landscaping, and parking facilities, including vehicular and pedestrian ingress and egress;

9. Performance standards regulating such items as noise, vibration, smoke, odors, gases, garbage, and the prevention of glare or direct illumination of adjacent properties;

10. Limitations on operating hours and other characteristics of operation which the Council determines could adversely affect the reasonable use and enjoyment of surrounding properties.

11. Incorporate or reference any environmental mitigation measures to reduce potentially significant environmental impacts, if applicable.

17.62.140 Development Agreement – Adoption by Ordinance – Execution of Contract

A. The Development Agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the City shall enter into the Development Agreement by the execution thereof by the Mayor or City Manager.

B. No ordinance shall be finally adopted until it has been executed by the applicant and all other parties to the agreement. If the applicant has not executed the agreement or agreement as modified by the Council and returned the executed agreement to the City Clerk within 60 days following Council approval, the approval shall be deemed withdrawn, and the Council shall not finally adopt such ordinance, nor shall the City Manager execute the agreement.

C. Such 60-day time period may be extended upon approval of the Council.

17.62.150 Recordation of Executed Agreement

Following the execution of a Development Agreement, the City Clerk shall cause the executed agreement to be recorded with the County Recorder.
17.62.160 Ordinance, Regulations, and Requirements Applicable to Development

Development projects covered by a Development Agreement shall comply with the General Plan, Zoning Code, subdivision ordinance, and other applicable codes, ordinances, rules, regulations, and official policies in effect on the date of execution of the Development Agreement, provided, however, that a Development Agreement shall not:

A. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations, and policies which do not conflict with such existing ordinances, rules, regulations and policies under the development agreement;

B. Prevent the approval, conditional approval, or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations, and policies; or

C. Preclude the City from adopting and implementing emergency measures regarding water or sewer deficiencies when the Council determines that such action is necessary to protect public health and safety. If such action becomes necessary, the Council reserves the right to suspend water or sewer service on an equitable basis until such deficiencies are corrected.

17.62.170 Subsequently Enacted State and Federal Laws

In the event that State or Federal laws or regulations enacted after execution of a Development Agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions of such agreement shall be deemed modified or suspended to the extent necessary to comply with such laws or regulations.

17.62.180 Enforcement – Continuing Validity

A. Unless and until amended or canceled in whole or in part as provided in Sections 17.62.190 or 17.62.210, a Development Agreement shall be enforceable by any party to the agreement, regardless of any change in regulations which alters or amends the regulations applicable to the project covered by a Development Agreement, except as specified in Sections 17.62.160 and 17.62.170.

B. The Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

17.62.190 Amendment – Time Extension – Cancellation

A Development Agreement may be amended, extended, or cancelled, in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions, or cancellation of the Development Agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement.

17.62.200 Review for Compliance – Director’s Authority

A. Every Development Agreement entered into by the Council shall provide for Director review of compliance with the Development Agreement at time intervals as specified in the agreement, but not less than once every 12 months.

B. The Director shall determine whether the applicant or his or her successor in interest has or has not complied with the agreement. If the Director determines that the terms or conditions of the agreement are not being met, all parties to the agreement shall be notified by registered or certified mail or other method guaranteeing proof of
delivery, also indicating that failure to comply within a period specified may result in legal action to enforce compliance, termination, or modification of the agreement.

C. It is the duty of the applicant or his or her successor in interest to provide evidence of good faith compliance with the agreement to the Director’s satisfaction at the time of the Director’s review. Refusal by the applicant or his or her successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.

D. If, at the end of the time period established by the Director, the applicant or his or her successor in interest has failed to comply with the terms of the agreement or has not submitted evidence substantiating such compliance, the Director shall notify the Council of his or her findings, recommending such action as he or she deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement.

17.62.210 Violation of Agreement – Council Review and Action

A. When the Director notifies the Council that a Development Agreement is being violated, a public hearing shall be scheduled before the Council to consider the matter. Procedures for conduct of such hearing shall be the same as provided for initiation and consideration of a Development Agreement.

B. If the Council determines that the applicant or his or her successor in interest is in violation of a Development Agreement, it may take one of the following actions:

1. Schedule the matter for Council hearing for modification or possible termination of the agreement. Procedures for hearing notice shall be the same as provided in Section 17.62.080; or

2. Continue the matter for further consideration.

17.62.220 Modification or Termination for Violations

A. After the hearing required by Section 17.62.210 (A), the Council may terminate or modify the agreement upon finding that:

1. Terms, conditions, and obligations of any party to the Development Agreement have not been met; or

2. The scope, design, intensity, or environmental effects of a project were represented inaccurately; or

3. The project has been or is being built, operated, or used in a manner that differs significantly from approved plans, permits, or other entitlements; or

4. Parties to the agreement have engaged in unlawful activity or have used bad faith in the performance of or the failure to perform their obligations under the agreement.

B. Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary onsite or off-site improvements which are determined to be reasonably necessary to protect public health, safety, or welfare, and to correct problems caused by or related to noncompliance with the terms of the agreement.
17.62.230  Consequences of Termination

Upon termination of the Development Agreement, the owner shall otherwise comply with City codes, regulations, development standards, and other applicable laws in effect at the time of termination of the agreement.

17.62.240  Irregularity of Proceedings

No action, inaction, or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed.

17.62.250  Coordination of Approvals

A.  Public Hearings. Where an application for a Development Agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map, or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.

B.  Zoning or Subdivision Exceptions. Yards, permit height, coverage, parking requirements, density, and other design standards may be modified or relaxed during consideration of a Development Agreement. The Council may modify or relax development or subdivision standards when: (1) such modification or relaxation is otherwise allowed by this Municipal Code, (2) the Council makes findings as required by zoning and subdivision regulations, and (3) the Council determines that such modification or relaxation of standards is consistent with the General Plan and reasonably necessary to allow the safe, efficient, and/or attractive development of the subject property.
Chapter 17.64 General Plan Amendments

Sections:

17.64.010 Purpose
17.64.020 Authority to Initiate an Amendment
17.64.030 Consultation, Notice, and Hearings

17.64.010 Purpose

The purpose of this Chapter is to provide for the orderly processing of General Plan amendments in a manner consistent with the overall goals of the community’s planning program and the requirements of the California law. In particular, this Chapter is intended to:

A. Assure that the General Plan is amended for good reason and with due consideration of community-wide interests;

B. Help achieve and maintain internal consistency of General Plan elements and conformance between the Plan and implementing techniques, such as zoning; and

C. Establish rights and assign responsibilities for the persons and agencies involved in General Plan administration so each can perform fairly and effectively.

17.64.020 Authority to Initiate an Amendment

A. Initiation of Amendment by the City Council. The Council may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

B. Initiation of Amendment by the Planning Commission. The Planning Commission, by a majority vote of all voting members, may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

C. Initiation of Amendment by the Director. The Development Services Director may initiate General Plan amendments at any time by preparing the necessary analysis and scheduling the proposed amendment for consideration at a hearing.

D. Applications to Initiate Amendments. Any person may request an amendment of the General Plan by filing an application with the Development Services Department. Such application shall include:

1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted General Plan elements or reports.

2. A statement explaining how the proposed change will better reflect community desires as expressed in General Plan goals and policies.

3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs.
4. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements.

5. Such other supporting data as the Director may require to help with evaluation of the proposal.

6. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the Council.

E. Early Council Consideration of an Application. The Director shall have the authority, prior to processing a General Plan Amendment application in conformance with the provisions of this Chapter, to forward any such application to the Council for early policy consideration to allow the Council to determine whether the proposed amendment is consistent with overall policy direction in the General Plan. The Council, upon making specific findings in reference to specific General Plan provisions, may direct the Director to reject the application as inconsistent with overall General Plan policy direction.

17.64.030 Consultation, Notice, and Hearings

A. Planning Commission Actions.

1. Consultation. Pursuant to Government Code Section 65352.3, the City shall consult with California Native American tribes prior to scheduling the General Plan amendment for public hearing.

2. Public Hearings—Notice. The Planning Commission shall hold at least one public hearing before taking action on any General Plan amendment.

3. Recommendation. The recommendation for approval of the Planning Commission of any amendment to the General Plan shall be by resolution of the Planning Commission adopted by the affirmative vote of not less than a majority of its total voting members.

4. Transmittal to Council. The Planning Commission’s recommendation shall be transmitted to the Council in the form of a resolution with findings.

5. Other Situations. When neither a majority of the Planning Commission recommends approval nor a majority of a quorum recommends denial, the Planning Commission may transmit the amendment to the Council with a report explaining the situation and stating the recommendations of the individual commissioners.

B. City Council Actions.

1. Public Hearings—Notice. Upon transmittal of the resolution from the Planning Commission, the Council shall hold at least one public hearing on proposed General Plan amendments.

2. Resolution. Any amendment of the General Plan shall be adopted by resolution of the Council, adopted by the affirmative vote of not less than a majority of the total membership of the Council.

3. Referral of Council Changes. In adopting any General Plan amendment which has been approved by the Planning Commission, the Council shall not make any substantive changes or additions involving issues not considered by the Planning Commission in their review until the proposed change or addition has been referred to the Planning Commission for a report and the report has been filed with the Council. Failure of the Planning Commission to report within 40 calendar days after the referral, or such longer period as may be designated by the Council, shall be deemed to be approval of the change or addition.
Chapter 17.66 Nonconformities

Sections:

17.66.010 Purpose
17.66.020 Applicability
17.66.030 Nonconforming Uses
17.66.040 Nonconforming Structures
17.66.050 Nonconforming Lots
17.66.060 Continuation of Nonconformity
17.66.070 Abandonment
17.66.080 Exceptions: Public Facilities and Uses

17.66.010 Purpose

A. This Chapter is established to permit the continuation of nonconformities on real properties relative to parcel size, use, occupancy, and building types that were legally established but no longer comply with all of the standards and requirements of this Title 17. To this end, this Chapter establishes the circumstances under which nonconformities may be continued or changed and provides for the removal of nonconformities when their continuation conflicts with the public health, safety, and general welfare.

B. This Chapter is not intended to limit the City’s ability to eliminate a public nuisance.

C. Nothing in this Chapter shall prevent the City from declaring a nonconformity to constitute a danger to the public health, safety, or general welfare and to take lawful action to remedy that danger.

17.66.020 Applicability

A. The provisions of this Chapter apply to structures, land, and uses that have become nonconforming due to changes in this Title or reclassification of zones under this Zoning Code. The provisions shall also apply when standards or regulations are adopted or changed which cause previously conforming structures, land, or uses to become nonconforming.

B. For purposes of this Chapter, the terms “nonconformity” or “nonconformities” shall refer to legal nonconforming uses, legal nonconforming structures, and legal nonconforming lots, all as more specifically defined in Chapter 17. (Definitions) of this Title.

17.66.030 Nonconforming Uses

A. Nonconforming uses shall be allowed to remain, provided such use is not abandoned or intensified, or the space that the nonconforming use is located in is not reconstructed.

B. A nonconforming use may not expand the area of its use beyond that for which it was legally approved.

C. In a building which is nonconforming due to parking, a change of use or intensification of the existing use shall only be allowed if the full amount of the required parking is provided.
D. Once a nonconforming use is terminated, discontinued, or abandoned, the occupancy afterwards may not revert to the same or another nonconforming use.

**17.66.040 Nonconforming Structures**

A. Nonconforming structures may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure.

B. Maintenance, repairs, nonstructural modifications, and nonstructural interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure, or otherwise increase the degree of the nonconformity. Exterior improvements, such as a façade improvement, which are intended to better the appearance of the property, are included in these types of allowed changes. Nothing herein supersedes the requirement to obtain site plan review approval if otherwise required.

C. A structure shall not be considered nonconforming if the nonconformity is caused due to a condemnation of a portion of the property by the City.

D. A structure shall not be considered nonconforming with regard to parking because of a loss of required parking spaces due to conformance with the Americans with Disabilities Act.

E. If any nonconforming structure is destroyed by fire, explosion, act of God, or the public enemy such that the cost of restoration or replacement exceeds 50 percent of the replacement cost of the entire structure, the replacement shall conform to current regulations, or a Conditional Use Permit shall be obtained to allow a deviation from current standards. The City Building Official shall determine the extent of destruction and costs of replacement.

**17.66.050 Nonconforming Lots**

A. Any lot that is smaller than the minimum lot size required by this Title 17 or does not meet any of the applicable dimensional requirements, shall be considered a legal nonconforming lot if it is described in the official records on file in the office of the Orange County recorder as a lot of record. The lot shall not be further reduced below the area or dimension identified on the recorded map or other documents that establish the date on which the parcel was officially created.

B. A lot of record may be used as a building site subject to compliance with all other applicable requirements, unless a Variance or other modification or exception is approved as provided for in this Title 17.

**17.66.060 Continuation of Nonconformity**

A. Legal nonconformities may be continued and maintained in compliance with the requirements of this Chapter unless the Building Official deems the nonconformity to be a public nuisance because of health or safety concerns. The Building Official is authorized to impose conditions on the nonconformity to eliminate or reduce the health or safety concerns.

B. The right to continue a legal nonconformity attaches to the land and shall not be affected by a change in ownership.

**17.66.070 Abandonment**

A. A nonconforming use of land or a structure shall be considered to be abandoned after 180 days of nonuse, unless the interruption in use is involuntary due to casualty or other events outside the control of the owner or operator of
the land or structure, as determined by the Director. Once abandoned, all subsequent uses of such land and structure shall conform to the regulations specified for the zone in which the land or structure is located.

B. Upon determination that a use has been abandoned, the Director shall send a notice to the owner. If the owner disagrees with the Director’s determination, an appeal may be filed with the Planning Commission in accordance with Chapter 17.60 (Appeals). The burden of proof shall be on the owner to show that the use has not been abandoned. A determination that a use has been abandoned requires both: (1) evidence of an intention to abandon; and (2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use; disconnected or discontinued utilities; or lack of business records to document continued operation. Maintenance of a valid business license shall of itself not be considered a continuation of the use. However, lack of a business license may be considered as a factor in determining discontinuation of the use. A broker agreement to solicit tenants or purchasers to continue a nonconforming use shall be sufficient evidence that the nonconforming use has not been abandoned.

17.66.080 Exceptions: Public Facilities and Uses

A. Facilities Directly Rendering Service. The provisions of this Chapter shall not apply to public utility structures when the public utility structures pertain directly to the rendering of service or distribution, including generating plants, distribution, substations, water wells and pumps, gas storage, metering, and valve control stations, but shall apply to structures or uses that do not immediately relate to direct service to consumers (e.g., warehouses, corporation yards, storage, etc.).

B. Changes to Facilities. Nothing in this Chapter shall prevent the expansion, increase in capacity, modernization or replacement of public utility structures, provided that there shall be no change of a use unless approved by the Planning Commission, and further provided that all setback requirements of the zone which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the Planning Commission.
Chapter 17.68 Revocations and City-initiated Modifications

Sections:

17.68.010 Purpose and Authority
17.68.020 Procedures

17.68.010 Purpose and Authority

A. This Chapter provides procedures for the City to secure revocation or modification of previously approved applications and entitlements.

B. The City’s action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

C. The City’s action to modify an entitlement, rather than revoke it, shall have the effect of changing the operational aspects of the entitlement. The changes may include the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, property maintenance, signs, surfacing, traffic circulation, etc.

17.68.030 Procedures

A. Notice

1. An application, permit, or entitlement may by revoked or modified utilizing the same procedure used to approve an application, permit, or entitlement granted in compliance with the provisions of this Zoning Code.

2. Ten days before the revocation/ modification process begins (except for Temporary Use Permits that require only 24-hour notice), notice shall be delivered in writing via certified mail, return receipt requested, or any other method providing proof of delivery, to the owner of the property for which the permit or entitlement was granted, as shown on the County’s latest equalized assessment roll, and/or the project applicant if not the owner of the subject property.

B. Review Authority Action. A land use permit or entitlement may be revoked or modified by the Review Authority (i.e., Director, Planning Commission, Council) that originally approved the permit or entitlement, with public notice and hearings conducted as required for the originally approved permit or entitlement, if any one of the following findings of fact can be made in a positive manner:

1. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner;

2. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant’s testimony presented during the public hearing, for the permit or entitlement;

3. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

4. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute;

5. The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance; or

6. There is a compelling public necessity.

C. Appeals. The decision of a Review Authority to revoke or modify a land use permit or entitlement may be appealed as authorized by Chapter 17.60 (Appeals).
Chapter 17.70 Enforcement

Sections:

17.70.010 Purpose
17.70.020 Duty to Comply
17.70.030 Types of Violations and Penalties
17.70.040 Violations and Remedies: Abatement, Removal, Injunction

17.70.010 Purpose

This Chapter provides procedures that are intended to ensure compliance with the requirements of this Zoning Code and the conditions of land use permit and other entitlement approval.

17.70.020 Duty to Comply

Departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall not issue permits or licenses for uses, structures, or purposes in conflict with the provisions of this Zoning Code. A permit or license issued in conflict with the provisions of this Zoning Code shall be null and void.

17.70.030 Types of Violations and Penalties

A. Violations or Failure to Comply. It is unlawful for a person to violate a provision or to fail to comply with a requirement of this Zoning Code.

B. Misdemeanor. A violation of any of the provisions or a failure to comply with a mandatory requirement of this Zoning Code shall constitute a misdemeanor. Any violation constituting a misdemeanor or under this Zoning Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. A person convicted of a misdemeanor under the provisions of this Zoning Code shall be punishable by a fine of not more than $1,000.00 or by imprisonment in the county jail for a period of not more than six months or by both fine and imprisonment.

C. Infraction. A person convicted of an infraction under the provisions of this Zoning Code shall be punished by fine in accordance with applicable Council resolutions.

D. Separate Offenses. Each person shall be charged with a separate offense for each and every day during a portion of which a violation of a provision of this Zoning Code is committed, continued, or allowed by a person and shall upon conviction be punished accordingly.

17.70.040 Violations and Remedies: Abatement, Removal, Injunction

A. Public Nuisance. A structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Code, and any use of land, structures, or premises established, conducted, operated, or maintained contrary to the provisions of this Zoning Code shall be, and is declared to be, unlawful and a public nuisance.

B. Remedies. The City Attorney shall, upon order of the Council:
ARTICLE 6: ZONING CODE ADMINISTRATION, HEARING PROCEDURES, AND LEGISLATIVE ACTIONS

1. Immediately commence action or proceedings for and removal and enjoinder of the unlawful structure or use in the manner prescribed by law;
2. Take other steps; and
3. Apply to the courts that have jurisdiction to grant relief that will abate and remove the structure and that will restrain and enjoin a person, firm, or corporation from setting up, erecting, building, maintaining, or using a structure contrary to the provisions of this Zoning Code.

C. Cumulative. The remedies provided in this Zoning Code shall be cumulative and not exclusive.
ARTICLE 7: DEFINITIONS

Chapter 17.72 Purpose

Sections:

17.72.010 Purpose

17.72.010 Purpose

This Chapter provides definitions of terms and phrases used in these Zoning Regulations that are technical or specialized, or that may not reflect common usage. If definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall apply for the purposes of these Zoning Regulations. If a word is not defined in this Chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

Chapter 17.74 Definitions

Sections:

17.74.010 – A Definitions
17.74.020 – B Definitions
17.74.030 – C Definitions
17.74.040 – D Definitions
17.74.050 – E Definitions
17.74.060 – F Definitions
17.74.070 – G Definitions
17.74.080 – H Definitions
17.74.090 – I Definitions
17.74.100 – J Definitions
17.74.110 – K Definitions
17.74.120 – L Definitions
17.74.130 – M Definitions
17.74.140 – N Definitions
17.74.150 – O Definitions
17.74.160 – P Definitions
17.74.170 – Q Definitions
17.74.180 – R Definitions
17.74.190 – S Definitions
17.74.200 – T Definitions
17.74.210 – U Definitions
17.74.220 – V Definitions
17.74.230 – W Definitions
ARTICLE 7: DEFINITIONS

17.74.240 – X Definitions
17.74.250 – Y Definitions
17.74.260 – Z Definitions
17.74.010 – A Definitions

Abutting. Two or more parcels of land sharing a common boundary line, or two or more objects in contact with each other.

Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property and/or use.

Accessory Dwelling Unit (ADU). An attached or detached dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with another primary, single-unit dwelling. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary unit. An ADU may be structured as one efficiency unit, as defined in of the Health and Safety Code Section 17958.1, and/or a manufactured home, as defined in of the Health and Safety Code Section 18007, among other formats.

Accessory Dwelling Unit, Attached. An ADU that is either attached to (by a minimum of one shared wall), or completely contained within, the primary existing space of the single-unit dwelling unit or existing accessory structure.

Accessory Dwelling Unit, Detached. An ADU that provides new residential square footage not attached or sharing any walls with the primary existing single-unit dwelling.

Accessory Structures and Uses.

Accessory Structures. A structure that is located upon the same site as the structure or use to which it is accessory. Accessory structures may consist of detached structures or additions to primary structures. The use of an accessory structure is incidental and subordinate to the use of the principal structure, or to the primary land use of the site. Does not include habitable accessory structures such as accessory dwelling units (ADUs).

Accessory Uses. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use. Accessory Use includes active or passive solar heating systems and cogeneration facilities.

Addition. The result of work that increases the volume of an existing structure or replaces a demolished portion.

Adjacent. Two or more parcels of land separated only by an alley, street, highway or recorded easement, or two or more objects that lie near or close to each other.

Adult Businesses. A business where employees or patrons expose specified anatomical areas or engage in specified sexual activities, or a business that offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

Adult-oriented businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

In determining whether a use is an adult-oriented business, only conduct or activities which constitute a regular and substantial course of conduct or a use which has a majority of its floor area, stock-in-trade, or revenue derived from material characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas shall be considered. Isolated instances of conduct or activities
ARTICLE 7: DEFINITIONS

described in this Section as characterizing an adult-oriented business shall not be considered except where these activities, taken together, constitute a regular and substantial course of conduct.

Adult-oriented businesses include, but are not limited to, the following:

**Adult Arcade.** A place to which the public is allowed or invited and coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projections, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Adult Bookstore.** An establishment that has as a substantial portion of its stock-in-trade, a majority of its floor area, or revenue derived from and offering for sale for any form of consideration, any one or more of the following:
- Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by an emphasis upon the depiction or description of specified anatomical areas.
- Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- Goods which are replicas of, or which simulate, specified anatomical areas, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities to cause sexual excitement.

**Adult Cabaret.** A bar, nightclub, or similar establishment which features dancers, strippers, or similar entertainers who expose specified anatomical areas of their bodies.

**Adult Motel.** A hotel, motel, or similar commercial establishment which:
- Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions;
- Offers a sleeping room for rent for a period of time i.e., less than 10 hours; or
- Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time i.e., less than 10 hours.

**Adult Motion Picture Arcade.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depictions or description of specified sexual activities or specified anatomical areas.

**Adult Tanning Salon or Parlor.** A business establishment where patrons receive tanning services in groups of two or more and where patrons or employees of the establishment expose specified anatomical areas. Adult tanning salon or parlor also includes a business establishment where a patron and an employee of the establishment are nude or expose specified anatomical areas. An adult tanning salon or
parlor also includes a business establishment where the employees are nude or expose specified anatomical areas.

**Adult Theater.** A place, building, enclosure, theater, concert hall, auditorium, or structure, partially or entirely used for live performances or presentations, which place, building, enclosure, theater, concert hall, auditorium, or structure is used for presenting matter characterized by an emphasis on depicting, exposing, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons. This place shall also include an adult theater where persons are regularly featured appearing in a state of nudity or giving live performances which are characterized by the exposure of specified sexual activities or by specified anatomical areas.

**Nude Model Studio.** Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be conversed with or be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, for any form of consideration. Nude model studio shall not include any classroom of any school licensed under state law to provide art education, while the classroom is being used in a manner consistent with a state license.

**Private Viewing Area.** An area or areas in an adult-oriented business designed to accommodate no more than five or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation. Private viewing areas shall not be established, maintained, or authorized, and there shall be no doors, curtains, stalls, or other enclosures creating a private viewing area.

**Semi-Nude.** A state of dress in which clothing, including supporting straps or devices, covers no more than the genitals, pubic region, and areolae of the female breast.

**Sex Supermarket/Sex Mini-Mall.** The establishment or operation of more than one type of adult-oriented business or use as defined in these Zoning Regulations within the same structure.

**Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers, in any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex and/or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

**Sexual Novelty Store.** An establishment having, as a substantial portion of its stock-in-trade, a majority of its floor area or a majority of its revenue derived from goods which are replicas of or which simulate, specified anatomical areas, or specified sexual activities, or goods which are designed to be placed on or in specified anatomical areas, or to be used in conjunction with specified sexual activities, to cause sexual excitement.

**Sexually-Oriented Business.** A business where employees or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, or a business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

**Specified Anatomical Areas.** Includes any of the following human anatomical areas:

- Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areolae.
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
ARTICLE 7: DEFINITIONS

Specified Criminal Act. Sexual crime against children; sexual abuse; rape; or crime connected with another adult-oriented business including, but not limited to, the distribution of obscenity; violations involving the distribution, display, or sale of material harmful to minors; prostitution; or pandering. Specified criminal acts shall exclude those acts that are authorized or required to be kept confidential in compliance with Welfare and Institutions Code Sections 600 to 900.

Specified Sexual Activities. Includes all of the following:

- The fondling or other erotic touching of the following human anatomical areas: genitals, pubic regions, buttocks, anuses, or female breasts.
- Human sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- Human masturbation, actual or simulated.
- The actual or simulated infliction of pain by one human upon another, or by an individual upon him or herself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking, or touching of an erogenous zone, including without limitation, the thigh, genitals, buttock, pubic region or, if the person is a female, a breast.
- Sexual intercourse, actual or simulated, between a human being and an animal.
- Excretory functions as part of or in connection with any of the activities detailed in “Specified Sexual Activities.”

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Council, regarding matters regulated by these Zoning Regulations.

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing.

Agriculture, Commercial Indoor. An establishment engaged in the growth and sale of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants conducted within an enclosed structure. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, commercial greenhouses, nurseries, and a temporary stand for the sale of products grown on the premises, but specifically not including cannabis growth and sale.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption.

Alcohol Sales, Off-Site. Any business selling alcoholic beverages as a primary use, including beer, wine, distilled spirits, hard liquor, and/or any other alcoholic beverages. Does not include grocery stores, convenience stores, warehouse stores, or other alcohol sales authorized as part of an off-site wine tasting room or food and beverage product manufacturing.
Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Figure 7-01: Alley

Allowed Use. See “Permitted Use.”

Alteration. An exterior change or modification, through public or private action, to the character defining or significant physical features of a local landmark. Changes may include modification of the structure, architectural details, or visual characteristics, surface paving, addition of new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, or the placement or removal of significant objects such as signs, plaques, light fixtures, walls, fences, steps, plantings, and landscape accessories affecting the visual or historical qualities of the property. Alteration shall not mean routine maintenance that does not require a building permit; landscaping, including sprinkler system work; flat concrete work; and replacement of existing screens, awnings, or windows with the same materials, where the purpose or effect of maintenance work is:

1. To correct deterioration of or minor damage to a structure or part of it and to restore it to its condition prior to the occurrence of the deterioration or damage.

2. Does not result to any addition to the structure.

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amusement and Recreation Establishments, Indoor. See “Commercial Recreation – Indoors”

Amusement and Recreation Establishments, Outdoor. See “Commercial Recreation – Outdoors”
Animal Care, Sales, and Services.

**Animal Boarding/Kennels.** The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

**Animal Grooming.** The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by the Municipal Code. Overnight boarding is not included with this use (see “Animal Boarding/Kennels”).

**Animal Retail Sales.** The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale (see “Animal Boarding/Kennels”).

**Animal Shelter.** An establishment that provides a temporary home for dogs, cats, and other animals that are commonly offered for adoption with the provision of adequate heat, ventilation, sanitary shelter and wholesome and adequate food and water, in each case consistent with the normal requirements and feeding habits of the animal’s size, age, species, breed, and physical condition.

**Veterinary Services, Large Animal.** Veterinary services for livestock, farm animals, and other large animals. This classification allows 24-hour accommodation of animals receiving medical services.

**Veterinary Services, Small Animal.** Veterinary services for household pets. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kenneling of animals not receiving medical services (see “Animal Boarding/Kennels”).

**Antenna.** See “Antennas/Wireless Communication Facilities.”

**Antiques, Art, Collectibles, and Gifts.** See “Retail Sales – General.”

**Apartment.** See “Multiple-Unit Dwelling.”

**Appeal.** Wherever there is a reference to an appeal being filed or available to be filed, the right of appeal shall also include the right to appeal administrative determinations made by the Director in compliance with this Chapter to the Planning Commission and Council.

**Arcade (Electronic Game Center).** An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using. This use may also include internet/cyber cafes, where three or more computers and/or other electronic devices, for access to that system commonly referred to as the "internet," e-mail, playing video games over the Internet or other network system, and/or access to other computer software programs, is provided to the public for compensation and/or for public access. Internet cafe is also synonymous with PC cafe, cyber cafe, internet gaming center, computer/internet rental and cyber centers.

**Art and Art Supply Store.** See “Retail Sales – General.”
Artificial Turf. Any variety of synthetic, carpetlike materials made to resemble grass or similar ground cover and used as a replacement for live plant materials as permitted by this Title, and specifically having an appearance of live grass or similar ground cover.

Assisted Living Facility. See “Residential Care Facility.”

Association. The organization of persons who own parcels, areas, airspace, or rights of exclusive occupancy in units of condominiums or other developments or tracts and who may have interests in the control of common areas of a project.

Attached Structure. A structure having at least five lineal feet of wall serving as a common wall with the structure to which it is attached, or connected to by a continuous roof of at least eight feet wide.

Auditoriums, Meeting Halls, and Theaters. See “Clubs, Lodges, Private Meeting Halls.”

Automated Teller Machines (ATMs). An unstaffed computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers. These machines may be located at or within banks, or in other locations. See also “Drive-Through or Drive-Up Facilities.”

Automobile Accessories and Installation Facility. An establishment in the commercial business of installing “aftermarket” parts and accessories into motor vehicles (e.g., lift kits, upholstery work, alarms, stereo equipment, or cellular telephones). See also “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Automobile Dismantling. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials from automobiles, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. See also “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Automobile Repair. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Auto Parts Store. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Awning. A canopy made of fabric to shelter people or things from rain or sun or as decoration (supported entirely from the exterior wall of a structure).

17.74.020 – B Definitions

Banks and Financial Services. See “Financial Institutions and Related Services (without drive-through facilities).”

Bar. See “Eating and Drinking Establishments – Bars, Lounges, Nightclubs, and Tasting Rooms.”

Bingo. A game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player’s possession and that conform to numbers or symbols, selected at random and announced by a live caller, as further defined by Penal Code Section 326.5(o), as the same may be amended from time to time.

Bingo, Remote Caller. A game of bingo in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its instate facilities for the purpose of transmitting the
remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that
organization, as further defined by Penal Code Section 326.3(u)(1), as the same may be amended from time to time.

Boarding House. A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms,
with or without individual or group cooking facilities, are rented to three or more individuals under separate rental
agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in the residence.
Meals may also be included. This use type includes convents, monasteries, and student dormitories, but does not
include fraternities and sororities. Notwithstanding this definition, no single-unit dwelling operated as a group home
pursuant to the Community Care Facilities Act, which is otherwise exempt from local Zoning Regulations, shall be
considered a boarding house.

Brewery, Winery, or Distillery. An establishment which produces ales, beers, meads, hard ciders, wine, liquor
and/or similar beverages on-site. Breweries may also serve beverages on-site, and sell beverages for off-site
consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco,
and Firearms (ATF).

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or
enclosure of any individual, animal, process, equipment, goods, or materials. See also “Structure.”

Building Materials and Services. Retail sales or rental of building supplies or equipment. This classification
includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted
principally to taxable retail sales to individuals for their own use. This classification includes the accessory retail sale
of nursery and garden products, as defined under “Nursery and Garden Centers”.

Indoor. Storage and display of commercial goods or materials entirely within an enclosed building.

Outdoor. Storage and display of commercial goods or materials in open lots, outside of a structure other
than fencing, either as an accessory or principal use.

Business, Retail. See “Retail Sales – General.”

Business Support Services. Establishments providing goods and services to other businesses on a fee or contract
basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office
security, custodial services, photo finishing, model building, taxi, or delivery services with two or fewer fleet vehicles
on site.


17.74.030 – C Definitions

Cannabis Definitions.

Authorized Grower. A person 21 years and older who is authorized by, and in compliance with, state law
and the provisions of this Chapter relating to the cultivation of cannabis for personal use.

Cannabis. All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether
growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant;
and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.
“Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis, and any
product containing cannabis. “Cannabis” includes cannabis that is used for medical, non-medical, or other
purposes. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code Section 11018.5.

Commercial Cannabis Activities The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products for non-medical, medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code or any other provision of State law that regulates the licensing of cannabis businesses. Notwithstanding any of the foregoing, "Commercial Cannabis Activity" shall not include: (1) an individual aged 21 years or older who possesses, processes, transports, purchases, obtains, or gives away to adults aged 21 years or older without compensation whatsoever, non-medical recreational cannabis; or (2) personal cultivation of cannabis in accordance with Section 17.39.040.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Delivery. The commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the retailer.

Fully Enclosed and Secure Structure. A space within a building that complies with the California Building Code ("CBC") as adopted by the City, or if exempt from the permit requirements of the CBC, a structure that has a complete roof, a foundation, slab, or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two-inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of the mil or inches, or similar products do not satisfy this requirement. If skylights are used, security bars shall be added to the skylights. The structure must provide complete visual screening.

Indoors. Space within a fully enclosed and secure structure.

MAUCRSA. The Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in Division 10 of the California Business and Professions Code (Section 26000 et seq.) as the same may be amended from time to time.

Outdoors. Any location that is not within a fully enclosed and secure structure.

Person. Any person, firm, corporation, partnership, joint venture, limited liability company, collective, cooperative, non-profit, trust, estate, association, club, receiver, syndicate, society, or other organization. "Person" shall include any owner, manager, proprietor, employee, volunteer, or salesperson.

Private Residence. A house, apartment unit, condominium, mobile home, or other similar dwelling that is lawfully used as a residence.

Cabinet Shop. See “Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops.”
ARTICLE 7: DEFINITIONS

**California Environmental Quality Act (CEQA).** State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, before allowing the action to occur.

**California Public Utilities Commission (CPUC).** The governmental agency which regulates the terms and conditions of public utilities in the state.

**Call Center.** An establishment designed and equipped to handle a large volume of telephone calls (especially for taking orders or serving customers).

**Car Sharing – Parking** The provision of parking spaces for membership-based car sharing vehicles that charges a use-based fee related to a specific vehicle, primarily for hourly or other short-term use through a self-service fully automated reservation system, but not by means of a separate written agreement that is entered into each time a vehicle is transferred to a customer.

**Car Wash.** See “Vehicle Repair and Services – Vehicle Washing/Detailing.”

**Caretaker Quarters.** A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any nonresidential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Carpet Cleaning and Dyeing Plants.** See “Laundries and Dry-Cleaning Plants.”

**Carport.** See “Garage or Carport.”

**Catering Service.** See “Food Preparation/Catering (No On-Site Sales or Service).”

**Cemeteries, Crematories, Columbaria, and Related Facilities.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, memorial gardens, columbaria, and crematories.

- **Crematory.** A structure designed, intended to be used, or used for the cremation of human or animal remains.

- **Columbarium.** A structure or building substantially exposed above ground intended to be used for the inurnment of the cremated remains of a deceased person(s).

**Check Cashing and/or Payday Loans.** A commercial land use that generally includes some or all of a variety of financial services, including cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement; money transfers; payday advances; issuance of money orders; making consumer or auto-title loans; and similar uses. This category does not include State or Federally chartered banks, savings associations, credit unions, or industrial loan companies. It also does not include retail sellers that are primarily engaged in the business of selling consumer goods, such as consumables to retail buyers, and that cashes checks or issues money orders as a service to its customers (for a fee not exceeding two dollars) incidental to their main purpose or business.

**Child Day Care Centers.** See “Day Care Center.”

**Church.** See “Religious Assembly Facilities.”
City. The City of Los Alamitos, State of California, referred to in these Zoning Regulations as the “City.”

City Council. The Los Alamitos City Council, referred to in these Zoning Regulations as the “Council.”

Clinics and/or Urgent Care. See “Hospitals and Clinic/Urgent Care.”

Clubs, Lodges, Private Meeting Halls. See “Public Assembly Facilities.”

Columbarium. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Commercial. An enterprise that is carried on for profit by the owner, lessee, or licensee.

Commercial Property. A parcel of real property that is developed and used either in part or in whole for commercial purposes.

Commercial Recreation. Recreational facilities where visitors are participant actors rather than spectators. Examples include outdoor facilities such as amusement and theme parks, water parks, swimming pools; driving ranges, golf courses, miniature golf courses, riding stables, and indoor facilities such as large fitness centers, gymnasiums, handball, badminton, racquetball, dance hall and tennis club facilities; ice or roller skating rinks; trampoline and bounce house establishments; bowling alleys; pool and billiards lounges; and electronic game and amusement centers. This classification may include snack bars and other incidental food and beverage services to patrons. Bars or restaurants with alcohol sales shall be treated as a separate use and shall be regulated accordingly, even when operated in conjunction with the entertainment and recreation use.

Commercial Recreation – Indoors. Privately owned facilities for various indoor spectator or participant sports and types of recreation where a fee is charged for use. Indoor Commercial Recreation uses include, but are not limited to:

- Arcades
- Archery and gun ranges
- Batting cages
- Bowling alleys
- Billiard parlors/poolhalls
- Dance halls
- Ice rinks
- Laser tag
- Skateboarding, skating, and roller hockey rinks
- Theaters

Commercial Recreation – Outdoors. Privately owned facilities for various outdoor spectator or participant sports and types of recreation where a fee is charged for use. Outdoor Commercial Recreation uses include, but are not limited to:

- Amphitheaters
- Amusement parks
- Batting cages
- Bocce ball
ARTICLE 7: DEFINITIONS

- Drive-in theaters
- Go-cart and miniature auto race tracks
- Golf driving ranges (separate from golf courses)
- Miniature golf courses
- Motorcycle racing and drag strips
- Race tracks
- Shooting ranges
- Skateboard parks
- Stadiums and coliseums
- Swim and tennis clubs
- Swimming pools
- Tennis courts
- Water slides
- Zoos

Commission or Planning Commission. The Planning Commission of the City of Los Alamitos.

Common Area or Property. A portion of land within a development, together with improvements on the land, that is not individually owned or dedicated for public use and that is intended for the common use or enjoyment of all property owners within the development.

Common Use. The utilization of common areas by the owners of condominium interests within a condominium or the lot owners or residents of a development or a tract.

Community/Cultural Center. See “Cultural Institutions.”

Community Gardens. A site used for growing plants for food, fiber, herbs, flowers, and others which is shared and maintained by community residents, either as an accessory or principal use of property.

Completely Enclosed Structure. A structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrances and exit doors.

Consignment Store. See “Secondhand Store.”

Conditional Use. A use of land identified by Article 2 (Zoning Districts, Allowable Land Uses and Development Regulations) as being allowed in a particular zoning district subject to a conditional use permit approval in compliance with Chapter 17.42 (Conditional Use Permits).

Condominium. A condominium project as defined in Civil Code Section 1350, containing two or more condominiums, as defined in Civil Code Section 783; a community apartment project, as defined in Business and Professions Code Section 11004, containing two or more rights of exclusive occupancy; stock cooperative, as defined in Business and Professions Code Section 11003.2, containing two or more rights of exclusive occupancy or another project as defined by law.

Construction Equipment Rental/Sales. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”

Contractor’s Storage Yard. See “Storage.”
Convalescent Home. See “Residential Care Facilities.”

Convenience Store. A retail establishment with not more than 4,500 square feet of gross floor area, offering for-sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Sale of alcoholic beverages is limited to beer and wine only in conjunction with an ABC License Type 20.

Corner Cut-Off. See “Sight Safety Triangle.”

Corporation Yard. Base facility for City construction and property maintenance services including administrative offices, mechanical equipment, motor vehicles, trucks, and other items associated with the care, repair, and maintenance of City-owned real and personal property. Not open to the public. See also “Utility Facilities.”

Couch Dancing/Straddle Dancing. An employee of an adult-oriented business intentionally touching a patron while engaged in the display or exposure of specified anatomical areas, or while simulating specified sexual activities.

County. The County of Orange, California.

Court. A space, open and unobstructed to the sky, bounded on three or more sides by walls of a structure or structures. An inner court is a court entirely enclosed within the exterior walls of a structure. Other courts are outer courts.

Coverage. See “Site Coverage.”

Crematorium. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Cultural Institutions. A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use includes libraries, museums, and art galleries. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Cumulative Period. An additive period of time composed of individual time segments that may be continuous or interrupted.

17.74.040 – D Definitions

Data Centers. An industrial building containing floor space that houses computer mainframes, servers, and IT equipment primarily for the purpose of storing data and distributing data stored on-site. Data centers also contain all associated power distribution, cooling, cabling, fire suppression, and physical security systems.

Day Care Center. Establishments providing non-medical care for persons (children or adults) on a less than 24-hour basis other than “Family Day Care Homes.” This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State.

Decibel (dB). A unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio. This definition includes dB(A).

Density. The number of dwelling units that may be constructed per acre measured in density units. This definition of density does not preclude the requirements of other property development standards such as maintenance of required
ARTICLE 7: DEFINITIONS

yard setbacks, maximum site coverage, off-street parking, outdoor living space, structure height, structure intensity, and vehicular access.

Density Bonus. An increase in the number of dwelling units normally allowed on a parcel by the applicable zoning district, granted by the City in compliance with Section 17.28.050 (Affordable Housing).

Department. The Los Alamitos Development Services Department.

Developer. Individuals, firms, or corporations that buy land in order to build on it or to sell it to others who want to build on it.

Development Services Director. The Development Services Director for the City or a designee of the City Manager.

Dining, Outside Seating Areas. See “Eating and Drinking Establishments.”

Director. The City of Los Alamitos Development Services Director, referred to in these Zoning Regulations as the “Director.”

Discretionary Permits and Actions. Authority granted by the City to use a specified site for a particular purpose, including conditional use permits, home occupation permits, planned development permits, site development permit, temporary use permits, and variances, as established by Article 5 (Land Use and Permit Procedures) of these Zoning Regulations.

Domestic Animals. Various animals customarily kept as household pets such as dogs, cats, rabbits, and birds.

Donation Boxes. A bin, storage shed, or similar facility established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including automated teller machines, drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies. Does not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service (see “Retail Sales – General”). Does not include drive-in theaters or “Vehicle Services - Washing.”

Driveway. A paved portion of a parcel located between the public right-of-way and the garage or carport designed and intended as an accessway between the public right-of-way and the garage or carport.

Drought Tolerant Plant Material. Plants that tolerate heavy clay to sandy soil with use of limited supplemental water. These plants are able to thrive with deep infrequent watering once their root systems are established. These plants include those that grow naturally in areas of limited natural water supply and are adaptable to weather and soil conditions prevalent in Los Alamitos.

Dry Cleaning Establishments. See “Laundries and Dry-Cleaning Plants.”

Duplex. See “Two-Unit Dwelling (Duplex).”

Dwelling. A structure designed or used for the shelter or housing of one or more persons, including single-unit and multi-unit dwellings, but not including hotels, boarding houses, or rooming houses.

Dwelling, Single Family. See “Single Family Dwelling.”
Dwelling, Multiple Family. See “Multiple Family Dwelling.”

Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

17.74.050 – E Definitions

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars, Lounges, Nightclubs, and Tasting Rooms. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. This use includes wine tasting rooms and micro-breweries where alcoholic beverages are sold and consumed on-site and any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses.

Food Preparation/Catering (No On-Site Sales or Service). Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries, and small-scale specialty food production. Food Preparation may also be considered accessory to allowed restaurant uses.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered.

Restaurant – Full or Limited Service, Serving Alcohol. A restaurant that provides alcohol service.

Restaurant – with Drive-Through Facilities. See “Drive-Through or Drive-Up Facilities.”

Snack Bar. A food facility limited to serving labeled prepackaged food, including, but not limited to, candy, chips, prepackaged cookies, canned beverages, hot dogs, sandwiches, or comparable items which are considered nonpotentially hazardous and limited to single service utensils.

Educational and Research Institutions. See “Schools” and “Research and Development.”

Emergency Machinery, Vehicle, or Alarm. Machinery, vehicle, or alarm that is used, employed, performed, or operated in an effort to protect, provide, or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

Emergency Shelter. See “Lodging – Homeless Shelters.”

Emergency Work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Encroachment Permit. A permit for improvements within a public right-of-way as required or otherwise provided pursuant to Chapter 12.08 of this code.
ARTICLE 7: DEFINITIONS

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use or activity occupies more floor or site area than before the expansion.

Entertainment, Indoor. An establishment offering predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, live performance theaters, meeting halls, and dance halls.

Establishment. Includes any of the following:

- The opening or commencement of an adult-oriented business as a new business.
- The conversion of an existing business, whether or not an adult-oriented business, to an adult-oriented business.
- The addition of an adult-oriented business to another existing adult-oriented business; or to another existing nonadult-oriented business, with or without expansion of floor area.
- The relocation of an adult-oriented business.
- The expansion or enlargement of the premises by ten (10) percent or more of the existing floor area.

Exaction. A contribution or payment required as an authorized precondition for receiving a development permit.

17.74.060 – F Definitions

Family. A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. Notwithstanding the foregoing, any group of persons required to be considered as a “family” for zoning purposes pursuant to California Health & Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.85, 11834.23, or any other state law shall be deemed to be a family for purposes of these Zoning Regulations.

Family Day Care Homes. A day care facility licensed by the State that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of fewer than 24 hours a day.

- Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

- Large. A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

Farmers’ Market. A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. A freestanding structure made of a combination of metal, masonry, or wood that rests on or is partially buried in the ground and rises above ground level; used for confinement, privacy, protection, screening, or partition purposes.
Financial Institutions and Related Services (without drive-through facilities). Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but does not include “Check Cashing Shops and/or Payday Loans” or any facility exchanging valuables for payment.

Fixed Noise Source. A stationary device that creates sounds while fixed or motionless, including but not limited to, industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners, and refrigeration equipment.

Flood Control Facility. A structure designed and constructed to control floodwaters.

Floor-Area Ratio (FAR). The numerical value obtained by dividing the aboveground floor area of any building(s) located on a lot by the net area of the lot. See Figure 7-02: Floor-Area Ratio.

Figure 7-02: Floor-Area Ratio
ARTICLE 7: DEFINITIONS

Florist. A retail establishment engaged in selling cut flowers, floral arrangements, and potted plants purchased from others. These establishments customarily prepare the arrangements they sell.

Food Preparation. See “Eating and Drinking Establishments.”

Food Processing. Food processing establishment includes any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants.

Fortune-Telling/Palm Reading/Psychic Readers. See “Personal Services, Restricted.”

Fraternities and Sororities. See “Organizational Houses.”

Freight/Truck Terminals. Transportation facilities furnishing services incidental to freight, courier, and postal services by truck, airplane, or rail. This classification does not include local messenger and local delivery services (see “Light Fleet-Based Services”).

Frozen Food Locker. Refrigerated warehousing and storage facilities. The services provided by these establishments include blast freezing, tempering, and modified atmosphere storage services.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops. Manufacturing establishments that produce wood and metal household furniture and appliances; bed-springs and mattresses; office furniture and partitions, lockers, shelving and store furniture; and miscellaneous drapery, hardware, window blinds, and shades. Also includes wood and cabinet shops, but not sawmills or planing mills.

17.74.070 – G Definitions

Gas/Fueling Station. See “Service/Fueling Station.”

Garage or Carport. Parking space and shelter for automobiles or other motor vehicles, where the size of the parking space complies with the provisions of Chapter 17.22 (Parking and Loading).

Carport. An attached or detached accessory structure enclosed on no more than two sides.

Garage. An attached or detached accessory structure enclosed on no more than two sides.

Garage Sale. A temporary event, generally only one or two days held for the sale or offering for sale, to the general public, of over five items of personal property on a portion of a parcel in a residential zoning district, whether within or outside a structure.

General Plan. A comprehensive declaration of goals, policies, and programs for the development of the City and including, where applicable, diagrams, maps, and text identifying objectives, principles, standards, and other features, and which has been adopted by the Council.

General Retail. See “Retail Sales - General”
Golf Courses/Country Clubs. A tract of land which is laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. Country clubs provide private recreational, social, and multi-purpose uses associated with a private golf course for the benefit and enjoyment of members and their guests. Typical uses include clubhouses, tennis courts, playgrounds, and swimming pools.

Government Facilities. A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the structure.

Grading. Excavating or filling of earth material, or any combination conducted to prepare the site for construction or the placement of the improvements on the site.

Granny Flat. A residential unit that was approved in accordance with Government Code Section 65852.1 and is grandfathered under state law.

Grocery Store. A retail establishment where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Gross Floor Area. The total horizontal area of the floor of a structure included within the surrounding walls, exclusive of vent shafts and courts.

Group Home – 6 residents or fewer. A facility which provides 24-hour care and supervision to children, provides services to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

17.74.080 – H Definitions

Hazardous Waste Facilities. See also “Hazardous Waste Facilities.”

Applicant. Any person applying to the City for a Conditional Use Permit or a land use decision concerning a specified hazardous waste facility, as defined under the term “proponent” of State Health and Safety Code Section 25199.1 (i).

Governor’s Appeal Board. A board formed to review the appeal of an “Applicant,” as defined in this section, of a specified hazardous waste facility land use decisions disapproved by the City or of one or more conditions of approval placed on an approved specified hazardous waste facility or an appeal by an “Interested Person,” as defined in this section, based solely on the ground that the conditions imposed do not adequately protect the public health, safety, or welfare. The Governor’s Appeals Board’s membership, purpose, and procedures are defined by State Health and Safety Code Sections 25199.9 through 25199.14.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration, toxicity, corrosiveness, mutagenicity or flammability, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.
**Health and Safety Assessment.** A technical and environmental evaluation of a proposed facility, site, and surrounding area before approval of a Conditional Use Permit. The assessment shall consider the qualities and the physical and chemical characteristics of the specific types of waste that would be handled. The assessment shall include a hydraulic evaluation as well as risks due to flooding, earthquakes, and potential water or air pollution. It is not intended that the health and safety assessment duplicate information developed for environmental impact reports or risk assessments required under local, state, or federal regulations.

**Immobile populations.** Occupants associated with schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, and other similar facilities.

**Interested Person.** A person who participated in one or more public meetings or hearings held to consider an application for a land use decision for a specified hazardous waste facility project. "Participation" as defined in State Health and Safety Code Section 25199.1(c) includes, but is not limited to, the giving of oral or written testimony at a meeting or hearing, submission of questions at a meeting or hearing, or attendance at the meeting or hearing.

**Land Use Decision.** A discretionary decision of the City concerning a specified hazardous waste facility including the issuance of a permit, a Conditional Use Permit, the granting of a variance, the subdivision of property, and the modification of existing property lines in compliance with Title 7 (commencing with Section 65000) of the Government Code.

**Local Assessment Committee (LAC).** A state-required committee of locally appointed representatives, designed to represent, generally, the interests of the residents in the City and residents in adjacent communities in meetings with the applicants of a proposed hazardous waste facility. The membership, duties, and mission of the committee are defined by State Health and Safety Code Section 25199.7(d), as reiterated in this chapter under (Local Assessment Committee).

**Off-Site Hazardous Waste Facility.** Any structures, other appurtenances, and improvements on the land, and all contiguous land serving more than one producer of hazardous waste and used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste including, but not limited to:

- Incineration facility (i.e., rotary kiln, fluid bed, etc.)
- Residual repository (receives only residuals from hazardous waste treatment facilities)
- Stabilization/solidification facilities
- Chemical oxidation facilities
- Neutralization/precipitation facilities
- Transfer/storage facilities;

**Residuals Repository.** A waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities.

**Specified Hazardous Waste Facility.** A specific off-site facility project proposal.

**Health Facilities, Therapy and Rehabilitation.** Establishments of independent health practitioners primarily engaged in one of the following:
Rehabilitation. Planning and administering educational, recreational, and social activities designed to help patients or individuals with disabilities, regain physical or mental functioning or to adapt to their disabilities;

Specialized Sensory Treatments. Diagnosing and treating speech, language, or hearing problems. These practitioners operated private; and

Therapy. Administering medically prescribed physical therapy treatment for patients suffering from injuries or muscle, nerve, joint, and bone disease.

Health/Fitness Facilities.

Small. An indoor facility of 2,500 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, dance, yoga, and martial arts studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 2,500 square feet in size and may include any of the following: sauna, spa, or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; rock climbing wall, boxing ring, cheerleading, aerobic classes and other indoor sports activities; locker rooms, and showers.

Height (of Structures). The vertical distance from the top of the nearest curb to the highest point of the roof.

Historical Landmark. An individual structure or group of structures having a special historical, architectural, cultural, or aesthetic value.

Home Occupation. The conduct of a business within a legal dwelling unit, with the business activity being incidental and clearly accessory to the primary residential use of the property.

Homeless Shelters. Churches, public buildings, or quasi-public facilities that provide emergency or temporary shelter for more than 31 days in any six-month period to homeless individuals and/or groups. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

Hospitals and Clinic/Urgent Care. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see “Animal Care, Sales, and Services”).

Clinic/Urgent Care. A facility other than a hospital, providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis such as urgent care centers. Typically operates beyond standard medical office hours and may provide emergency treatment. May include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale, see “Office, Medical and Dental Office.”
ARTICLE 7: DEFINITIONS

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Hotel. See “Lodging – Hotel and Motel.”

Hydrozone. A portion of the landscaped area having plants with similar water needs that are served by a valve or a set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated, such as a naturalized area planted with native vegetation that will not need supplemental irrigation once established in a nonirrigated hydrozone.

17.74.090 – I Definitions

Impact Noise. The noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

Impound Yard. See “Vehicle Storage.”

Industrial Property. A parcel of real property that is developed and used either in part or in whole for manufacturing purposes including research and development uses.

Improvement. An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements are distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

Instructional Services. Commercial establishments that offer specialized programs in personal growth and development served provided on an individual or group setting. Typical uses include classes or instruction in music, art, or academics. Instructional Services also include rehearsal studios as an accessory use.

Intensification of Use. A change in the use of a structure or site, where the new use is required by Chapter 17.26 (Off-street Parking and Loading) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

Internet Café. See “Arcade (Electronic Game Center).”

17.74.100 – J Definitions

Jewelry Store. See “Retail Sales – General.”

Junk or Salvage Yard. See “Recycling facilities—Scrap and Dismantling Yards.”

17.74.110 – K Definitions

Kennel. See “Animal Care, Sales, and Services.”

Kitchen/Kitchenette. A room used for preparation of food. A complete kitchen contains a sink, refrigerator, stove or range top, and oven or microwave. A partial kitchen is missing one of the above components.
17.74.120 – L Definitions

Laboratory – Medical, Analytical, Research, Testing. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs. This type of facility is distinguished from industrial research and development (see “Research and Development”) in its orientation more toward testing and analysis than product development or prototyping; an industrial research and development facility may typically include this type of lab. The “medical lab” subset of this land use type is oriented more toward specimen analysis and processing than direct blood drawing and specimen collection from patients (see “Hospitals” and “Clinics”), but may also include incidental specimen collection.

Laboratory, Medical and Dental. See “Office, Medical and Dental.”

Landscaping. Any combination of native or exotic plants, lawn, green walls, landscaped roofs, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements such pools, fountains, water features, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to structures typically are not considered landscaping.

Landscaping Screen. The planting and continued maintenance of a compact screen of evergreen shrubbery forming a physical barrier or enclosure not less than six feet in height.

Land Use Permit. See “Discretionary Permits and Actions.”

Laundries and Dry-Cleaning Plants. Establishments engaged in high volume laundry and garment cleaning services, including power laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries (“laundromat”) or dry-cleaning drop-off/pick-up stores (“personal services”) without dry cleaning equipment.

Laundromat. An establishment engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment for customer use on the premises.

Library. See “Cultural Institutions.”

Live Entertainment. A musical act (including karaoke), theatrical act (including standup comedy), play, revue, scene, dance act, or combination, performed by one or more persons, whether or not they are compensated for the performance, in a privately-owned premise that is open to the public, whether or not admission is charged.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-unit or multiple-unit, and may include only commercial activities and pursuits that are compatible with the character of a residential environment. May be designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: (1) complete kitchen space and sanitary facilities in compliance with the City building code and (2) working space reserved for and regularly used by one or more occupants of the unit.

Loading Space/Area. An off-street space or berth on the same parcel with a main structure, or contiguous to a group of structures, for the temporary parking of commercial vehicles while loading or unloading. The space shall not abut a street, alley, or other appropriate means of ingress or egress.
ARTICLE 7: DEFINITIONS

Local Landmark. A designated structure, natural, or manmade feature having a historic character or historic, cultural, architectural, or aesthetic value relating to the heritage of the City that is shown to merit preservation, restoration, and/or protection.

Locksmith. An establishment that can install and repairs locks; make or sell locks and keys; or open locks when keys are lost, misplaced, or stolen.

Lodging. An establishment providing overnight accommodations to transient patrons for payment for periods of fewer than 30 consecutive calendar days.

Hotel and Motel. An establishment with guest rooms or suites, with or without kitchen facilities, rented to the general public for overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, personal services, retail services, or recreational facilities available to guests or to the general public. This use classification includes short-term residential rental, which is a dwelling unit that are shared, in whole or in part, for transient occupancy for periods of up to 30 consecutive days as a way of generating rental income. This use classification does not include boarding or rooming housings (see “Boarding Houses”) or bed and breakfasts (see “Bed and Breakfast Inns”), or hostels (see “Hostels”) which are separately defined and regulated.

Lot. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including these Zoning Regulations. See Figure 7-03 (Lot Types) for various lot types.

Figure 7-03: Lot Types
**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

**Cul-de-Sac Lot.** A lot located on the curving portion of a cul-de-sac street.

**Flag Lot.** A lot that is located to the rear of another lot and is shaped such that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 25 feet of width.

*Figure 7-04: Flag Lot*

**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees.

**Irregular Lot.** A lot of irregular, rather than rectangular, shape.
Key Lot. An interior lot, the front of which adjoins the side property line of a corner lot.

Reverse Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Lot Area. The total area measured in a horizontal plane, included within the lot lines of a lot.

Lot Area, Gross. The area of a lot including planned or existing right-of-way dedications, private street easements, and all other easements.

Lot Area, Net. The ultimate lot area after the area of right-of-way dedications and private street easements have been subtracted.

Lot Coverage. The percentage of the net area of the lot covered by structures. This includes the perimeter of the building as viewed from a plan view, plus the area of all accessory buildings and structures, including
but not limited to: covered porches and patios (including trellis covers), carports, porte-cochères, storage sheds, and permanent playhouses.

**Lot Depth.** Lot depth is the measured distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

**Lot Frontage.** The boundary of a parcel adjacent to a public street right-of-way.

**Lot Line.** The boundary between a lot and other property or the public right-of-way. See Figure 7-06 (Lot Lines) for various lot lines.

![Figure 7-06: Lot Lines](image)

**Lot Line, Front.** On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Side.** Any lot boundary line that is not a front lot line or a rear lot line.
ARTICLE 7: DEFINITIONS

Lot Line, Street Side. On a corner lot, the longer lot line abutting a street.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line (or from a straight line drawn at a tangent to the midpoint of a front lot line on a curved street), will be deemed the rear lot line for the purpose of establishing the minimum rear setback.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth line, measured from the front property line or at the required front setback line, whichever is greater.

Low and Very Low Income Households. Persons and families of incomes as defined by California Health and Safety Code Sections 50093 and 50105.

Low Water Flow Irrigation. A system of watering plant material using drip or other reduced water emitting devices that restrict the amount of water in gallons per minute to allow for deep percolation into the soil.

Lumber Yards, Retail and Wholesale. See “Building Materials and Services.”

17.74.130 – M Definitions

Machine Shop. See “Vehicle Service, Major.”

Maintenance and Repair Services – Indoor Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see “Vehicle Sales and Services”) and personal apparel (see “Personal Services”).

Manufactured Home. See “Accessory Dwelling Unit (ADU).”

Manufacturing – Heavy. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; textile mills; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing (such as sand, gravel, or clay into products for intermediate or final consumption); primary metal manufacturing; fabricated metal product manufacturing; petroleum refining and related industries; and automotive, ship, aircraft, and heavy equipment manufacturing. Includes accessory office uses associated with the on-site use. This classification does not include recycling (see “Recycling”) or the processing of animals.

Manufacturing – Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, and treatment packaging, taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. Includes accessory wholesale and/or direct retail sale to consumers of only those goods produced on-site. Includes accessory office uses associated with the on-site use. Examples of light industrial uses include, but are not limited to the manufacture of electronic instruments, equipment, and appliances; brewery and alcohol production, pharmaceutical manufacturing; and production apparel manufacturing.

Massage. See “Personal Services.”

Massage Establishment. See “Personal Services.”
Materials Storage Yard. See “Building Materials and Services.”

Mausoleum. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Medical Services. See “Hospitals and Clinics” and “Office, Medical and Dental Office.”

Metal Plating. See “Manufacturing – Heavy.”

Metal Working/Fabrication. See “Manufacturing – Heavy.”

Mixed-Use. A development project, containing both residential and commercial floor space, which is conceived and designed as a single integrated environment and in which both residential and commercial amenities are provided. A residential and commercial mixed-use development project shall be contained within one structure or on one site.

Mobile Noise Source. A noise source other than a fixed noise source.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach, or factory-built housing. A mobile home on a permanent foundation is included under the definition of “Single Family Dwelling.”

Mobile Home Parks. A parcel of land under one or more ownerships that has been planned and improved for the placement of two or more mobile homes, as the term “mobile home” is defined in Civil Code Section 798.3 or successor provision of the State Mobile home Residency Law, for nontransient use.

Mobile Home Space. The portion of a mobile home park set aside and designated for the occupancy of a mobile home or a manufactured home, including the area set aside for parking or structures which are accessory to the mobile home such as awnings, cabanas, and armadas.

Mortuary. See “Cemeteries, Crematories, Columbaria, and Related Facilities” and “Funeral Parlors and Internment Services.”

Motel. See “Lodging – Hotel and Motel.”

Moving Companies. An establishment that moves the possessions of a family or business from one site to another. The company may also provide storage, or incidental sales of moving supplies.

Mulch. Shredded or chipped wood from tree branches and trunks and from uncontaminated wood products or lumber; this matter is often mixed with leaves and grass clippings for optimal effect.

Multiple Family Dwelling. Two or more dwelling units attached or detached on a site or lot, which does not include an accessory dwelling unit. Types of multiple unit dwellings include a duplex, triplex, fourplex, townhouses, common interest subdivisions, garden apartments, senior housing developments, and multistory apartment buildings. Multiple-unit dwellings may also be combined with nonresidential uses as part of a mixed-use development.

Museum. See “Cultural Institutions.”
17.74.140 – N Definitions

**Nightclub.** See “Eating and Drinking Establishments.”

**Noise Level.** The “A” weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals (micronewtons per square meter). The unit of measurement shall be designated as dB(A).

**Nonconforming Lot or Parcel.** Any property created by a legal subdivision of land that was created in compliance with all applicable ordinances and laws at the time the property was subdivided but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the property is located.

**Nonconforming Structure.** Any structure, building, or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time it was erected but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the structure is located.

**Nonconforming Use.** See “Use, Nonconforming.”

**Nudity/State of Nudity.** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

**Nurseries and Garden Centers.** Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. This classification also includes farm supply and feed stores.

**Nursery School.** See “Day Care Centers.”

**Nursing Home.** See “Residential Care Facilities.”

17.74.150 – O Definitions

**Offices.**

**Business and Professional (Non-Medical and Dental Office).** Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, and tax preparation offices, but excluding banks and savings and loan associations (see “Financial Institutions and Related Services” and “Check Cashing and/or Payday Loans”).

**Medical and Dental Office.** Office use providing consultation, diagnosis, therapeutic, preventive, or corrective service treatment services by doctors, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, medical and dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see “Hospitals and Clinics”), and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.
Public Utility Commercial. A workplace for a government establishment engaged in the administration, regulation, licensing, and inspection of utilities, such as communications, electric power (including fossil, nuclear, solar, water, and wind), gas and water supply, and sewerage.

Office Supply Store. See “Retail Sales – General.”

Open Space.

Open Space, Common. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests. Examples include barbecue and picnicking areas, play areas, swimming pools, tennis courts, turf areas, and other recreational or leisure features and facilities. Common Open Space does not typically include enclosed spaces/facilities such as a community center, meeting rooms, etc.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. May include a combination of landscape and hardscape.

Open Space, Usable or Improved. Outdoor space that serves a recreational function or provides visual relief from the building mass. May include a combination of landscape and hardscape.

Open Space, Unimproved. Any open space that has not been landscaped or otherwise provided with amenities, and is generally kept in a natural state.

Organizational Houses. Residential lodging houses operated by educational and religious institutions and/or membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, convents, monasteries, and religious residential retreats. Does not include living quarters for ministers and staff serving a religious facility.

Outdoor Commercial Recreation Facilities. See “Commercial Recreation.”

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including auction yards, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure. Does not include the sale of motor vehicles. See “Motor vehicle sales/rentals.”

Outdoor Temporary and/or Seasonal Sales. The temporary outdoor use of property for retail sales.

Outside Storage Area. See “Storage.”

17.74.160 – P Definitions

Paper Product Fabrication. See “Manufacturing – Heavy.”

Parcel. See “Lot.”

Park and Recreation Facilities. Parks with playgrounds and recreation facilities, all of which are noncommercial and intended for neighborhood or community use. This classification also includes noncommercial playing fields, courts,
ARTICLE 7: DEFINITIONS

gymnasiums, public swimming pools, picnic facilities, tennis courts, and golf courses, as well as related food concessions or community centers within the facilities.

Parking. The act of stopping and leaving a vehicle; usually with the intention of leaving it for some time.

Parking Facility. A surface parking lot or parking structure that is a primary use of a site.

Parking Facility – Temporary. The temporary use of property for the parking of vehicles.

Parking Lot. A ground level, outdoor area where operative cars, buses, recreational vehicles, trucks, vans, and other motor vehicles are stored.

Parking Structure. A structure for the temporary indoor storing of operative cars, buses, recreational vehicles, trucks, vans, and other motor vehicles are stored.

Patio. Typically, a paved outdoor area on the site of a dwelling that is used for lounging, dining, etc.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.

Pedestrian Amenities/Orientation. A use that is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high customer turnover, and intense social interaction. Physical structures or places with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

- Design amenities related to the street level such as awnings, paseos, arcades;
- Continuity of structure facades along the street with few interruptions in the progression of structures and stores;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;
- Landscaping;
- Signage oriented and scaled to the pedestrian rather than the motorist;
- Street furniture;
- Visibility into structures at the street level.

Permitted Use. Land uses that are listed as allowed or conditionally allowed in Article 2 (Zoning Districts, Allowable Uses, and Development Regulations), subject to compliance with applicable provisions of these Zoning Regulations.

Person. Any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, massage services where all persons engaged in the practice of massage are certified pursuant to the Business and Professions Code Section 4612, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, tattoo and body piercing services, video rental stores, photocopying, photo finishing services, and travel agencies mainly intended for the consumer.
Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- barber shops, hair salon
- clothing rental shops
- day spa without massage
- dry-cleaning pick-up stores with limited on-site cleaning equipment
- laundromats (self-service laundries)
- locksmiths
- nail salon
- shoe repair shops
- tailors and seamstresses
- ticket services shops

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- day spa with massage
- fortune-telling, palm reading, and psychic services
- massage establishments
- palm and card readers
- tanning salons
- tattoo and body piercing services

Pet Store. An establishment that sells birds, cats, dogs, fish, and other common household pets, including supplies for the care and feeding of the animals sold. This use may include pet grooming, but not the boarding of animals other than those for sale.

Pharmacy. An establishment where a licensed pharmacist prepares prescription medicines for sale, which may also sell over-the-counter medicines, personal care products, and other miscellaneous products.

Photofinishing Shop. See “Personal Services, General.”

Planned Development. As defined by Civil Code Section 1351(k), a development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or

2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section 1367.

Postal Service. An establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Predominant Tone Noise. A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.
ARTICLE 7: DEFINITIONS

Primary Use. See “Use, Primary.”

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade, including bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. See also “Business Support Services.”

Property Line. A boundary line separating parcels of real property having separate legal descriptions.

Property Maintenance Service. An establishment engaged in cleaning structure interiors and/or windows, ensuring trash removal, maintaining landscaping, etc.

Public Assembly Facilities. A facility for public or private assembly and meetings, exclusive of “Religious Assembly Facilities,” which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

Public Assembly Facilities do not include gymnasiums or other “Sports and Entertainment Assembly” facilities, or “Day Care Centers” or “Schools,” which are all separately classified and regulated.

Public Facility. A facility or structure including outdoor recreation areas owned by a local, regional, state, or federal agency.

Public Right-of-Way. Any public street, public way, public alley or public place, laid out, reserved, or dedicated for street, sidewalk, storm drainage, bicycle path, or other public uses or purposes under the jurisdiction of the City.

Public Safety Facilities. A facility operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.


17.74.170 – Q Definitions

Reserved.

17.74.180 – R Definitions

Rear Yard. See “Yard, Rear.”

Recording Studio. Workplaces where movies, television shows or radio programs are produced and recorded, including administrative and technical production, administrative and production support offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.
Recreation Facilities, Private – Indoor or Outdoor. A building, structure, or open space designed as an accessory recreational use to a permitted principal use. Private recreational facilities include such uses as swimming pools and tennis courts and are not open to the general public and not operated for profit.

Recreational Equipment Rentals. Rental of bicycles, scooters, skate board, ice skate, snow boards, surf boards, and similar recreational vehicles and equipment that are manpowered and do not include a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recycling Facilities. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include facilities that deal with animal matter nor does it include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations, which are classified as utilities.

Collection Facility. A facility available for the general public for the recycling of California Redemption Value (CRV) products such as glass, aluminum cans, and plastic beverage containers as defined by the State’s Department of Resources Recycling and Recovery. Also includes reverse vending machines, where an automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip. Processing and sorting is not conducted on site.

Mobile Recycling Unit. An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

Large Collection Facility. A facility that occupies an area of more than 500 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Reverse Vending Machine(s). An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Small Collection Facility. A facility that occupies an area of 500 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

- A mobile unit;
ARTICLE 7: DEFINITIONS

- Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.
- Kiosk-type units that may include permanent structures.
- Unattended containers placed for the donation of recyclable materials.

Processing Facility. A facility used for the collection and processing of recyclable materials for shipment, or to an end user’s specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of “Recycling facilities—Scrap and Dismantling Yards”:

Light Processing Facility. A facility that occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

Heavy Processing Facility. A facility that occupies an area at 45,000 square feet and over of collection, processing and storage area, and averages more than two outbound truck shipments each day.

Scrap and Dismantling Yards. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include junk or salvage yards (“Junk and salvage yards”); places where these activities are conducted entirely within structures; pawnshops (“Pawnshops”) and other secondhand stores (“Secondhand/consignment stores”); the sale of operative used cars; or landfills or other waste disposal sites.

Recyclable Materials. Those materials separated from solid waste and designated as recyclable under City sponsored recycling programs or source-separated, individual solid waste materials such as paper, cardboard, glass, plastics, or metals.

Recycling or Recyclable Material. Reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

Recycling Area. The space allocated in a development project for collecting and loading of recyclable materials. If source separation of recyclable materials is required, this area shall accommodate the necessary receptacles for the recyclable materials. Recycling areas shall be accessible and convenient to deposit recyclable materials, and for the collection of recyclable materials.

Religious Assembly Facilities. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Other
establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

**Repair/Maintenance, Consumer Products.** See “Maintenance and Repair Services – Indoor.”

**Research and Development.** A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see “Laboratory – Medical, Analytical, Research, Testing”), or blood drawing and specimen collection from patients (see “Hospitals and Clinics, Clinic”), or testing of computer software (see “Office”). Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

**Resident Manager’s Unit.** A dwelling unit within a residential housing project or a multiple-family development in which a manager, acting as agent for the owner-lessee(s) of the residential housing project or the multiple-family development, resides.

**Residential Care Facilities – 7 or more persons.** Facilities that are licensed by the State to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for seven or more persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes “Supportive and/or Transitional Housing.”

**Residential Property.** A parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

**Restaurant.** See “Eating and Drinking Establishments.”

**Retail Carts and Kiosks.** The retail sale or viewing of merchandise located in a non-motorized pushcart or stand, designed to be portable and not permanently affixed to a structure or location.

**Retail Sales – General.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. Does not include swap meet, pawn shop, or secondhand stores.

**Retail Sales – Restricted.** The retail sale of gun and ammunition stores, pawn shops, consignment stores, secondhand stores, and business offering payment for valuable goods such as jewelry and gold.

**Retirement Home.** See “Senior Housing.”
Reverse Corner Lot. See “Reverse Corner Lot.”

Roominghouse. See “Boarding House.”

Rubber Products. See “Manufacturing – Heavy.”

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and flows from the area. Usually occurs when water is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

17.74.190 – S Definitions

Salvage Yard. Places used for storing or keeping of recyclable or salvage materials.

Satellite Antenna. See “Wireless Telecommunication Facilities.”

Schools. A public or private educational institution which is run by the state or a subdivision or which is licensed by the state to offer preschool, elementary or secondary academic instruction — including kindergartens, elementary schools, middle or junior high schools, and high schools.

Schools, K - 12 – Private. A private academic educational institution, including boarding schools; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Schools, Private. A private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Schools, Public. A publicly-funded academic educational institution, including colleges and universities; elementary, middle/junior, and high schools; military academies; and charter schools. This definition does not include “Trade and Vocational Schools,” “Tutoring and Education Centers,” or non-tuition part-time instruction at religious assembly facilities.

Secondhand Store. Defined and regulated as “Personal Services, Restricted” and further, a business involved in the retail sale of used goods and merchandise such as a thrift store or consignment, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops and swap meets.

Self-Storage. See “Storage – Personal.”

Senior Care Facilities. See “Senior Housing.”

Senior Housing. A housing development incorporating independent dwelling units that are designed for, and limited to, the occupancy by persons who are at least sixty-two (62) years of age, or who are at least fifty-five (55) years of age and meet the qualifications found in Section 51.3 of the California Civil Code. This definition includes senior apartments, retirement communities, retirement homes and homes for the aged. It does not include extended care facilities such as convalescent homes or skilled nursing facilities (“Medical services—Extended care”); assisted living facilities or senior care facilities.
**Service Station.** See “Vehicle Repair and Services.”

**Setback.** The distance by which a structure, parking area, or other development feature shall be separated from a parcel line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. Figure 7-07 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks. See also “Yards.”

- **Front Setback.** The minimum distance required between a structure and the front property line.

- **Side Setback.** The minimum distance required between a structure and a side property line.

- **Street Side Setback.** The minimum distance required between a structure and the side property line adjacent to the street. Figure 7-08 (Street Side Setbacks) shows Street Side Setbacks.

- **Rear Setback.** The minimum distance required between a structure and the rear property line.

**Figure 7-07: Setbacks**
ARTICLE 7: DEFINITIONS

Figure 7-08: Street Side Setback

Short-Term Residential Rental. See “Lodging – Hotel and Motel.”

Shopping Center. See “Retail Sales – General.”

Side Yard. See “Yard, Side.”

Sight Safety Triangle. The area maintained with adequate and safe visibility for vehicular and pedestrian traffic at intersections of streets, alleys, or private driveways.

Signs.

Abandoned Sign. A sign that no longer correctly directs or exhorts a person, nor advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where the sign is displayed.

Advertising Device or Display. An object, person, item or animal, or other device including, but not limited to, banners, balloons, statues, flags, pennants, lights, portable signs, signs, or landscaping, used to attract attention for the purpose of drawing attention to a site or promoting the sale of goods or services.

A-Frame Sign. A sign generally not securely attached or fixed to the ground or to a permanent structure used as a stationary advertising devise and usually supported by two upright sign faces.

Aggregate Area. The total area of sign and/or advertising device surface.
Alteration. A change of copy, sign face, color, size, shape, illumination, position, location, construction, or support of a sign or advertising device.

Animated Sign. A sign designed to attract attention through movement or the semblance of movement of the whole or a part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or another method or device which suggests movement, but not including flags or banners.

Area of Sign. The entire area within which a single continuous perimeter of not more than six straight lines enclose the extreme limits of the text, representation, emblem, figure, or similar character together with material or color forming an integral part of the display or used to differentiate the sign against which it is placed. Necessary supports or uprights on which the sign may be placed are excluded unless supports or uprights are designed to form an integral background or part of the display. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign except where two faces are placed back to back.

Awning. A roof-like structure, either temporary or portable in nature, that projects from a wall of a structure for the purpose of shielding a doorway or window from the elements and may be periodically retracted into the face of a structure.

Balloon. A spherical, flexible, nonporous bag or similar object capable of being filled with air or gas.

Banner Sign. A publicly visible temporary advertising device made of cloth, paper, plastic, cardboard, metal, or other usually flexible material, which may indicate the identity or give or ask information about or convey a message, either directly or indirectly, about a person, entity, business, commodity, service, or idea.

Figure 7-09: Banner Sign

Bench. A seat located upon or adjacent to a public or private right-of-way for the purpose of persons resting and which is capable of displaying a sign or advertising device.

Billboard. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Building Sign. A sign lettered to provide the name of a building itself, as opposed to the names of occupants or services.
**Building Identification Sign.** A sign which contains only the name of a building and/or the address of the building and is incorporated into the architecture of the building.

**Bulletin Board.** A sign that signifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of the individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

**Campaign Sign.** A political sign but may include an advertising device or sign designed to influence the passage or defeat of a measure on the ballot or designed to influence the voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

**Canopy.** See “Awning.”

**Canopy Sign.** A form of advertising or illumination attached, painted, or constructed on a canopy or awning.

**Center.** A commercial, industrial, or professional use, consisting of one or more structures sharing common facilities. In each case, a center will consist of two or more retail stores or businesses, but may not necessarily be under a single ownership.

**Center Identification Sign.** A freestanding sign that advertises or directs attention to a shopping center or area having two or more separate businesses or activities.

**Civic Activity Sign.** A bulletin board or other similar advertising device incident to religious assembly facilities, hospitals, libraries, museums, and other similar public or bona-fide nonprofit institutions.

**Construction Sign.** A temporary sign on the premises listing the development, architect, engineer, planner, contractor, or other person or firm participating in the development, construction, or financing of a development.

**Detached Sign.** See “Freestanding Sign.”

**Digital Sign:** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs generally include displays using LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers.”
Directional Sign. A sign erected to serve as a public convenience in directing pedestrian and vehicular traffic, but not used for the purpose of advertising uses and activities on-site.

Figure 7-10: Directional Signs

Directly Illuminated Sign. A sign designed to provide artificial light, either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign, including but not limited to exposed neon signs.

Directory Sign. A sign erected to serve as a convenience in directing patrons or guests to a business or residential unit.

Eave line. The part of a roof which projects over or meets the wall.

Electronic Message Sign. A directly illuminated sign that presents variable advertising messages displayed by an electronically controlled lighting pattern against a contrasting background, and that may be programmed to change the message display periodically.

Electrical Sign. A sign containing electrical wiring that is attached, or intended to be attached, to an electrical energy source for the purposes of illuminating its surface.

Exempt Sign. Signs exempt from the permit requirements of Chapter 17.26 (Signs).

Façade. The exterior walls of a structure exposed to public view.

Fascia. A broad well-defined horizontal member of color or material having the form of a flat band between the top of a wall and the eaves of a roof. The area used for identification over the front of a shop.

Fascia Sign. A sign attached to or erected against a wall of a structure, with the face horizontally parallel to the structure wall.

Flag. Cloth or other lightweight material of distinctive size, color, and design, used as a symbol, standard, signal, emblem, or a device used to attract attention.

Flashing Sign. A directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
**ARTICLE 7: DEFINITIONS**

**Freestanding Sign.** A nonmoveable sign not affixed to a building, including but not limited to pole signs, ground signs, and construction signs.

**Figure: 7-11: Types of Freestanding Signs**

**Frontage, Building.** The lineal measurement of a building facade which fronts on a public or private street.

**Frontage, Street.** The linear measurement of a parcel along a public or private right-of-way but not including the lineal measurement along an alley, railroad, or freeway.

**Garage Sale Sign.** A temporary sign announcing the limited sale, from a private residence, of goods, furniture, clothing, or other similar articles.

**Height of Sign.** Calculated by measuring the vertical distance of a sign from the uppermost point of a sign measured from the average elevation of the finished grade surrounding the structure.

**Historical Sign.** A sign, which because of its character, age, or influence, is of historic significance to the community.

**Identification Sign.** A sign that is limited to the name, address, and number of a building, institution, or person and to the activity carried on in the building or institution, or to the occupancy of the person.

**Illegal Sign.** A sign not allowed or exempted by this Chapter.

**Illuminated Sign.** A sign which reflects light from a source intentionally directed upon it; by means of, including, but not limited to, floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

**Interior Sign.** A sign located within the inside of a business that is not visible from any area outside the structure that is open to the public.

**Internally Illuminated Sign.** An electric sign whose source of illumination is not visible to the viewer.
Kiosk. A freestanding, round, or multiple sided structure whose main purpose is to display signs or information.

Linear Frontage. The horizontal measurement of a building face, legal parcel, or site.

Logo. A name, symbol, feature, or trademark that represents a business, enterprise, group, or activity.

Mansard. A roof system having a steep slope, normally on all building sides.

Marquee. A hood, canopy, awning, or permanent construction that projects from a wall of a structure usually above an entrance and able to depict changeable copy.

Menu Board Sign. A sign displaying food or items sold on the premises.

Monument Sign. A free-standing sign or trademark incorporated in a wall or structure, constructed of concrete, wood, steel, or other similar building materials.

Multitenant Identification Sign. A single sign identifying each tenant or business individually.

Nameplate. A sign naming the occupant of the premises, the business, and/or address.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained before a time as it came within the purview of these Zoning Regulations and amendments of them, and which fails to conform to applicable regulations and restrictions of these Zoning Regulations; or a nonconforming sign for which a special permit has been issued.

Offsite Sign/Off Premises (Outdoor Advertising Sign). See “Billboard.”

Onsite Sign. A sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

Owner. A person recorded on official records and including any duly authorized agent or notary, a purchaser, devisee, judiciary, and persons having a vested or contingent interest in the property in question.

Parapet Wall. The portion of a structure wall that extends above the roof level.

Pole Sign. A freestanding sign directly supported by a pole or poles with air space between the grade level and any portion of the sign face.

Political Sign. A sign advocating the election of a specific candidate or candidates for political office, advocating a position with respect to a ballot issue or issues.

Portable Sign. A sign not designed to be attached to a structure or anchored to the ground, including, “A-Frame Sign,” fence signs and “Vehicle Mounted Sign.”

Projecting Sign. A sign other than a wall sign suspended from or supported by a structure and projecting outward either parallel or perpendicular.
**Public Service Information Sign.** A sign intended primarily to promote items of general interest to the community, including, but not limited to, time, temperature, date, atmospheric conditions, news, or traffic control.

**Pump Sign.** Signs displayed upon service station gas pumps for the purpose of advertising the sale of products incidental to the sale of gas and oil or other automobile service provided on the premises.

**Real Estate Sign.** A sign or sign structure relating to the sale, lease, or other disposition of the real property on which the sign is located and which is temporary in nature.

**Resident Identification Sign.** A sign provided on a residential parcel for the purpose of identifying the name of the occupants and the address of the residence.

**Roof.** The upper covering of a structure for weather protection or an architectural feature resembling the covering in design or material.

**Roof Sign.** A sign erected, constructed, and maintained upon or connected to the roof, roof system, roof line, or parapet of a structure.

**Seasonal or Holiday Sign.** Signs that are used for a historical holiday or special time of the year and installed for a limited period of time.

**Service Station.** A parcel or a portion of a parcel used for the servicing of motor vehicles including gas stations or sales.

**Sign.** An identification, description, item, illustration, or device, illuminated or nonilluminated, which is visible from a public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including permanently installed or situated merchandise; or emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information.

**Sign Program.** A comprehensive program intended to provide incentive, latitude, and variety in order to achieve aesthetically appealing and compatible signage for shopping and professional office centers and industrial parks with two or more occupants. A sign program may also be applicable for a single business proposing two or more signs.

**Sign Structure.** The supports, uprights, braces, cables, framework, and display surface of a sign.

**Snipe Sign.** A sign made of cloth, paper, cardboard, poster material, plastic, metal, or other material affixed to or upon fences, posts, trees, structures, people, or other surfaces usually found off-site.

**Temporary Sign.** A sign constructed of paper, cloth, canvass, or other similar lightweight material, with or without frames, including painted windows, flags, streamers, pennants, banners, and other signs not designed to be attached to a structure or anchored to the ground.

**Time and Temperature Device.** A device that displays the time or temperature whether or not it displays advertising or establishment identification.

**Tract Identification Sign.** A sign provided on residentially zoned property for the purpose of identifying the name of the tract and/or the range of addresses of the residences within the tract.
Transit Advertising Shelter. A structure housed on three sides usually located within the public right-of-way for the purpose of sheltering and seating persons awaiting transit and which is capable of displaying an advertising message.

Under-Canopy. A sign that is perpendicular to and suspended below the ceiling or roof of a canopy.

Unlawful Sign. A sign which contravenes these Zoning Regulations, or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous code was not obtained; a sign or group of signs which has been modified or altered so that it or they differ in size, shape, height, width, light intensity, or from the plans submitted and approved by the authorized person or entity.

Use. The purpose for which a building, parcel, sign, or other structure is arranged, intended, designed, occupied, or maintained.

Vehicle Mounted Sign. A sign or advertising device attached to a vehicle for the purposes of advertisement.

Wall Sign. A sign attached to or erected against the wall of a structure with the face in a parallel plane to the plane of the structure wall.

Figure 7-12: Wall Sign

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.

Window Sign. 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.

Single Family Dwelling. A dwelling unit designed for occupancy by one household which is not attached to or located on a lot with commercial uses or other dwelling units, other than an accessory dwelling unit. For the purpose of
ARTICLE 7: DEFINITIONS

accounting for housing units pursuant to Chapter 17.144 (Residential Growth Management Regulations), a single-unit dwelling may also include, as an accessory use, one legally established accessory dwelling unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to Health and Safety Code Section 18551.

**Single Unit Dwelling.** See “Single Family Dwelling.”

**Site.** A parcel of land that encompasses the main structures, the accessory structures, and the open spaces as required by these Zoning Regulations.

**Site Coverage.** The percentage of total site area occupied by structures, including the primary structure, architectural features such as chimneys, balconies, decks above the first floor, porches, and stairs, and by accessory structures such as carports, garages, patio covers, storage sheds, and trash dumpster enclosures. Structure coverage is measured from exterior wall to exterior wall.

**Social Service Facilities.** Residential or nonresidential facilities providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, physical disabilities or to those persons in need of food and/or shelter. May include feeding centers, and substance abuse recovery and treatment facilities.

**Solid Waste.** All putrescible and non-putrescible solid and semisolid wastes, generated in or upon, related to the occupancy or, remaining in or emanating from residential or commercial premises, including recyclable materials, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 40191, excluding liquid wastes, abandoned vehicles and manifested hazardous or medical wastes.

**Sound Level Meter.** A type of noise monitoring equipment that meets standards established by the American National Standards Institute for Type 1 or Type 2 sound level meters.

**Sound Pressure Level.** A sound, in decibels, 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

**Storage.**

- **Storage – Accessory.** The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.

- **Storage – Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

- **Storage – Outdoor Recreational Vehicle Storage.** The storage of operative or inoperative recreational vehicles. These uses include storage of towed recreational vehicles, impound yards, and storage lots for recreational vehicles, but do not include recreational vehicle dismantling.

- **Storage – Personal.** A structure containing a separate storage space that is designed to be leased or rented individually. Indoor storage shall mean that access to all storage spaces shall be from common interior corridors, and the facility has only shared loading areas. This use does not include outdoor storage of any kind. Further, such storage does not involve any manufacturing, office or business services, or human habitation in any storage space or anywhere on site. Also known as mini-storage.
Street. A public thoroughfare accepted by the City, that affords a principal means of access to an abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads, and other thoroughfares except alleys as defined in these Zoning Regulations.

Street, Private. A right-of-way or easement used for vehicular or pedestrian traffic privately owned and maintained.

Street, Public. A right-of-way or easement used for vehicular or pedestrian traffic and maintained by public funds.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground including swimming pools and patio covers, but not including paved areas and not including electrical transformers and power poles. See also “Buildings.”

Structure, Accessory. See “Accessory Structures and Uses.”

Structure, Main. A structure where the primary use allowed on the parcel is conducted.

Studio – Art and Music. Small-scale instructional facilities or a small practice space for the individual artist, musician, or any individual practitioner of the activities defined here, typically accommodating one group of students at a time, in no more than one instructional space. Examples include individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Does not include dance, yoga, gymnastics, and martial arts studios (see Health/Fitness Facilities).

Substance Abuse Treatment Center. See “Social Service Facilities.”

Supportive and/or Transitional Housing. The term Supportive Housing (per Government Code Section 65582[f], as may be amended) shall mean a dwelling unit occupied by a target population, with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing resident(s) in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

The term Transitional Housing (per Government Code Section 65582[h], as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Supportive and/or transitional housing may be designed as a residential group living facility or as a regular residential use and includes both facilities that provide on-site and off-site services.

Supermarket. See “Grocery Store.”
ARTICLE 7: DEFINITIONS

Swimming Pool. Any confined body of water, located either above or below the finished grade of the site or on a rooftop, which exceeds 18 inches in depth (or as otherwise defined by Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time), and which is designed, used, or intended to be used for swimming or bathing purposes.

17.74.200 – T Definitions

Temporary Uses/Activities. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit (See [Temporary Use Permits]).

Textile Manufacturing. See “Manufacturing – Heavy.”

Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Through Lot. See “Through Lot.”

Townhouse. Attached or semi-detached structures, each containing a single dwelling unit and each located or capable of being located on a separate parcel. See also Section “Multiple-Unit Dwelling.”

Trailer. A nonautomotive vehicle designed to be pulled by a car, truck, or tractor for the purposes of transporting property or serving as a temporary dwelling or place of business.

Trade and Vocational Schools. Public or private post-secondary schools (other than a community college or four-year college) providing occupational or job skills training for specific occupations, including business and computer schools, management training, and technical training schools. Excludes personal instructional services such as music lessons and tutoring.

Trailer, Utility. A trailer used solely for the transportation of personal property.

Transitional Housing. See “Supportive and/or Transitional Housing.”

Transit Station and Terminal. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelter. A small-scale covered waiting area for buses, taxis, and rail mass transit stops.

Truck Terminal. See “Freight/Truck Terminals.”

Tutoring and Educational Centers. A business where supplemental educational instruction in specific subjects and skills is provided to school-age children.

17.74.210 – U Definitions

Unit. The element (structure or airspace) of a residential, office, or industrial condominium that is not owned in common with the owners of other condominium interests in the development plus a proportionate share of common areas.

Urgent Care. See “Hospitals and Clinic/Urgent Care.”
Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use. Accessory Use includes active or passive solar heating systems and cogeneration facilities.

Use, Nonconforming. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a parcel. Use. See “Use.”

Use, Temporary. A use or activity allowed for less than one year consisting of activities that represent a variation from the normal business operations. Examples include, but are not limited to, parking lot sales, benefits, and special events.

Utility Facilities. A structure or improvement built or installed above ground for the purpose of providing utility services, communications services, and materials transfer to more than one lot. Generating plants; electric substations; solid waste collection, including transfer stations and materials recovery facilities; solid waste treatment and disposal; water or wastewater treatment plants; and similar facilities of public agencies or public utilities, including corporation and maintenance yards.

Facilities with On-Site Staff. Utility facilities that include office and/or working space for employees, and/or that require employees to be located on site for general operation of the facility.

Facilities with no On-Site Staff. Utility facilities that do not include office and/or working space for employees, and where on-site staff are required intermittently only for maintenance and/or infrequent monitoring.

17.74.220 – V Definitions

Vacation Rentals: See “Lodging – Hotel and Motel.”

Variance. means a discretionary entitlement that may waive or relax the development standards of these Zoning Regulations, in compliance with Chapter 17.48 (Variances).

Vehicle and Freight Terminals. See “Freight/Truck Terminals.”

Vehicle Sales and Rental. A retail establishment selling and/or renting automobiles, trucks and vans, motorcycles, and bicycles (bicycle sales are also included under “Retail Sales - General”). May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not mobile home, recreational vehicle, or watercraft sales (see “Vehicles - Trucks, Construction, and Heavy Equipment Sales, Service, and Rental”); tire recapping establishments (see “Vehicle Repair and Services”); businesses dealing exclusively in used parts; or “Service/Fueling Stations,” which are separately defined.

Vehicle Services. See “Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental.”
ARTICLE 7: DEFINITIONS

Vehicle Storage. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Vehicle/Transportation Equipment Manufacturing and Assembly. Establishments primarily engaged in manufacturing or assembling complete equipment for transporting people and goods. Includes: passenger automobiles, trucks, commercial cars and buses, special purpose motor vehicles such as auto trailers, campers, and recreational vehicles, chassis or passenger car bodies, boat building, motorcycle building, and related incidental parts manufacturing.

Vehicles – Trucks, Construction, and Heavy Equipment Sales, Service, and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other heavy equipment used for construction, moving, agricultural, or landscape gardening activities, as well as boats, mobile homes, and recreational vehicle/campers. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. Includes large vehicle operation training facilities. Sales of new or used automobiles are excluded from this classification (see “Vehicle Sales and Rental”).

Vehicle Charging Facilities. A location that supplies electricity for the recharging of electric vehicles (including plug-in hybrids).

Vehicle Repair and Services. The service and repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Service/Fueling Station. An establishment engaged in the retail sale of vehicle fuels or the retail sale of these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or ancillary retail and grocery sales. Does not include body and fender work or “heavy” repair of trucks or other motor vehicles (see “Vehicle Service, Major”).

Vehicle Service, Major. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Vehicle Service, Minor. Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.

Vehicle Washing/Detailing. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Vending Machine. An automated mechanical device which ejects consumer products, including but not limited to snack food items, non-alcoholic beverages, electronic devices, and movies, and that accepts cash, debit, and/or credit.
Video Rental Stores. An establishment engaged in renting prerecorded video tapes and digital video discs for viewing away from the premises on home electronic equipment.

17.74.230 – W Definitions

Warehouse, Wholesaling, and Distribution. Indoor storage and sale of goods to other firms for resale, storage of goods for transfer to retail outlets of the same firm, or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

Water Efficient Irrigation. The scheduling and management of an irrigation system to supply moisture to a landscape without excess or waste in compliance with the landscape/irrigation criteria established in Chapter 17.18 (Landscaping).

Water Efficient Landscaping. A landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the standards provided in Chapter 17.18 (Landscaping). This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native to hot/dry environments (See “Xeriscape”), and hardscape to achieve an overall landscape concept that is water conserving.

Wireless Communication Facilities. Wireless telecommunication facilities consist of commercial wireless communication systems, including but not limited to cellular, PCS, paging, broadband, data transfer, and any other type of technology that fosters wireless communication through the use of portable electronic devices. A facility includes all supporting structures and associated equipment. The following are definitions used in association with the regulation of wireless telecommunications facilities.

Accessory Equipment. means any equipment associated with the installation of a small wireless facility, including but not limited to cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

Antenna. That part of a small wireless facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Antenna Equipment. Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna Facility. An antenna and associated antenna equipment.

Antenna Structure. An antenna that is secured at a fixed and specified location, a structure designed specifically to support an antenna, and/or appurtenances mounted on a structure or antenna.
Cellular. An analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

Collocation. The same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Commercial Wireless Facility. An antenna structure located within the City limits that provides radio communication service that:

- Is offered in return for monetary compensation;
- Is available to the public or a substantial portion of the public; and
- Provides subscribers with the ability to access or receive communication from the public switched telephone network.

Commercial wireless facilities include, but are not limited to, antenna structures that provide paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (“SMR”), and personal communications service (“PCS”).

Deployment. Placement, construction, or modification of a small wireless facility.

Existing. A structure, building, or improvement, including without limitation utility poles, reviewed and/or otherwise approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

FCC. The Federal Communications Commission or its duly appointed successor agency.

Ground Mounted. A facility mounted to a pole, lattice tower, or other freestanding structure specifically constructed for the purpose of supporting an antenna.

Lattice Tower. A structure in excess height of 40 feet with three or four steel legs used to support antennae.

Major Facility. A commercial wireless facility, either ground mounted or roof mounted, whether or not the facility employs stealth design or shielding. Exception: a roof-mounted facility that is screened on all four sides by a solid material that does not exceed the maximum height of the applicable zoning district shall be deemed a “Minor Facility.”

Minor Facility. A commercial wireless facility that is wall mounted, utility mounted, or roof mounted and the entire facility is either 1) designed to using a stealth approach to integrate the facility into the architectural design of the building on which it is located; 2) screened by solid material on four sides and does not exceed the maximum height of the applicable zoning district; or 3) co-located on an existing wireless communication facility tower.

Modification. Any change to an existing small wireless facility that involves any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, a change in size, shape, color, visual design, or exterior material. Modification does not include repair, replacement, or maintenance if those actions do not involve a change to the existing facility involving
any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation.

**Mounted.** Attached or supported.

**Panel.** A wireless communication facility where the antennae are mounted on the roof or top of a building or structure, or the side of a building or structure, other than on a stand-alone facility.

**Personal Wireless Services.** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

**Personal Wireless Service Facilities.** means the same as defined in 47 U.S.C. §332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.

**Pole.** means a single shaft of wood, steel, concrete, or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

**Radio Communication.** The transmission and/or reception of impulses, writing, signs, signals, pictures, and sounds of all kinds through space by means of electromagnetic waves.

**Roof Mounted.** Mounted on any structure (not specifically constructed for the purpose of supporting antennae) in a manner that does not satisfy either the definition of wall mounted or utility mounted; typically mounted on the roof of an existing structure.

**Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, that is used to transmit and/or receive radio, microwave or other electromagnetic waves between terrestrially and/or orbitally based use.

**Small Wireless Facility.** A facility that meets each of the following conditions:

1. The facility—
   
   (a) Is mounted on structures fifty (50) feet or less in height including their antennas, or
   
   (b) Is mounted on structures no more than ten (10) percent taller than other adjacent structures, or
   
   (c) Does not extend existing structures on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater;

2. Each antenna associated with any deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;

4. The facility does not require antenna structure registration under 47 CFR Part 17;
ARTICLE 7: DEFINITIONS

5. The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x);

6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

**Stand-Alone Facility.** Improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

**Stealthing.** Improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

**Structure.** A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

**Utility Mounted.** Mounted to an existing aboveground structure specifically designed and originally installed to support electrical power lines, cable television lines, street lighting, or traffic signal equipment.

**Utility Pole.** A pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

**Wall Mounted.** Mounted on a vertical or nearly vertical surface of a building or other existing structure (not specifically constructed for the purpose of supporting an antenna, including the exterior walls of a structure, an existing parapet, the side of a water tank, the face of a religious institution steeple, or the side of a freestanding sign) and the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

**Woodworking Shop.** See “Furniture and Fixtures Manufacturing, Cabinet Shops, and Woodworking Shops.”

17.74.240 – X Definitions

**Xeriscape.** A combination of landscaping and irrigation techniques that reduce the demand for water required to maintain a given landscape. The primary techniques are:

- Use of water conserving plants;
- Use of appropriate species, quantities and placement of turf;
- Planning landscape areas with hydrozones, plants grouped based on watering needs using irrigation systems designed to meet the long-term needs of each hydrozone in the landscape; and
- Planting landscape areas based on watering needs, hydrozones.

17.74.250 – Y Definitions

**Yard.** An open space, other than a sports court, on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Chapter.
Yard, Front. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be at least equivalent to the required setback distance specified by this Title for the district in which it is located and measured inward from the front lot line. For the purpose of defining which is the front yard, in the case of an interior parcel, a yard fronting the street; in the case of a corner parcel, the yard facing the narrowest street frontage. (If the frontages of a corner parcel are equal in length, the front yard shall be determined by the Director.) On a through parcel, both yards are considered front yards and the parcel is considered to have no rear yard or parcel line.

Yard, Interior Side. A yard extending along an interior side of a lot from the front lot line to the rear lot line. The depth of an interior side yard shall be at least equivalent to the required setback distance specified by this Article for the district in which it is located and measured inward from the interior side lot line.

Yard, Street Side. A yard extending along the street side of a corner lot from the front lot line to the rear lot line. The depth of a street side yard shall be at least equivalent to the required street side setback distance specified by this Ordinance for the district in which it is located and measured inward from the street side lot line.

Yard, Rear. A yard extending across the rear of a lot for its full width between side lot lines. The depth of a rear yard shall be at least equivalent to the required rear setback distance specified by this Ordinance for the district in which it is located.

17.74.260 – Z Definitions

Zone. An area of the City delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in these Zoning Regulations.

Zoning Map. The designated official map or maps which show the location and boundaries of the zones established by these Zoning Regulations and are referred to as the zoning map and incorporated as a part of these Zoning Regulations. The zoning map together with everything shown on it and amendments to it, are as much a part of these Zoning Regulations as if fully identified and described in context.
ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AN AMENDMENT OF THE ZONING MAP OF THE CITY OF LOS ALAMITOS TO CONFORM TO THE CITY’S GENERAL PLAN LAND USE MAP, AS A PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED)

WHEREAS, on June 26, 2019 the Planning Commission reviewed the latest draft (June 2019) of a Zoning Code & Subdivisions Code Update for the Los Alamitos Municipal Code Chapters 16 & 17; and,

WHEREAS, the Planning Commission determined that certain zoning districts within the Zoning Map must be updated as a part of the Zoning Code update to conform to the Los Alamitos General Plan; and,

WHEREAS, the Planning Commission, during its duly-noticed September 25, 2019 meeting, considered all of these changes in a draft Zoning Map exhibit; and,

WHEREAS, at the conclusion of the September 25, 2019 public hearing, the Planning Commission unanimously adopted a resolution recommending that the City Council approve the proposed Zoning Map amendment; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Ordinance on October 21, 2019; and,

WHEREAS, the City Council considered approval of this Ordinance on October 21, 2019; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the public hearing, whether written or oral.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY 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 incorporates them by reference herein.

SECTION 2. Approval of the Zoning Map amendments, through Zoning Ordinance Amendment 17-04, is based upon the following findings:

A. 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. These Zoning Map changes intend to establish uniformity between the General Plan Land Use Map and the Zoning Code as the City proceeds with its current update.
B. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The creation of these amendments to the Zoning Map intend to improve the City through consistency with the General Plan to reflect the values and vision of the residents.

C. The proposed Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures. General Plan Final Environmental Impact Report Addendums #1 & 2 have determined consistency between the focused amendments to the General Plan land use element and Zoning Map and the certified Final Environmental Impact Report (EIR) for the comprehensive update of the Los Alamitos General Plan adopted in 2015. As documented in the Addendum, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require subsequent environmental review. The City Council has reviewed and considered the Addendums prior to amending the Zoning Map as part of Zoning Ordinance Amendment 17-04.

D. The sites targeted for zone change are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land use developments. These Zoning District changes in the map were duly considered with public input during both the General Plan Update, and during the current Zoning Code update meetings and found to be well suited for these changes.

SECTION 3. The Zoning Map of the City Los Alamitos is hereby amended as shown in Exhibit B (dated June 4, 2019).

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.

PASSED, APPROVED, AND ADOPTED this 18th day of November, 2019.

Warren Kusumoto, Mayor
ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, 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 21st day of October, 2019 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of November, 2019, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, MMC, City Clerk
City of Los Alamitos
Draft Zoning Map

Zoning Districts
- R-1: Single-Family Residential
- R-2: Limited Multiple-Family Residential
- R-3: Multiple-Family Residential
- M-H: Mobilehome Park
- C-G: General Commercial
- C-O: Commercial-Professional Office
- TCMU: Town Center Mixed Use
- MSP: Medical Center Specific Plan
- P-L-I: Planned Light-Industrial
- C-F: Community Facilities
- O-A: Open Area

Zoning Overlays
- MOZ: Medical Overlay Zone
- ROZ: Retail Overlay Zone
- LWOZ: Live/Work Overlay Zone

Base Map Features
- Los Alamitos City Boundary
- San Gabriel River and Coyote Creek

Source: City of Los Alamitos and MIG, 2019
Date: June 4, 2019
Exhibit A
RESOLUTION NO. 19-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL: (1) AMEND THE LOS ALAMITOS GENERAL PLAN, AND (2) FOLLOWING SUCH AN AMENDMENT TO THE GENERAL PLAN, APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 17-04, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE, WITH CHANGES AS DISCUSSED IN THE MEETING (CITY INITIATED)

WHEREAS, the Planning Commission of the City of Los Alamitos, California, did on the 26th day of June, 2019, hold a duly noticed Public Hearing for review of a Zoning Ordinance Amendment to amend titles 16 and 17 of the Los Alamitos Municipal Code, as identified by this Resolution; and,

WHEREAS, the proposed amendments are necessary to implement the Los Alamitos 2035 General Plan, adopted by the City Council at their regular meeting on March 23, 2015; and,

WHEREAS, the Planning Commission proposes that the City Council make certain General Plan Amendments as part of this process; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council initiate the process and take the steps necessary to complete certain amendments to the Los Alamitos 2035 General Plan to ensure consistency with the proposed amendments to titles 16 and 17 of the Los Alamitos Municipal Code, which are presented in draft Ordinance No. TBD (ZOA 17-04).

SECTION 2. The Planning Commission hereby recommends that the City Council adopt Ordinance No. TBD (ZOA 17-04), attached as Exhibit “A”, subject to and following completion of the aforementioned amendments to the Los Alamitos 2035 General Plan.

SECTION 3. In making this recommendation the Planning Commission makes the following findings:

A. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The exercise of updating the Municipal Code with these amendments is intended to improve the convenience,
health, interest, safety, and welfare of the City by bringing the Subdivision and Zoning Codes into step with the stated goals of the City’s residents; and,

B. The proposed amendment is required by State law and internally consistent with other applicable provisions of this Zoning Code and do not provide any conflicts with any other provision of the Los Alamitos Municipal Code; and,

C. Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the resolution does not call for any change in the existing environmental conditions within the City. Instead, the proposed Resolution merely recommends that the City Council: (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Code Amendment (ZCA) 17-04. Accordingly, the Resolution is not a "project" subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

D. Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Approval of this Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the Resolution does not call for any change in the existing environmental conditions within the City. Instead, the Resolution merely recommends that the City Council: (1) amend the Los Alamitos General Plan, and (2) following such an amendment to the General Plan, adopt Zoning Code Amendment (ZOA) 17-04. Accordingly, the Resolution is not a "project" subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if this action could be construed to be a project subject to the California Environmental Quality Act ("CEQA"), the Resolution is exempt pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the Resolution does not constitute "approval" of any identifiable projects.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

PASSED, APPROVED, AND ADOPTED this 26th day of June, 2019.
Commissioner Grose

ATTEST:

______________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

_______________________________
Michael S. Daudt, City Attorney

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

I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 26th day of June, 2019, by the following vote, to wit:

AYES:__________________________
NOES:__________________________
ABSENT:________________________
ABSTAIN:______________________

Les Johnson, Secretary
RESOLUTION NO. 19-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE LOS ALAMITOS GENERAL PLAN BY APPROVING GENERAL PLAN AMENDMENT (GPA) 19-01, TO ENSURE THAT THE ZONING CODE WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED).

WHEREAS, on June 26, 2019 the Planning Commission reviewed the latest draft (June 2019) of a Zoning Code & Subdivisions Code Update for the Los Alamitos Municipal Code Chapters 16 & 17; and,

WHEREAS, during the June 26, 2019 meeting, the Planning Commission identified certain General Plan Amendments that would be required to ensure that the Zoning Code would maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies therein; and,

WHEREAS, during the June 26, 2019 Planning Commission meeting, by unanimous vote (4-0) Commissioners recommended that the City Council initiate the processing of the identified amendments to the Los Alamitos General Plan; and,

WHEREAS, the City Council considered this item during the July 15, 2019 meeting; and,

WHEREAS, in accordance with Los Alamitos Municipal Code Section 17.70.020, the City Council approved a Resolution of Intention initiating the process to amend certain sections of the Los Alamitos General Plan necessary for consistency with a comprehensive update to the City’s Zoning & Subdivision Codes; and,

WHEREAS, the Planning Commission considered the General Plan Amendment exhibits, during its duly-noticed September 25, 2019 meeting.

WHEREAS, at the conclusion of its September 25, 2019 public hearing, the Planning Commission approved a resolution recommending that the City Council approve General Plan Amendment 19-01.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Resolution No. 19-TBD (General Plan Amendment 19-01), attached hereto.
SECTION 2. In making this recommendation, the Planning Commission makes the following findings:

A. 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 the zoning code. These General Plan Amendments are intended to establish uniformity between the General Plan and Municipal Code as the City proceeds with its current update to the Subdivision Code and Zoning Code.

B. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The creation of these amendments to the code is intended to improve the City through a General Plan that provides a uniform, consistent foundation for the current Zoning Code Update.

C. The proposed Resolution has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures. A General Plan Final Environmental Impact Report Addendum #2 has determined consistency between the focused amendments to the general plan land use element and zoning map and the certified Final Environmental Impact Report (EIR) for the comprehensive update of the Los Alamitos General Plan adopted in 2015. As documented in Addendum # 2, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require subsequent environmental review. The Planning Commission recommends that the City Council consider Addendum #2 prior to adopting the proposed General Plan amendments.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

PASSED, APPROVED, AND ADOPTED this 25th day of September, 2019.

________________________________________
Vice Chair Sofelkanik

ATTEST:

______________________________
Les Johnson, Secretary

APPROVED AS TO FORM:
I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 25th day of September, 2019, by the following vote, to wit:

AYES: Sofelkanik, Grose, Debolt, Cuilty, Loe, and Andrade

NOES: None
ABSENT: Riley
ABSTAIN: None

Les Johnson, Secretary
RESOLUTION NO. 19-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND THE CITY OF LOS ALAMITOS ZONING MAP TO CONFORM TO THE CITY’S GENERAL PLAN LAND USE MAP, AS A PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED).

WHEREAS, on June 26, 2019 the Planning Commission reviewed the latest draft (June 2019) of a Zoning Code & Subdivisions Code Update for the Los Alamitos Municipal Code chapters 16 & 17, as presented by City Staff and Planning Consultants (MIG); and,

WHEREAS, the Planning Commission determined that certain zones in the Zoning Map must be updated as a part of the Zoning Code update to conform to the Los Alamitos General Plan; and,

WHEREAS, the Planning Commission, during its duly-noticed September 25, 2019 meeting, considered all of these changes in a draft Zoning Map exhibit; and,

WHEREAS, at the conclusion of the September 25, 2019 public hearing, the Planning Commission adopted a resolution recommending that the City Council approve the proposed Zoning Map amendment.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 19-TBD (Zoning Ordinance Amendment 17-04), attached hereto.

SECTION 2. In making this recommendation, the Planning Commission makes the following findings:

A. 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. These Zoning Map changes intend to establish uniformity between the General Plan Land Use Map and the Zoning Code as the City proceeds with its current update.

B. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The creation of these amendments to the Zoning Map intend to improve the City through consistency with the General Plan to reflect the values and vision of the residents.

C. The proposed Resolution has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental
review procedures. A General Plan Final Environmental Impact Report Addendum #1 has determined consistency between the focused amendments to the General Plan land use element and zoning map and the certified Final Environmental Impact Report (EIR) for the comprehensive update of the Los Alamitos General Plan adopted in 2015. As documented in the Addendum, the General Plan amendments would not result in any of the circumstances cited in the CEQA Guidelines, Section 15162(a) that would require subsequent environmental review. The Planning Commission recommends that the City Council consider Addendum #1 prior to adopting the proposed Zoning Ordinance Amendment 17-04.

D. The sites targeted for zone change are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land use developments. These Zoning District changes in the map were duly considered with public input during both the General Plan Update and during the current Zoning Code update meetings and found to be well suited for these changes.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

PASSED, APPROVED, AND ADOPTED this 25th day of September, 2019.

________________________________
Vice Chair Sofelkanik

ATTEST:

______________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

______________________________
Michael S. Daudt, City Attorney
I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 25th day of September, 2019, by the following vote, to wit:

AYES: Sofelkanik, Grose, Debolt, Cuilty, Loe, and Andrade

NOES: None
ABSENT: Riley
ABSTAIN: None

________________________________________
Les Johnson, Secretary
City of Los Alamitos
CITY COUNCIL AGENDA REPORT

MEETING DATE: October 21, 2019 ITEM NUMBER: 12A

To: Mayor Warren Kusumoto & Members of the City Council

Presented By: Les Johnson, Interim City Manager

Subject: 2019 Building Standards Code and Fire Code Adoption

SUMMARY

Every three years the State of California Building Standards Commission adopts new construction regulations based on international model building codes. Collectively, these State regulations are known as the “California Building Standards Code” (Title 24, California Code of Regulations). The 2019 California Building Standards Code will take effect and apply to all California Cities on January 1, 2020.

The California Health and Safety Code permits local governments to make amendments to the California Building Standards Code that are administrative or procedural, or that are more stringent than the requirements adopted by the State. To incorporate local amendments, local governments must adopt the California Building Standards Code, and adopt local amendments to the same supported by findings that the local amendments are necessary because of local climatic, geological or topographical conditions.

RECOMMENDATIONS

1. Waive reading in full and authorize reading by title only of Ordinance No. 2019-05 and 2019-06; and,

INTERNATIONAL SWIMMING POOL AND SPA CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS,” and,


4. Direct staff to schedule and properly notice a public hearing to adopt the Ordinances identified herein for the November 18th City Council meeting.

BACKGROUND/DISCUSSION:

The State’s Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three years. The 2019 Edition of the California Code of Regulations Title 24, which incorporates the below-listed model codes, becomes effective on January 1, 2020. The State of California Building Standards Commission has adopted the 2019 California Building Standards Code, which includes the following codes:

<table>
<thead>
<tr>
<th>California Building Standards Code</th>
<th>Reference Model Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 California Green Building</td>
<td></td>
</tr>
<tr>
<td>Standards Code</td>
<td></td>
</tr>
<tr>
<td>2019 California Plumbing Code</td>
<td>2018 Uniform Plumbing Code (IAPMO)</td>
</tr>
<tr>
<td>2019 California Mechanical Code</td>
<td>2018 Uniform Mechanical Code (IAPMO)</td>
</tr>
<tr>
<td>2019 California Electrical Code</td>
<td>2017 National Electrical Code (NFPA)</td>
</tr>
</tbody>
</table>

The construction codes proposed for adoption by reference or with amendments include the following:

2019 California Administrative Code
2019 California Building Code
2019 California Residential Code
2019 California Green Building Standards Code
2019 California Energy Code
2019 California Plumbing Code
2019 California Mechanical Code
2019 California Electrical Code
2019 California Existing Building Code
2019 California Historical Building Code
2019 California Referenced Standards Code
2018 International Property Maintenance Code
2018 International Swimming Pool and Spa Code
The Development Services Department is recommending that changes and modifications be made to the above referenced codes, and such changes are reasonably necessary due to local climatic, topographical and geographic conditions in Los Alamitos. Other modifications are of an administrative or procedural nature and concern themselves with subjects that are not covered by the codes or are reasonably necessary to safeguard life and property within the city.

The attached ordinances set forth the necessary findings to enable the City to amend the new construction codes to reflect our local conditions. The attached building codes ordinance incorporates the following amendments to reflect our local conditions:

1. **Roofing Materials**: Due to the serious hazard of rapid fire spread in local high winds, minimum Class B roof covering is specified and the use of untreated wood roofs is prohibited for new buildings and re-roofing of existing buildings. This provision already exists from the previous code adoption cycle. (Building Code Section 1505 and Residential Code Section R902)

2. **Concrete and Masonry Foundation Walls**: Due to the high seismic area in Orange County, prescriptive design of concrete and masonry foundation walls that are laterally supported at the top and bottom is prohibited. (Building Code Section 1807.1.6)

3. **Swimming Pool Barrier**: The warm, dry climate in the region is conducive to swimming pools which create a higher probably of child drowning where pools are unprotected. This provision already exists from the previous code adoption cycle. (Building Code Section 3109.2 and Residential Code Appendix V)

4. **Small Wire Installation**: Due to frequent improper installation of certain conductor material, additional provisions are required to minimize shock or fire hazard. These provisions already exist from the previous code adoption cycle. (Electrical Code Article 310.106(B) and 310.121)

The proposed amendments have the support of the Orange County Building Industry Association. The remainder of the proposed amendments are administrative or procedural in nature, such as defining a location for a readily accessible photovoltaic disconnect.

It should be noted that most of the amendments are energy efficiency related. It is anticipated that a single-family home built with the 2019 standards will use approximately 7% less energy due to energy efficiency measures in comparison to homes built under the current building codes standards. Previous information identified that residential homes would attain zero net energy with the 2019 standards. This is not the case. However, the energy efficiency gained is significant in comparison to the code requirements in place when the energy efficiency goals were established in 2008.
Orange County Fire Authority (OCFA) changes

Orange County Fire Authority is providing amendments to the code with the goals to maximize alignment between OCFA and State-adopted requirements and to reduce amendments to only those that are necessary and practical to ensure that they:

a. Address local conditions (climate, geology, topography).


c. Are necessary from an administrative standpoint, and/or practical from an enforcement standpoint.

For this round of Code adoption there are 75 amendments summarized by OCFA as follows:

- 46 are being carried forward either as-is or with minor clerical/editorial changes.
- 6 are revisions to the language set forth with the 2016 amendments covering such items as vegetation maintenance, emergency responder radio coverage for certain buildings, and model language for residential sprinkler retrofits.
- 12 are items being deleted.
  - 11 are new amendments that address mobile fueling (specifically prohibiting on-demand mobile fueling) and specifications for battery charging systems.

Tonight is the first reading of the proposed Ordinances. The second reading would be held during the November City Council meeting and as required by State law, a public hearing will be conducted at that time as well. Following second reading, the Ordinances would be effective January 1, 2020.

FISCAL IMPACT

None.

Submitted By: Mark Abbott, Building Official
Reviewed By and Approved By: Les Johnson, Interim City Manager

Attachments: 1. Ordinance No. 2019-05
2. Ordinance No. 2019-06
ORDINANCE NO. 2019-05


WHEREAS, pursuant to California Government Code Section 50022.1 et seq., the City of Los Alamitos ("City") may adopt by reference the California Building Standards Code, 2019 Edition, as provided in Title 24 of the California Code of Regulations; the 2018 International Property Maintenance Code and the 2018 International Swimming Pool and Spa Code; and,

WHEREAS, the California Building Standards Commission recently adopted new amendments to the California Building Standards Code, which will become effective statewide on January 1, 2020; and,

WHEREAS, California Health & Safety Code Sections 17958 et seq., and 18941.5 authorize cities to modify the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, based upon the recommendations of the Building Official, the City Council finds that the proposed amendments to the 2019 California Building Standards Code set forth in this Ordinance, which are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury and death due to fires and earthquakes, and are reasonable and necessary to mitigate local climatic, geological or topographical conditions; and,

WHEREAS, on October 21, 2019, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading of the Ordinance for November 18, 2019; and,
WHEREAS, the City Council held a public hearing on November 18, 2019, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2019 California Building Standards Code as amended herein, as well as, the adoption of the 2018 International Property Maintenance Code and International Swimming Pool and Spa Code; and,

WHEREAS, pursuant to Government Code Section 6066, the City published notice of the aforementioned public hearing; and,

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

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

SECTION 1. Findings.

A. Health and Safety Code Section 17958 et seq., authorizes the City to adopt ordinances and regulations imposing the same requirements as are contained in the California Building Standards Code (California Code of Regulations, Title 24) adopted by the State pursuant to Health and Safety Code Section 17922. Health and Safety Code Sections 17958.5 and 18941.5 permit the City to make changes or modifications to the California Building Standards as are reasonably necessary because such changes or modifications are needed due to climatic, geographic, or topographic conditions.

B. The Fire Official and City Building Official recommend that certain changes and modifications to the 2019 California Building Standards are reasonably necessary due to local conditions within the City, certain changes and modifications are of an administrative or procedural nature or concern themselves with subjects not covered by the California Building Standards Code, and certain changes and modifications are reasonably necessary to safeguard life and property within the City of Los Alamitos.

C. Findings of local conditions are set forth in Exhibit “A” of this Ordinance and incorporated herein by reference. Such findings demonstrate the need for amendments to the 2019 California Building Standards are reasonably necessary because of local climatic, geological, or topographical conditions.

SECTION 2. Chapter 15.04 of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 15.04 BUILDING CODES

15.04.010 Construction codes adopted.
15.04.030 Amendments to the 2019 California Residential Code.
15.04.040 Amendments to the 2019 California Electrical Code.
15.04.050 Amendments to the 2018 International Property Maintenance Code.
15.01.060 Amendments to the 2018 International Swimming Pool and Spa Code.

15.04.010 Construction codes adopted.

A. For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, maintenance, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this Chapter, are hereby adopted:

1. The 2019 California Administrative Code (Title 24, Part 1);
2. The 2019 California Building Code (Title 24, Part 2), including the administrative provisions included in Division II of Chapter 1 and Appendix J, based on the 2018 International Building Code as published by the International Code Council;
3. The 2019 California Residential Code (Title 24, Part 2.5), including Appendix V, based on the 2018 International Residential Code as published by the International Code Council;
4. The 2019 California Electrical Code (Title 24, Part 3), based on the 2017 National Electrical Code as published by the National Fire Protection Association;
5. The 2019 California Mechanical Code (Title 24, Part 4), based on the 2018 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials;
6. The 2019 California Plumbing Code (Title 24, Part 5), based on the 2018 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials;
7. The 2019 California Energy Code (Title 24, Part 6);
8. The 2019 California Historical Building Code (Title 24, Part 8);
10. The 2019 California Green Building Standards Code (Title 24, Part 11);
11. The 2019 California Referenced Standards Code (Title 24, Part 12);
12. The 2018 International Property Maintenance Code as published by the International Code Council; and
B. The Codes set forth in A.1 through A.13, as amended by this chapter shall constitute the Building Regulations of the City of Los Alamitos and shall be known as the City of Los Alamitos Building Code.

C. One (1) copy of all the above construction codes shall be kept on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 (d)(1) and made available for public inspection.

D. References in Documents and Continuing Legal Effect. References to prior editions of the Building Standards Code or the Municipal Code sections amended herein that are cited on notices issued by the City or other documents of ongoing or continuing legal effect, including specifically resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart 2019 Building Standards Code or amended Municipal Code sections for the purposes of notice and enforcement. The provisions adopted hereby shall not in any manner affect deposits, established fees or other matters of record which refer to, or are otherwise connected with, ordinances which are specifically designated by number, code section or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the 2019 Building Standards Code adopted hereby. Any fee authorized by the above-referenced construction codes which was in effect in the city at the time of the adoption of this Ordinance need not be re-adopted by resolution, and shall continue in effect, and remain unadjusted in amount unless and until the City Council adopts a resolution repealing the fee or establishing a different fee.


Section 104.8 Liability is amended by adding a sentence to the end of the paragraph to read as follows:

The provisions of this section shall apply if the Building Official or his/her authorized representatives are employees of this jurisdiction and shall also apply if the Building Official or his/her authorized representatives are acting under contract as agents of this jurisdiction.

Section 105.2 Work exempt from a permit is amended by amending the following categories of work that are exempt from a building permit:

A. Section 105.2 “Building” Item 1 is amended to read as follows:

1. One story detached accessory structures used as storage sheds, playhouses or similar uses, provided the floor area is not greater than 120 square feet and the ceiling height is not over 7 feet.

B. Section 105.2 “Building” Item 2 is amended to read as follows:

2. Fences not over six feet high and block walls not over three feet high.
C. Section 105.2 "Building" Item 4 is amended to read as follows:

4. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

D. Section 105.2 "Building" Item 9 is amended to read as follows:

9. Prefabricated swimming pools accessory to a Group R occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

Section 105.5 Expiration is amended to read as follows:

105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 and, after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or uncompleted for a period of 180 days after the work has commenced or 180 days past the last required inspection. The building official is authorized to grant one extension of time for not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated. No permit shall be extended more than once.

If work has been suspended or abandoned past 180 days, the permit shall be expired, and new permit(s) issued. The fee for such renewal of permit(s) shall be one half of the original permit fee or one half of the fee of the current adopted fee schedule at the time of renewal. Permits which have been abandoned and require only final inspection may be reissued at minimum fee or as determined by the building official.

Section 105.8 Reconstruction is added to read as follows:

105.8. Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the existing habitable square footage of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

Section 113.1 General is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall consist of five members and composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Appeals by reason of, and concurrently with their terms.
of service as Council members and shall cease to be such members upon their ceasing to be Council members. The Building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters in writing to the Building Official, with duplicative copy thereof to any appellant or contestant affected by any such decision of finding.

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding Officer of the Board. Meetings shall be conducted in accordance with the Brown Act.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the Board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and making its findings and decisions.

Section 113.3 Qualifications is deleted in its entirety without replacement.

Section 202 General Definitions is amended by adding the following definitions:

**BARRIER.** Barrier is a fence, wall, building wall, or any combination of these that completely surrounds the swimming pool and obstructs access to the swimming pool.

**SWIMMING POOL.** Any body of water created by artificial means which is designed, intended for use, or used for swimming or immersion purposes, which has a water depth exceeding 18 inches. The term, “pool,” includes swimming pools, spas, hot tubs, above-and below-ground, and vinyl-lined pools; pool does not include plumbing fixtures such as bathtubs nor does it apply to man-made lakes, reservoirs, farm ponds, or ponds used primarily for public park purposes, water conservation purposes, irrigation purposes or for the watering of livestock.

**OCFA:** Orange County Fire Authority, fire authority having jurisdiction.

**SPARK ARRESTER.** A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.

2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Section 502.1 Address identification is amended to read as follows:

[F] 502.1 Address identification. New and existing buildings shall be provided
with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches in height with a stroke width of not less than 0.5 inch. For R-3 and other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

**Section 903.2 Where required** is amended to read as follows:

[F] **903.2 Where required.** Approved automatic sprinkler systems in buildings and structures shall be provided in the following locations:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area, as defined in Section 202 of the California Building Code, exceeds 5,000 square feet (465 m²), or more than two stories in height, regardless of fire areas or allowable area.

   Exception: Group R-3 occupancies. Group R-3 occupancies shall comply with California Residential Code Section R313.2.

2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:

   a. When the addition is 33% or more of the existing building area and the resulting building area, as defined in Section 202, exceeds 5000 square feet (465 m²); or

   b. When the addition exceeds 2,000 square feet (185.81 m²) and the resulting building area, as defined in Section 202, exceeds 5,000 square feet (465 m²); or

   c. An additional story is added above the second floor regardless of fire areas or allowable area.

**Section 903.3.5.3 Hydraulically calculated systems** is added to read as follows:

**903.3.5.3 Hydraulically calculated systems.** The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.
Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

### TABLE 903.3.5.3
**Hydraulically Calculated Systems**

<table>
<thead>
<tr>
<th>Design %</th>
<th>100</th>
<th>110</th>
<th>120</th>
<th>130</th>
<th>140</th>
<th>150</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 1505.1 General** is amended, by the deletion of Table 1505.1 and the addition of a new Table 1505.1 thereto, to read as follows:

**TABLE 1505.1**
**MINIMUM ROOF COVERING CLASSIFICATIONS**
**TYPES OF CONSTRUCTION**

<table>
<thead>
<tr>
<th>IA</th>
<th>IB</th>
<th>IIA</th>
<th>IIB</th>
<th>IIIA</th>
<th>IIIB</th>
<th>IV</th>
<th>VA</th>
<th>VB</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
</tbody>
</table>

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with Chapter 7A.

**Section 1505.1.3 Roof coverings within all other areas** is amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

**1505.1.3 Roof coverings within all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.
Section 1803.1.1.1 is amended to add the following:

1803.1.1.1 Geologic or geotechnical reports. The Building Official may require a geologic or geotechnical report or both, in accordance with the 2019 California Building Code; a geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.

Section 1807.1.6 Prescriptive design of concrete and masonry foundation walls is amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

Section 3109.1.1 Construction permit; safety features required is added to read as follows:

3109.1.1 Construction permit; safety features required. New or remodeled pools or spas, at a private single-family home, shall have an enclosure complying with the amended California Residential Code Appendix V.

15.04.30 Amendments to the 2019 California Residential Code.

Section R105.5 Expiration is amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 12 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
Section R105.10 Reconstruction is added to read as follows:

R105.10 Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the habitable square footage of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

Table R301.2(1) Climatic and Geographic Design Criteria is amended to read as follows:

<table>
<thead>
<tr>
<th>GROUND SNOW LOAD</th>
<th>WIND DESIGN</th>
<th>SEISMIC DESIGN CATEGORY</th>
<th>SUBJECT TO DAMAGE FROM</th>
<th>WINTER DESIGN TEMP</th>
<th>ICE BARRIER UNDERLAYMENT REQUIRED</th>
<th>FLOOD HAZARDZ</th>
<th>AIR FREEZING INDEX</th>
<th>MEAN ANNUAL TEMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zero</td>
<td>110</td>
<td>No</td>
<td>No</td>
<td>12-24°</td>
<td>Very High</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
</tbody>
</table>

**TABLE R301.2(1)**

<table>
<thead>
<tr>
<th>ELEVATION</th>
<th>LATITUDE</th>
<th>WINTER HEATING</th>
<th>SUMMER COOLING</th>
<th>ALTITUDE CORRECTION FACTOR</th>
<th>INDOOR DESIGN TEMPERATURE</th>
<th>DESIGN TEMPERATURE COOLING</th>
<th>HEAT TEMPERATURE DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>34</td>
<td>39</td>
<td>87</td>
<td>70</td>
<td>75</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**MANUAL J DESIGN CRITERIA**

<table>
<thead>
<tr>
<th>COOLING TEMPERATURE DIFFERENCE</th>
<th>WIND VELOCITY HEATING</th>
<th>WIND VELOCITY COOLING</th>
<th>COINCIDENT WET BULB</th>
<th>DAILY RANGE</th>
<th>WINTER HUMIDITY</th>
<th>SUMMER HUMIDITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>70</td>
<td>23</td>
<td></td>
<td></td>
<td></td>
<td>(50% RH)</td>
</tr>
</tbody>
</table>

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the California Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The City of Los Alamitos does have a Flood Hazards Zone.
h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2 (6).

Section R309.6 Fire sprinkler attached garages, and carports with habitable space above is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code, OCFA Local Amendments Section 903.2.8.

Section R313.1 Townhouse automatic fire sprinkler systems is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code, OCFA Local Amendments Section 903.2.8.

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic sprinkler system unless a sprinkler system is required in accordance with California Fire Code, OCFA Local Amendments Section 903.2.8.
Section R313.3.6.2.2 Calculation procedure is amended to read as follows:

Section R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.

(The remainder of the section is unchanged)

Section R319.1 Address identification is amended to read as follows:

R319.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches in height with a stroke width of not less than 0.5 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section R902.1 Roofing covering materials is amended by revising it to allow only class A or B roofs as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:
1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.

2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

Section R902.1.3 Roof coverings in all other areas is amended by revising it to require a minimum Class B roof as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of
the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

**Section R902.2 Fire-retardant-treated shingles and shakes**, first paragraph, is amended by revising it to allow only Class A or B treated wood roofs as follows:

**R902.2 Fire-retardant-treated shingles and shakes.** Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

**Section R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices** is added to read as follows:

**R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices.** Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

**Exception:** Barbeques, grills, and other portable devices intended solely for cooking

**Section R1001.13.1 Gas-fueled devices** is added to read as follows:

**R1001.13.1 Gas-fueled devices.** Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

**Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas** is added to read as follows:

**R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas.** Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.
15.04.040 Amendments to the 2019 California Electrical Code.

Article 310.16 Continuous Inspection of Aluminum Wiring is added to read as follows:

Article 310.16 Continuous Inspection of Aluminum Wiring. Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torqueing of connections at their termination point.

15.04.050 Amendments to the 2018 International Property Maintenance Code.

Section [A] 102.3 Application of other codes is amended to read as follows:

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, must be done in accordance with the provisions of the California Building Code, California Existing Building Code, California Energy Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Residential Code, and the California Green Building Standards. Nothing in this code will be construed to cancel, modify, or set aside any provision of the Los Alamitos Municipal Code.

Section 103.5 Fees is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out the department’s responsibilities under this code are set by City Council resolution.

Section 108.1 General is amended to read as follows:

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure may be condemned pursuant to the provisions of Section § 17920.3 of the California Health and Safety Code and this code.

Section 112.4 Failure to comply is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine(s) or fines in an amount(s) as may be established by the City Council.

Section 303.2 Enclosures is amended to read as follows:

303.2 Enclosures. Private swimming pools, hot tubs and spas containing water more than 18 inches in depth must be completely surrounded by a fence or barrier.
at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers must be self-closing and self-latching. Where release mechanisms of the self-latching device are located less than 60 inches above grade measured on the side of the barrier that faces away from the pool, the release mechanism must be located on the pool side of the gate at least three inches below the top of the gate and the barrier must have no opening greater than one-half inch within 18 inches of the release mechanism. Self-closing, self-latching gates must be maintained such that the gate will positively close and latch when released from an open position of six inches from the gate post. No existing pool enclosure may be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

The exception to section 303.2 is deleted in its entirety.

Section 304.1.1 Unsafe conditions is amended in part to read as follows:

304.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired or replaced to comply with the California Building Codes or California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 304.1.1)

Section 305.1.1 Unsafe conditions is amended in part to read as follows:

305.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired, or replaced, to comply with the California Building Codes or California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 305.1.1)

Section 306.1.1 Unsafe conditions is amended in part to read as follows:

306.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired, or replaced, to comply with the California Building Codes or the California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 306.1.1)

Section 401.3 Alternative devices is amended to read as follows:

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.
Section [P] 502.5 Public toilet facilities is amended to read as follows:

[P] 502.5 Public toilet facilities. Public toilet facilities must be maintained in a safe sanitary working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use must be provided to the toilet facilities at all times during occupancy of the premises.

Section [P] 505.1 General is amended to read as follows:

[P] 505.1 General. Every sink, lavatory, bathtub, shower, drinking fountain, water closet, or other plumbing fixture must be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, and bathtubs and showers must be supplied with hot or tempered, and cold running water in accordance with the California Plumbing Code.

Section 602.2 Residential occupancies is amended to read as follows:

602.2 Residential occupancies. Dwellings must be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances may not be used, nor may portable unvented fuel-burning space heaters be used, as a means to provide required heating.

The exception to section 602.2 is deleted in its entirety.

Section 602.4 Occupiable work spaces is amended in part to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces must be supplied with heat to maintain a temperature of not less than 65°F during the time the spaces are occupied.

(No further changes to remainder of section 602.4)

Section 604.2 Service is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment serves as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units must be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 604.3.1.1 Electrical equipment is amended to read as follows:

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground-fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling, and
communication equipment and that have been exposed to water must be replaced in accordance with the provisions of the California Building Code and California Electrical Code.

**Section 604.3.2.1 Electrical equipment** is amended to read as follows:

**604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water-heater, security system, and power-distribution circuits that have been exposed to fire, must be replaced in accordance with the California Building Code and the California Electrical Code.

**Section [F] 702.1 General** is amended to read as follows:

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the California Building Code.

**Section [F] 702.2 Aisles** is amended to read as follows:

[F] 702.2 Aisles. The required width of aisles in accordance with the California Building Code shall be unobstructed.

**Section [F] 702.3 Locked doors** is amended to read as follows:

[F] 702.3 Locked doors. All means of egress doors must be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where door hardware conforms to that permitted by the California Building Code.

**CHAPTER 9 POST-DISASTER RECOVERY AND RECONSTRUCTION** is added to the 2018 International Property Maintenance Code to read as follows:

**SECTION 901**

**POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY**

**901.1 SCOPE.** This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Building and Safety Department, as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

**901.2 APPLICATION OF PROVISIONS.** The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the City following each natural or man-made disaster.

**901.3 DEFINITIONS.** For the purposes of this section, the following definitions shall apply:
901.3.1 BUILDING OFFICIAL is person or entity designated as such by the city council or that person or entity’s designee

901.3.2 SAFETY ASSESSMENT is a visual examination of a building or structure for the purpose of determining whether continued use or occupancy is appropriate following a natural or man-made disaster.

901.4 PLACARDS. The following official placards must be used to designate the condition of buildings or structures following a disaster.

901.4.1 (GREEN) INSPECTED - LAWFUL OCCUPANCY PERMITTED. Posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

901.4.2 (YELLOW) RESTRICTED OR LIMITED ENTRY. Posted on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The Building Official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

901.4.3 (RED) UNSAFE – DO NOT ENTER OR OCCUPY. Posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by the building official. Safety assessment teams are authorized to enter these buildings at any time. This placard may not be used or considered as a demolition order. The official who posts this placard must make a note in general terms of the damage encountered.

901.4.4 SECURING OF UNSAFE BUILDINGS OR STRUCTURES. Buildings or structures that have been determined by the Building Official to pose a threat to life safety or to be unsafe due to damage may be required by the Building Official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures may not be removed without authorization from the building official.

901.4.5 REMOVAL OF PLACARDS. Once the placard has been attached to a building or structure, it may not be removed, altered, or covered until authorized by the Building Official.

901.5 VIOLATION. Any violation of Chapter 9 of this code is a misdemeanor and will be subject to punishment in accordance with the Los Alamitos Municipal Code and the City of Los Alamitos Building Code.
SECTION 902

POST DISASTER ABATEMENT

902.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared.

902.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the city.

902.3 DEFINITIONS. For the purposes of this section, the following definitions shall apply:

902.3.1 EVENT means any occurrence which results in the declaration of a disaster, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

902.3.2 HISTORIC BUILDING OR STRUCTURE means any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures also include those buildings and structures within a recognized historic district.

902.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

Office of Historic Preservation
Department of Parks and Recreation
P.O. BOX 942896
Sacramento, CA  94296-0001

Phone: (916) 653-6624
FAX: (916) 653-9824

902.4 ABATEMENT CRITERIA

902.4.1 NOTICE OF DETERMINATION. Except as provided in Section 902.4.2 below, the Building Official must serve a written Notice of Determination to each property owner as found on the latest available copy of the last equalized assessment roll. Such Notice of Determination must be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and must clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice must set forth those factors which, in the opinion of the Building Official, make the
structure an imminent hazard and dangerous, and must also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice must specify that within 48 hours from the time of issuance of the Notice of Determination, the owner or other party of record with an equitable or legal interest in the property must abate the nuisance in accordance with the directives written in the Notice of Determination by the Building Official.

**902.4.2 NOTICE OF DETERMINATION EXCEPTION.** No prior notice is required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the city to give the owner notice prior to abatement, the Building Official may cause the nuisance to be summarily abated.

**902.4.3 APPEAL OF NOTICE OF DETERMINATION.** A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in the property. Such appeal must be made to the Building Official within 48 hours of delivery of such Notice of Determination by the Building Official. Such appeal must be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report must include a recommendation by the engineer or architect as to what should or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official must rescind, in writing, the Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan or should the Building Official disagree with the engineer's or architect's report, a hearing must be conducted by the Board of Appeals, as soon as a quorum can be assembled.

**902.4.4 BOARD OF APPEALS HEARING.** At the hearing, the appellant has the right to call witnesses, to submit evidence, and to cross-examine the witnesses of the city. All witnesses must be sworn.

A record of the proceedings must be made by tape recording. Any relevant evidence may be submitted, regardless of the existence of any common law or
statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of the hearing, the Board of Appeals must act to uphold, overrule, or modify the determination and order of the Building Official. The determination and order of the Building Official will be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision must be memorialized in writing and served upon the applicant within 24 hours of the time the oral decision is rendered.

If the Board of Appeals upholds the decision of the Building Official, the property owners of record will be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order will be vacated. The decision of the Board of Appeals will be final on the date it is rendered.

**902.4.5 HAZARD ABATEMENT PLAN.** If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record must execute such plan within 24 hours of obtaining approval of the plan from the Building Official. Within 24 hours of completion of the abatement work the owner or other interested party of record must provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Determination, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, must obtain required permits and file a damage assessment report with the Building Official. The damage assessment report must be reviewed and approved by the Building Official prior to proceeding with permanent repairs.

**902.4.6 FAILURE TO PERFORM.** In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Determination or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure will be subject to immediate abatement by the Building Official.

**902.4.7 PUBLIC NUISANCE.** All structures or portions of such structures which, after inspection by the Building Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and must be abated by the owner in accordance with the procedures specified in Sections 43.2.4.4 and 43.2.4.5.
902.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any code provisions to the contrary, the Building Official is authorized to suspend abatement work, and to allow the property owner or other party of legal interest to complete the abatement work.

902.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure will no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure will remain subject to the provisions of this section.

902.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, must obtain a demolition permit.

902.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

902.5.1 NOTIFICATION OF IMMINENT HAZARD. Within ten days after the event, the Building Official must notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right of way:

902.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right-of-way.

902.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the 1997 Uniform Code for the Abatement of Dangerous Buildings.

902.5.2 CONDEMNATION PROCEEDINGS. If, ten days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings. The Building Official may also notify the Federal Emergency Management Agency (FEMA), in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

902.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official must submit a request to demolish to the Federal
Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Such request must include all substantiating data.

SECTION 903

DISASTER REPAIR AND RECONSTRUCTION

903.1 INTENT. This section establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared.

903.2 APPLICATION OF PROVISIONS.

903.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the city following each disaster after a local emergency has been declared.

903.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an Engineering Evaluation as defined in Section 903.3.3.4.

903.3 DEFINITIONS. For the purpose of this section, the following definitions apply:

903.3.1 ARCHITECT is a person licensed by the State of California to practice architecture, as prescribed by the State of California Business and Professions Code.

903.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering, as prescribed by the State of California Business and Professions Code.

903.3.3 CURRENT CODE means those codes adopted by the city pursuant to California Health and Safety Code § 18941.5.

903.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations must, at a minimum, contain recommendations for repair and an appropriate opinion of the construction cost for those repairs. All engineering evaluations must include the engineer’s or architect’s stamp, wet-signature, and license expiration date.

903.3.5 ESSENTIAL SERVICE FACILITY means those buildings or structures designated by the city to house facilities necessary for emergency operations subsequent to a disaster.

903.3.6 REPLACEMENT VALUE is the dollar value, as determined by the building
official, for replacing a damaged structure with a new structure of the same size, same type of construction, and same occupancy, and located on the same site.

903.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title, Structural Engineer, as defined in Section 5537.1 of the State of California Business and Professions Code.

903.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

903.4 REPAIR CRITERIA

903.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, must be repaired in accordance with the following criteria:

903.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system must be repaired with all bracing required by current code.

903.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent but less than fifty percent of the replacement value of the structure, the damaged elements must be repaired and brought into conformance with the structural requirements of the current code.

903.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent or more of the replacement value of the structure, the entire structure must be brought into conformance with the fire and life safety and structural requirements of the current code.

903.4.5 CHIMNEY VALUE EXCLUSION. In Group R, Division 3, occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys must be repaired in accordance with Section 903.5.

903.5 REPAIR CRITERIA FOR FIREPLACES AND CHIMNEYS.

903.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 21 of the CBC. Damaged portions of chimneys must be removed in accordance with the following criteria.

903.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney
must be braced to the roof structure using an approved method.

903.5.3 SINGLE- STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line, or the damaged portion extends from above the roof line to below the roof line, the chimney must be removed to the top of the firebox.

903.5.4 MULTI- STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney must be removed from the top to a floor line where anchorage is found.

903.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox must be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation must be removed and replaced. Such reconstruction and replacement must be in accordance with Chapter 21 of the CBC Code.

903.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 21 of the CBC, alternate systems may be used in accordance with the alternate methods and materials provisions of the CBC when approved by the Building Official.

903.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line must be braced to the roof structure using an approved method.

903.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

903.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, must have an engineering evaluation performed.

903.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair are included in Section 903.4, Repair Criteria, with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, also apply.

903.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

903.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry must be repaired and strengthened to fully comply with the requirements of § 15.04.”
15.01.060 Amendments to the 2018 International Swimming Pool and Spa Code.

Section [A] 101.1 Title is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Los Alamitos hereinafter to as “this code.”

Section [A] 102.7.1 Application of the International Codes is amended to read as follows:

[A] 102.7.1 Application of the International Codes. Where the International Residential Code is referenced in this code, the provisions of the California Residential Code shall apply to related systems in detached one- and two-family dwellings and townhouses not more than three stories in height. Other related systems shall comply with the applicable California Codes or referenced standard.

Section [A] 105.6 Fees is amended to read as follows:

[A] 105.6 Fees. A permit shall not be valid until the fees prescribed by law have been paid. All fees related to and any permit, work, inspection, violation, plan review or refunds shall be in accordance with Section 109 of the California Building Code.

Section [A] 105.6.2 Fee schedule and [A] 105.6.3 Fee refunds are deleted in their entirety without replacement.

Section [A] 108.2 Membership of board is amended to read as follows:


Section [A] 108.2.1 Qualifications is deleted in its entirety without replacement.

Section 305.2.1 Barrier height and clearances is amended to read as follows:

305.2.1 Barrier height and clearances Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

(The remaining language in 305.2.1 is to remain and unchanged.)
SECTION 3. No Effect on Enforceability. The repealing provisions of the Los Alamitos Municipal Code shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the 1990 Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2007 Code as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2007 Code, as amended, had not been repealed or altered.

SECTION 4. Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Los Alamitos Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

SECTION 5. Intent to Comply with Laws. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 6. Filing with Building Standards Commission. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

SECTION 7. CEQA. In accordance with CEQA Guidelines section 15060(c)(2) – the adoption of this Ordinance will not foreseeably result in direct or reasonably foreseeable indirect impacts and is exempt from the provisions of the California Environmental Quality Act and City Clerk shall file such Notice of Exemption with the County Clerk.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out 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, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutional.

SECTION 9. Effective Date. This Ordinance shall not take effect until thirty (30) days after its final passage, or January 1, 2020, whichever occurs later.

SECTION 10. Publication by Clerk. 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 adoption and shall post a certified copy of this Ordinance, including the vote for an against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.
PASSED, APPROVED AND ADOPTED this 21st day of November, 2019.

ATTEST:

________________________________________________________
Warren Kusumoto, Mayor

_______________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

________________________________________________________
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, 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 21st day of October, 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of November, 2019, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

________________________________________________________
Windmera Quintanar, MMC, City Clerk
EXHIBIT A
LOCAL CONDITIONS FINDINGS

FACTUAL FINDINGS ESTABLISHING THE REASONABLE NEED FOR LOCAL AMENDMENTS TO PORTIONS OF THE CALIFORNIA BUILDING STANDARDS CODE BASED UPON LOCAL CLIMATIC, GEOLOGICAL AND/OR TOPOGRAPHICAL CONDITIONS

The Fire Official and City Building Official recommend that certain changes and modifications to the 2019 California Building Standards are reasonably necessary due to local climatic, geological and/or topographical conditions within the City, certain changes and modifications are of an administrative or procedural nature or concern themselves with subjects not covered by the California Building Standards Code, and certain changes and modifications are reasonably necessary to safeguard life and property within the City of Los Alamitos.

Section 1. General Findings

The following findings apply in the City of Los Alamitos and explain why the changes to the Building Standards Code are necessary because of climatic, geological and/or topographical conditions in the city.

I. Climatic Conditions

A. Los Alamitos is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles will greatly impact the response time to reach an incident scene. Lastly, the warm climate encourages the proliferation of swimming pool construction which makes modifications to the California Building Code related to swimming pools desirable to adequately protect small children from drowning hazards.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County Fire Authority’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth
centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

A. The topography of Los Alamitos is generally considered a flatlands area with little to no topographical slopes. The flat land developments however does require special drainage precautions in order to address site drainage to prevent water ponding and flooding, as well as preserve historical water ways.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz
earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”

B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

C. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

D. Los Alamitos is generally known as swamp land that was once mostly covered in beet farms. The areas historically high water table is the reason the city is classified as being located in a liquefaction zone. In addition, portions of the County contain active or former oil production fields. These areas contain a variety of naturally occurring gasses, liquids and vapors. These compounds present toxicity or flammability hazards to building occupants. Evaluation of these hazards and the risks they pose to development is necessary for implementation of appropriate mitigation.

These local climatic, geologic, and topographic conditions make modifications and changes to the 2019 Edition of the California Codes reasonably necessary to provide sufficient and effective protection of life, health and property.

Section 2 – Application of Findings to Amendments in Ordinance No. 2019-05

Amendments to the 2019 Edition of the California Building Standards Code set forth in Ordinance No. 2019-05 and identified below are reasonably necessary as administrative or procedural in nature, or to ensure consistency with previously adopted ordinances, or are intended to enhance life and fire safety due to the climatic, topographical, and/or geologic conditions cited below:
<table>
<thead>
<tr>
<th>CODE SECTION</th>
<th>TITLE (Clarification)</th>
<th>FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBC 104.8</td>
<td>Liability</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 105.2</td>
<td>Work exempt from a permit</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 105.5</td>
<td>Expiration</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 105.8</td>
<td>Reconstruction</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 113.1</td>
<td>General</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 113.3</td>
<td>Qualifications</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 202</td>
<td>Definitions</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 502.1</td>
<td>Address Identification</td>
<td>Administrative</td>
</tr>
<tr>
<td>CBC 903.2</td>
<td>Where required</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CBC 903.3.5.3</td>
<td>Hydraulically calculated systems</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CBC 1505.1.3</td>
<td>Roof coverings within all other areas</td>
<td>I</td>
</tr>
<tr>
<td>CBC 1803.1.1.1</td>
<td>Geologic or geotechnical reports</td>
<td>III</td>
</tr>
<tr>
<td>CBC 1807.1.6</td>
<td>Prescriptive design of concrete and masonry foundation walls</td>
<td>III</td>
</tr>
<tr>
<td>CBC 3109.1.1</td>
<td>Construction permit; safety features required</td>
<td>I</td>
</tr>
<tr>
<td>CRC R105.5</td>
<td>Expiration</td>
<td>Administrative</td>
</tr>
<tr>
<td>CRC R105.10</td>
<td>Reconstruction</td>
<td>Administrative</td>
</tr>
<tr>
<td>CRC Table R301.2(1)</td>
<td>Climactic and Geographic Design Criteria</td>
<td>I &amp; III</td>
</tr>
<tr>
<td>CRC R309.6</td>
<td>Fire sprinkler attached garages, and carports with habitable space above</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CRC R313.1</td>
<td>Townhouse automatic fire sprinkler systems</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CRC R313.2</td>
<td>One- and two-family dwellings automatic fire sprinkler systems</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CRC R313.3.6.2.2</td>
<td>Calculation procedure</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>CRC 319.1</td>
<td>Address Identification</td>
<td>Administrative</td>
</tr>
<tr>
<td>CRC R902.1</td>
<td>Roof covering materials</td>
<td>I</td>
</tr>
<tr>
<td>CRC R902.1.3</td>
<td>Roof coverings in all other areas</td>
<td>I</td>
</tr>
<tr>
<td>CRC R902.2</td>
<td>Fire-retardant-treated shingles and shakes</td>
<td>I</td>
</tr>
<tr>
<td>CRC R1001.13</td>
<td>Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices</td>
<td>I</td>
</tr>
<tr>
<td>CRC R101.13.1</td>
<td>Gas-fueled devices</td>
<td>I</td>
</tr>
<tr>
<td>CRC R1001.13.2</td>
<td>Devices using wood or fuels other than natural gas or liquefied-petroleum gas</td>
<td>I</td>
</tr>
<tr>
<td>CEC 310.16</td>
<td>Continuous Inspection of Aluminum Wiring</td>
<td>I</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2019-06


WHEREAS, pursuant to California Government Code Section 50022.1 et seq., the City of Los Alamitos (“City”) may adopt by reference the California Fire Code, 2019 Edition, as provided in Title 24 of the California Code of Regulations; and

WHEREAS, the California Building Standards Commission recently adopted new amendments to the California Fire Code, which will become effective statewide on January 1, 2020; and

WHEREAS, California Health & Safety Code Sections 17958 et seq., and 18941.5 authorize cities to modify the California Fire Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, based upon the recommendations of the Fire Official and the Building Official, the City Council finds that the proposed amendments to the 2019 California Fire Code set forth in this Ordinance, which are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury and death due to fires, and are reasonable and necessary to mitigate local climatic, geological or topographical conditions; and

WHEREAS, on October 21, 2019, the City Council introduced this Ordinance for first reading at a regular meeting of the City Council, and set a public hearing and second reading of the Ordinance for November 18, 2019; and

WHEREAS, the City Council held a public hearing on November 18, 2019, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2019 California Fire Code as amended herein; and

WHEREAS, pursuant to Government Code Section 6066, the City published notice of the aforementioned public hearing; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.
THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

SECTION 1. Findings.

A. Health and Safety Code Section 17958 et seq., authorizes the City to adopt
ordinances and regulations imposing the same requirements as are contained in the
California Building Standards Code (California Code of Regulations, Title 24),
inclusive of the California Fire Code (Part 9), adopted by the State pursuant to Health
and Safety Code Section 17922. Health and Safety Code Sections 17958.5 and
18941.5 permit the City to make changes or modifications to the California Building
Standards as are reasonably necessary because such changes or modifications are
needed due to climatic, geographic, or topographic conditions.

B. The Fire Official and City Building Official recommend that certain changes
and modifications to the 2019 California Fire Code are reasonably necessary due to
local conditions within the City, certain changes and modifications are of an
administrative or procedural nature or concern themselves with subjects not covered
by the California Building Standards Code, and certain changes and modifications
are reasonably necessary to safeguard life and property within the City of Los
Alamitos.

C. Findings of local conditions are set forth in Exhibit “A” of this Ordinance and
incorporated herein by reference. Such findings demonstrate the need for
amendments to the 2019 California Building Standards are reasonably necessary
because of local climatic, geological, or topographical conditions.

SECTION 2. Chapter 15.08 of the Los Alamitos Municipal Code is hereby amended and
restated in its entirety to read as follows:

Chapter 15.08 FIRE CODE

15.08.010 Fire Code adopted.
15.08.020 Enforcement and inspections.
15.08.030 Amendments to the 2019 California Fire Code.

15.08.010 Fire Code Adopted.

A. The City hereby adopts the California Fire Code, 2019 Edition, including Appendices
B, BB, C, and CC based on the 2018 International Fire Code as published by the
International Code Council.

B. The provisions of the California Fire Code, as amended by this chapter shall
constitute the Fire Code of the City of Los Alamitos.
C. One (1) copy of all the California Fire Code and the City’s amendments thereto shall be kept on file in the office of the Fire Code Official pursuant to Health and Safety Code Section 18942 (d) (1) and made available for public inspection.

D. References in Documents and Continuing Legal Effect. References to prior editions of the Fire Code or the Municipal Code sections amended herein that are cited on notices issued by the City or the agency enforcing the City’s fire regulations or other documents of ongoing or continuing legal effect, including specifically resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart 2019 Fire Code or amended Municipal Code sections for the purposes of notice and enforcement. The provisions adopted hereby shall not in any manner affect deposits, established fees or other matters of record which refer to, or are otherwise connected with, ordinances which are specifically designated by number, code section or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the 2019 California Fire Code adopted hereby. Any fee authorized by the above-referenced fire code which was in effect at the time of the adoption of this chapter need not be re-adopted by resolution, and shall continue in effect, and remain unadjusted in amount unless and until a resolution is adopted repealing the fee or establishing a different fee.

15.08.020 Enforcement and Inspections.

The 2019 California Fire Code shall be enforced by the Orange County Fire Authority, which shall be operated under the Director of Fire Services of the Orange County Fire Authority. The Director of Fire Services of the Fire Authority may detail such members of the Fire Authority as inspectors as shall be necessary from time to time.

15.08.030 Amendments to the 2019 California Fire Code.

Chapter 1 Scope and Administration is adopted in its entirety, with the exception of Section 109, and with the following amendments:

Section 109 Board of Appeals is deleted without replacement.

Section 110.4 Violation penalties is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
Section 110.4.2 Infraction and misdemeanor is hereby added as follows:

110.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

Chapter 2 Definitions is adopted in its entirety with the following amendments:

Section 202 General Definitions is amended by adding “OCFA,” and “Spark Arrester” as follows:

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 General Requirements is adopted in its entirety, with the exception of Sections 308.1.4, 311.5 through 311.5.5, 318, and 319, and with the following amendments:

Section 304.1.2 Vegetation is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49. Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, interior slope, or similarly hazardous area shall be in accordance with OCFA Guideline C-05 “Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program.”

Section 305.6 Hazardous conditions is added to read as follows:

305.6 Hazardous conditions. Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:

1. when predicted sustained winds exceed 8 MPH and relative humidity is less than 25%, or a red flag condition has been declared
2. When an official sign was caused to be posted by the fire code official, or a public announcement is made

No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH or when such fires present a hazard as determined by the fire code official.

Section 305.7 Disposal of rubbish is added to read as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

Section 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies is added to read as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R occupancies shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction and vegetation shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Permanent outdoor fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code with clearance from combustible construction and building openings as required therein. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks.

The burning of wood or other solid fuel in a device is not allowed within 25 feet of combustible structures unless within an approved permanent
fireplace, Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

**Exceptions:**
1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3’ from combustible construction at R-3 occupancies,
2. Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.

**307.6.2.1 Where prohibited.** The burning of wood and other solid fuels shall not be conducted within a fuel modification zone, Wildfire Risk Area (WRA), Wildland-Urban Interface Area (WUI), or in locations where conditions could cause the spread of fire to the WRA or WUI.

Exceptions:
1. Permanent fireplaces that are not located in a fuel modification zone
2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

**Section 308.1.4 Open-flame cooking devices** is deleted without replacement.

**Section 308.1.6.3 Sky lanterns** is amended to read as follows:

308.1.6.3 Sky Lanterns. A person shall not ignite, release, or cause to be released a sky lantern.

**Section 311.5 Placards** (including subsections 311.5.1 through 311.5.5) is deleted without replacement.

**Section 318 Laundry Carts** is deleted without replacement.

**Section 319 Mobile Food Preparation Vehicles** is deleted without replacement.

**Section 321 Fuel Modification Requirements for New Construction** is added to read as follows:

321 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA

Section 322 Clearance of brush or vegetation growth from roadways is added to read as follows:

322 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 323 Unusual Circumstances is added to read as follows:

323 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 324 Use of Equipment is added to read as follows:

324 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this
section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.

2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.

324.1 Equipment and devices generating heat, sparks or open flames. During any time of the year within Wildfire Risk Areas, within or immediately adjacent to any forest- or brush-covered land or non-irrigated grass-covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:

1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30 foot clearing cannot be achieved, then an alternate method shall be approved by the AHJ prior to work starting.

2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

3. Stop work when winds are 8 MPH or greater during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.

4. Keep a cell phone nearby and call 911 immediate in case of fire.

324.2 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 324 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Chapter 4: Emergency Planning and Preparedness. Only the sections, subsections, and amendment are adopted as listed below:

401 – 401.9
402
403.2
403.5 – 403.5.4
403.10.2.1.1
403.13 – 403.13.3
Section 407.5 is amended to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall OCFA’s Chemical Classification Packet in accordance with Section 5001.5.2.

Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

Section 501.1 Scope is amended to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, “Fire Master Plan for Commercial & Residential Development.” Fire service features for buildings, structures and premises located in State Responsibility Areas, and Local Responsibility Areas designated as Very High Hazard Fire Severity Zone shall also comply with OCFA Guideline B-09a, “Fire Safe Development in State Responsibility Areas, and Local Responsibility Areas designated as Very High Hazard Fire Severity Zone”.

Section 510.1 Emergency responder radio coverage in new buildings is amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the Orange County Sheriff's Department, Communications and Technology Division guidelines and specifications and, where the functionality or performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. In buildings or structures where it is determined by the fire code official that the radio coverage system is not needed, including but not limited to the following:
a. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.

b. Elevators.

c. Structures that meet all of the following:
   i. Three stories or less, and
   ii. Do not have subterranean storage or parking, and
   iii. Do not exceed 50,000 square feet on any single story.

d. Structures that meet all of the following:
   i. Residential structures four stories or less, and
   ii. Constructed of wood, and
   iii. Do not have subterranean storage or parking, and
   iv. Are not built integral to an above ground multi-story parking structure.

Should a structure that is three stories or less and 50,000 square feet or smaller on any single story include subterranean storage or parking, then this chapter shall apply only to the subterranean areas.

2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.

Section 510.2 Emergency responder radio coverage in existing buildings is deleted without replacement:

Section 510.3 Permit required is deleted without replacement.

Chapter 9 Fire Protection and Life Safety Systems is adopted in its entirety with the following amendments:

Section 903.2 Where required is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. New Buildings: Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19 an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²) as defined in Section 202, regardless of fire areas or allowable area.

   Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.
2. **Existing Buildings**: Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:

   a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5,000 square feet (465 m²) as defined in Section 202; or

   b. When an addition exceeds 2,000 square feet and the resulting building area exceeds 5,000 square feet.

   c. An additional story is added above the second floor regardless of fire areas or allowable area.

   **Exception**: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

**Section 903.2.8 Group R is amended to read as follows:**

**Section 903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings**: An automatic sprinkler system shall be installed throughout all new buildings.

2. **Existing R-3 Buildings**: An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

   a. When an addition is 33% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²) as defined in Section 202; or,

   b. An addition when the existing building is already provided with automatic sprinklers; or,

   c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

**Exceptions:**

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.

3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

**Section 903.3.5.3 Hydraulically calculated systems** is added to read as follows:

903.3.5.3 **Hydraulically calculated systems.** The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

**Exception:** When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

![TABLE 903.3.5.3 Hydraulically Calculated Systems](image)
**Chapter 11 Construction Requirements for Existing Buildings.** Only those sections and subsections are adopted as listed below:

- 1103.7
- 1103.7.3
- 1103.7.3.1
- 1103.7.8 – 1103.7.8.2
- 1103.7.9 – 1103.7.9.10
- 1103.8 – 1103.8.5.3
- 1103.9.1
- 1107
- 1113
- 1114
- 1115
- 1116

**Chapter 12 Energy Systems** is adopted in its entirety with the following amendment:

**Section 1201.1.1 Other systems** is added to read as follows:

1201.1.1 **Other systems.** Where required by the fire code official, other systems and operations including but not limited to battery systems assembly, battery reconditioning and storage, research and development of battery storage systems, electric vehicle manufacturing and testing, and battery charging systems for cars and carts inside of buildings or structures, shall comply with this chapter.

**Exception:** When approved by the fire code official, charging stations for electric vehicles located in open parking garages of Type I or II construction.

**Chapter 25 Fruit and Crop Ripening** is deleted in its entirety.

**Chapter 26 Fumigation and Insecticidal Fogging** is deleted in its entirety.

**Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities** is adopted in its entirety with the following amendments:

**Section 2801.2 Permit** is amended to read as follows:

2801.2 **Permit.** Permits shall be required as set forth in Section 105.6 and 105.6.29.

**Section 2808.2 Storage site** is amended to read as follows:
2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring wood-products to the site.

Section 2808.3 Size of piles is amended to read as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

Section 2808.4 Pile separation is amended to read as follows:

2808.4. Pile separation. Piles shall be separated from adjacent piles by minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

Section 2808.7 Pile fire protection is amended to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be
equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

**Section 2808.9 Material-handling equipment** is amended to read as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

**Section 2808.11 Temperature control** is added to read as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

**Section 2808.11.1 Pile temperature control** is added to read as follows:

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

**Section 2808.11.2 New material temperature control** is added to read as follows:

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

**Section 2808.12 Water availability** is added to read as follows:

2808.12 Water availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

**Section 2808.13 Tipping area** is added to read as follows:
2808.13 **Tipping areas** shall comply with the following:
1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
5. All material within a tipping area shall be processed within 5 days of receipt.

**Section 2808.14 Emergency Contact** is added to read as follows:

2808.14 **Emergency Contact.** The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

**Chapter 49 Requirements for Wildland-Urban Interface Fire Areas** is adopted in its entirety with the following amendments:

**Section 4906.3 Requirements** is amended to read as follows:

4906.3 **Requirements.** Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation “General Guideline to Create Defensible Space”).
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.

**Section 4908 Fuel modification requirements for new Construction** is added to read as follows:

4908 **Fuel modification requirements for new construction.** All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:
1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.

2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.


   1.1 The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.

4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.

5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Chapter 50 Hazardous Materials – General Provisions is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS), is amended to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include. Orange County Fire Authority’s-Chemical Classification Packet, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Classification Packet shall include the following information:

   1. Product Name.
   2. Component.
   3. Chemical Abstract Service (CAS) number.
   4. Location where stored or used.
   5. Container size.
   7. Amount in storage.
   8. Amount in use-closed systems.
   9. Amount in use-open systems.
Section 5003.1.1.1 Extremely Hazardous Substances is added to read as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

Chapter 56 Explosives and Fireworks is adopted in its entirety with the following amendments:

Section 5608.2 Firing is hereby added to read as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

Section 5608.3 Application for Permit is added to read as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

Chapter 57 Flammable and Combustible Liquids is adopted in its entirety with the exception of Section 5707 with the following amendment:

Section 5707 On-Demand Mobile Fueling Operations is deleted without replacement.

Section 5701.1.1 Mobile fueling is added as follows:

Section 5701.1.1 Mobile fueling. On-demand mobile fueling of Class I, II, and III liquids into the fuel tanks of vehicles is prohibited.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids is adopted in its entirety with the exception of Section 5809 and with the following amendment:

Section 5801.1 Scope is amended to read as follows:

Section 5801.1 Scope. The storage and use of flammable gases and flammable cryogenic fluids shall be in accordance with this chapter, NFPA 2 and NFPA 55. Compressed gases shall also comply with Chapter 53 and...
cryogenic fluids shall also comply with Chapter 55. Flammable cryogenic fluids shall comply with Section 5806. Hydrogen motor fuel-dispensing stations and repair garages and their associated above-ground hydrogen storage systems shall also be designed, constructed and maintained in accordance with Chapter 23. Mobile fueling of gaseous and liquid hydrogen, compressed natural gas (CNG), and liquefied natural gas (LNG) into the fuel tanks of vehicles is prohibited.

**Exceptions:**

1. Gases used as refrigerants in refrigeration systems (see Section 605).
2. Liquefied petroleum gases and natural gases regulated by Chapter 61.
4. Pyrophoric gases in accordance with Chapter 64.

**Section 5809 Mobile Gaseous Fueling of Hyrdrogen-Fueled Vehicles** is deleted without replacement.

**Chapter 80 Referenced Standards** is adopted in its entirety with the following amendments:

**NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems** is amended as follows:

**Section 6.7.3** is amended to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½” inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½” inlets shall be provided.

**Section 8.3.3.1** is amended to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered
undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1) Quick-response type as defined in 3.6.4.8
2) Residential sprinklers in accordance with the requirements of 8.4.5
3) Quick response CMSA sprinklers
4) ESFR sprinklers
5) Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6) Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 8.15.1.2.7 is amended to read as follows:

8.15.1.2.7 Concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved by the fire code official.

Section 11.1.1.1 is added to read as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve “G”. Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is added to read as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
2) Use a maximum of 40 psi, if available;
3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is amended as
follows:

**Section 7.1.2** is amended to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

**NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems** is amended as follows:

**Section 7.3.1.1** is amended to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

**NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances** is amended as follows:

**Section 6.2.8.1** is added to read as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

**Exceptions:**

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

**Section 6.2.9** is amended to read as follows:

6.2.9 All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

(1) A post indicator valve installed not less than 40 ft (12 m) from the building

(a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
(2) A wall post indicator valve

(3) An indicating valve in a pit, installed in accordance with Section 6.4

(4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building

(a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.

(5) Control valves installed in a fire-rated room accessible from the exterior

(6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is added to read as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is amended to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is added to read as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby deleted and replaced as follows:

10.4.3. Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.
Appendix B is adopted in its entirety with amendments outlined in OCFA Guideline B-09.

SECTION 3. No Effect on Enforceability. The repealing provisions of the Los Alamitos Municipal Code shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the 1990 Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2007 Code as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2007 Code, as amended, had not been repealed or altered.

SECTION 4. Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Los Alamitos Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

SECTION 5. Intent to Comply with Laws. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 6. Filing with Building Standards Commission. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

SECTION 7. CEQA. In accordance with CEQA Guidelines section 15060(c)(2) – the adoption of the California Fire Code will not foreseeably result in direct or reasonably foreseeable indirect impacts and is exempt from the provisions of the California Environmental Quality Act and City Clerk shall file such Notice of Exemption with the County Clerk.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out 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, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutional.

SECTION 9. Effective Date. This Ordinance shall not take effect until thirty (30) days after its final passage, or January 1, 2020, whichever occurs later.
SECTION 10. Publication by Clerk. 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 adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code 36933.

PASSED, APPROVED AND ADOPTED this 21st day of November, 2019.

__________________________________________
Warren Kusumoto, Mayor

ATTEST:

_______________________________
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

__________________________________________
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 21st day of October, 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of November, 2019, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

_______________________________
Windmera Quintanar, MMC, City Clerk
EXHIBIT A
LOCAL CONDITIONS FINDINGS

FACTUAL FINDINGS ESTABLISHING THE REASONABLE NEED FOR LOCAL AMENDMENTS TO PORTIONS OF THE CALIFORNIA FIRE CODE BASED UPON LOCAL CLIMATIC, GEOLOGICAL AND/OR TOPOGRAPHICAL CONDITIONS

The Fire Official and City Building Official recommend that certain changes and modifications to the 2019 California Fire Code are reasonably necessary due to local conditions within the City, certain changes and modifications are of an administrative or procedural nature or concern themselves with subjects not covered by the California Building Standards Code, and certain changes and modifications are reasonably necessary to safeguard life and property within the City of Los Alamitos.

Section 1. General Findings

The following findings apply in the City of Los Alamitos and explain why the changes to the Building Standards Code are necessary because of climatic, geological and/or topographical conditions in the city.

I. Climatic Conditions

A. Orange County is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles will greatly impact the response time to reach an incident scene.

B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County fire Authority’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxied water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler
systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

A. Natural; slopes of 15 percent or greater generally occur throughout the foothills of Orange County. The elevation change caused by the hills creates the geological foundation on which communities with Orange County is built and will continue to build. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and with greater constraints in terrain.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), “unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe.”
B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.

C. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.

D. Portions of the County contain active or former oil production fields. These areas contain a variety of naturally occurring gasses, liquids and vapors. These compounds present toxicity or flammability hazards to building occupants. Evaluation of these hazards and the risks they pose to development is necessary for implementation of appropriate mitigation.

Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zones described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) resources available for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

Section 2 – Application of Findings to Amendments in Ordinance No. ___

Amendments to the 2019 Edition of the California Fire Code set forth in Ordinance No. 2019-06 and identified below are reasonably necessary as administrative or procedural in nature, or to ensure consistency with previously adopted ordinances, or are intended to enhance life and fire safety due to the climatic, topographical, and/or geologic conditions cited below.
<table>
<thead>
<tr>
<th>CODE SECTION</th>
<th>TITLE (Clarification)</th>
<th>FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>110.4</td>
<td>Violation penalties</td>
<td>Administrative</td>
</tr>
<tr>
<td>110.4.2</td>
<td>Infraction &amp; Misdemeanor</td>
<td>Administrative</td>
</tr>
<tr>
<td>202</td>
<td>General definitions</td>
<td>Administrative</td>
</tr>
<tr>
<td>304.1.2</td>
<td>OCFA Vegetation Management</td>
<td>I</td>
</tr>
<tr>
<td>305.6</td>
<td>Hazardous conditions</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>305.7</td>
<td>Disposal of rubbish</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>307</td>
<td>Fire Pits, Fire Rings, &amp; Outdoor Fireplaces</td>
<td>Administrative</td>
</tr>
<tr>
<td>307.6.1</td>
<td>Gas-fueled devices</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>307.6.2</td>
<td>Devices using wood or fuels other than natural gas or LPG</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>307.6.2.1</td>
<td>Where prohibited</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>308.1.6.3</td>
<td>Sky lanterns</td>
<td>I &amp; III</td>
</tr>
<tr>
<td>309.2.1</td>
<td>Indoor charging of electric cars</td>
<td>Administrative</td>
</tr>
<tr>
<td>320</td>
<td>Fuel modification requirements for new construction</td>
<td>I</td>
</tr>
<tr>
<td>322</td>
<td>Clearance of brush or vegetation growth from roadways</td>
<td>I</td>
</tr>
<tr>
<td>323</td>
<td>Unusual circumstances</td>
<td>Administrative</td>
</tr>
<tr>
<td>324</td>
<td>Use of equipment</td>
<td>I</td>
</tr>
<tr>
<td>324.1</td>
<td>Use of equipment and devices generating heat, sparks or open flames</td>
<td>I</td>
</tr>
<tr>
<td>324.2</td>
<td>Spark arrestors</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>407.5</td>
<td>Hazardous material inventory statement</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>501.1</td>
<td>Scope</td>
<td>Administrative, I, II &amp; III</td>
</tr>
<tr>
<td>510.1</td>
<td>Emergency responder radio coverage</td>
<td>Administrative</td>
</tr>
<tr>
<td>903.2</td>
<td>Where required (Sprinklers)</td>
<td>I, II &amp; III</td>
</tr>
<tr>
<td>903.2.8</td>
<td>Group R (Sprinklers)</td>
<td>I, II &amp; III</td>
</tr>
<tr>
<td>903.3.5.3</td>
<td>Hydraulically calculated systems</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>1201.1.1.1</td>
<td>Energy systems, battery charging devices</td>
<td>I &amp; II</td>
</tr>
<tr>
<td>2801.2</td>
<td>Permit</td>
<td>Administrative</td>
</tr>
<tr>
<td>2808.2</td>
<td>Storage site</td>
<td>Administrative</td>
</tr>
<tr>
<td>2808.3</td>
<td>Size of piles</td>
<td>I</td>
</tr>
<tr>
<td>2808.4</td>
<td>Pile separation</td>
<td>I</td>
</tr>
<tr>
<td>2808.7</td>
<td>Pile fire protection</td>
<td>I</td>
</tr>
<tr>
<td>2808.9</td>
<td>Material-handling equipment</td>
<td>I</td>
</tr>
<tr>
<td>2808.11</td>
<td>Temperature control</td>
<td>I</td>
</tr>
<tr>
<td>2808.11.1</td>
<td>Pile temperature control</td>
<td>I</td>
</tr>
<tr>
<td>2808.11.2</td>
<td>New material temperature control</td>
<td>I</td>
</tr>
<tr>
<td>2808.12</td>
<td>Water availability for piles</td>
<td>I</td>
</tr>
<tr>
<td>2808.13</td>
<td>Tipping area</td>
<td>I</td>
</tr>
<tr>
<td>2808.14</td>
<td>Emergency contact</td>
<td>Administrative</td>
</tr>
<tr>
<td>4906.3</td>
<td>OCFA Vegetation Management Guideline</td>
<td>I</td>
</tr>
<tr>
<td>4908</td>
<td>Fuel modification requirements for new construction</td>
<td>I</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Section</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>5001.5.2</td>
<td>Hazardous materials inventory statement</td>
<td>Administrative</td>
</tr>
<tr>
<td>5003.1.1.1</td>
<td>Extremely hazardous substances</td>
<td>I &amp; III</td>
</tr>
<tr>
<td>5608.2</td>
<td>Retail fireworks</td>
<td>Administrative</td>
</tr>
<tr>
<td>5608.3</td>
<td>Application for permit</td>
<td>Administrative</td>
</tr>
<tr>
<td>5701.1.1</td>
<td>On Demand Mobile Fueling</td>
<td>N/A</td>
</tr>
<tr>
<td>5801.1</td>
<td>Scope</td>
<td>N/A</td>
</tr>
<tr>
<td>Chapter 80</td>
<td>Reference Standards</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>2016 NFPA 13 (Sprinkler Systems)</td>
<td>Administrative, II &amp; III</td>
</tr>
<tr>
<td></td>
<td>2016 NFPA 13-D (Single Family Sprinkler Systems)</td>
<td>I &amp; II</td>
</tr>
<tr>
<td></td>
<td>2013 NFPA 14 (Standpipe Systems)</td>
<td>Administrative</td>
</tr>
</tbody>
</table>

Note: Changes have been made to the same sections of the NFPA Standards in both the California Building Code and the California Residential Code; the justification is the same for the changes in the Residential Code as set forth for the Building Code.
This report seeks consideration of Amendment No. 2 to Employment Agreement with Mr. Les Johnson extending the term for Interim City Manager Services.

Authorize the Mayor to execute Amendment No. 2 to Employment Agreement with Les Johnson for Interim City Manager Services.

Following the resignation of City Manager Bret Plumlee, on July 15, 2019 the City Council voted to appoint Development Services Director Les Johnson to serve as Interim City Manager. On August 19, 2019, the City Council approved Amendment No. 1 to Employment Agreement, providing for Mr. Johnson’s service as the Interim City Manager for a period of up to 90 calendar days (the “First Amendment”).

The First Amendment will expire on November 14, 2019. The proposed Amendment No. 2 to Employment Agreement would extend the term of Mr. Johnson’s service as Interim City Manager until January 20, 2019, or until such earlier time as the City Manager position is filled. During this time, Mr. Johnson will continue to exercise all the powers and authority of the City Manager and perform the functions and duties as the administrative head of the government of the City. In exchange for these interim services, and in addition to his current salary and benefits, Mr. Johnson will be compensated in the amount of $1,500 per bi-weekly pay period.
FISCAL IMPACT

Sufficient funds exist in the Salary and Benefits accounts in the adopted Fiscal Year 2019-2020 Budget for employment of a City Manager.

Submitted By:  Michael S. Daudt, City Attorney
Fiscal Impact Reviewed By: Eric Hendrickson, Finance Director

Attachment:  1. Amendment No. 2 to Employment Agreement, Les Johnson
CITY OF LOS ALAMITOS

AMENDMENT NO. 2 TO

EMPLOYMENT AGREEMENT

This Amendment No. 2 to Employment Agreement ("Amendment") is made and entered into this 21st day of October, 2019 by and between the CITY OF LOS ALAMITOS, a California charter city ("City") and Les Johnson, an individual ("Employee").

RECITALS

A. City and Employee entered into that certain Employment Agreement on August 20th, 2018 employing Employee as Development Services Director of the City ("Agreement").

B. On July 15, 2019, City appointed Employee to serve as Interim City Manager, effective August 16, 2019 for a duration of up to 90 calendar days, concluding on November 14, 2019.

C. On August 19, 2019, City and Employee entered into that certain Amendment No. 1 to Employment Agreement providing for a non-base building one-time salary increase to compensate Employee for services rendered as Interim City Manager ("First Amendment").

D. City and Employee desire to amend the Agreement, as modified by the First Amendment, to enable Employee to continue to serve as Interim City Manager until January 20, 2019 or and until such time earlier time as the permanent City Manager position is filled.

NOW, THEREFORE, City and Employee agree as follows:

1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Section 3.1 Duties. New subsection 3.1.6 is added to the Agreement to read as follows:

   “3.1.6 Interim City Manager Services. Effective August 16, 2019, Employee shall serve as Interim City Manager for a period of up to 157 calendar days. As Interim City Manager, Employee shall exercise the powers and authority of the City Manager and perform the functions and duties as the administrative head of the government of the City as specified in the Los Alamitos Municipal Code and City Charter, and all relevant resolutions, rules, regulations, procedures, applicable job description(s) and state codes, as they currently or may in the future exist. Employee shall exercise such power and authority and perform such other functions and duties, not inconsistent with this Agreement, as the City, by its City Council, may legally assign.”

Page 1 of 3
3. **Section 3.4 Fringe Benefits.** New subparagraph 3.4(b) is added to the Agreement to read as follows:

   “b) Effective August 16, 2019 and continuing until January 20, 2019, or such earlier time as the City Manager position is filled, Employee will be compensated for Interim City Manager services in the amount of $1,500.00 per bi-weekly pay period. This non-base building one-time salary increase does not meet the definition of a “bonus” as set forth in California Code of Regulations 571(a)(1) and is therefore excluded in calculating Employee’s retirement benefit.”

4. **Expiration of this Amendment.** The terms of this Amendment shall automatically expire on January 20, 2019, or such earlier time as the City Manager position is filled, unless extended or modified by mutual agreement of the City and Employee.

5. **Other Terms and Conditions.** Except as expressly amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.

[SIGNATURES ON NEXT PAGE]
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the dates reflected below each signature.

CITY OF LOS ALAMITOS

By:___________________________________

WARREN KUSUMOTO
Mayor

EMPLOYEE

By:______________________________

LES JOHNSON
Employee

DATE:_____________________________

DATE:________________________

ATTEST:

_________________________________________

Windmera Quintanar, MMC
City Clerk

APPROVED AS TO FORM:

_________________________________________

Michael S. Daudt
City Attorney